

*Status: Point in time view as at 01/07/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

Section 78

#### DISPOSAL OF HUMAN REMAINS

- 1 The body or person in whom the building, part of a building or land in question is vested or to whom it is leased or licensed (in this Schedule referred to as “the landowner”) shall, before removing any human remains or any tombstones, monuments or 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 bishop and on the Commonwealth War Graves Commission (in this Schedule referred to as “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 next of kin (or, in the event of their being untraceable, any known relative) of the deceased person.

#### Commencement Information

**II** Sch. 6 para. 1 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 2 Any notice required to be published and served under paragraph 1 shall contain—
- (a) the address at which particulars of the deceased persons 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 dispose of 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, 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 disposal of any tombstones, 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 any requirements imposed by the bishop with respect to the manner of removal, the place and manner of reinterment or cremation, and the disposal of tombstones, monuments and other memorials;

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- (e) a statement as to the extent to which the landowner is required by this Schedule to defray the expenses of such removal and reinterment or cremation or disposal.

**Commencement Information**

**I2** Sch. 6 para. 2 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 3 (1) The personal representatives or relatives of any deceased person whose remains are interred in the land or, in the case 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 dispose of any tombstone, monument or other memorial commemorating the deceased, and the landowner shall defray the reasonable cost of the removal and reinterment or cremation or disposal; and if any question arises as to what is a reasonable sum for that purpose the decision of the Commissioners shall be conclusive.
- (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 landowner may carry out the removal and reinterment or cremation or disposal as if the required notice had not been given.

**Commencement Information**

**I3** Sch. 6 para. 3 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 4 Any human remains interred in the building or land which have not been removed and reinterred or cremated by the personal representatives or relatives of the deceased person or the Commission within the said two month period shall, on removal by the landowner, be reinterred in such land as may be indicated as being reasonably available for the purpose by the bishop, and failing any such land being so indicated, shall be reinterred in any cemetery or burial ground or shall be cremated in any crematorium.

**Commencement Information**

**I4** Sch. 6 para. 4 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 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 landowner over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

**Commencement Information**

**I5** Sch. 6 para. 5 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 6 Any tombstone, monument or other memorial not disposed of in accordance with paragraph 3 or 5 may with the agreement of the bishop given after consultation with the diocesan advisory committee for the care of churches be allowed to remain

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where it is or be removed and re-erected in such place in the building or land as the bishop may direct.

**Commencement Information**

**I6** Sch. 6 para. 6 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 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.

**Commencement Information**

**I7** Sch. 6 para. 7 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 8 Upon any removal of remains a certificate of removal and reinterment or cremation shall be sent to the Registrar General by the landowner giving the dates of removal and reinterment or cremation respectively and identifying the place from which the remains were 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.

**Commencement Information**

**I8** Sch. 6 para. 8 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 9 Any tombstone, monument or other memorial not disposed of in accordance with this Schedule shall be offered by the landowner to the bishop for disposal as he thinks fit, and the bishop shall consult the diocesan advisory committee for the care of churches with respect to the disposal and if the tombstone, monument or other memorial is not accepted by the bishop for preservation it shall be broken and defaced before being otherwise disposed of.

**Commencement Information**

**I9** Sch. 6 para. 9 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 10 Where any tombstone, monument or other memorial is removed from the land, the landowner shall within two months from the date of removal—
- (a) deposit with the local planning authority a record of the removal with sufficient particulars to identify the memorial (including a copy of any inscription on it) and showing the date and manner of its removal and disposal and the place (if any) to which it is transferred;
  - (b) send to the Registrar General a copy of the record for deposit with the miscellaneous records in the custody of the Registrar General.

**Commencement Information**

**I10** Sch. 6 para. 10 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

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- 11 The requirements of this Schedule shall be in addition to such reasonable conditions if any as may be imposed in the case of consecrated ground by the bishop with respect to the manner of removal and the place and manner of reinterment or cremation of any human remains and the disposal of any tombstones, monuments or other memorials, and any such conditions shall be complied with as if they formed part of this Schedule.

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**Commencement Information**

**I11** Sch. 6 para. 11 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

- 12 In this Schedule “ commonwealth war burial ” means a burial of any member of the forces of His Majesty fallen in the war of 1914-1921 or in the war of 1939-1947.

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**Commencement Information**

**I12** Sch. 6 para. 12 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

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