



Bishop's Stortford Cemetery Act 2024

2024 CHAPTER i

4 Power to disturb human remains

- (1) Subject to section 5, the burial authority may disturb or authorise the disturbance of human remains interred in a grave in the cemetery for the purpose of increasing the space for interments in the grave where—
 - (a) the burial authority has extinguished rights of burial in the grave under section 3;
 - (b) the grave is a public or common grave; or
 - (c) any right of burial granted in relation to the grave has expired.
- (2) A person authorised by or under subsection (1)(b) or (c) to disturb human remains may, subject to section 7, remove any memorial in or on the grave space relating to the person whose remains are proposed to be disturbed.
- (3) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.
- (4) Any human remains disturbed under subsection (1) must be reinterred either in their original grave or in another grave within the cemetery.
- (5) Before disturbing any human remains, or removing any memorial, under this section the burial authority must give notice in accordance with section 6.
- (6) If notice of objection to the proposed disturbance of human remains is given to the burial authority before the specified date by—
 - (a) the registered owner of the extinguished or expired right of burial;
 - (b) the registered owner of a relevant memorial, whether or not the memorial is proposed to be removed;
 - (c) a relative of the person whose remains are proposed to be disturbed,and that objection is not withdrawn, the burial authority may not, subject to subsection (7), disturb or authorise the disturbance of those remains.
- (7) A burial authority may, in accordance with subsection (1), disturb or authorise the disturbance of human remains that are otherwise protected from disturbance under subsection (6) if—

Status: This is the original version (as it was originally enacted).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

- (a) after the expiry of a period of 25 years from the date on which notice of objection in accordance with that subsection was last given, the burial authority has given further notice in accordance with section 6 in relation to the disturbance of those remains; and
 - (b) no notice of objection in accordance with subsection (6) is given in relation to that further notice or, if such notice of objection is given, it is withdrawn.
- (8) A person authorised by or under subsection (1) to disturb human remains must comply with any directions given by the Secretary of State with respect to the removal and reinterment of any human remains in any case other than a case where the human remains are interred in consecrated land.
- (9) The provisions of section 25 of the Burial Act 1857 (offence of removal of body from burial ground) do not apply to a removal carried out in accordance with the provisions of this section.