

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Disused Burial Grounds (Amendment) Act 1981, SCHEDULE. (See end of Document for details)

SCHEDULE

Section 2.

DISPOSAL OF HUMAN REMAINS AND TOMBSTONES, MONUMENTS OR OTHER MEMORIALS

- 1 The church or other religious body in whom the land in question is vested or on whose behalf it is held (hereinafter referred to as “the church”) shall before removing any human remains, or before any work is undertaken which does not involve the disturbance of the remains of any deceased person buried in a grave but which will render the grave inaccessible, or before removing any tombstones, monuments or other memorials commemorating the deceased persons—
 - (a) publish in a newspaper circulating in the locality a notice of intention to do so at least once during each of two successive weeks; and
 - (b) display a like notice in a conspicuous place where the remains are interred; and
 - (c) serve a like notice on the Commission; and
 - (d) if the remains were interred within twenty-five years before the date of the first publication of the notice serve a like notice on the personal representatives or a relative of the deceased person in so far as the names and addresses of such personal representatives or relative can be ascertained on reasonable enquiry.
- 2 Any notice required to be published and served as aforesaid shall contain—
 - (a) the address at which particulars of the deceased persons whose remains it is proposed to remove or whose grave will be rendered inaccessible and of any tombstones, monuments or other memorials commemorating them may be inspected;
 - (b) the name of the burial ground or crematorium where it is proposed to reinter or cremate such remains and the manner in which it is proposed to deal with such tombstones, monuments or other memorials;
 - (c) a statement as to the right of the personal representatives or relatives of any deceased person or, in relation to any Commonwealth war burial or any memorial erected or owned by the Commission commemorating deceased persons whose remains are not interred in the land in question, the Commission on notice in writing given within a specified time themselves to undertake the removal and reinterment or cremation of the remains of the deceased and the removal and disposal of any tombstone, monument or other memorial commemorating the deceased within two months from the date of the notice;
 - (d) 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 church with respect to the manner of removal and the place and manner of reinterment or cremation of any human remains and the removal and disposal of any tombstones, monuments or other memorials;
 - (e) a statement that the church is required by this Schedule to defray the reasonable expenses of such removal and reinterment or cremation and of such removal and disposal;
 - (f) where appropriate a statement that any person entitled to burial rights at the date of the notice may claim compensation from the church in respect of the loss of such rights.
- 3 (1) The personal representatives or relatives of any deceased person whose remains are interred in the land or whose grave will be rendered inaccessible or, in the case

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of any Commonwealth war burial the Commission, may on giving the required notice, themselves remove and reinter any such remains or cremate them in any crematorium and may remove and dispose of any tombstone, monument or other memorial commemorating the deceased and the church shall defray the reasonable expenses of such removal and reinterment or cremation and of such removal and disposal.

Provided also that where the Commission themselves remove from the land and dispose of any memorial erected or owned by the Commission commemorating deceased persons whose remains are not interred in the land, the church shall defray the reasonable expenses of such removal and disposal.

- (2) If the removal and reinterment or cremation or disposal, as the case may be, has not been carried out by the personal representatives or relatives or the Commission in accordance with the provisions of this Schedule within two months from the date of the required notice the church may carry out the removal and reinterment or cremation or disposal, or work may be undertaken which will render the grave inaccessible as the case may be, as if the required notice had not been given.
- 4 Any human remains interred in the land which have not been removed and reinterred or cremated by the personal representatives or relatives of the deceased or the Commission within the said two months shall after removal by the church be reinterred in such cemetery or burial ground or cremated in such crematorium as the church thinks fit.
- 5 Any tombstone, monument or other memorial commemorating any deceased person whose remains are reinterred or cremated in accordance with the provisions of the last preceding paragraph may, where reasonably practicable, be removed and re-erected by the church over the grave in the cemetery or burial ground where the remains are reinterred or on some other appropriate site.
- 6 Any tombstone, monument or other memorial not dealt with in accordance with paragraph 3 or 5 above may be allowed to remain where it is or be removed and re-erected in such place on the land as the church may determine.
- 7 The removal of all human remains shall be effected, and the remains reinterred or cremated, in accordance with the directions of the Secretary of State.
- 8 Upon any removal of remains a certificate of removal and reinterment or cremation shall within two months be sent to the Registrar General by the church giving the dates of removal and reinterment or cremation respectively and identifying the place from which the remains are removed and the place in which they were reinterred or cremated showing the particulars of each removal separately, and every such certificate shall be deposited at the General Register Office with the miscellaneous records in the custody of the Registrar General.
- 9 Any tombstone, monument or other memorial not dealt with in accordance with the foregoing provisions of this Schedule shall be broken and defaced before being otherwise disposed of.
- 10 (1) Where any tombstone, monument or other memorial is removed from the land, the church shall within two months from the date of removal—
- (a) deposit with the council of the district, or in the case of land in Greater London with the Common Council of the City of London or the council of the London borough, a record of the removal with sufficient particulars

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- to identify the memorial (including a copy of any inscription thereon) and showing the date and manner of its removal and disposal and the place (if any) to which it is transferred; and
- (b) send to the Registrar General a copy of such record for deposit with the miscellaneous records in the custody of the Registrar General.
- (2) Where any tombstone, monument or other memorial is not removed from a grave which will be rendered inaccessible by work done on the land the church shall cause a record to be made of every such grave containing a copy of any legible inscription on any monument or inscription on the grave, and copies of such record shall be deposited with the same council as in the case of the record of tombstones, monuments and memorials removed from the land referred to in the foregoing subparagraph.

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