

# Resolving the Human Remains Crisis in British Archaeology: A Reply

Joseph Elders\*

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General confusion concerning the proper treatment of human remains of archaeological significance prompted the Church of England and English Heritage to co-ordinate a working group which produced a document called 'Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England', published in 2005. This established best practice for dealing within the current secular and ecclesiastical legislation with Christian burials, but also with wider application. It also led to the eventual formation of the Advisory Panel on the Archaeology of Burials in England (APABE, see <http://www.britarch.ac.uk/apabe/>).

At this time the Home Office (later the Ministry of Justice) was working on revision of the secular legislation. During this process, concerns were raised that the current system of granting licences might not be lawful, and in 2008 an interim system was introduced whereby licences could be granted to archaeologists to hold human remains for two years, which could then be renewed on application. It was intended that these two years would allow time for the legislation to be amended. There is no doubt that this interim arrangement caused a certain amount of confusion and disquiet, with some people referring erroneously to a "Burial Act 2008". No such piece of legislation exists.

However, this planned legislative overhaul was dropped by the government in 2010, causing more concern among archaeologists. Following pressure from various organisations including EH, the IFA, ALGAO and APABE, the Ministry of Justice introduced a new licencing system in the summer of 2011, which allowed for the retention of human remains by archaeologists, putting the responsibility for justification and control for such retention on the local authority. This is a good resolution, which archaeologists should be happy to support.<sup>1</sup>

## Notes

1 Holger Schutkowski, Chair of APABE (Advisory Panel on the Archaeology of Burials in England), has asked us to append the following statement: "having read Joe Elders' contribution for the CoE we concluded that APABE essentially has the same points to make and that therefore a separate statement would not be useful...APABE supports and shares the views expressed on behalf of the CoE – yet in our capacity as the independent advisory panel (on all archaeological burials)" (the editor).

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\* Cathedral and Church Buildings Division,  
Church of England