Association for Public Service Excellence Conference 2014

Update from Ministry of Justice on coroner, cremation and burial law matters

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## Coroners and the implementation of coroner reform

Responsibility for coroner law and policy

- CORONERS COURT
- Coroners and Justice Act 2009 implemented on 25 July 2013
- Aims of the Act:
  - Bereaved people at the heart of the coroner system
  - Coroner services delivered locally but with national standards
  - More efficient system of investigations and inquests
- Chief Coroner
- Rules and regulations
- Mergers of coroner areas



## Chief Coroner and his seven pillars of coroner reform

- 1. Consistency across coroner areas
- 2. Merger of coroner areas
- 3. Appointments
- 4. Coroners more answerable to the public
- 5. Investigations
- 6. Inquests
- 7. Reports to prevent future deaths





#### Minister and Guide to Coroner Services



- Simon Hughes MP, Minister of State for Justice and Civil Liberties
- Support for bereaved people
- Guide to Coroner Services
- Review of impact of implementation of reform



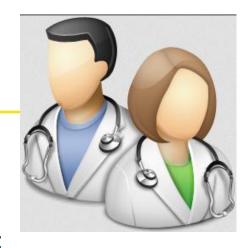
## Cremation and Department of Health reforms



- MoJ responsibility for cremation law and policy
- Current system of three doctors including crematorium medical referee
- Department of Health proposed reforms
- Medical referees to be replaced by medical examiners
- Consultation paper to be published on the DH website in due course



# Changes to Cremation Regulations



- MoJ has three questions in the DH consultation document:
  - Stillborn babies
  - Cremation of body parts
  - Authorisation of cremation by coroners
- Consultation on draft Cremation Regulations with impact assessment
- Currently formulating policy
- Revalidation of doctors acting as medical referees



#### Cremation in Scotland



- Scottish Burial and Cremation Bill coming into force on 1 April 2015
- Medical reviewers and cross-border issues
- Report of Lord Bonomy's Infant Cremation Commission
- 64 recommendations; 2 for England and Wales:
  - Definition of ashes
  - Cremation of foetuses of less than 24 weeks' gestation



#### Other cremation work

- Applying existing legislation to deal with queries
- Planning applications for crematoria







## Burial space



- Ministry of Justice responsibility for burial law and policy
- Secretary of State's responsibilities and duties
- Legislation very old
- Media Interest
- 78% cremations in England and Wales; 66% in Scotland
- Simon Hughes interest



#### Reuse of burial space in London

- London Local Authorities Act 2007
- Low take up
- Why?
- Simon Hughes meeting stakeholders:
  - All Party Parliamentary Group for Funerals and Bereavement
  - MPs
  - Faith groups





## Churchyard closures

- Processing applications to close Church of England churchyards
- Lengthy process
- Privy Council completes the process with Orders in Council
- Reasons for closure today:
- Variations





# Churchyard closures – a couple of cases

- Ripon Cathedral
- Implications for building work
- Widening of staircase







### **Exhumations** generally

- Section 25 of the Burials Act 1857
- Licence from the Secretary of State

- LICENCE FOR THE REMOVAL OF HUMAN REMAINS The Secretary of State, in exercise of the power vested in him by Section 25 of the Burial Act 1837 (20 & 21 Vic., cap.81), grants a licence for the removal of the remains of Aay Person from the place in which they are now interred in Any Cemetery, Anyshire It is a condition of this licence that the following precaution shall be (a) The removal shall be undertaken discreetly, away from public gaze, and with due care and attention to decency. This licence merely exempts those from the penalties, which would be incurred if the removal took place without a licence. It does not in any way alter civil rights. It does not confer the right to bury the remains in any place where such right does not already exist. This licence expires on 01 February 2015. Richard Finlay on behalf of the Secretary of State for Justice Licence: Cremated res
- Licences to exhume single sets of buried human remains:
  - 1,200 applications for exhumation licences received each year
  - Over 1,000 applications received since January this year



## Exhumation from consecrated ground

- Exception to the general rule in Church of England burial grounds
- Faculty from the Church of England
- New legislation
- Guidance





# Archaeological exhumations

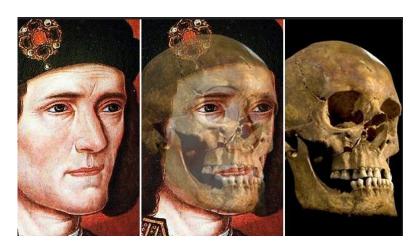
- Archaeological excavations
- Building and construction work
- Over 260 licences granted since January, often urgently





## King Richard III

- Licence granted in September 2012
- Huge public, media and parliamentary interest
- Legal challenge brought by the Plantagenet Alliance Limited
- Administrative Court judgment
- Arrangements for reburial





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