

SCHEDULES

SCHEDULE 20

BURIAL GROUNDS

Removal of remains by nominated undertaker

- 4 (1) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker may remove the remains—
- (a) if no application under paragraph 2(2) has been received, or
 - (b) in a case where one or more applications under paragraph 2(2) have been received, if in the case of each application—
 - (i) a licence has been issued, and
 - (ii) at least 28 days have passed since the issue of the licence without the remains having been removed.
- (2) The nominated undertaker must after the removal of remains under sub-paragraph (1)—
- (a) within 12 months or such longer period as the Secretary of State may direct in relation to the case—
 - (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
 - (ii) cremate them in a crematorium, or
 - (b) deal with them in such other manner, and subject to such conditions, as the Secretary of State may direct.
- (3) If—
- (a) an application is made to the nominated undertaker under paragraph 2(2),
 - (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased,
 - (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that he or she is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and
 - (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased.
- (4) The nominated undertaker must, pending the court's determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct.

Changes to legislation:

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Paragraph 4.