



Law
Commission

Reforming the law

New Funerary Methods

Summary of Report

New Funerary Methods: Summary of the Report

ABOUT THE LAW COMMISSION

- 1.1 The Law Commission of England and Wales is an independent body that was created by the Law Commissions Act 1965, with a duty to keep the law under review and make recommendations to Government to reform the law where needed. It is the official law reform body for England and Wales.
- 1.2 We are committed to providing accessible publications. If you require this summary to be made available in a different format, please email: bcnfm@lawcommission.gov.uk.

NEW FUNERARY METHODS

- 1.3 A new funerary method is an alternative to the established funerary methods of burial, cremation and burial at sea. There is currently no specific regulation of new funerary methods in England or Wales. Some new funerary methods are used in other parts of the world.

THE PURPOSE OF OUR REPORT ON NEW FUNERARY METHODS

- 1.4 We have published a Report, which concludes the Law Commission's project on New Funerary Methods in England and Wales. The Report contains our final recommendations for reform. It is available at <https://lawcom.gov.uk/project/new-funerary-methods/>.
- 1.5 Burial, cremation and new funerary methods are matters on which Senedd Cymru (the Welsh devolved legislature, known as the Senedd) has the power to make new laws. In the Report, we make recommendations to the UK Government in relation to England and the Welsh Government in relation to Wales.
- 1.6 We recommend a new legislative framework for the regulation of new funerary methods in England and Wales. It will be for the UK Government and the Welsh Government to decide how to take our recommendations forward.
- 1.7 Alongside our Report we have published two draft Bills, one for England and one for Wales. If these are passed by the UK Parliament and the Senedd respectively, they will give effect to our recommendations for reform.
- 1.8 We do not consider whether specific new funerary methods should be regulated under the framework. That will be a question for the UK Government and the Welsh Government respectively.

THIS SUMMARY

- 1.9 This summary of the Report aims to explain what the project is about and highlight our key recommendations for reform. It does not summarise all our recommended reforms to the law.

- 1.10 Detailed discussion and all our recommendations for reform can be found in the full Report. If you want to know more about the law, or how and why we think it needs to change, we encourage you to look at the relevant section of the Report.

TIMELINE OF THE PROJECT ON NEW FUNERARY METHODS

- 1.11 We began our project on New Funerary Methods in early 2024. We published a Consultation Paper on 4 June 2025. Our consultation period ran until 4 September 2025. We received 124 responses to the consultation.
- 1.12 We published our Report on 4 June 2026.

THE WIDER PROJECT: BURIAL, CREMATION AND NEW FUNERARY METHODS

- 1.13 The New Funerary Methods project is part of a wider project called **Burial, Cremation and New Funerary Methods**. That project exists because stakeholders told us, in response to an open public consultation as part of our 13th Programme of Law Reform in 2017, that the law which governs how we deal with the bodies of deceased people is out of date and not fit for purpose.
- 1.14 Because the issues involved are so broad, we split the project into three parts. In addition to this part, on **New Funerary Methods**, there are two further components:
- (1) **Burial and Cremation**, which considers the law of burial and cremation in England and Wales, much of which is piecemeal, complex and outdated. We published our Report on Burial and Cremation in March 2026; and
 - (2) **Rights and Obligations Relating to Funerals, Funerary Methods, and Remains**, which looks at whether decisions you make about your body after death should be binding, and how disputes over funerary methods and remains should be resolved. This part started in March 2026.
- 1.15 Some issues which relate to this area of law are outside the scope of the project. These include, among others, death registration (other than where directly relevant to new funerary methods), the regulation of funeral directors, and planning and environmental law.

STRUCTURE OF THE REPORT

- 1.16 Our Report on New Funerary Methods starts with a **Glossary** of terms. **Chapter 1** is an introductory chapter.
- 1.17 **Chapter 2** gives an overview of the recommended regulatory framework for new funerary methods. In **Chapter 3** we discuss the following principles, which will underpin the power to make regulations: treating human remains with dignity; protecting the environment; and protecting public health and public safety. **Chapter 4** contains more details and recommendations about the scope of the regulatory power and how it will work.
- 1.18 In **Chapter 5**, we discuss the status of new funerary methods that are not regulated under the framework. **Chapter 6** contains recommendations about criminal offences.

Chapter 7 sets out necessary amendments to existing legislation. All our recommendations are listed in **Chapter 8**.

WHY REFORM IS NEEDED

- 1.19 Burial and cremation are long-established funerary methods. Burial at sea also has a long history although it is not now commonly used in this England or Wales.
- 1.20 New funerary methods are alternative ways of dealing with the bodies of deceased people, beyond these established funerary methods. At the time of writing, there are no new funerary methods in use in England and Wales. In Scotland, regulations have been made recently that enable the use of alkaline hydrolysis (a process which uses water, alkaline chemicals, heat and pressure to break down the body of a deceased person).
- 1.21 There is no specific regulation of new funerary methods in England and Wales. The use of new funerary methods is not explicitly prohibited in law, although legislation about death registration may have the effect of prohibiting it, as we discuss in **Chapter 7** of the Report.
- 1.22 Stakeholders told us that they want a system of regulation so that they can operate securely and conscientiously, unlock investment, and offer a greater choice of funerary methods to members of the public. Regulation will help to ensure new funerary methods are carried out safely and appropriately and that those who choose to use new funerary methods feel confident about doing so.

DEVOLUTION TO WALES

- 1.23 Neither burial and cremation, nor matters which could be taken to refer to new funerary methods, are reserved to the UK Parliament. This means that the Senedd has competence to legislate in relation to these areas of law in Wales.
- 1.24 As mentioned above, alongside our Report we have published two draft Bills, one for England (which could be passed by the UK Parliament, in relation to England) and one for Wales (which could be passed by the Senedd, in relation to Wales). The recommendations in our Report are addressed to both the UK Government and the Welsh Government respectively.

WHAT IS A NEW FUNERARY METHOD?

Defining and regulating new funerary methods separately from established funerary methods

- 1.25 Two new funerary methods are available in other jurisdictions. Alkaline hydrolysis uses water, alkaline chemicals, heat and pressure to break down the tissue of a deceased person into liquid, leaving bones and teeth. In human composting, the body of a deceased person is placed in a sealed chamber, or vessel, with organic matter that enables quicker decomposition than in burial.
- 1.26 Different jurisdictions have taken distinct approaches to regulating new funerary methods. In some, the definition of cremation has been widened to include new funerary methods.

- 1.27 In **Chapter 2** of the Report, we conclude that widening the definition of cremation to encompass new funerary methods would not be appropriate in England or Wales. There are already well understood definitions of burial and cremation which do not include new funerary methods. Forcing new methods into these definitions and regulatory schemes would make the law more difficult to understand and may lead to less trust and confidence in the funeral industry as a whole. If new funerary methods were to be included in the definition of existing methods, this may lead to confusion and a risk that people's wishes would not be met.
- 1.28 We recommend that new funerary methods should be defined and regulated separately from established funerary methods.

Definition of a new (“modern”) funerary method

- 1.29 In our Consultation Paper, we considered what a new funerary method is. We made a provisional proposal about the elements that determine whether something should fall within the definition of a new funerary method.
- 1.30 We said that a new funerary method is a process that must be distinct from the established – and already regulated – funerary methods of burial, cremation and burial at sea.
- 1.31 We wanted to ensure that processes of preservation for bodies (such as cryogenic freezing) or research on bodies should not be new funerary methods. We provisionally proposed that a new funerary method breaks down the body of a deceased person and that it has the purpose of disposing of the body of a deceased person.
- 1.32 In **Chapter 2** of the Report, we consider this further. We conclude that the provisional proposal that we put forward in the Consultation Paper encapsulates the core elements of a new funerary method that should be reflected in the legal definition adopted under the new legal framework.
- 1.33 We recommend that the legal definition of new funerary method should encompass:
- (1) a process;
 - (2) other than burial, cremation or burial at sea;
 - (3) that breaks down the body of a deceased person; and
 - (4) which has the purpose of disposing of the body of a deceased person (and not, for example, the purpose of preserving or researching bodies).
- 1.34 This recommendation is implemented in the definitions of “funerary method” and “modern funerary method” in the draft Bills. For further explanation about the definitions, see **Chapter 2** of the Report.
- 1.35 We have used the word “modern” in the draft Bills, rather than “new”, because funerary methods which are new at the time of writing will not always be new; once a method has been in use for some time it may seem strange to refer to it as a “new” method. It will however remain “modern” by comparison with burial and cremation, which have long been the subject of legislation. Unless we are referring to the specific

use of the term “modern funerary method” in the draft Bills, we continue to use the term new funerary method in the Report, and this summary. This is the term that we have used throughout this review, and stakeholders are familiar with it.

OVERVIEW OF A REGULATORY FRAMEWORK

A power to make regulations

- 1.36 Acts of Parliament and Acts of Senedd Cymru (both of which constitute primary legislation) may give powers to Ministers, or sometimes others, to make secondary legislation. Statutory instruments (including Welsh statutory instruments) are the most common form of secondary legislation and regulations are a type of statutory instrument.
- 1.37 With a power to make secondary legislation to regulate individual new funerary methods, the UK Government and the Welsh Government respectively will be able to respond as new methods emerge, without needing to pass primary legislation each time a new method is to be regulated. However, the regulatory regime for each method will be set out in secondary legislation, ensuring that it is clear. The mode of regulation of new funerary methods will therefore be similar to that of cremation, with some provisions set out in primary legislation but most of the details in secondary legislation.
- 1.38 It is appropriate that the power to make regulations for England should lie with the Secretary of State, and the power to make regulations for Wales with the Welsh Ministers. This is in line with the way that regulation-making powers for the UK Government and the Welsh Government are usually expressed.
- 1.39 [We recommend that there should be a power for the Secretary of State \(in relation to England\) and the Welsh Ministers \(in relation to Wales\) to make regulations about individual new funerary methods.](#)

Licensing

- 1.40 Many states or provinces in the US and Canada have systems of licensing for cremation and often other funeral-related services. When new funerary methods are regulated, they are brought within these licensing systems. Under such systems, licences, or permits, are issued to individual providers of new funerary methods.
- 1.41 There is currently no system of licensing for burial, cremation or related services in England or Wales.
- 1.42 In the Consultation Paper, we asked whether licensing should be part of the detailed regulation of individual new funerary methods in England and Wales.
- 1.43 It is important to ensure that detailed regulation of new funerary methods will, as far as possible, minimise the risks that could arise from the operation of new funerary methods. Oversight is needed, as there is a potential risk that operators might carry out new funerary methods in a way that is unsafe or otherwise unacceptable. Licensing could provide safeguards against this. It could also provide a flexible way to regulate different variations within a particular new funerary method. However, there

are several arguments against licensing, including that disparity would be created between the regulation of new and established methods.

- 1.44 The most common reason given by consultees who supported licensing was that it would increase public trust and confidence that new funerary methods were being carried out properly. In our Report, we conclude that it would be possible to make provision for a similar level of oversight, to ensure sufficient safeguards and public confidence, without the potential problems that could arise from having a licensing system solely for new funerary methods.
- 1.45 We therefore do not make any recommendations about a licensing system in the Report. Further details about the reasons for this can be found in **Chapter 2** of the Report.

Principles

- 1.46 In our Consultation Paper, we set out three principles which underpin the regulation of burial and cremation: protection of the environment, protection of public health and public safety, and preservation of human dignity. We asked whether the UK Government and the Welsh Government should be required to have regard to these principles when making any regulations about individual new funerary methods. We also invited views on any further principles which should be taken into account.
- 1.47 In **Chapter 3** of the Report, we consider responses to these questions and explore the principles further. A substantial majority of consultees said that primary legislation should require the respective Governments to have regard to the three principles when making secondary legislation about new funerary methods.
- 1.48 Some consultees did not think the principle of preservation of human dignity should be included, noting that it may mean different things in different contexts and cultures, and that the meaning could change over time. Some consultees suggested that the meaning of human dignity should be clarified in the draft legislation.
- 1.49 In the Report, we acknowledge that human dignity is open to different interpretations, in different contexts. The legislation will not compel people to use any particular funerary method; they will have a choice. When regulating a specific method, the UK Government or Welsh Government respectively would therefore not need to ensure that it meets all possible conceptions of human dignity. However, we conclude that there would be a benefit in being clearer about the meaning of the principle. We explain that the core element of human dignity in the specific context of the regulation of funerary methods is that human remains should be treated with dignity. Focusing on this core element will provide more clarity than referring more generally to the preservation of human dignity.
- 1.50 We recommend that the Secretary of State and the Welsh Ministers must have regard to the importance of the following when making regulations about individual new funerary methods: (1) protecting the environment; (2) protecting public health and public safety; and (3) treating human remains with dignity.
- 1.51 In response to our question about other principles that should be taken into account, consultees suggested matters included security, accountability, respect for religious or

cultural practices, and minimising stress for bereaved people. We anticipate that many of the additional matters that were suggested will be relevant when regulations are made. Some of them fall within the three principles that will be set out in the legislation. Beyond this, the respective Governments will need to take all relevant factors into account. We conclude that it is not necessary or appropriate to make explicit reference to the other suggestions in the draft legislation.

THE REGULATORY POWER

Scope of the power to make regulations

- 1.52 In **Chapter 4** of the Report, we consider matters that may need to be part of the regulation of individual new funerary methods, so that we can ensure that the power to make regulations will be broad enough. These matters include: opening and closing facilities; operation and maintenance of facilities; application procedures of behalf of a deceased person; circumstances in which a specific new funerary method may not be used; remains; and unidentified bodies.
- 1.53 We discuss some specific elements of the power further below.

Registration

- 1.54 All burials and cremations must be registered. This is distinct from registration of a death, although the two systems of registration interact. The requirements to register a burial are set out in various pieces of legislation and differ depending on where it takes place, whether in a local authority cemetery, Church of England burial ground, private cemetery, or other burial ground. The requirements to register a cremation are set out in the Cremation (England and Wales) Regulations 2008.
- 1.55 A comprehensive system of registration of burials and cremations is very important. It ensures a record is kept which may be of value in relation to the investigation of crime. It may also be of practical and emotional significance to those tracing their family history. There is a strong rationale for ensuring that each use of a new funerary method must be registered in broadly the same way as a burial or cremation is currently.
- 1.56 In **Chapter 4** of the Report, [we recommend that primary legislation should require the Secretary of State and the Welsh Ministers, when making regulations about new funerary methods, to include provision requiring the registration of the use of a new funerary method](#). The duty to register a cremation is set out in secondary legislation, and we consider that it is appropriate that new funerary methods should be regulated in the same way.
- 1.57 [We also recommend that the Secretary of State and the Welsh Ministers must set out details about who will carry out the registration, and how, when and where they must do this, in secondary legislation](#). This will enable appropriate registration requirements for new funerary methods as and when they are regulated, ensuring this can be tailored to each method.

Monitoring and enforcement of compliance

Effective oversight

- 1.58 An effective system of oversight of new funerary methods will need to ensure that compliance with the regulations can be monitored and that action can be taken if things go wrong.
- 1.59 When the Secretary of State or the Welsh Ministers regulate a modern funerary method, they will be obliged to also make such provision for monitoring and enforcement of compliance as they consider appropriate. The regulations may include powers to require a person to attend a place to answer questions, powers of entry, search, seizure or retention and powers to dismantle facilities or take samples of substances.

Inspections

- 1.60 Inspections will be key to an effective system of oversight for new funerary methods, including the ability to monitor compliance. [We recommend that, when regulations are made about individual new funerary methods, these must include provision about the inspection of facilities, including the appointment of an inspector.](#)

Criminal offences

- 1.61 It is currently a criminal offence to contravene cremation law. It would be possible to set out a similar criminal offence for new funerary methods in our draft Bills. However, to do so would mean that this offence would be created before it was known which new funerary methods the offence related to or the content of the regulations governing the use of those methods. There may be no way of distinguishing in advance between breaches for which a criminal penalty would be appropriate, and those for which it would not.
- 1.62 Alternatively, if the respective Governments had the power to create offences in secondary legislation, they would be able to make informed decisions about the appropriate scope of each offence and the associated maximum penalty in each case, depending upon the method and the nature of the new offences.
- 1.63 Such powers can be controversial but may be justified where they are limited to specific purposes, such as breach of regulations. There is an established parliamentary practice of permitting the creation of criminal offences in secondary legislation, to accompany and give effect to powers to regulate the carrying out of potentially dangerous activities, in order to promote the public interest or protect public safety. We consider that the power in this case would be consistent with this practice.
- 1.64 [We recommend that the Secretary of State and the Welsh Ministers should have the power to create new offences in secondary legislation of breaching regulations about individual new funerary methods.](#)
- 1.65 To help to alleviate concerns about the respective Governments being given an unfettered power to create new offences, [we recommend that a maximum penalty \(of a fine at level 3 on the standard scale, currently £1,000\) for the commission of such offences should be set out in primary legislation.](#)

- 1.66 We also recommend that there should be a corresponding power to make regulations conferring a power to impose civil (financial) penalties, as an alternative to a criminal offence. This will further ensure that the powers can be used flexibly so that appropriate penalties are imposed.

Parliamentary procedures for regulations

- 1.67 Regulations made about new funerary methods will be set out in a statutory instrument (SI). Primary legislation containing a power to make an SI should set out the level of parliamentary control to which it should be subject.
- 1.68 In **Chapter 4** of the Report, we consider which procedure would be most appropriate for different regulations made under the powers in the draft Bills.
- 1.69 We recommend that enhanced procedures, with a high level of parliamentary scrutiny, should apply the first time that regulations are made about an individual new funerary method. The Secretary of State and the Welsh Ministers will need to make difficult, and potentially controversial, decisions about whether a particular new funerary method should be regulated, and decide how it should be defined. It seems appropriate that the highest form of scrutiny should apply when a method is regulated for the first time. The enhanced procedures will enable committees in Parliament, or the Senedd, to consider draft regulations and recommend amendments, which must be considered by the relevant Government.
- 1.70 We recommend that regulations made on certain significant matters (after the initial regulation of a specific method) should require the use of the draft affirmative/ Senedd approval procedure. Under these procedures, the SI must be laid before Parliament in draft form and can only become law once it has been approved. In particular, we recommend that these procedures must be used for provisions that create criminal offences, make provision about trials, and amend primary legislation. We also recommend that these procedures are used for regulations conferring powers of entry, and associated powers, where such powers do not already exist (for example, in relation to another method).
- 1.71 We recommend that where the Secretary of State or the Welsh Ministers make a declaration that it is urgently necessary in the interests of public health or public safety, any regulations that would ordinarily be subject to the affirmative or Senedd approval procedure (including enhanced procedures) may instead be made using the made affirmative or Senedd confirmation procedure. Under these procedures, the regulations will be “made” (signed into law with a fixed date for coming into force) before being presented to Parliament or the Senedd. However, they can only become law, or remain law, following Parliamentary approval.
- 1.72 We recommend that some regulations should be subject to the negative procedure, which entails a lower level of parliamentary scrutiny. These regulations are first “made” (signed into law with a specified date for coming into force) and then presented to (laid before) Parliament. They will then remain, or become, law if 40 days pass without a resolution of Parliament to annul the SI. This will strike the right balance between ensuring parliamentary approval and enabling the regulations to be amended swiftly where needed, without taking up parliamentary time.

- 1.73 Further details about our recommendation on parliamentary procedures can be found in **Chapter 4** of the draft Report.

THE STATUS OF NON-REGULATED NEW FUNERARY METHODS

Prohibition on the use of non-regulated new funerary methods

- 1.74 There is currently no explicit prohibition on the use of new funerary methods. Although current legislation on death registration may criminalise the use of new funerary methods, this is unclear and there is no case law on it.
- 1.75 A legislative framework through which new funerary methods may be regulated will give certainty for providers about how they can and should operate and help the public to have confidence that new funerary methods are regulated appropriately. In **Chapter 5** of the Report, we consider the status of new funerary methods that are not regulated under the new framework.
- 1.76 If there was no prohibition on the use of non-regulated funerary methods, it would be possible for some methods to be highly regulated whilst any that have not been regulated could be used with almost no restrictions. This could create unfairness and a lack of protection for people using unregulated methods.
- 1.77 A few consultees were concerned that such a prohibition could stifle innovation by preventing trials of new funerary methods. We discuss trials further at paragraphs 1.83 to 1.86 below.
- 1.78 We recommend that the use of new funerary methods that are not regulated (or carried out as part of an approved trial) should be prohibited. This will be an important protection against potentially irresponsible or dangerous operation of non-regulated new funerary methods. It will bring clarity to the law and help to enable public confidence in the regulation of new funerary methods.

Criminal offence of using a non-regulated new funerary method

- 1.79 In **Chapter 6**, we consider the appropriate sanction for breach of the prohibition on the use of non-regulated new funerary methods. We conclude that breach of the prohibition should be a criminal offence.
- 1.80 In our Consultation Paper, we invited views on whether the maximum penalty for this criminal offence should be a period of imprisonment. In our Report, we consider further the penalties for certain existing offences that may constitute a failure to treat human remains with dignity and have the potential to cause significant distress to the public. These are unlawfully exhuming a body, or using the body of a deceased person for purposes such as research or public display without consent, both of which may give rise to imprisonment for up to three years.
- 1.81 We conclude that the potential harm that could arise from the new offence of using a non-regulated new funerary method could, in extreme cases, be similar. A person who is guilty of the new offence may have carried out a method of disposal which could cause environmental damage, danger to public health and widespread distress. It could also lead to undignified treatment of human remains.

- 1.82 We recommend that it should be a criminal offence to carry out a new funerary method which is not regulated or carried out as part of an authorised trial, and that imprisonment (for a period of up to three years) should be a possible penalty for this offence, as well as a fine.

Trials of new funerary methods

- 1.83 As set out above, we recommend that the use of new funerary methods that are not regulated under the framework should be prohibited, and that breach of this prohibition should be a criminal offence. However, new methods that are in development may need to be trialled before they are ready to be fully regulated as a new funerary method.
- 1.84 Trials may help to highlight key issues and therefore determine the content of future detailed regulation about the method. Trials could also aid public confidence. People may be more open to using a new funerary method that has been through a trial that has shown that the method is safe and effective. Without specific provision to enable trials to take place, innovation could be stifled.
- 1.85 A trial of a new funerary method would be unusual. We consider that it would be appropriate for consent to be obtained prior to the use of a body in a trial of a new funerary method, prior to death, from the person whose body is to be used. The position would be similar to that for anatomical examination, public display, transplantation, and research that may be authorised by the Human Tissue Authority, where consent is also required.
- 1.86 We recommend that the Secretary of State and the Welsh Ministers should have the power to make regulations setting out how trials of new funerary methods may be approved and carried out. These regulations must require that a person's body may only be used in a trial of a new funerary method if that person has consented to this prior to their death.

AMENDMENTS TO EXISTING LEGISLATION

- 1.87 In **Chapter 7** of the Report, we explain how existing legislation will need to be amended to ensure the system of regulation will be coherent and interact appropriately with current law and the systems of regulation of established funerary methods.
- 1.88 We make recommendations about amendments to primary legislation where these will be relevant to all new funerary methods. This includes amendments to legislation on death registration and public health. Our intention in recommending these amendments is that regulated new funerary methods should be treated in the same way as burial and cremation, where possible.
- 1.89 We also recommend that there should be a power for the Secretary of State and the Welsh Ministers to make further amendments to legislation about burial and cremation in regulations. This will enable amendments to be made that cannot be envisaged now, where the legislation may be relevant to some (but not necessarily all) new funerary methods.

CONCLUSION

- 1.90 The recommendations in our Report, together with the draft Bills, provide a comprehensive legislative framework through which individual new funerary methods could be regulated effectively in future.
- 1.91 It is now for the UK Government and the Welsh Government to consider and respond to the Law Commission's recommendations.

