

# Burials in private land

## Introduction

In recent years there has been some interest in people carrying out funerals privately including burials in the rear gardens of private houses. The following is a brief explanation of the procedure and then some comments on items to be considered before taking any action in this respect.

## Planning permission

People who hold the freehold to a property have the right to carry out a burial in that land. It is generally considered that formal planning permission is not required for a single grave in these circumstances. However, as legislation and policies are subject to change it would be prudent to contact the local planning office to confirm the position prior to making any arrangements.

Subsequent to any burial taking place the details of that burial must be recorded on the deeds to the property. These details must include the full name of the person interred, the date of the interment and the exact location of the grave.

## Environmental Health

The Environmental Health Department do not need to be involved with any burial taking place. However, should any problems or complications arise from the burial in the future the Environmental Health Department can be brought in by neighbours or subsequent owners of the property and this could result in the remains being exhumed and re-interred or cremated elsewhere.

Therefore, it would be advisable to have a professional survey of the proposed burial site to determine if there could be any interference with watercourses natural or otherwise as this is the most likely area where problems could arise. It would be advisable to contact the Environmental Agency Thames Region (Northeast Area) at Grade House, London Road, Rickmansworth, Herts. WD3 1RS. Tel: 01923 635566 and the local water company for the area to assist in this.

It is recommended however, that the Environmental Health Department of the Local Authority be advised of any burial so that an accurate record can be kept should the land be developed in the future.

## Local Burial Authority

The local Cemetery Section has no jurisdiction over burials of this nature and would not be involved in any part of the arrangements

## Registration of the Death

Any death is required by law to be registered at the registration office for the district in which the death occurred. After registration a green certificate will be issued to the informant (person registering a death) this certificate has 2 parts "b" and "c". Part "c" must be completed by the person responsible for recording the burial and returned to the issuing registration office within 96 hours of the burial taking place. Part "b" should be kept with the deeds to the property.

## Coroner

In cases where the coroner is involved, the Coroners' Officer once informed of the intention to inter in private land will keep the next of kin advised of the position regarding when a burial can be carried out and what certificate will be issued by the coroner in respect of the type of funeral that can be held.

## Notifiable Diseases

Where a person has died from a notifiable disease there are certain requirements to be taken into account when making funeral arrangements and these can be discussed with the hospital who cared for the deceased or with a Funeral Director.

## Funeral Directors

Arrangements can be made with out the need to involve a Funeral Director. However, it would not be advisable to proceed without at least discussing the requirements with a Funeral Director as their assistance can be invaluable especially in respect of the above paragraph.

## Grave Digging

It will be the responsibility of the person arranging the burial to dig or have the grave dug. Health and Safety legislation will have to be followed as the responsibility for maintaining a safe excavation will be with the owner of the property. Should there be an accident that results in the injury of a person attending the funeral that person or the Health and Safety Executive could sue the owner of the property.

## Comments

1. Should a person elect to be buried in their private garden, there is no guarantee that future owners of the property would allow the grave to remain and an application could be made for the exhumation of the remains for burial or cremation elsewhere.
2. A grave containing human mortal remains in a private garden may reduce the value of the property.

## Further information

For anyone wishing to know more about this subject they can contact

"The Natural Death Centre" at 20 Heber Road, London. NW2 6AA.

Telephone 0181 208 2853. This organisation has produced information and literature on this subject including details of Funeral Directors sympathetic to this form of burial and who may be able to provide further guidance where required.