

SCHEDULES

SCHEDULE 11

BURIAL GROUNDS: REMOVAL OF HUMAN REMAINS AND MONUMENTS

Removal of remains

- 2 (1) In the case of remains in relation to which paragraph 1(1) above applies, the nominated undertaker shall issue a licence for the removal of the remains if—
- (a) it receives an application in writing from a relative or personal representative of the deceased, and
 - (b) the application is received before the end of 56 days after the day on which notice relating to the remains is first published under paragraph (a) of that provision.
- (2) In the case of remains in relation to which paragraph 1(3) above applies, the nominated undertaker shall issue a licence for the removal of the remains if—
- (a) it receives an application in writing from a relative or personal representative of the deceased, and
 - (b) the application is received before the nominated undertaker has removed the remains under paragraph 3(1) below.
- (3) For the purposes of sub-paragraphs (1) and (2) above, a person shall be taken to be a relative or personal representative of the deceased if the nominated undertaker is satisfied that he is or the county court has declared that he is.
- (4) A licensee under this paragraph may remove the remains to which the licence relates and reinter them elsewhere or cremate them.
- (5) The reasonable costs of removal and reinterment or cremation under this paragraph shall be paid by the nominated undertaker.
- (6) An application for a declaration for the purposes of sub-paragraph (3) above shall be made to the county court for the district in which the remains are interred.
- (7) In this paragraph, references to a relative of the deceased are to a person who—
- (a) is a husband, wife, parent, grandparent, child or grandchild of the deceased, or
 - (b) is, or is a child of, a brother, sister, uncle or aunt of the deceased.
- 3 (1) In the case of remains in relation to which paragraph 1(1) or (3) above applies, the nominated undertaker may remove the remains unless—
- (a) it is required under paragraph 2(1) or (2) above to issue a licence for their removal, or
 - (b) not more than 28 days have passed since the issue under that provision of such a licence.

Status: This is the original version (as it was originally enacted).

- (2) In the case of remains in relation to which paragraph 1(4) above applies, the nominated undertaker may remove the remains and, if it does so, shall be treated for the purposes of this Act as acting under this paragraph and not under the licence under the Burial Act 1857.
- (3) The nominated undertaker shall reinter any remains removed under this paragraph in a burial ground or cremate them in a crematorium.