

EXHUMATION GUIDELINES

1. Background Information

Reasons For Exhumation

Exhumations are generally rare but can occur for a number of reasons including:-

- movement from the original grave to a subsequently acquired family plot in the same or other cemetery
- repatriation overseas to be buried along with other family
- transfer from one cemetery scheduled for development, to another
- court orders requiring further forensic examination

The above list provides a few examples but is not exhaustive.

Requirements

An exhumation of human remains is regarded as an offence if lawful permission has not been gained. The permissions required, depend upon the circumstances of each case but most exhumations will require Home Office permission. Details are provided in Section 2.3.

Decency And Safety

An Environmental Health Officer must be present at the exhumation and will supervise the event to ensure that respect of the deceased person is maintained and that public health is protected. The officer will ensure that:-

- the correct grave is opened
- the exhumation commences as early as possible in the morning to ensure maximum privacy
- the plot is screened as appropriate for privacy
- the health and safety of all workers is maintained e.g. protective clothing including masks and gloves, task lights and all other necessary equipment
- everyone present shows due respect to the deceased person and to adjoining graves
- the nameplate on the casket corresponds to that on the licence
- the new casket has been approved by the Environmental Health Officer
- all human remains and all the pieces of the casket are placed in the new casket (if required)
- the new casket is properly sealed
- the area of exhumation is properly disinfected and
- satisfactory arrangements are in place for the onward transmission of remains.

2. Procedure

Introduction

Assuming the Authority has not itself identified the need for an exhumation, it is likely that an application will be made by an individual or by a funeral director acting

on behalf of an individual. On extremely rare occasions, an application may be submitted following a Court Order to enable the gathering of forensic evidence.

Initial Request

The appropriate Area Services Officer will –if possible – deal with a request for an exhumation. Upon the receipt of such a request, the “Exhumation Initial Request” form (EX1) should be completed. The applicant should be provided with the Authority’s “Guidelines For Families Enquiring About Exhumations” (EX2). These guidelines will assist the applicant through the process and will provide an indication of the permissions and documentation required. The Authority’s “Exhumation Request Form” (EX3) should be given/sent to the applicant for completion. Any officer meeting an applicant, should be accompanied by a colleague.

N.B. The Institute of Burial and Cremation Administration recommends that any families enquiring about an exhumation, are made aware of the high costs of exhumation and the possible psychological distress that could be caused to the family. Applicants should therefore be informed of the possible costs at the time of the initial request. The costs could include the following:-

- Diocesan Registry charge for faculty (non-refundable even if faculty is not awarded)
- County Council’s administrative fee (currently £80)
- Funeral director’s fees for carrying out exhumation and other services
- Costs associated with the removal and re-erection of any memorials

Permissions Required

Following the receipt of the completed EX3 and Part A of the Home Office’s “Application For A Licence...” (if required), the Area Services Officer will ensure that all appropriate permissions have been gained. The permission/s required depend/s upon the individual circumstances but can be summarised as follows:-

- From consecrated ground to consecrated ground, only a Faculty from the Diocesan Registry is required. Approval need not be sought from the Home Office.
- From consecrated ground to unconsecrated ground, both a Faculty and a Home Office licence are required.
- For exhumations for cremation, written consent from the cremation authority is required, plus the relevant licence/s.
- The registered owner of the grave must give written permission to authorise the exhumation. Where the remains are to be reinterred, the owner of the new grave must give written permission.
- The permission of the next of kin of the deceased to be exhumed, will be required. The next of kin is the nearest living relative or executor. Divorced spouses and common law partners do not constitute next of kin. If there is no surviving spouse, children of the deceased whether legitimate or otherwise, would be next of kin. The written consent of all the children is required.

- If, in carrying out the exhumation, it is necessary to remove any memorials from this or adjoining graves, permission must be obtained from all relevant grave owners. Masons will charge for removing memorials and this cost will be the responsibility of the applicant. The Area Services Officer should advise the applicant if any adjoining memorials need to be removed. The Area Services Officer will obtain the necessary permissions if and when necessary but it will be the responsibility of the applicant to employ a stonemason to remove and replace the memorials.

Home Office Licence

When the Area Services Officer has undertaken all necessary checks, is satisfied that the necessary permissions have been given and that the exhumation application can be progressed, Part B of the Home Office application (when required) should be completed and sent (along with the aforementioned permissions) to the Home Office. A copy of the application form should be taken and filed. The Home Office does not currently charge for the licence and approval normally takes 3 – 4 weeks.

Arranging The Exhumation

Once the necessary licences have been obtained, practical arrangements for the exhumation can commence. It is vital that – in making those arrangements – any conditions attached to a licence or faculty, are complied with. In most cases, the applicant will have approached a funeral director who may well – by this stage – be acting on his/her behalf.

The Area Services Officer will contact the owners of surrounding graves (those that will be affected by the erection of the screening) to inform them that an exhumation is to take place in the vicinity. If any owners cannot be traced, a notice will also be placed in the local press asking people to contact the office.

A mutually convenient date should be established for the exhumation to take place early in the morning. Those needing to be informed of the date should include the applicant (or his/her representative), an Environmental Health Officer, DSO and cemetery staff. The funeral director should carry out a risk assessment to ensure that all the necessary equipment is available and used. The Area Services Officer should also ensure that the licence will be available on site at the time of the exhumation.

The Exhumation

The exhumation should be carried out early in the morning to ensure maximum privacy. The following should be present:-

- The funeral director – who is the applicant's representative
- The Environmental Health Officer – whose role is as per 1.3.
- Cemetery staff – who are present to react to any unforeseen circumstances
- The Area Services Officer (or representative) – who oversees the procedure

The applicant is permitted to attend the exhumation but should be advised of the potential distress of doing so. If the exhumed body is to be reburied, the responsibility for the arrangements and the costs falls upon the applicant.

Record Keeping

As soon as is reasonably practical after the exhumation, the Area Services Officer should ensure that all records are updated. All registers should be cross-referenced in red ink and an entry should be made in the Register of Disinterments. File the papers.

There follows, a summary of the above procedures in the form of a flow chart.