

New Southgate Cemetery and Crematorium Limited

Survey of faith groups

1. Introduction

1.1 In a letter dated 2nd February 2017, New Southgate Cemetery and Crematorium Limited gave four undertakings to the Chairman of the Ways and Means, the Right Honourable Lindsay Hoyle MP. One undertaking was:

1.2 *“Before exercising any of the powers conferred by section 4 of the Act, to carry out a survey of the faith groups most affected by the Bill’s proposals in order to ensure that relevant faith and cultural sensitivities are taken into account in exercising the powers conferred by the Act, and to publish the details of its findings and proposed best practice”.*

1.3 Beginning in September 2018, the Manager of New Southgate Cemetery issued copies of a questionnaire to religious ministers officiating at funerals. The questionnaire was designed to understand minister’s views on how members of their congregations would be likely to view the re-use of graves at New Southgate Cemetery. However, questions were also included to understand the extent to which ministers are aware of the issues surrounding the provision of burial space in London generally and, in particular, at New Southgate Cemetery.

1.4 Within the context of a recognised shortage of burial space, since 1976 London local authorities have had the legal powers to extinguish exclusive rights in old graves to enable the remaining space within such graves to be used for new burials.

1.5 Since 2007, London local authorities have had the legal powers to ‘lift and deepen’ burials in old graves, in which the exclusive rights have been extinguished, to create further space for new burials.

- 1.6 Two London local authorities have been granted faculties by the Consistory Court to re-use old public graves in consecrated areas, involving the exhumation of old burials to create provide space for new burials.
- 1.7 Since as long ago as the 1950s, a high proportion of the new graves provided at New Southgate Cemetery have been excavated over large areas of old public graves, where ground levels have been raised ('overfilled'). A large granite cross memorial commemorates those originally buried and who still remain in these parts of the cemetery.
- 1.8 This is the context within which burial space is currently being provided within London. There is no doubt that London local authorities will increasingly rely upon re-using old graves and the means to continue to offer new burial space for current generations. This is also how new burial space will be provided at New Southgate Cemetery under the provisions of the New Southgate Cemetery Act 2017.

2. Responses

- 2.1 In spite of repeated promotion of the survey over a period of months and requests to ministers to complete it, a total of only twelve ministers responded to the survey.
- 2.2 One can only assume that any minister with strong objections to re-use, or who felt that his congregation would have such objections, would have made a particular effort to express these objections by completing the survey.
- 2.3 The responses were from the following ministers:
- Six Church of England
 - Three Roman Catholic
 - Two Greek Orthodox
 - One Buddhist

2.4 Responses

Number	Question	Yes	No	Yes	No
1	Are you aware that many cemeteries in London have little or no space remaining for new graves?	10	2	83%	17%
2	Are you aware that New Southgate Cemetery has limited space remaining for new graves, particular for some specific religious groups?	8	4	67%	33%
3	Are you aware that, when a person buys a grave in a cemetery in the UK, they do not own the land itself, but only the exclusive right to decide who may be buried in the grave and the details of any memorial upon it?	10	2	83%	17%
4	Are you aware that, from the 1850s through to the 1970s, most such exclusive rights were granted in perpetuity, i.e. forever?	4	8	33%	67%
5	Are you aware that local authority cemeteries now offer exclusive rights of burial for defined periods, ranging from 25 to 100 years?	10	2	83%	17%
6	Are you aware that New Southgate Cemetery offers exclusive rights of burial for 50 years?	5	7	42%	58%
7	Are you aware that London local authorities have statutory powers to enable them to reclaim perpetuity graves by extinguishing the exclusive rights?	5	7	42%	58%
	This only applies where the most recent burial in the grave was at least 75 years ago and provided relatives do not object.				
8	Are you aware that London local authorities may offer the space remaining above old burials in such reclaimed graves for new burials? This space may only be sufficient for one new burial.	6	6	50%	50%
9	Do you think that people in your faith or cultural group would be prepared to accept burial in such a grave above other unrelated people who were buried 75 years or more ago?	11	1	92%	8%
10	Are you aware that London local authorities may create greater depth in such reclaimed graves for new burials by the 'lift and deepen' method?	6	6	50%	50%

	This involves exhuming one or more burial and their reburial deeper in the grave, enabling the grave to be re-used for more than just a single new burial.				
11	Do you think that people in your faith or cultural group would be prepared to accept burial in a grave in which other people were buried 75 years or more ago and where the grave has been deepened to create more space?	11	0	92%	0%
12	Are you aware that the owners of New Southgate Cemetery have obtained a new private Act of Parliament, the New Southgate Cemetery Act 2017?	5	7	42%	58%
	This Act provides similar powers to those available to London local authorities and will enable New Southgate Cemetery to continue to offer burial space indefinitely.				
13	New Southgate Cemetery cannot be made larger to create new space for graves. Space can only be created by using old graves under the powers of the Act.				
	Do you think that people in your faith or cultural group would be prepared to accept burial in New Southgate Cemetery in a reclaimed grave in which other people were buried 75 years or more ago and where the grave has been deepened to create space for more than one new burial?	11	0	92%	0%

2.5 It is interesting to note that:

- Most ministers are aware that there is a shortage of burial space in London.
- Less are aware of the acute shortage of burial space in New Southgate Cemetery.
- Most are unaware of the historic practice of granting exclusive rights in perpetuity, but are aware that these are currently granted for fixed periods of years.
- Approximately half are aware of the powers available to London local authorities to optimise burial space in old graves and that New Southgate Cemetery has recently obtained similar powers.
- The overwhelming majority consider that members of their faith or cultural group would be prepared to accept burial in an old grave containing previous burials, whether in New Southgate or in any other cemetery.

2.6 In terms of additional comments:

- One Greek Orthodox priest indicated that re-use of old graves containing Greek Orthodox people should be restricted to members of the same faith.
- One Roman Catholic priest indicated that he thought that 'some' Roman Catholics would accept burial under these circumstances.
- One Church of England minister stressed the importance of careful explanation and sensitivity in advising families.
- One Church of England minister did not appear to be sure about his congregation's acceptance of re-use, but answered the questions with a question mark. Had he felt it appropriate, he could have provided a firm negative answer to the question.

2.7 As the burial authority controlling two sections of the cemetery, the National Spiritual Assembly of the Bahá'ís accept the provisions of the Act as being necessary to enable the continued burial of their dead within their sections of the cemetery.

3. Proposed best practice

3.1 Best practice demands full compliance with relevant legislation, in particular, following the procedure prescribed to give sufficient notice to the public of the proposed reclamation of rights, removal of memorials and potential exhumation of burials.

3.2 New Southgate Cemetery and Crematorium Limited has published notices informing the public of its intentions to implement the New Southgate Cemetery Act 2017. These have been in the form of:

- A notice in The Times newspaper on 23rd November 2017.
- Notices placed in various locations within the cemetery itself.
- Letters posted in January 2018 to 2,330 registered owners of exclusive rights of burial in graves in the sections first proposed for the implementation of the Act, giving the required notice of the company's intentions to extinguish rights and re-use graves.
- Notices placed in the Enfield Independent on 17th and 24th January 2018, again giving the required notice of the company's intentions to extinguish rights and re-use graves.
- Notices sent to the Commonwealth War Graves Commission and Historic Buildings and Monuments Commission for England.

3.3 In response to the public notices and letters, one objection was received from a family with a connection to a grave in one of the sections proposed for re-use. This grave will therefore be unaffected. A summary table of the responses to notification letters can be found overleaf.

3.4 The Consistory Court of the Diocese of London issued Faculty number 3463 on 10th September 2018. The faculty was a requirement of section 4(12) of the New Southgate Cemetery Act 2017 and further authorises:

- The extinguishment of exclusive rights of burial in graves in the cemetery, where the rights have not been exercised for a period of 75 years or more.
- The removal of memorials from graves in the cemetery where the exclusive rights have been extinguished.
- The disturbance of human remains interred in graves in the cemetery, where the exclusive rights have been extinguished, for the purpose of increasing the space for interments in graves in the cemetery.
- The removal of memorials and the disturbance of human remains interred in public or common graves in the cemetery, where no burial has taken place in the graves for a period of 75 years or more, for the purpose of increasing the space for interments in graves in the cemetery.

3.5 The faculty petition process required public notices to be displayed at both the cemetery and at St Paul’s Church, New Southgate, both on the notice board outside the church and inside the church from 7th June to 7th July 2018. No objections were received.

3.6 Summary of responses to notification letters sent to registered owners of exclusive rights at their last known address:

Letters posted	2,330	
No Response	1,326	56.91%
“Not Known At Address”	975	41.85%
Responses	25	1.07%
Objections	1	0.04%
Support	2	0.09%
Questions	1	0.04%