

SCHEDULES

SCHEDULE 20

BURIAL GROUNDS

Notice of removal of remains or monument

- 1 (1) Before removing from the land in question any remains or any monument to the deceased, the nominated undertaker must—
- (a) publish a notice complying with sub-paragraph (2) in each of two successive weeks in a newspaper circulating in the area where the land is situated, and
 - (b) at the same time leave such a notice displayed in a conspicuous place on or near the land.
- (2) A notice under sub-paragraph (1) must—
- (a) identify the land to which it relates,
 - (b) set out in general terms the effect of paragraphs 2 to 7 (so far as relevant to remains to which sub-paragraph (1) applies),
 - (c) state where, and in what form, an application under paragraph 2(1) may be made, and
 - (d) state how the nominated undertaker proposes to carry out its functions under this Schedule with respect to the disposal of the remains or monument.
- (3) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased where the Secretary of State notifies the nominated undertaker that the Secretary of State is satisfied—
- (a) that the remains were buried more than 100 years ago, and
 - (b) that no relative or personal representative of the deceased is likely to object to the remains or monument being removed in accordance with this Schedule.
- (4) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased if—
- (a) a court has granted a faculty, in relation to the remains, to the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker, or
 - (b) on the passing of this Act, a licence under section 25 of the Burial Act 1857 (bodies not to be removed from burial grounds without licence of the Secretary of State) is in force in relation to the remains and the holder of the licence is the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker.
- (5) In sub-paragraph (4)—
- “court” has the meaning given by section 25(4) of the Burial Act 1857;
- “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning given by section 1159 of the Companies Act 2006.

Changes to legislation:

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Notice of removal of remains or monument.