

# OLD MARSTON PARISH COUNCIL



## Cemetery Legal Compliance Course ran by the SLCC – 24<sup>th</sup> June 2015.

An interesting day and some points that I have got from the course:-

- By law, unless computerised, the Burial Register must be completed in “durable black ink”
- No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet below the level of any ground adjoining the grave
- Only the legal owner, he/she/those who paid for the plot, are legally entitled to be buried in the said plot
- A baby of less than 24 week has no legal rights, legally it is described as a foetus, and at the Local Authorities discretion whether they allow burial. In the not so distant past it was described as “medical waste” and would have been treated as such.
- A baby of 24 weeks or more has legal rights and legally is described as a baby ~~and has rights to burial.~~
- The term “Ashes” are not used as much due to various legal cases where it was argued that 90% of the “ashes” are coffin.
- “Cremated remains” is now more used as it does not define fully what it contained.

There were various case studies discussed at the end, true cases, but there to point out what MIGHT happen.

For instance, three adult children buy two graves for their mother and father respectively, the father dies and buried in one of the plots. Over time the oldest son dies and his wife insist her husband is buried in the remaining plot, the remaining siblings object. What do you do?

The answer was that as the eldest son was one of those purchasing the grave he has “Exclusive Right to Burial” so neither of the remaining children could stop him being buried in the remaining plot.

On the whole I do not think anything came up that we are doing wrong however, it did make me aware of the legal standings regarding the burial and the forms I complete and the possible problems that might occur and how to handle them.

The Clerk.