

<b>Report on</b>	Revised Policy Guidance on Exhumations
<b>Date of Meeting</b>	11 <sup>th</sup> June 2019
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Eunan Murray, Grounds & Cemeteries Manager

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the revised Department for Communities (DfC) Policy guidance for Exhumations in Council owned burial grounds.
<b>2.0</b>	<b>Background</b>
2.1	The Burial Grounds Regulations (Northern Ireland) 1992 provide that, except where the Department for Communities has given written consent to an exhumation application, it is an offence to remove buried human remains from a council owned graveyard.
2.2.	No Exhumations have been carried out in the life of this Council (i.e. since 1 April 2015) at any Council owned graveyard in the district.
<b>3.0</b>	<b>Main Report</b>
3.1	Revised guidance was issued on Exhumations earlier this year and is attached in Appendix 1.
3.2	Due to the reorganisation of central government departments responsibility for exhumations now lies with the Department for Communities, hence the revised guidance.
3.3	<p>The Department for Communities will consider all exhumation applications and will make a decision to consent or refuse based on the information provided in each case. In considering an application for exhumation, it is the Department's general policy to give consent provided that:</p> <ul style="list-style-type: none"> <li>the owner of the Rights of Burial and the nearest surviving relative of the deceased give consent;</li> <li>there are no known legitimate objections e.g. in relation to public decency or public health; and</li> </ul>

	<ul style="list-style-type: none"> <li>the relevant district council has signed the Declaration at Part B of the application form.</li> </ul>
3.4	The guidance has been updated with enhanced detail around the nearest surviving relative. The hierarchy of the nearest surviving relatives has been amended with priority given in accordance with that set out in the Administration of Estates Act (Northern Ireland) 1955 (chapter 24) as amended by the Civil Partnerships Act 2004 (which provides civil partners with equal rights to spouses).
3.5	The guidance update sets out that the Department for Communities has no involvement in exhumations relating to non-council property or otherwise owned burial grounds. In the event that an application for exhumation is being made from a burial ground not owned by the council then the applicant must apply to the Environmental Health Section within their own council area. The council will liaise with the relevant authorities before deciding on the outcome of the application.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial:
	None at this juncture.
	Human:
	None at this juncture.
	Risk Management:
	None at this juncture.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications:
	None; The Policy applies to all groups irrespective of creed or ethnic origin.
	Rural Needs Implications:
	None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the contents of the report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Revised Policy Guidance on Exhumations
6.2	Appendix 2 – Application for consent for the removal of human remains