

CLAS CIRCULAR

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It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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FAITH AND SOCIETY

Reform of burial and cremation law

For information and **possibly for action**

The Law Commission has published [Burial and Cremation: Final Report](#). The full report is 386 pages long; there is also a 29-page [summary](#).

This latest report concludes the Burial and Cremation sub-project. The Commission says that a second report addressing the regulation of new funerary methods, along with draft legislation, will be published shortly. Work on the third sub-project, Rights and Obligations Relating to Funerary Methods, Funerals and Remains, “will begin shortly and will run until the end of 2027”.

A draft Bill will follow in due course; its estimated publication date is mid-2028.

The principal recommendations of the latest report on burials and burial grounds are as follows:

- The Commission has rejected root-and-branch reform, replacing all the current law with a single, unified burial law regime, because different burial grounds serve diverse religious and cultural needs;
- There should be a minimum level of protection applying to all burial grounds, with aspects of burial regulated issue by issue to continue to permit flexibility where it is needed: “Such change will particularly, but not exclusively, affect private burial grounds, where there is currently little applicable law”;
- Burial ground owners and/or operators should be required to maintain their burial ground in good order appropriate to its current use;
- The current enforcement framework should be modernised by giving the Secretary of State a clearer range of enforcement powers, including powers to authorise inspections, issue notices, impose civil penalties, and, where a burial ground fails to fulfil actions required by the notice, direct the local authority to take on the maintenance of the burial ground and recoup the costs of doing so;
- Currently there are two types of burial rights and one memorial right. An “exclusive burial right” grants the holder an ongoing exclusive right to use a plot, often for multiple burials, while a “non-exclusive burial right” allows a single interment in a plot and is then terminated. A “memorial right” is separate and permits the holder to place a memorial on a grave: the Commission recommends that, except for burial grounds

of the Church of England and the Church in Wales (where the faculty jurisdiction applies), in all burial grounds, burial and memorial rights must be issued in writing within two months of the purchase of the right;

- There should be a new uniform registration system applying across all types of burial grounds; all burial ground operators should be under a statutory duty to keep a series of prescribed documents: a burial register; a register of disinterments; a register of the burial of pre-24-week pregnancy remains; a plan of the burial ground; and a register of rights.
- The Secretary of State should continue to have the power to set the fees charged by private burial grounds and should consider using the Church of England's fee structure as a potential benchmark.
- It should be a requirement that when a private burial ground changes ownership, its burial records be transferred to the new owners.
- It should be a criminal offence knowingly to fail to register a burial on private land and knowingly to fail to transfer the burial register when that land changes hands.
- Grave reclamation and reuse powers should 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 hundred years (instead of the current 75) must elapse between the last burial in a grave and either the burial rights in that grave being extinguished or the grave being reused; and if there are any remains left in a grave, for the grave to be reused they must be no more than skeletal remains.
- A burial ground operator who proposes to reuse graves or extinguish exclusive burial rights must post notices in various media of that intention for twelve months.
- The Commonwealth War Graves Commission and the Ministry of Defence should be notified before any reuse of a grave or any extinguishment of an exclusive burial right is proposed and should have the right to object; their written consent will also be required before a war grave is reclaimed.
- The Privy Council should have the power to reopen closed burial grounds by Order, but to do so, the consent of the burial ground owner, or both the incumbent and parochial church council, should be required.
- The current maximum penalty for the offence of unlawful exhumation should be raised to an unlimited fine or imprisonment for up to 12 months if sentenced in the magistrates' court, or an unlimited fine or imprisonment for a term not exceeding three years in the Crown Court.
- The offence of unlawful exhumation should be extended to include so-called "coffin-sliding", except where the burial has not yet been completed.

On cremation, the Commission's principal recommendations are as follows:

- To prevent mistaken cremation, crematoria should be required to check at least two pieces of identifying information about the deceased person, where available; and when a coffin is used, crematoria should require two identification plates to be fitted to the coffin, one on the lid and one at the base, so that if the two are separated the risk of error is reduced.
- The joint cremation of two dead persons should be allowed only when both applicants for cremation have provided their written consent, and public authorities "should not be permitted to use it in most circumstances".
- Cremation of unidentified bodies or body parts should not be permitted.
- A scheme should be established under which funeral directors will have the right to return uncollected ashes to the crematorium at which they were cremated, following a set process over six months after the collection of the remains by the funeral director.

[Source: Law Commission, 18 March]

Social Cohesion action plan

For information and **possibly for action**

The Government's Social Cohesion Action Plan "Protecting What Matters", aims to strengthen community ties, tackle extremism and foster a shared sense of belonging across the country.

Some of the items included in the Action Plan are:

- Investing £500,000 in a community-led school linking projects bring children from different backgrounds together
- A tougher oversight of home education, including the first ever mandatory register of children not in school
- The social cohesion framework will include expectations on integration for new arrivals, with a focus on learning English
- To end the asylum hotels policy
- News legislation to stop abusive protests outside places of worship
- Strengthen the Charity Commission's powers to tackle extremist abuse and ban visas for extremists and hate preachers as well as including the power to shut down charities and suspend trustees
- Tackling hate crimes against both Muslim and Jewish groups by rolling out training across the NHS and Civil Service

[Source: Lords *Hansard*, 16 March]

PROPERTY & PLANNING

Places of Worship Renewal Fund

Further details are emerging about how the Places of Worship Renewal Fund will work. In answer to a written question from Lee Pitcher (Doncaster East and the Isle of Axholme, Lab) on the future ability of places of worship to reclaim VAT on repairs and maintenance works, Ian Murray, Minister of State at DCMS, [said this](#):

'The Department has not made an assessment of the ability of places of worship to reclaim VAT following the ending of the Listed Places of Worship Grant Scheme.

The Places of Worship Renewal Fund will have a budget of £23 million per year. *The Places of Worship Renewal Fund will award grants for projects to cover capital works, rather than just the VAT element of a project*, as is the case with the Listed Places of Worship Grant Scheme. In some cases, the amount granted could be greater than just the VAT element currently funded' [emphasis added].

[Source: Commons *Hansard*, 16 March]