



Ministry of
JUSTICE

Helen Grant MP
Parliamentary Under-Secretary of
State for Justice
102 Petty France
London SW1H 9AJ

T 020 3334 3555
F 020 3334 3669
E general.queries@justice.gsi.gov.uk

www.justice.gov.uk

Mr Tim Morris
Chief Executive
Institute of Cemetery and Crematorium Management
City of London Cemetery
Aldersbrook Road
Manor Park
London E12 5DQ

Our ref: MC 331033

18 September 2012

Dear Tim

BLANKET LICENCE TO DISINTER CREMATED REMAINS

Thank you for your letter of 19 July addressed to Jonathan Djanogly about the issue of when cremated remains have been buried in a grave at a shallow depth and the grave owner subsequently requests reburial in the same plot. You may be interested to know that Jonathan Djanogly received another letter on the same matter from the Town Clerk at Dunstable Town Council. I am replying as Jonathan Djanogly's successor with responsibility for burials policy.

As you know, the Ministry of Justice issues licences to remove human remains under section 25 of the Burials Act 1857. This prohibits the removal of human remains without a licence from the Secretary of State which may include such conditions as the Secretary of State considers appropriate in the circumstances. It is for the Secretary of State to decide whether or not to issue a licence in any individual case.

On receiving an application, the Secretary of State considers the views of the applicant, the next of kin (if known) and any objections before deciding whether it is appropriate to issue a licence, and, if so, whether any conditions should be attached to it. The legislation does not permit the Secretary of State to delegate this function to a third party.

I note that your reference to Northern Ireland regulations which permit the exhumation of cremated remains on application of the grave owner and the consent of the burial authority without the need for any other lawful authority. However, the regime for exhumation licences in England and Wales is set out in primary legislation which does not permit a blanket delegation such as you suggest. Currently we have no plans to amend the legislation.

I hope you will see, then, why I cannot agree to your proposal. I appreciate the thinking behind your suggestion, but, given that it is unlikely that every application to exhume and rebury cremated remains to permit a full burial will be free from complications, I do not think it desirable to introduce such a change. In my view, it is right to continue the present system of individual applications which receive individual consideration.

HELEN GRANT