

## SCHEDULES

### SCHEDULE 20

#### BURIAL GROUNDS

##### *Removal of remains by nominated undertaker*

- 3 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker may remove the remains after the expiry of the period of 56 days referred to in paragraph 2(1)—
- (a) if no application under paragraph 2(1) has been received, or
  - (b) in a case where one or more applications under paragraph 2(1) 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 within two months of the removal of remains under sub-paragraph (1)—
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
  - (b) cremate them in a crematorium.
- (3) If—
- (a) an application is made to the nominated undertaker under paragraph 2(1),
  - (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.
- 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—

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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Removal of remains by nominated undertaker. (See end of Document for details)

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- (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.
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- (1) In the case of remains in relation to which paragraph 1(4) applies—
    - (a) the nominated undertaker may remove the remains, and
    - (b) if it does so, it is to be treated for the purposes of this Act as acting under this paragraph and not under the faculty or licence mentioned in paragraph 1(4).
  - (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1)—
    - (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
    - (b) cremate them in a crematorium.
  - (3) Sub-paragraph (2) does not apply if the Secretary of State is satisfied that the remains were buried more than 100 years ago; and in such a case 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

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- (b) deal with them in such other manner, and subject to such conditions, as the Secretary of State may direct.

**Changes to legislation:**

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