



Do you administer a burial ground? Are you concerned that your burial ground is nearly full or will be within a few years?

A town or parish council which finds itself in this position essentially has two options.

Maximise the number of burials that can take place in your existing burial ground

If there is no potential source of new plots (existing paths, driveways, flower beds or landscaped areas), consider whether you can make greater use of existing plots. If you have common graves, you can bury above existing bodies; provided the first burial is sufficiently deep, up to four bodies can be buried in a single grave. If you have sold plots under exclusive rights of burial for a fixed period, say 75 years, and that time has now passed, there may be space for more burials. Having good records is important here. It would be embarrassing if you think there is space for one more body only to find the plot full!

Removal and reinternment of human remains is problematic. It is generally unlawful unless authorised by a Home Office licence, although it is possible to obtain a faculty (in effect, a licence) from the Church of England that permits this in a consecrated section of burial ground. The Church will require you to take various steps, including advertising the proposals, before granting a

faculty. If you have a very old section of a consecrated burial ground that you want to reuse, it would be a good idea to speak to your local Diocesan Registrar to find out what the requirements will be.

Acquire land for an extension or for a new burial ground

You may be able to purchase adjoining land for an extension, or land in another part of your parish for a new burial ground. But what if you can't do so, or the owner will only sell at an exorbitant price? In this case you will need to approach your district or unitary council and ask them to exercise their powers under section 215 of the Local Government Act 1972 to compulsorily acquire the land on your behalf. You will need to present a convincing case. You will also need to meet their costs. Acquiring land by way of a CPO is more expensive than buying it on the open market. You will need to have a clear idea of what you are letting yourself in for, so it's a good idea to obtain advice on the likely amount of CPO compensation at the outset.



nplaw has specialist knowledge of burial law and of the use of CPOs on behalf of parish and town councils. If you are interested in obtaining legal advice on issues relating to burial grounds, please get in touch with Chris Skinner on 01603 223736 or at chris.skinner@norfolk.gov.uk.

Parish Council subscription service

We offer town, parish and community councils a subscription service which we believe offers excellent value for money. For an annual charge of £400 plus VAT, nplaw will provide up to ten hours advice and assistance. Matters likely to be covered by the subscription service include:

- advising by telephone, email or letter on issues such as council powers and responsibilities, short contracts and employment law;
- writing letters or emails to third parties on the subscriber's behalf; and
- reviewing policies and codes of conduct.

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Public Sector Legal Expertise

For details of nplaw's Parish Council Subscription Service contact:

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