



Ministry of JUSTICE

Application for a licence for the removal of buried human remains (including cremated remains) in England & Wales

Please complete this form in BLOCK capitals. Failure to do so may result in a delay to your application.

Please refer to the attached guidance notes if you are unsure about how to answer a question.

For office use only

Licence no. and type

Q3

Q4

Q7

B4

The application will normally be decided within 20 days of receipt by the Ministry of Justice. However, if the application needs to be treated urgently, please indicate why

Reason for urgency: _____

PART A

Q1

Full name of the deceased: _____

Date of Death _____ Age at Death: _____

Q2

Family circumstances of the deceased at time of death

[a] Was the deceased: Married Widowed Civil Partner Divorced Single

Please include any additional information that you believe should be taken into account in a covering letter on the sheet provided.

[b] Is the spouse or civil partner of the deceased still alive? Yes No Not Applicable Don't know

[c] Did the deceased have any children? Yes No If Yes, how many are still alive _____

[d] Are the parents of the deceased still alive? Yes No If Yes, how many are still alive _____

[e] Did the deceased have any brothers/sisters? Yes No If Yes, how many are still alive _____

Q3

Please indicate whether the remains of the deceased are: cremated not cremated

If the remains are not cremated, please state the cause of death: _____

Q4

Following the exhumation of the remains, is the intention to:

[a] Return the remains to the same grave: Yes No
or another grave in the same cemetery: Yes No

[b] Remove non cremated remains to another cemetery in England or Wales: Yes No
outside England or Wales: Yes No
for cremation: Yes No

If you have answered **Yes** to any of the boxes in [b], please provide written confirmation from the person in charge of the cemetery, churchyard or crematorium where the remains are to be re-buried or cremated.

For remains going abroad, please provide written confirmation from the airline or shipping agents that they are prepared to transport them.

Q4 [cont]	<p>[c] Please indicate whether the remains will be re-interred in ground consecrated in accordance with the rites of the Church of England: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>[d] To scatter or retain remains that are already cremated: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>[e] To examine the remains or contents of the coffin/other container: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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Q5	<p>Applicant: name, address and contact details</p> <p>_____</p> <p>_____</p> <p>_____ Post Code: _____</p> <p>Daytime telephone number: _____ email address: _____</p>
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Q6	<p>If you would prefer the licence to be sent to someone else, please provide their name, address and contact details</p> <p>_____</p> <p>_____</p> <p>_____ Post Code: _____</p> <p>Daytime telephone number: _____ email address: _____</p>
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Q7	<p>[a] Are you the nearest surviving relative? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>[b] Please indicate your relationship to the deceased:</p> <p>spouse <input type="checkbox"/> civil partner <input type="checkbox"/> parent <input type="checkbox"/> child <input type="checkbox"/> brother / sister <input type="checkbox"/> other <input type="checkbox"/></p> <p>If other please explain why you, and not any of the surviving relatives, are making the application on the sheet provided at page 4.</p> <p>Is there any other relative of the same degree of kinship to the deceased (i.e. child, parent, brother/sister)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes please ensure they have signed the declaration at Q9</p>
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Q8	<p>[a] Are all the family members listed at Q2 aware of this application (ie. spouse, parent(s) children, etc)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If No please indicate the name and relationship of those at Q2 [b] to [e] who are unaware of the application:</p> <p>_____</p> <p>[b] Do you know of any person (relative or otherwise) who may object to the proposal to remove the remains or is likely to do so? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes please provide further details of the person or persons who may object, including their contact details, relationship to the deceased, and reasons for objection, if known, on the sheet provided at page 4.</p>
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Q9

APPLICANT'S DECLARATION

I apply for the Secretary of State's licence for the removal of the remains of the deceased person named above from the place in which they are at present interred.

I hereby declare that the information I have supplied within this application and accompanying documents is true to the best of my knowledge and belief.

I attach any and all document(s) or consent(s) required under sections Q4, Q7, Q8 and Q10.

Signature of applicant: _____ Date: _____

Relationship to the deceased: _____

Signature(s) of consent of other relatives (if required under Q7)

I. Name: _____ Signature: _____ Date: _____

Relationship to the deceased: _____ Telephone contact details: _____

II. Name: _____ Signature: _____ Date: _____

Relationship to the deceased: _____ Telephone contact details: _____

III. Name: _____ Signature: _____ Date: _____

Relationship to the deceased: _____ Telephone contact details: _____

Please indicate if any of those signing are under 18.

continue on the sheet provided at page 4 if necessary

Q10

GRAVE OWNER'S DECLARATION

I am the registered owner of the grave plot in which the deceased is interred and give my consent to:

The opening of the grave: Yes No

Any necessary removal of the headstone [if applicable]: Yes No

Name: _____ Signature: _____ Date: _____

Relationship to the deceased: _____ Telephone contact details: _____

continue on the sheet provided at page 4 if necessary

If the applicant is **not** the registered owner, arrangements should be made for this question to be completed and signed by the appropriate person. If details of the owner are not known, or that person is not willing to consent to the application, please explain in a covering letter.

If you are unsure who the grave owner is, please ask the relevant Burial Authority to help complete this question.

Additional Information

If you need to provide further information relating to Q2, Q4, Q7 and Q8, or consents for Q9 and Q10 please use this page.

[Please indicate which question you are responding to in the left hand column.]

This application should now be sent to the manager of the cemetery, crematorium or churchyard where the deceased is presently interred to complete PART B.

GUIDANCE NOTES ON APPLICATIONS FOR LICENCES FOR THE REMOVAL OF HUMAN REMAINS

The current law relating to the removal of individual buried human remains is contained in **Section 25 of the Burial Act 1857** which states that it is not lawful to remove any body or the remains of any body, which have been interred in any place of burial, without a licence from the Secretary of State or, in certain circumstances, the Church of England.

Unless the grave in which the deceased is buried is in ground consecrated according to the rites of the Church of England, and is to be reburied in consecrated ground (see guidance on Question 4[c] below), any person who wishes to exhume buried remains will need to apply to the Ministry of Justice (MoJ) for an appropriate licence.

The MoJ receives over 1000 licence applications a year. Each will be considered on its merits, but applications made for private family reasons on behalf of the next of kin will, subject to any other necessary consents, normally be considered sympathetically.

The Application form	
Avoiding delays	The form should be completed in BLOCK capitals, preferably by the next of kin (see Question 7). Failure to provide the required information may result in a delay to your application.
Part A	PART A should be completed preferably by the applicant but it may be completed by someone on their behalf.
Part B	Once completed the form should either be sent or handed to the burial authority (the organisation in charge of the burial ground where the deceased is buried). PART B should then be completed by the burial authority. The burial authority will then forward the completed application to the MoJ. The burial authority may charge a fee for this service. We recommend you ask the burial authority to make a copy of the application form.
Urgent applications	If the licence is required URGENTLY, please state the reasons why and ask the burial authority to fax the application to us. The current fax number can be obtained by ringing the telephone numbers given under the QUERIES section below.
Validity	Normally a licence will be valid for twelve months from the date of issue. However, if the licence has not been used within that time, a written application can be made to extend the validity for a further period, as long as it is made at least 4 weeks before the licence expiry date. There will be no need to complete the application form again, but the next of kin and grave owner should confirm that they still agree to the exhumation. If the licence has expired, a new application form should be completed.
Fees	Although the Ministry of Justice does not charge a fee for an exhumation licence, applicants should be aware that burial authorities may charge for completing Part B of the form.
Church of England	If the remains are buried in consecrated ground then authority (known as a faculty) from the Church of England will also be required (see Question 4[c]). If a faculty has been issued, it would be helpful to attach a copy to the application form.

GUIDANCE NOTES ON COMPLETING THE APPLICATION FORM

The following information is provided to assist with completing the form.

QUESTION 1	Age at death
Remains under 24 weeks gestation	Removal of a foetus that has not survived more than 24 weeks' gestation does not require an exhumation licence. Applications to remove such remains from their place of burial may be made direct to the burial authority.

QUESTION 2	Family circumstances
Civil Partner	Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Under the Civil Partnerships Act 2004, civil partners must be treated the same as married couples on a wide range of legal matters.
Unmarried partner	See Question 7

QUESTION 3	Cremated remains
Urns/Containers	A licence should be sought for buried cremated remains in a container.
Scattered remains	It is not practical to remove scattered remains. They are not considered to be buried and no licence is therefore required if they are to be disturbed.
Above ground	The movement of cremated remains that are held above ground (eg. in a vault or columbarium) does not require a licence (but may require the consent of the owner or deed holder).
Crypts/vaults	A licence should be sought to remove cremated remains kept in an underground crypt or vault.
Remains without containers	If the remains have been placed in the grave without a container, it may not be practicable to remove them. Any application for a licence to do so will be considered in the light of advice from the burial authority.
	Non-Cremated remains
Buried and above ground non-cremated remains	A licence is required to disturb non-cremated remains whether or not they are buried or kept above ground in a vault, tomb, mausoleum, sarcophagus or columbarium
	Cause of death (non-cremated remains only)
Death certificate	Confirmation of the cause of death is required in cases where the deceased died within the preceding 12 months and the remains are to be cremated. This information may be required for public health or cremation regulation purposes.

QUESTION 4 [b]	Remains going to another place of burial in England or Wales

Consent of receiving cemetery	Please remember to include written confirmation of agreement from the person in charge of the cemetery, churchyard or crematorium where the remains are to be re-buried or cremated.
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Remains going to another place of burial outside England or Wales

Remains going outside England or Wales	<p>The table below sets out the circumstances where the MoJ require written confirmation from the person in charge of the cemetery, churchyard or crematorium and from the carrier that they are prepared to transport the remains.</p> <p>In addition you will also need to apply for an Order allowing the removal of remains abroad from the local coroner. However, this information is not required by the MoJ.</p>
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Type of remains	Destination	Written confirmation required from the person in charge of the cemetery/crematorium	Letter from airline or shipping agents
Non cremated remains	Outside England and Wales	Yes	Yes *
Cremated remains		No	No
Non cremated remains for cremation		Yes	Yes

* not required if transporting remains by road to Scotland

Non-cremated remains going abroad for cremation	Where non-cremated remains are to be exhumed for cremation abroad written confirmation of acceptance should be provided from the overseas crematorium where the remains are to be cremated. An order allowing the removal of the remains abroad will also be necessary from the local coroner.
Transportation of cremated remains	<p>It is understood that cremated remains can normally be transported as hand luggage. However, applicants are advised to check with the airline company beforehand to check for any specific requirements.</p> <p>When escorting human remains overseas, it is advisable to carry all relevant documentation as evidence as to the contents of the containers, and the consent of the UK authorities, the carrier, and, as appropriate, the receiving authorities.</p>

QUESTION 4[c]	Ground consecrated in accordance with the rites of the Church of England
Meaning	Consecrated means a burial ground that has been sanctified or made holy in accordance with the rites of the Church of England. It does not mean ground blessed during the funeral service.
Other religious denominations	Ground consecrated by the Roman Catholic Church, the Church in Wales or any other religious denomination does not have the same legal effect as ground consecrated by the Church of England.
Confirmation of consecration	The burial authority will be able to advise as to whether the ground the remains are interred in is consecrated or not.
Diocesan Office	If the grave from which the deceased is to be removed is within consecrated ground you will need to apply for a faculty. The burial authority will be able to advise you of the contact details of the local Diocesan Office if necessary.
Guide to when a faculty and/or MoJ licence is required	The table below sets out the circumstances in which an exhumation licence alone, a faculty alone, or both, will be required:

From	To	Authority required
Removal of remains from consecrated ground	To a different grave plot that is also consecrated	Faculty
Removal of remains from consecrated ground	Re-interring in exactly the same grave	Faculty + MOJ licence
Removal of remains from consecrated ground	To unconsecrated ground	Faculty + MOJ licence
Removal of remains from unconsecrated ground	To consecrated or unconsecrated ground, or reinterment in the same grave	MOJ licence

QUESTION 4 [e]	To examine the remains or the contents of the coffin/other container
Examination of non-cremated remains	Please explain on page 4 of the application form the reasons why the remains or the contents of the coffin or container need to be examined, and the proposed arrangements for such an examination. Written confirmation should be provided from the person due to undertake the examination. This should include their opinion as to the likelihood that the examination will succeed in meeting its purpose.
Human Tissue Act 2004	Any examination of non-cremated remains less than 100 years old is likely to require compliance with the provisions of the Human Tissue Act 2004.

QUESTION 5	Self explanatory
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QUESTION 6	Self explanatory
QUESTION 7	Relationship to the deceased
<p>Next of kin</p> <p>Order of kinship</p> <p>Those not regarded as next of kin</p> <p>Next of kin unable to give consent</p> <p>Power of Attorney</p> <p>Missing next of kin</p> <p>Contacting missing next of kin</p> <p>Applications by those other than by next of kin</p> <p>Other remains in grave</p> <p>Executors</p>	<p>The consents of all the next of kin of the deceased are normally required. The next of kin for the purposes of an exhumation licence application are broadly those as set out below:</p> <p>Order of kinship is as follows:</p> <ol style="list-style-type: none"> 1. Spouse or civil partner (see the Civil Partnerships Act 2004) 2. All children and both parents 3. All brothers and sisters 4. All grandchildren and grandparents <p>The following will not be regarded as next of kin:</p> <ol style="list-style-type: none"> 1. Divorced spouse 2. Unmarried partner <p>However, it remains open for such a person to make an application (see advice under 'Applications by those other than by next of kin' below).</p> <p>Where the next of kin are unable to give their consent personally, for example, on account of frailty or illness, written confirmation to that effect should be provided by a suitable person such as their doctor.</p> <p>Where someone acts on behalf of the next of kin by virtue of a Power of Attorney, or as a Deputy, granted for the purposes of managing their affairs, evidence of their status (including confirmation that the Power has been registered with the Public Guardian Office) should be provided with the application. Delegated powers for the purposes of managing financial affairs only will not normally suffice for our purposes.</p> <p>If the whereabouts of the next of kin (which may be more than one person) are not known, the applicant should explain the situation in a covering letter, including the reasons why and for how long the next of kin have not been in contact.</p> <p>In such circumstances, a decision on the application may be deferred until suitable notice has been displayed on the grave for an appropriate length of time (normally 3 months) to enable anyone with an interest in the deceased or the grave to come forward. The MoJ will advise applicants on the need and contents of any such notice, and will also seek the agreement of the burial authority.</p> <p>Where an application is not made by the next of kin, an explanation why this is the case should be provided in a covering letter. Where the application is made by a person formerly in an unmarried relationship with the deceased, evidence (eg. a joint bank account statement, utility bill, etc), or independent confirmation (eg. from a person who knew the couple personally), may be requested.</p> <p>If there are other human remains in the grave, then the consents of the next of kin for those remains will be required as will the consent of the burial authority to open the grave. A separate form will be required for each set of remains.</p> <p>Where there are a large number of remains within a grave it is unlikely licences will be granted.</p> <p>If you are the executor of the deceased's estate, but not the next of kin, the consent of the next of kin will still be required.</p> <p>It may not be possible to issue a licence unless <u>all</u> the required consents of the next of kin/grave owner have been provided.</p>

QUESTION 8	Objections
Next of kin	<p>If there are any known objections to the proposed exhumation, applicants, even if they are the next of kin, should provide the following information in a covering letter:</p> <ol style="list-style-type: none"> 1. Name of the objector(s) 2. Address of the objector(s) (if known) 3. Contact telephone number (if known) <p>All objections will be taken into account; however, the views of the next of kin are likely to be given precedence over objections from less closely related persons.</p>
Grave owner	<p>If the grave owner objects to the application, the Ministry of Justice would not normally be prepared to issue a licence because such a licence does not override the grave owner's civil rights (see also Question 10).</p>
Land owner	<p>Nor would a licence normally be granted if there is an objection from the owner of the land in which deceased is buried as the licence provides no authority for the holder to access the grave</p>

QUESTION 9	Applicant's Declaration
Requirements	<p>The form should be signed and dated by <u>all</u> the next of kin as evidence of their consent. Failure to do so may result in a delay to your application pending further enquiries.</p>
Other information	<p>Further information from those signing the application form may be necessary and a telephone number is requested to aid such enquiries.</p>
Next of kin under 18 years of age	<p>Where the next of kin is under 18 years of age, their consent should be given by their parent or legal guardian, with a covering letter to explain why they are completing the form on their behalf.</p>

QUESTION 10	Grave Owner's Declaration
Grant of access	<p>The application should be made with the consent of the owner of the exclusive rights of burial relating to the grave (if any). This is because an exhumation licence is permissive and does not override the rights of the holder of the burial rights to determine who should be buried in the grave.</p>
Burials on private land	<p>Where remains have been buried on private land (such as in a garden or field), the land owner would be considered the burial authority and should complete PART B of the form.</p>

Queries	
Contact Details	<p>If you have any queries about completing the form, please contact the Ministry of Justice Burials Team on:</p> <p>0203 334 6406/2813/5637</p> <p>email: coroners@justice.gsi.gov.uk</p>

Data Protection	
Retention	<p>Where a licence has been granted a copy of the application and any supporting documents may be retained by the MoJ in electronic format for up to 5 years although this is subject to review. The original paper application will be retained for 3 months after the application is decided and will then be destroyed.</p>
Third parties	<p>Personal information relating to the applicant and others who may sign the application will not be disclosed to third parties without their consent.</p>

Completed forms	
Address	<p>Once part A and part B of the form has been completed, it should be forwarded to:</p> <p>Ministry of Justice Coroners, Burials, Cremation and Inquiries Team 102 Petty France London SW1H 9AJ</p>
Fax copies	<p>The application may be faxed to the MoJ in cases of urgency, but the original signed application will still be required.</p>