

## Grave Reclamation

As we are all aware we are still looking for a new burial ground and we are nearing the 2021 prediction of the current cemeteries being full. With this in mind we have been looking at ways in which we could still provide a burial option without altering the current aesthetics of the four cemeteries.

Over the past few months we have looked into the process of grave reclamation, further details on the process are provided below. There is an urgency to start this process so the public can be informed and the concept has an opportunity to embed before the cemeteries run out of space. If we wait too long and only have reclaimed graves it precludes those that will only have new graves. This would reduce the viability of the scheme. This has to happen in parallel for the remaining years of the current cemeteries to ensure maximising their use.

Numerous Councils are practising this process as a way to preserve existing burial space, two examples being Wandsworth and Croydon borough councils. The two councils have been carrying out the process for the past 4 and 10 years respectively. As the scheme is still in its infancy, Wandsworth has used a total of 20 reclaimed graves however Croydon use between 3-4 reclaimed graves a week.

Both council's notified the public following legal requirements and had little response on the proposed scheme. Wandsworth mentioned there were a couple of enquiries from people wishing to check if burial rights had expired (this is to be expected). Croydon had a similar experience but mentioned that when funeral director's offer reclaimed graves families initially were put off by the idea. However mentioning that existing burials in a grave are just as close to burials in neighbouring graves seemed to allay any concerns.

Both Councils placed great importance on educating funeral directors on the option of a reclaimed grave and making sure they promote them. They said without this uptake will be slow which doesn't help to preserve dwindling grave space.

### **What is Grave Reclamation?**

Grave Reclamation is the process of using the free space within graves, where burials rights have not been exercised for over 75 years.

There are two types of grave which fall in to this category:

- 1) Graves where burial rights have been purchased but no burial has taken place so the grave stands empty. These graves can be reclaimed after 75 years.
- 2) Graves where interments have taken place but the burial rights have never been purchased (commonly known as unpurchased graves) so the Council has the right to re-bury in the grave.

This practice has been legally allowed since 1977 and is outlined in the 1977 Local Authorities Cemeteries Order (LACO).

### **Grave Reclamation vs Grave Re-use**

The main difference between grave reclamation and re-use is that reclamation does not disturb human remains whereas grave reuse permits the disturbance of human remains. In the case of grave reclamation the grave is re-opened to the deepest available depth leaving the legal requirement of 6" of soil between the last interment and the new interment.

Grave reuse is currently only allowed within London Boroughs due to the 2007 London Local Authorities Act or on consecrated sections within cemeteries (sections belonging to Church of England). The national government is yet to permit grave reuse in the rest of England and Wales.

### **The process of grave reclamation**

Please note this process applies to all graves where the deeds have elapsed whether or not the graves have been previously buried in.

Local Authority discovers a grave where the deed has elapsed. The authority notifies the deed holder in writing of their intention to reclaim the grave within 6 months. The deed holder needs to notify the authority in writing in the 6 month period to retain the rights to the grave.

If the deed holder is uncontactable the authority is bound by LACO (1977) to carry out two processes:

1. Place a notice on the grave stating the intention to reclaim the grave,
2. Publish a notice in the local newspaper for two successive weeks.

If there are no claims to the grave within 6 months and after these two processes have been carried out the authority then has the right to reclaim the grave.

It is worth noting Reclaimed graves (graves with existing interments) would be cheaper to purchase to encourage people to choose them as an option. Graves would be priced at £1,000 which includes the burial rights and interment fees. The current price of a new grave is £1,520 so people could potentially save £520.

### **Current position**

In terms of the legalities and support for the project the following work has been done over the past 6 months:

- A desktop survey for graves in the four cemeteries that could be used for graves reclamation. On average there is a potential of 100 graves within each cemetery that could be reclaimed. If grave reclamation is received positively by the public, these types of grave could help to extend burial space for a further three years.
- The legalities surrounding grave reclamation have been checked with Lindsay Cane & Amanda Ball and they are satisfied with the process and that it complies with the Local Authorities Cemeteries Order (1977). In addition to this Laura has carried out meetings with the City of London Cemeteries (who have been carrying out grave reclamation for the past

10 years), to gain an understanding of how the process works and any potential issues that could prevent the proposal being approved.

- The issue has been discussed with portfolio holders for Leisure and Parks. The proposal has got their support.

We are now at a point of discussing the proposal with the Council and if they approve move forward with a press release to gather public feedback.

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