

*Status: Point in time view as at 07/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Notice of removal. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 11

#### BURIAL GROUNDS: REMOVAL OF HUMAN REMAINS AND MONUMENTS

**Modifications etc. (not altering text)**

**C1** Sch. 11 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(h)

*Notice of removal*

- 1 (1) Before removing from the land in question any remains or any monument to the deceased, the nominated undertaker shall—
- (a) publish in each of two successive weeks in a newspaper circulating in the area where the land is situated, and
  - (b) at the same time leave displayed in a conspicuous place on or near the land, a notice complying with sub-paragraph (2) below.
- (2) A notice under sub-paragraph (1) above shall—
- (a) identify the land to which it relates,
  - (b) set out in general terms the effect of paragraphs 2 to 5 below,
  - (c) state where, and in what form, an application under paragraph 2(1) below may be made, and
  - (d) state how the nominated undertaker proposes to carry out its functions under this Schedule with respect to the disposal of the remains or monument.
- (3) No notice shall be required under sub-paragraph (1) above before the removal of any remains or any monument to the deceased where the Secretary of State notifies the nominated undertaker that he is satisfied—
- (a) that the remains were interred more than 100 years ago, and
  - (b) that no relative or personal representative of the deceased is likely to object to the remains or monument being removed in accordance with this Schedule.
- (4) No notice shall be required under sub-paragraph (1) above before the removal of any remains or any monument to the deceased if—
- (a) there is in force under section 25 of the <sup>M1</sup>Burial Act 1857 (bodies not to be removed from burial grounds without licence of the Secretary of State) a licence relating to the remains, and
  - (b) the holder of the licence is the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker.
- (5) In sub-paragraph (4)(b) above, “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning of the <sup>M2</sup>Companies Act 1985.

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**Marginal Citations**

**M1** 1857 c. 81.

**M2** 1985 c. 6.

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