
Law Commission Publication - Burial & Cremation Law - Final Report & Webinar Details

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To Clerk@ (Shared) <clerk@atherstone-tc.gov.uk>



Law Commission Publication - Burial & Cremation Law - Final Report & Webinar Details

Dear Sally

Today, the Law commission has published its final report following the conclusion of the public consultation into Burial and Cremation law reform, the first of three sub projects.

It is expected that a similar report into the second sub-project (New Funerary Methods) along with draft regulation will be released shortly, alongside the third sub-project (Rights and Obligations Relating to Funerary Methods, Funerals and Remains) which will continue to run until late 2027.

To read the report in full, please click [here](#).

A summary document of the full report can also be found [here](#)

Some key points relating to the recommendations for reform in the current report include (but are not limited to):

- That every burial ground owner and/or operator should be required to maintain their burial ground in good order appropriate to its current use.
- The minimum depth of any 'full' burial be reduced to two feet, irrespective of coffin type and soil conditions.
- That 6" of separating soil between 'full' burials should apply across all burial grounds, with exceptions made where multiple burials are made at the same time.
- Burial and memorial rights to be made in writing on every occasion and provided within 2 months of purchase (excluding Churchyards).

- A statutory register of pre 24-week pregnancy remains for burial, replacing its current, non-statutory equivalent.
- Both grave reclamation and reuse powers to be applied for via the Secretary of State or Welsh Minister, on a case-by-case basis following a prescribed plan and consultation on each occasion.
- A minimum period of 100 years (rising from 75) having elapsed in order for burial rights to be extinguished or grave reuse to be considered.
- Provisions to reopen closed churchyards by representation to the Sovereign in Council via the Secretary of State or Welsh Ministers, incorporating consent of the burial ground owner, or the incumbent and parochial church council for Church of England churchyards specifically.
- The removal of existing restrictions on constructing crematoria upon consecrated parts of local authority burial grounds.
- That crematoria be required to receive coffins bearing two nameplates (one on the lid and one at the foot end) which bear at least two confirmatory pieces of information relating to the deceased.
- That joint cremations become explicitly lawful upon receipt of consent from both cremation applicants.
- Cremation authorities being required to inform the applicant of the where and when the location of a direct cremation has taken place post-cremation or where the crematorium was not agreed at the point of completing the associated cremation paperwork.
- Uncollected ashes from funeral directors' premises may be returned to the originating crematorium following a set process over 6 months following the collection of remains by the funeral director.

For clarity, the points above (and within the final report) are recommendations at this current stage. A draft Bill will follow in due course specifically relating to both this and the third sub-projects once the latter concludes with an estimated publication date of mid-2028.

To support members, a webinar will be held on Wednesday the 29th of April at 15:00, where the Law Commission will be in attendance to address any questions that members may have at this stage. Registration details for this session will be communicated to members in due course.

Alternatively, for further information or enquiries relating to this project, the Law Commission can be contacted at enquiries@lawcommission.gov.uk, or on 020 3334 0200.

Thank you

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