

Exhumation procedures and legislation

Exhumation is the removal of remains from a grave. Exhumations are generally rare and can be traumatic for the bereaved family involved. It is a requirement of a proposed exhumation that all close relatives of the deceased are contacted and sign to say they agree to the proposed exhumation.

Exhumation of burial human remains and cremated remains will normally require a Home Office Licence issued from the Ministry of Justice.

Reasons

Exhumations can occur for a number of reasons, including:

- removal from the original grave site to a new grave acquired in the same or other cemetery
- transfer from a public grave to a family grave
- a Coroners instruction that requires further forensic examination of the deceased
- removal for cremation
- removal for burial in another cemetery.

Requirements

It is an offence at law to exhume any human remains or cremated remains without first obtaining the necessary lawful permission. The person requesting the exhumation should be advised to contact a Funeral Director to assist them. A licence must be obtained from the Ministry of Justice. The application completed by the next-of-kin should be submitted to the Burial Authority for authorisation.

If the person is currently interred in ground consecrated in accordance with the canon law of the Church of England, a Bishop's Faculty must be obtained.

On receipt of lawful permission to exhume the body of a deceased person the Burial Authority will notify the Environmental Health Officer so that he can be present at the exhumation site.

Decency and safety

An Environmental Health Officer, and possibly a representative of the authority's health and safety section will be present at the exhumation to ensure that respect for the deceased person is maintained and that public health, and health and safety regulations, are observed and protected.

The Officer in charge Registrar of Cemeteries/Bereavement Services Manager will oversee the exhumation and re-burial, or removal of the deceased.

The Officer will also ensure that:

- the correct grave is re-opened
- the exhumation commences as early as possible in the morning to ensure maximum privacy
- the grave is screened as appropriate for privacy
- health and safety of all workers is maintained, for example the use of 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 grave sites
- the new coffin or casket has been approved by the Environmental Health Officer
- all human remains and all the pieces of the original coffin or casket are placed in the new coffin or casket
- the new coffin or casket is properly sealed and identified
- the area of the exhumation is properly disinfected
- satisfactory arrangements are in place for the onward transmission of the remains.

If the conditions of the licence or faculty cannot be met, or there are public health or decency concerns, the exhumation will not be proceeded with.

Contact

Enquiries about licences should be made direct to the Ministry of Justice, information can be found online at [Apply for an exhumation licence](#)➔.

Advice about the conditions attached to them may be obtained from the Commercial Team, Environmental Health Services.

- **Name**
- Environmental Health Services, Commercial Team
- **Email:**
- environmental.health@calderdale.gov.uk
- **Telephone:**
- 01422 392373