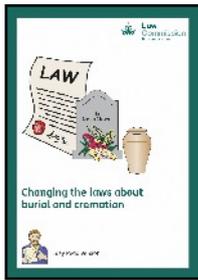




Changing the laws about burial and cremation

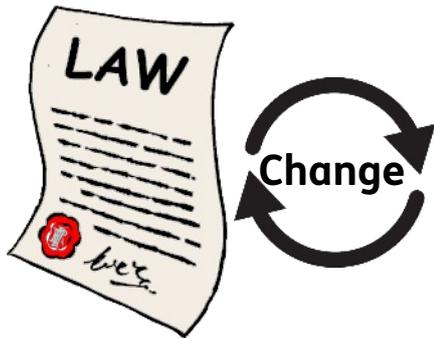


Easy Read version



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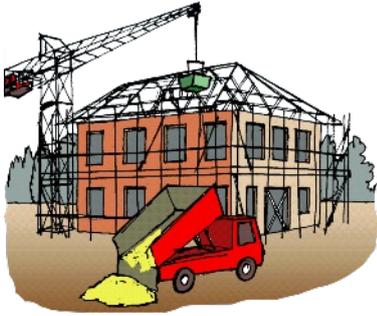
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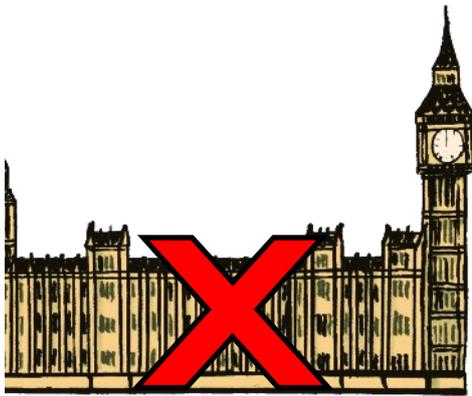
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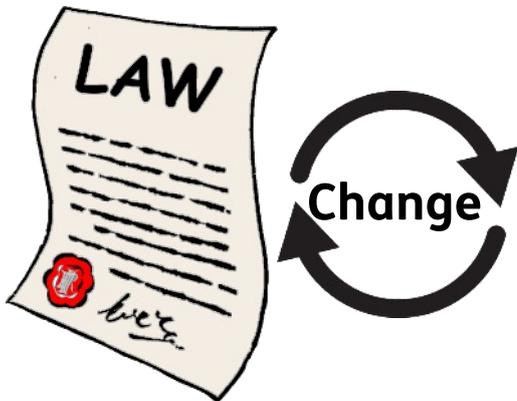


This booklet has been written by the Law Commission of England and Wales.



We are **independent**.

Independent means we are not part of the government.



Our job is to suggest how the government should change the law.



We tell the government:

- what we think should change
- why we think the law needs to change.



The government asked us to look at the law about what happens to our bodies after we die.



Most people choose **burial** or **cremation**.

Burial means when someone's body is put in the ground after they die. Their body is put in a **grave**.



Cremation is when someone's body is turned into ashes.



About 8 in every 10 people choose cremation.

But burial is still important to some people.





Some of the laws about burial and cremation are very old and confusing.



We asked the public what they think.



We held a public **consultation** from October 2024 to January 2025.

A **consultation** means we ask people questions and listen to their ideas.



Then we wrote a long report which you can find on our website lawcom.gov.uk/project/burial-and-cremation/



This Easy Read is a short summary of the bigger report.



What happens next?

The government will look at our report and decide whether to change the law.

Why the law about burial and cremation needs to change



Burial

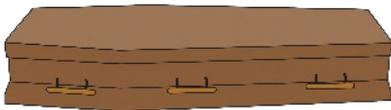
The law about burial is old.

Some parts have not changed for over 170 years.

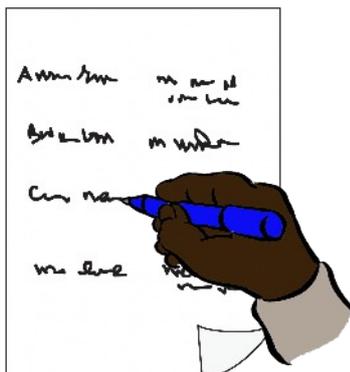


We need new rules about:

- looking after burial grounds



- how bodies are buried



- keeping records about burials.



We are also running out of space to bury people. The law needs to change to help with this problem.



People are buried in graves.

Old graves are reused in some places but not everywhere.



Some burial grounds have been closed for a long time.



Our report tells government our ideas about reopening those grounds so people can be buried near their community.

Cremation

The law about cremation is newer.
But there are still some problems.



We need laws that make sure:

- the right body is cremated
- only one person is cremated at a time, unless the people in charge of the body agree to more than one body being cremated
- funeral directors know what to do with any ashes of a cremated person that have not been collected.



The law about burial

How burial grounds should be run

People can be buried in:



- council cemeteries
- private burial grounds
- Church of England churchyards
- Church in Wales churchyards.



Different burial grounds meet the needs of different religions and cultures.



Different places follow different rules.

This can be confusing.



But we do not agree with making
1 law for everyone.

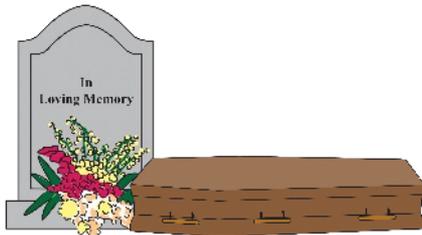


We have suggested some ideas that
will protect people using all burial
grounds.

Safeguards in burial grounds

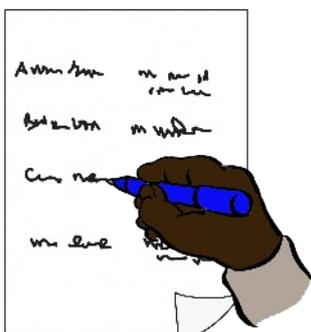
Our report looks at **safeguards**.

Safeguards are ways to protect something or someone.



Safeguards should cover:

- the way we look after burial grounds
- how we bury bodies
- the paperwork when you buy a grave
- how we record burials.





Looking after burial grounds

Different burial grounds are looked after in different ways, which can confuse families and burial ground operators.



Some burial grounds are not looked after well.

Families visiting a grave can be upset when the grounds have not been looked after.



We think:

- people in charge of burial grounds should look after the burial ground and keep it nice. They should do this in a way that is right for each burial ground
- people in charge of burial grounds should be fined if they do not look after the burial grounds.





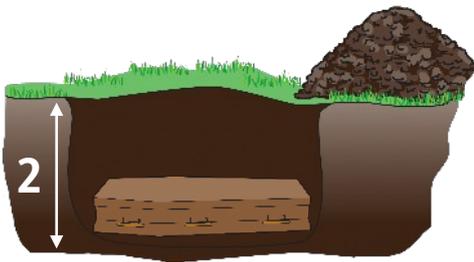
How bodies are buried

In a lot of kinds of burial ground, there is no law about how bodies are buried.



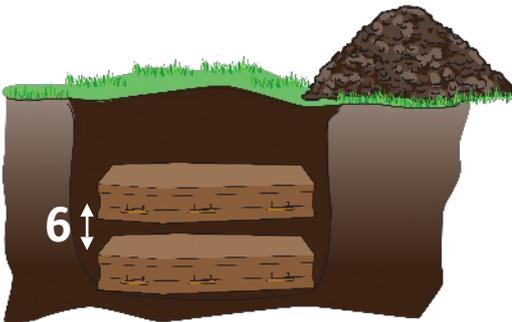
If a burial is not done right, animals might dig up the remains.

Families might feel sad if they go to a grave and find that remains have been dug up.



We want clear rules that will say:

- all bodies must be buried at least 2 feet under the ground



- if 2 people are buried in 1 grave there must be 6 inches of dirt between them

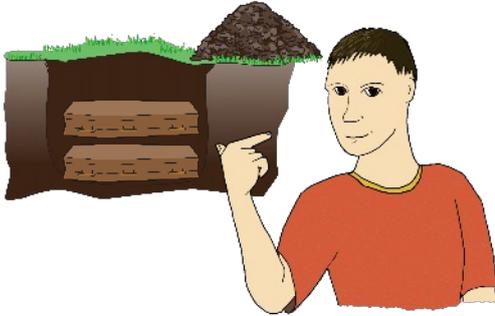


- people in charge of burial grounds should be fined if they do not follow these rules.

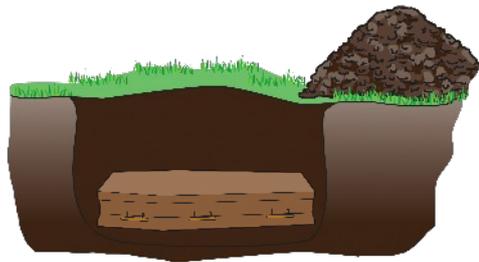
Burial and memorial rights

Burial rights

There are 2 types of burial rights:



- an exclusive burial right means means only you can use a grave plot. You can often use it for more than one burial.



- a non-exclusive burial right means the plot can be used for just one burial. Once that burial happens, the right to use it is gone.

Memorial rights

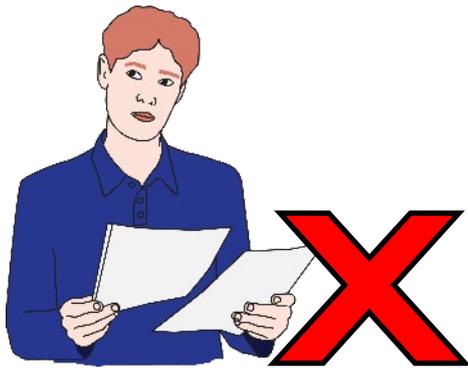
You can place a memorial on a grave.



An example of a memorial is something like a headstone that tells you who is buried in a grave.



The rules about burial and memorial rights are different for council cemeteries, church graveyards and private burial grounds.

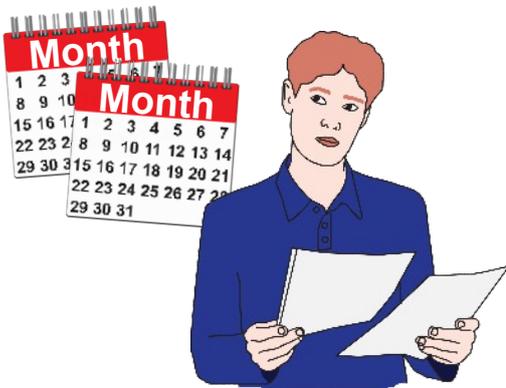


Some people do not get any papers about the rights they bought or which grave it is for.

Written record of rights

We think people should:

- get a written record
- get it within two months of buying the right.



If the people in charge of burial grounds do not give you this record they should be fined.

There is more about this in the full report.



Looking after burial grounds

Different burial grounds are looked after in different ways, which can confuse families and people in charge of burial grounds.



Some burial grounds are not looked after well.

Families visiting a grave can be upset when the grounds have not been looked after.



We think:

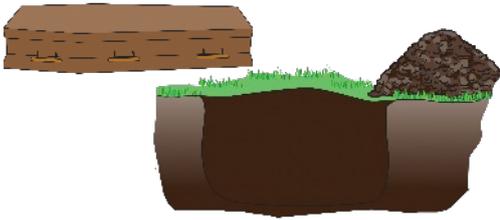
- people in charge of burial grounds should look after the burial ground and keep it nice. They should do this in a way that is right for each burial ground
- people in charge of burial grounds should be fined if they do not look after the burial grounds.





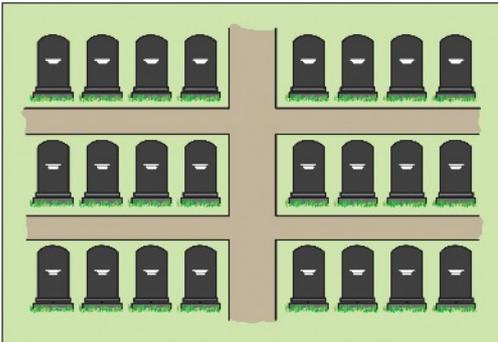
The records will be:

- a burial register



- a register of **disinterments**.

Disinterment means taking a body out of a grave.



- a map of the burial ground



- a list of burial and memorial rights that were granted.



Recording the burial of pregnancies before 24 weeks

A **fetus** is the thing that grows into a baby inside a woman's body.



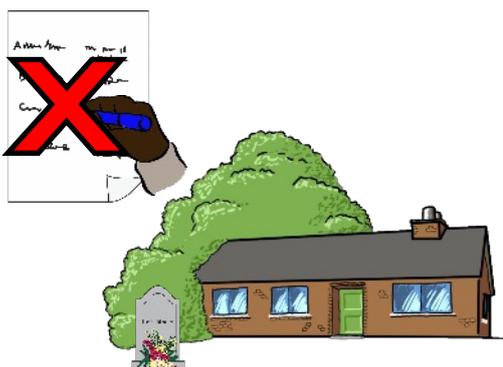
Sometimes a pregnancy ends before 24 weeks and the **fetus** is buried.



Parents may want to know where the grave is.



We think burial grounds should keep a record of where the grave is.

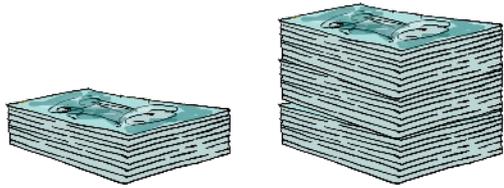


This does not apply if the burial happens in a place like a back garden, because parents will already know where the grave is.

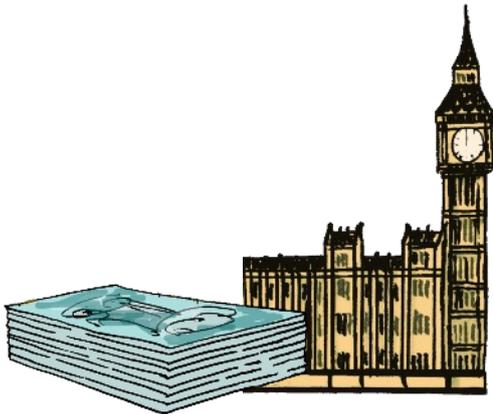


Fees to look at burial records

Some burial grounds charge fees to look at burial records.



There are differences in fees across council, church and private burial grounds.



We think the government should set the fees that private burial grounds charge.



If a private burial ground is sold

If burial grounds are sold, we think the old owners should have to pass the burial records to the new owners.

Burials on private land



Private land includes:

- farms
- gardens.



When a person is buried on private land:

- burial rules must be followed
- the burial must be registered
- future landowners must be told there is a body buried on the land.



Shortage of burial space



There is not enough burial space in England and Wales.

It is also becoming hard to find new land for burials.



When burial grounds become full, they can become run-down and people may start to cause trouble there.



We have 2 ideas:

1. Reclaiming and reusing old graves



2. Reopening closed burial grounds.

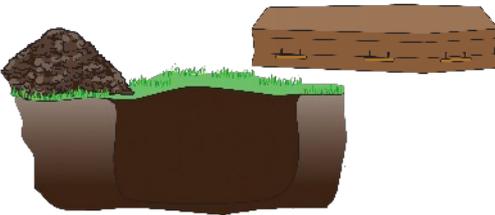
1. Reclaiming and reusing graves



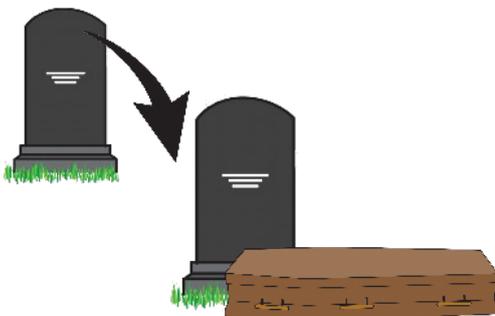
Reclaiming a grave means using the space above old burials for new burials.

The old **remains** stay in place.

Remains are what is left of a body after it has been in the ground for a long time.



Reusing a grave means taking old remains out of a grave and the space is used to bury more people.



The remains from the first burial may be buried deeper.

Or they may be moved to another place in the same burial ground.

The space is used again.

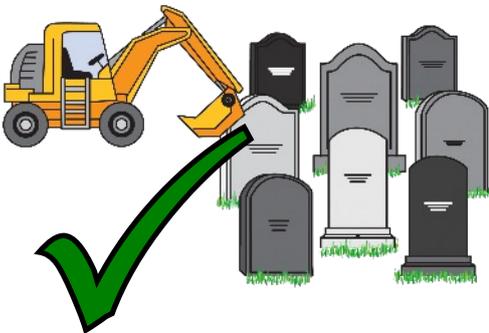


Reclaiming and reusing graves is allowed in:

- cemeteries run by local councils in London



- Church of England cemeteries.

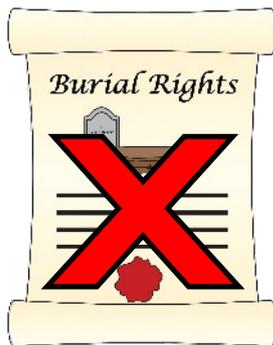


We think this should keep happening.

The current law on reclaiming or reusing a grave

Reclaiming a grave

If a grave has an exclusive burial right, the people in charge of burial ground must cancel that right first. There are steps to follow.



If there is no exclusive burial right, the people in charge of burial ground do not need to do anything else before they reclaim the grave.



The people in charge of burial grounds cannot take away the burial right until the body has been in the grave for 75 years or more.



Plans to end the burial right early must be:

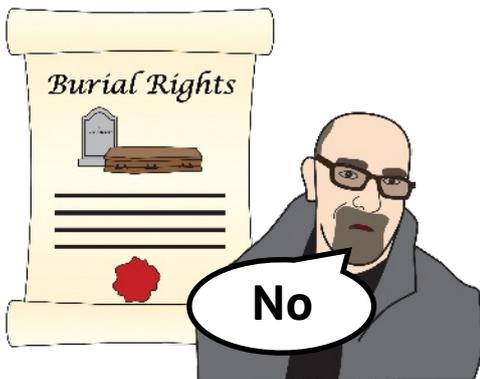
- put in a newspaper for 2 weeks



- advertised inside the cemetery



- sent to the owner of the burial right and its memorial.



If the person who has a burial right says no, the right cannot be taken away.



But if no one says anything after 6 months, the right can be cancelled.



If a memorial is not picked up it may be destroyed 3 months after being taken away.

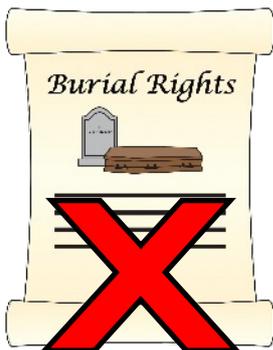


A record of the writing on the memorial must be given to the Registrar General.



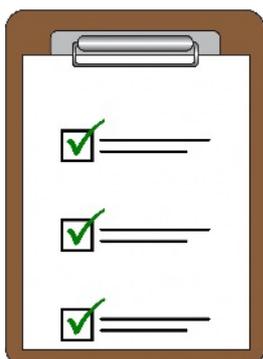
A memorial stone or tablet must be put in its place.

Reusing a grave



To reuse an old grave, the people in charge of burial ground must:

1. End any exclusive burial right
- and
2. Follow another process for reuse.



This means reusing a grave has one more step than reclaiming a grave.



The process is like the one used for cancelling an exclusive burial right.

To reuse the grave the body must have been in its grave for 75 years.



The plan to reuse the grave must be advertised in the same way.



If the family of the person who was buried says no then the grave cannot be reused for another 25 years.

New rules for reclaiming and reusing graves



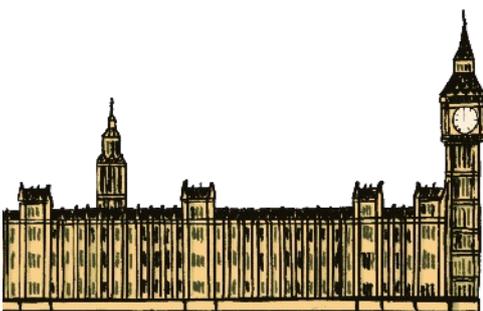
We think everyone should be able to reclaim and reuse old graves in all private and local authority burial grounds.



We know that reclaiming and reusing grave can be upsetting. This is why we think there should be two kinds of safeguards under the new rules.



Not every burial ground should get the power to reclaim or reuse graves straight away.



People in charge of burial grounds must:

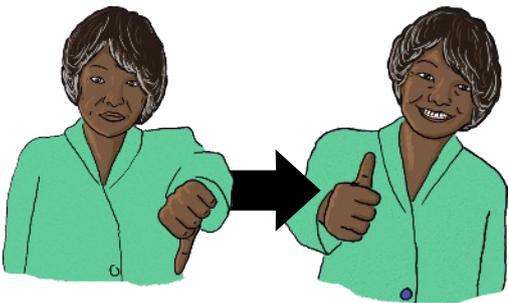
- apply to the government



- explain what they want to do with graves and memorials



- explain how they spoke to the public



- say how they will fix any problems that come up.

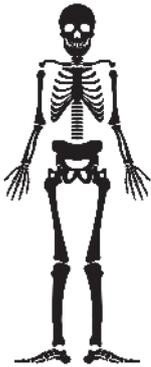


If the government allows it, there will be more rules before a grave can be reused.

More rules to protect individual graves when people want to reclaim and reuse them



You need to wait 100 years after the last burial before a grave can be reused or to cancel the burial right.



A grave can only be used again if any remains inside the grave are just bones.

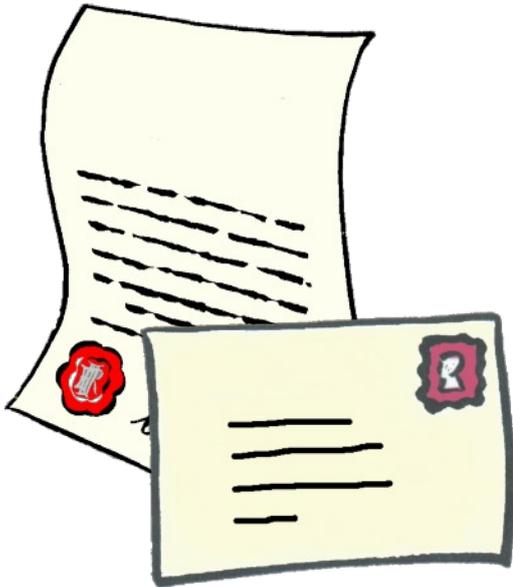


People in charge of burial grounds must put a notice:

- on their website
- in local newspapers
- by the grave and near the entrance to the cemetery.



People in charge of burial grounds will also have to send notices to:



- the last known address of the owner of the burial right or memorial right
- the Commonwealth War Graves Commission, who look after army graves
- Historic England or Cadw in Wales, if the burial ground is important to our history.



The person who has the burial right or a family member of the person buried can say they do not want the grave to be reused.



Then the grave must be left alone for another 25 years.

If nobody objects, the grave can be reused after one year.

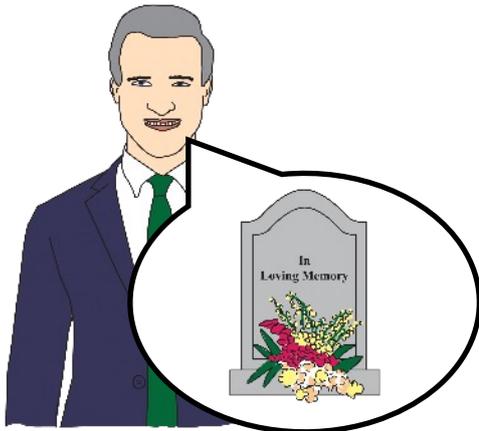


Memorials

If a memorial is taken away when a grave is reclaimed, the operator must take a photo and record the words on the memorial.



The photo and record of the words must be sent to the local council.

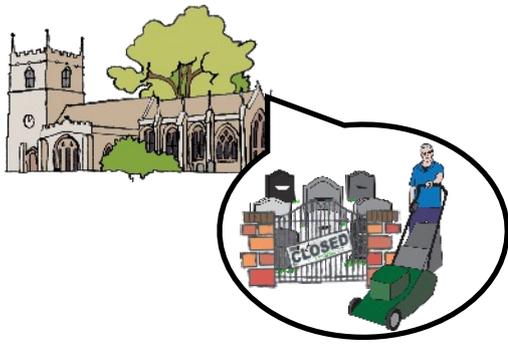


The people in charge of burial ground must tell the person buying the old grave that another person was buried there before.

2. Reopening closed burial grounds



Some burial grounds have been closed. They are closed by the King, after the government asks him to close them.



Churches can ask the local council to look after closed grounds.



Reopening the grounds will free up more space for new graves or for graves to be reused.



We think the King should be able to reopen the closed burial grounds if the owner of the grounds agrees.



The local council would keep looking after the grounds after they have opened again. The church could share the burial fee with the council to help cover the costs.

Protecting graves



Military graves

A military grave contains the remains of a person who died while they were serving in the army, navy or air force.



There are rules to protect military graves from the World Wars in council cemeteries and churchyards.

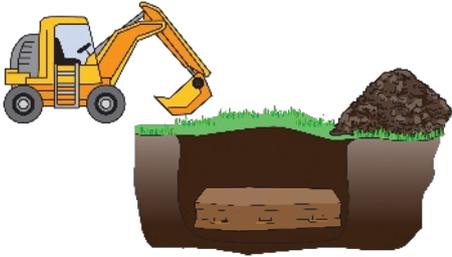


Military graves from the the World Wars in private burial grounds are not protected.

Other graves of people who died while they were in the military are also not protected.



We think there should be better protection for all military graves in every burial ground.



Exhuming a body

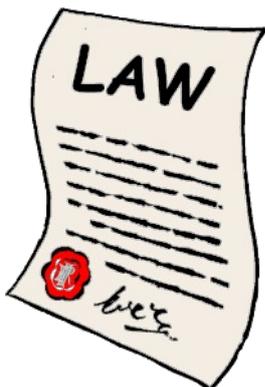
Exhuming means digging up a body.



The law says you cannot dig up a person's remains unless you have permission from the government or a court.

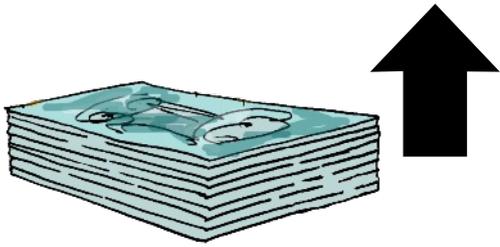


If a body is removed without permission, it can be upsetting for the family and friends of the person who died.

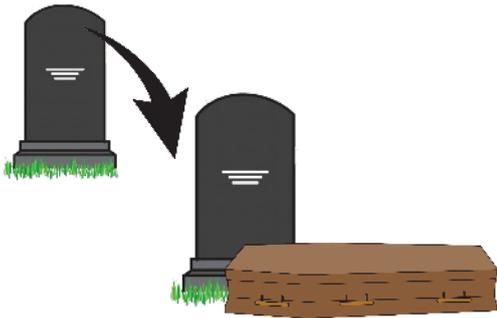


We think:

- the law should be clearer

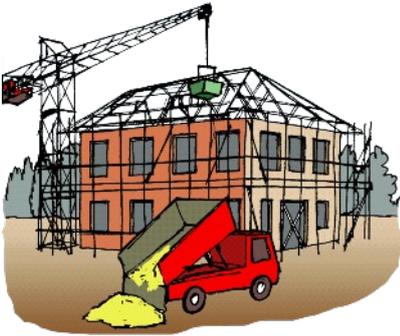


- the £200 fine for exhuming a body without permission should be higher

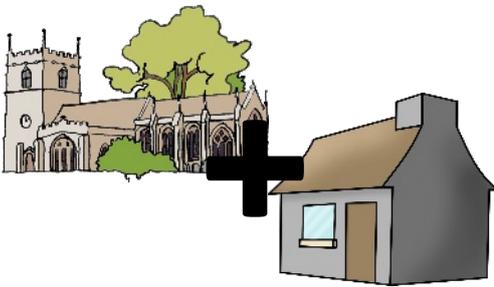


- exhuming should also cover moving a coffin between grave spaces.

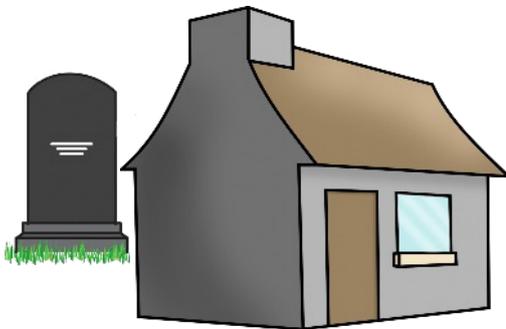
Building on burial grounds that are no longer used



Sometimes old burial grounds are used for buildings.



Churches and religious burial grounds can add extra buildings to their site.

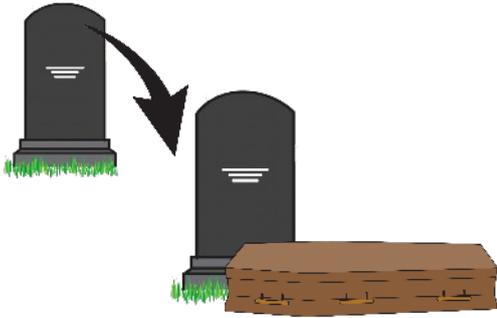


Adding buildings may mean a grave is disturbed or cannot be accessed.



Family of a person buried in that area in the last 50 years can:

- speak out and stop the development



- move the remains



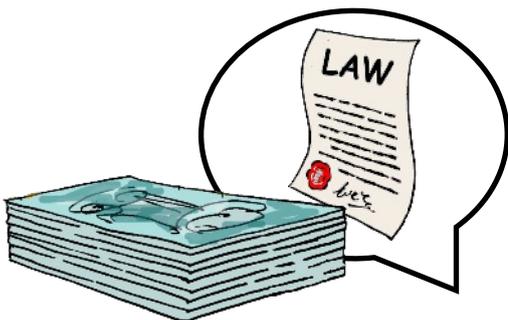
- allow the landowner to move the remains.



These laws are only for religious burial grounds.



These laws do not cover council and other private burial grounds.



They must ask for a special law to build on the land which costs a lot of money.



This is confusing and unfair.

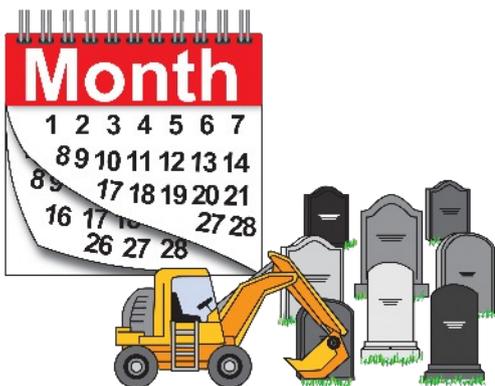


We think the law about allowing building on disused burial grounds should also apply to council and private burial grounds.

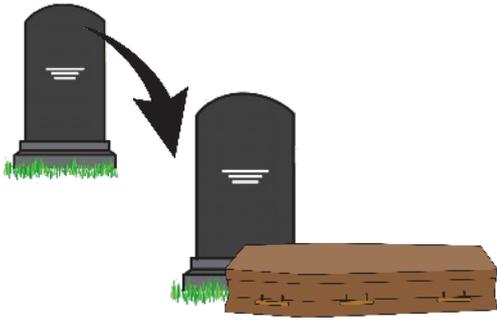


We also think that the law should change in these ways:

- the family of a buried person should have more time to say if they do not agree



- they should be able to say they do not agree for up to 100 years after the person is buried



- if remains are taken out of a grave, they should be buried again, not cremated. That is because the person had chosen to be buried in the first place.



- send a photograph of each memorial to the local authority.

The law about cremation



Cremation is when someone's body is turned into ashes after they die.

People are cremated in a crematorium.



We looked at the rules from 1902 about where a crematorium can be built.

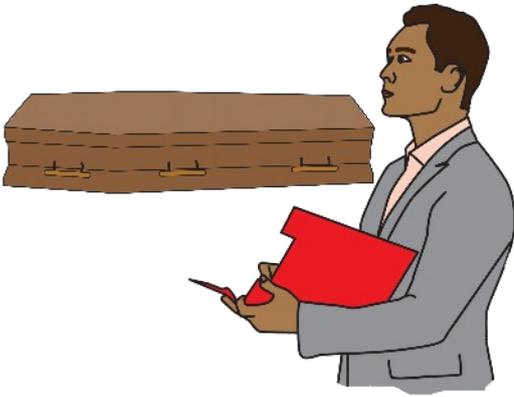
We think the rules still work.



Keeping cremation safe

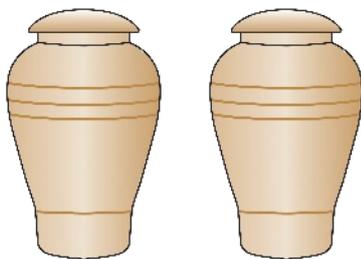
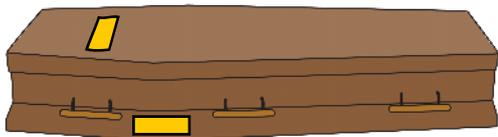
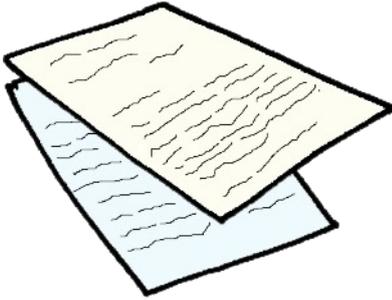
1. Cremating the wrong body

This does not happen often but it is very upsetting for a person's family.



We think the crematorium can be sure it is cremating the right body by:

- checking the name on the coffin
- looking for 2 pieces of identification that show the person's name and the date of their birth and death
- putting a plate showing the person's name on both the base and the lid of the coffin.

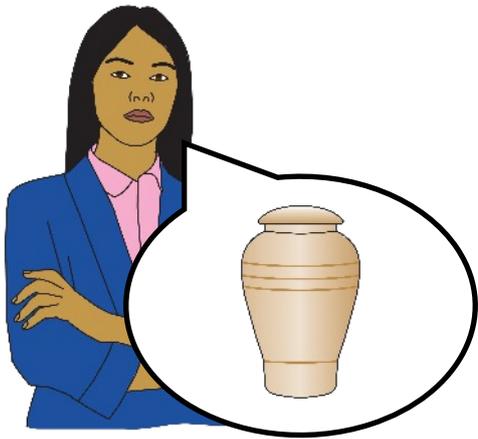


2. Rules on joint cremations

Joint cremation means cremating 2 bodies together.



It is not against the law. But there are no rules that say when it is allowed to happen.



An **applicant** for cremation is the person who asks the crematorium to cremate a body.



We think both of the applicants should have to agree to a joint cremation for it to be allowed.

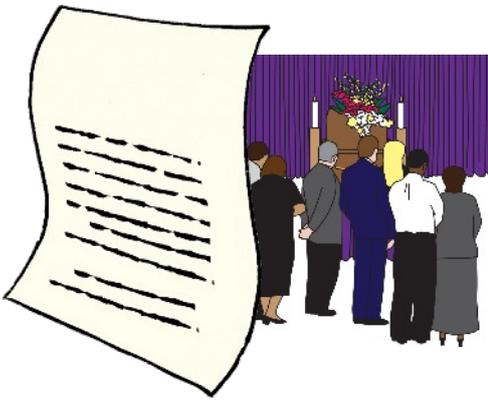


3. Check where direct cremation takes place

Direct cremation means no service at the crematorium.



Sometimes, when there is a direct cremation, the applicant does not know where the cremation will take place.



We think families should be written to afterwards so they are told where the cremation happened.



4. Stopping the cremation of a body that has no name

Sometimes we do not know who the person is who died. They are **unidentified**.



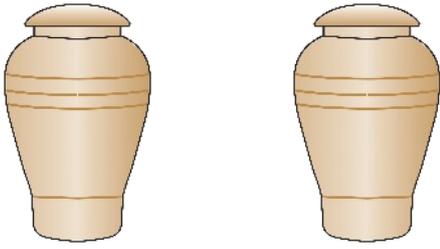
We think an unidentified body should not be cremated because:

- you cannot find out who the person was after cremation

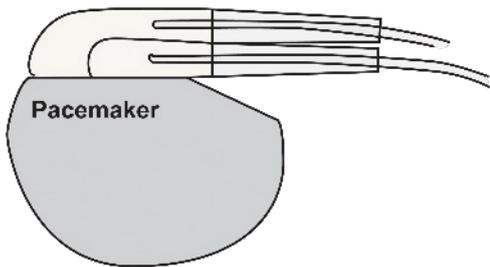


- cremation may be against their religious beliefs.

The full report has more information about:



- keeping the ashes from each cremation separate from others



- what to do with **pacemakers** that have been taken out of a body before cremation.

A **pacemaker** is a small machine that helps a person's heart beat regularly.

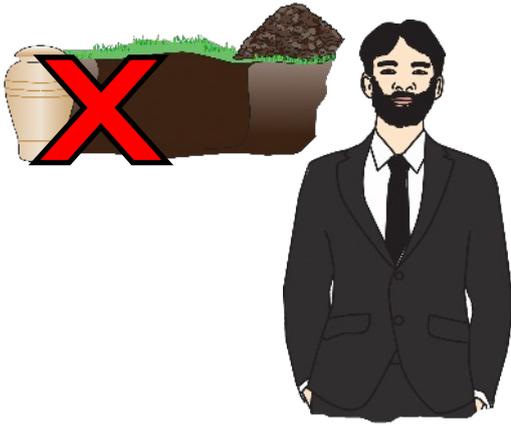


Ashes that have not been collected

After a person has been cremated their ashes are picked up by the funeral director.

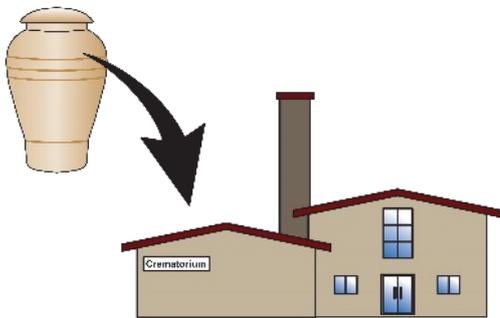


Sometimes the ashes are not collected.



At the moment funeral directors cannot bury or scatter the ashes that have not been collected.

When you scatter ashes you put them in a special place.



We think funeral directors should be able to return the ashes to the crematorium if they have not been picked up after 6 months.



The full report also talks about:

- what funeral directors can do if a crematorium has closed
- how a crematorium can deal with ashes in a way that suits the religious beliefs of the person who was cremated.



What the words mean

Burial means putting a body in the ground.

Burial rights are when you pay for a right to bury somebody in a grave

Consultation means we ask people questions and listen to what their ideas.

Cremation is when someone's body is turned into ashes after they die. People are cremated in a crematorium.

Direct cremation is when a person is cremated without a service.

Disinterment means taking a body out of a grave.

Exhuming means digging up a person's remains.

Joint cremation is where 2 bodies are cremated together.

Memorial rights let you place something on a grave. An example of a memorial is a headstone that tells the visitor who is buried in a grave.

Military graves hold the remains of a person who died when they were serving in the army, navy or air force.

Reclaiming a grave is when the space above old burials is used for new burials.

Remains are what is left of a body after it has been in the ground for a burial.

Reusing old graves is when old remains are taken out of a grave, and the space is used to bury more people.

Safeguards are ways to protect something or someone.

Unidentified. Sometimes we do not know who the person is who died.



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