



# Woodgrange Park Cemetery Act 1993

## 1993 CHAPTER xvi

### 4 Removal of human remains

- (1) Before the scheduled lands are used for any purpose other than as a burial ground, the developer shall remove, or cause to be removed therefrom the remains of all deceased persons interred therein in accordance with the following provisions of this section.
- (2) Before any such remains are removed from the scheduled lands the developer shall give notice in accordance with subsection (3) below of the intended removal of the remains from the scheduled lands.
- (3) Notice under subsection (2) above shall describe the lands from which the remains of all deceased persons are to be removed and state the general effect of the following provisions of this section, and shall be given by:—
  - (a) publishing it once in each of two successive weeks in a newspaper circulating in the London Borough of Newham;
  - (b) displaying it in a conspicuous place upon or near to the lands referred to; and
  - (c) notifying in writing the Commonwealth War Graves Commission.
- (4) At any time within 8 weeks after the first publication of a notice under subsection (2) above, any person who is a personal representative or relative of any deceased person whose remains are interred in the lands referred to may give notice in writing to the developer of his intention to undertake the removal of such remains, and thereupon if such remains can be identified, he shall be at liberty to cause such remains to be removed and reinterred in any burial ground or cemetery in which burials may legally take place, or to be removed to and cremated in any crematorium, and forthwith after such reinterment or cremation shall provide to the developer a certificate for the purpose of enabling compliance with subsection (8) below.
- (5) If any person giving such notice as aforesaid fails to satisfy the developer that he is such personal representative or relative as he claims to be 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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

(6) The developer shall defray the reasonable expenses of the removal and reinterment or cremation of such remains, with any difference as to the amount of such expenses being referred to and settled by arbitration.

(7) If—

- (a) within the said period of 8 weeks no notice under subsection (4) above has been given to the developer in respect of any remains in the scheduled lands; or
- (b) such notice is given and no application is made under subsection (5) above within 8 weeks after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 8 weeks thereafter; or
- (c) within 8 weeks after any order is made by the county court under subsection (5) above any person, other than the developer, 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 developer shall remove the remains and cause them to be reinterred elsewhere in the cemetery in such position as the developer with the written approval of the Commonwealth War Graves Commission thinks suitable for the purpose:

Provided that if any personal representative or relative has given notice under subsection (4) above and has satisfied the developer that he is such personal representative or relative as he claims to be and that the remains in question can be identified but does not remove the remains, the developer shall comply with any reasonable request he may make in relation to the removal and reinterment or cremation of the remains.

- (8) Upon the reinterment or cremation of any remains under this section, a certificate of reinterment or cremation shall be sent to the Registrar General by the developer 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.
- (9) 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.
- (10) Any jurisdiction or power conferred on the county court by this section may be exercised by the registrar of the court.
- (11) Section 25 of the Burial Act 1857 shall not apply to a removal carried out in accordance with this section.