



Allhallows Staining Church Act 2010

2010 CHAPTER v

5 Removal of human remains

- (1) Before undertaking any work to the relevant land which will involve the removal of the remains of any deceased person, the Company must—
 - (a) publish in each of two successive weeks in a newspaper circulating in the City of London; and
 - (b) display in a conspicuous place upon or near to the relevant land, a notice complying with subsection (2).
- (2) Notice under subsection (1) must contain—
 - (a) a description of the relevant land;
 - (b) the address at which any particulars of the deceased persons whose remains it is proposed to remove may be inspected;
 - (c) the name of the burial ground or crematorium where it is proposed to reinter or cremate the remains;
 - (d) a statement as to the right of the personal representatives or relatives of any deceased person, on notice in writing given to the Company within the period mentioned in subsection (3), themselves to undertake the removal and reinterment or cremation of the remains of the deceased within two months from the date of the notice;
 - (e) a statement of any directions given by the Secretary of State with respect to the removal and reinterment or cremation of human remains; and of the intentions of the Company with respect to the manner of removal and the place and manner of reinterment or cremation of any human remains; and
 - (f) a statement that the Company is required by this section to pay the reasonable expenses of such removal and reinterment or cremation.
- (3) At any time within two months from the first publication of a notice under subsection (1), any person who is a personal representative or relative of any deceased person whose remains are interred in the relevant land may give notice in writing to the Company of that person's intention to undertake the removal of such remains, and if such remains can be identified, that person may then, subject to subsection (5) cause such remains—

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- (a) to be removed and reinterred in any burial ground or cemetery in which burials may legally take place (but, in the case of a churchyard, only with the consent of the incumbent of the benefice concerned), or
 - (b) to be removed to and cremated in any crematorium.
- (4) Immediately following any reinterment or cremation pursuant to subsection (3), the personal representative or relative who gave notice under that subsection in respect of it must provide to the Company a certificate for the purpose of enabling compliance with subsection (9).
- (5) If the Company is not satisfied that a person giving notice under subsection (3) is a personal representative or relative of the deceased person or that the remains in question can be identified, the question shall be determined, on the application of either party, by the county court, and the court shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.
- (6) The Company must pay the reasonable expenses of the removal and reinterment or cremation of remains by others under this section, subject to a limit of such sum as would be incurred by the Company in the removal and reinterment or cremation of those remains.
- (7) If—
 - (a) within the said period of two months no notice under subsection (3) has been given to the Company in respect of any remains in the relevant land; or
 - (b) such notice is given and no application is made under subsection (5) within two months from the giving of the notice but the person who gave the notice fails to remove the remains within a further period of two months; or
 - (c) within two months of any order made by the county court under subsection (5) any person, other than the Company, specified in the order fails to remove the remains; or
 - (d) it is determined that the remains to which any such notice relates cannot be identified,the Company may remove the remains and cause them either to be reinterred in such burial ground or cemetery in which burials may legally take place as the Company thinks suitable for the purpose (but, in the case of a churchyard, only with the consent of the incumbent of the benefice concerned), or cremated in such crematorium as the Company thinks suitable for the purposes.
- (8) If any personal representative or relative has given notice under subsection (3) and the Company or, as the case may be, the court is satisfied as to the person's status as a personal representative or relative and that the remains in question can be identified but that person does not remove the remains, the Company must comply with any reasonable request the person may make in relation to the removal and reinterment or cremation of the remains, provided such request is received by the Company within the two month period prescribed by subsection (7)(b) and (c) for removing the remains.
- (9) Upon the reinterment or cremation of any remains under this section, the Company must send a certificate of reinterment or cremation to the Registrar General giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated.
- (10) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions that may be given by the Secretary of State.

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- (11) Any jurisdiction or power conferred on the county court by this section may be exercised by the district judge of the court.
- (12) Section 25 of the Burial Act 1857 (c. 81) does not apply to a removal carried out in accordance with this section.