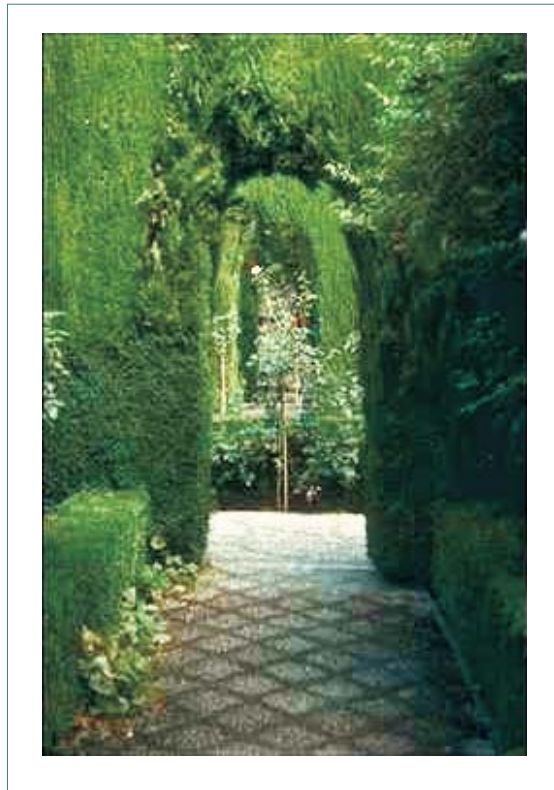


Burials on Private Land



Salford City Council

**For further help and advice contact the
Cemetery and Crematorium Offices at**

**Agecroft Cemetery
Langley Road
Swinton
M27 2SS
Tel 0161 736 2512
Fax 0161 737 5538**

**Peel Green Cemetery
716, Liverpool Road
Eccles
M30 7LW
Tel 0161 789 1901
Fax 0161 789 8239**

www.Salford.gov.uk

BURIAL ON PRIVATE LAND

Introduction

Burials usually take place in purpose designed cemeteries and churchyards, but there are some alternative burial options which can be considered.

Wealthy families with large estates have, for centuries, built a mausoleum or burial chambers and vaults on their land, for the burial of a family member.

The right to a private burial place has persisted from the days when Quakers often used to bury their relatives in the garden. More recently, particularly with the media coverage, families are keen to have “green” or alternative burials, and the number of burials which have taken place on private land (i.e. farmland or within gardens) has significantly increased.

The charity, Natural Death Centre also supports the less formal approach to funerals. However, the difficulties and procedures are also significant, although these vary according to the location.

The definition of private land might be farmland or even a back garden.

There is nothing in the public general law, which prevents the burial of a deceased person in ground other than a cemetery. The only exception to this is where the burial on private ground would constitute a public health risk

Points to consider.

The definition of a burial ground or cemetery is where two or more people are laid to rest in accordance with a licence and conditions, which are issued from the Home Office. Therefore, if the intention is to bury the whole family together, it would not be permissible to allow the interments to take on private land and the local authority cemetery would have to be used for this purpose.

It would be necessary to seek permission from the local planning department if you wanted to erect a memorial structure to commemorate the person

The land owner must check with his solicitor that there is no covenant on the deeds to the land that could prohibit the burial on the land.

The land owner must check that no bye law is being broken. This can be done by contacting the local planning department

The value of your property will significantly decrease if you considered moving after the burial has taken place. Many buyers might not even consider the purchase of a property that has a body buried in the garden.

If you did move to another address, the Home Office may not give permission to move or 'exhume' the body to allow a re-burial in your new land.

You would not be able to gain access to the burial place if you sold the property/land to someone else and you would not be able to continue to pay your respects to your loved one. This could cause a lot of heartache and upset.

Not all coffin manufacturers would be willing to sell a traditional coffin 'direct' to the public, and alternative options may be necessary, for example, the use of a cardboard or wicker coffin. Details may be found in the cemetery office.

Technical Requirements

The burial site should be on land with a deep water table and be sufficient distance from watercourses so as not to pose a pollution threat. The Department of the Environment must be informed of your intentions to bury privately, but generally have no objections as long as the following standards are adhered to :-

No burial to be permitted within 100m of a borehole or well spring.
No burial within 10m of drain, ditch or watercourse.
No burial in waterlogged/poor draining ground.

Electrical and other services must be avoided. You may need to contact the gas and electricity board and request plans of the land to ensure your own safety.

Safe excavation of the grave is important and a minimum of 1 metre (3 ft) of soil must be left on top of the coffin lid/over the body after the burial has taken place. You may want to consider asking a local gravedigger who is used to working in graveyards if he could dig the excavation for you.

There is a requirement to record the burial on the deeds to the property, in accordance with the Registration of Burials Act 1864.

A location map must be attached to the deed to confirm the position of the grave and details of the name of the deceased, age, date and place of death should be recorded. This will reduce the potential complication of the Police being called if human remains are discovered during future garden maintenance or building work. There are concerns over the issue of future problems, e.g. who would want to buy a property with a body in the garden, but the prospective buyer has the right to know that someone is buried within the grounds of the property.

A certificate for burial issued by the Coroner or Registrar of Birth and Deaths (called the green disposal) will have to be obtained and any other procedural matters of the Registrar satisfied. The detachable section of this certificate needs to be completed and returned to the Registrar by the person who is arranging the burial. The Registrar does not record the place/ location of the burial and this is why it is necessary to write these details on the deeds to the property.

If there are any infectious disease concerns relating to the deceased person, then you must inform the local Environmental Health department.

There are legal ways, by which you can ensure that the grave remains untouched, but this will involve costs and you would need the services of a solicitor. You may request that the deeds to the property contain the instructions that the body must never be touched or removed from its resting place. This is called a restrictive covenant and would ensure that any new property purchaser could not apply for an exhumation and reburial of the deceased.

Summary

There are several advantages to this form of burial. It allows you to organise a very personal funeral, in which you maintain total control. You are able to reduce costs greatly by avoiding the use of a funeral director, by making your own coffin if you choose to use one and not having to purchase a grave or pay the fee for preparing it for burial in the cemetery.

Unfortunately, garden burial can cause much conflict if not all family members are in favour of this type of burial and the matter must be discussed at some length to ensure that you are doing the right thing for your loved one.

Useful Addresses.

The Natural Death Centre.

6 Blackstock Mews
Blackstock Road
London
N4 2BT
Tel: 0181 2082853
www.naturaldeath.org.uk

Environment Agency

N-W Region Area Office
Appleton House
Warrington
Cheshire
WA3 7WD
Tel: 01925 840000
www.environment-agency.gov.uk

Environmental Health Department

Public Protection
Crompton House,
100, Chorley Road,
Swinton. M27 6ES
Tel: 0161 793 2010
www.Salford.gov.uk

Development Services

Planning Department,
Civic Centre,
Chorley Road
Swinton
Tel: 0161 793 3763
www.Salford.gov.uk

Registrar of Births, Deaths and Marriages

Barton Road
Swinton
M27 1WH
Tel: 0161 909 6500
www.Salford.gov.uk