



## STOTFOLD TOWN COUNCIL

### EXHUMATION POLICY

#### 1. Purpose

- 1.1 Exhumation relates to the removal of remains from a grave.
- 1.2 Exhumations are generally rare and can be traumatic for the bereaved family involved. Exhumations occur for several reasons, including:
- removal from the original grave site to a new grave acquired in the same or other cemetery;
  - transfer from a public grave to a family grave;
  - a Coroners instruction that requires further forensic examination of the deceased;
  - removal for cremation;
  - removal for burial in another cemetery.

The current law relating to the removal of individual buried human remains is contained within **Section 25 of the Burial Act 1857** which states that: -

*“Except in the cases where a body is removed from one consecrated place of burial to another by faculty granted by the ordinary for that purpose, it shall not be lawful to remove any body, or the remains of any body, which may have been interred in any place of burial, without licence under the hand of one of Her Majesty’s Principal Secretaries of State, and with such precautions as such Secretary of State may prescribe as the condition of such licence.”*

- 1.3 Therefore, any person wishing to exhume buried remain has to apply to the Ministry of Justice ( MoJ) for a licence to permit it.
- 1.4 The MoJ will normally grant exhumation licences to the next of kin, subject to any other necessary consent, where the application is made for private family reasons.

#### 2. The application form

- 2.1 The Exhumation Application Form can be found online on the Government Website at [Apply to exhume human remains - GOV.UK \(www.gov.uk\)](https://www.gov.uk/apply-to-exhume-human-remains)
- 2.2 This requires details of the applicant, the deceased and place of burial. The applicant should complete Part A and then send the form to Stotfold Town Council as the relevant Burial Authority who own Stotfold Cemetery, for completion of Part B.
- 2.3 Part C only needs to be completed if the death occurred between 1914 and 1947. In this case, the form will need to be sent to the Commonwealth War Grave Commission for their observations.
- 2.4 Stotfold Town Council’s cemetery is non-consecrated ground and subsequently, additional consent will not be required from the Church of England.

### **3. Consents required**

- 3.1 The application must be made with the consent of the Owner of the exclusive rights of burial relating to the grave and it is the applicant's responsibility to obtain this. Should unrelated remains be buried (if the grave is a public or common one) then the permission of any surviving relatives is also required.
- 3.2 The consent of all next of kin of the deceased are required. The priority given in accordance with that set out in the Administration of Estates Act 1925 or the Civil Partnerships Act 2004 (which provides civil partners will equal rights to spouses). This means that if the spouse or civil partner is alive, then this person is the next of kin. Thereafter it is defined that the deceased's mother and father, and thirdly, joint status would be given to the deceased's brothers and children, if any. sisters, grandparents and grandchildren.
- 3.3 Licences are unlikely to be issued without all of the required consents.
- 3.4 Applications will also be considered from any person, but it will be important to explain why the application is not being made by a relative.

### **4. Granting of Lawful permission**

- 4.1 On receipt of lawful permission to exhume the body of a deceased person the Burial Authority will notify the Environmental Health Officer so that he/she can be present at the exhumation site. If the exhumation involves ashes only then the Environmental Health Officer is not required, the Cemetery Officer will be present at exhumation to ensure that respect for the deceased person is maintained and that public health, and health and safety regulations, are observed and protected.
- 4.2 The Officer will also ensure that:
- the correct grave is re-opened;
  - the exhumation commences as early as possible in the morning to ensure maximum privacy;
  - the grave is screened as appropriate for privacy;
  - health and safety of all workers is maintained, for example the use of protective clothing including masks and gloves, task lights and all other necessary equipment;
  - everyone present shows due respect to the deceased person and to adjoining grave sites;
  - the new coffin or casket has been approved;
  - all human remains and all the pieces of the original coffin or casket are placed in the new coffin or casket;
  - the new coffin or casket is properly sealed and identified;
  - the area of the exhumation is properly disinfected;
  - satisfactory arrangements are in place for the onward transmission of the remains.
  - If the conditions of the licence or faculty cannot be met, or there are public health or decency concerns, the exhumation will not be proceeded with.



## 5. Contact

Enquiries about licences should be made direct to the Ministry of Justice, information can be found online at <https://www.gov.uk/apply-for-an-exhumation-licence>

### Revision History

<b>Date Adopted</b>	December 2024
<b>Date Reviewed</b>	