

**To receive an update on the Law Commission Burial and Cremation Consultation
2024 and consider any actions.**

Report to: Joint Burial Board Committee - 25 February 2025

Date of Report: 19 February 2025

Officer Writing the Report: Planning and General Administrator

Officers Recommendations:

Members to note the update on the Law Commission Burial and Cremation Consultation 2024.

Report Summary

Update from The Law Commission website www.lawcom.gov.uk/project/burial-and-cremation/

Current project status:

1. Initiation – complete
2. Pre-Consultation – complete
3. Consultation – complete
4. Policy Development – under review
5. Report – yet to be actioned

The Law Commission is seeking to reform the law of burial in England and Wales, which is piecemeal, complex and outdated. It is also gauging solutions for unresolved issues in cremation law.

We published a [consultation paper](#) and a [summary](#) on 3 October 2024, and the consultation closed on 9 January 2025. **We are now analysing responses before making our final recommendations to Government.**

The problem

Burial law is governed by a patchwork of legislation, some of which dates to the 1850s. There are different laws in place for burial grounds which are operated by local authorities, the Church of England, the Church in Wales, and private burial grounds. This complex picture has emerged as a result of different historical development, and it means that there are gaps in the safeguards which protect the dignity of the people who are buried in burial grounds.

Burial space is running out across England and Wales, with the situation worse in some urban areas. Grave reuse has been proposed as a solution to this problem, but reform to permit the reuse of graves must include sufficient safeguards to maintain public support.

Cremation law has been reformed more recently in 2017, but some issues remain unresolved. Concerns have been raised about entitlement to ashes, and what may be done with them.

There are also issues relating to the ownership of medical implants which are removed before cremation and relating to sets of ashes which have not been collected from funeral directors' premises.

Our review

This work is part of our overall Burial, Cremation and New Funerary Methods project, which has two other strands. Please see the link at the top of this page for more detail of the project's origins and scope.

The consultation paper

On 3 October 2024 we published a consultation paper containing our provisional proposals, and open questions on issues relating to law reform. The consultation paper and a summary of the consultation paper are available in the "documents" section of this page.

The consultation paper contained provisional proposals for reform on a number of issues, including:

- the regulation of burial grounds;
- grave reuse and reclamation;
- closed and disused burial grounds, and exhumation;
- the rights granted to the Commonwealth War Graves Commission; and
- cremation law.

Listen to Professor Nicholas Hopkins [discuss the consultation here](#).

Commonwealth war burials

There has been some media coverage which suggests that the Law Commission is proposing that Commonwealth war graves (graves of servicemen and women who died in the first and second world wars) should be reused. This is not the case.

Grave reuse is currently permitted by law in London local authority cemeteries, and a few cemeteries with their own private Acts of Parliament. In these cemeteries, the Commonwealth War Graves Commission must be notified before a burial ground operator seeks to reuse a grave, and has the power to object to the reuse of a Commonwealth war grave.

Our provisional proposals would include these same requirements in any extension of grave reuse. That would mean the Commonwealth War Graves Commission would be able to stop Commonwealth war graves being reused. Our provisional proposals would also give the Commonwealth War Graves Commission additional rights to enable them to protect Commonwealth war graves in other ways.

Our provisional proposals therefore seek to increase rather than decrease the protection available to Commonwealth war graves.

Next Steps

The consultation period for this sub-project closed on 9 January 2025. We will use the responses to the consultation to develop our final recommendations for reform, which ultimately will be published in a report. We expect the report will be published towards the end of 2025.

During our consultation period, we held events across the country and online to share information about our provisional proposals and give stakeholders a chance to ask questions to inform their consultation responses. These events were held in York, Cardiff, London, Birmingham and Bath, as well as two online events. We recorded one of these, the online event on the 2 December, and the video is embedded below

Signature of Officer:

A handwritten signature in black ink, appearing to be the letters 'FRU' in a stylized, cursive font.