

**ATHERSTONE TOWN COUNCIL**  
**REGULATIONS FOR THE MANAGEMENT OF**  
**ATHERSTONE CEMETERY**  
**SHEEPY ROAD, ATHERSTONE**

Made under Section 214 and Schedule 26 of the Local Government Act, 1972 and Article 3 of the Local Authorities' Cemeteries Order, 1977 (as amended).

**INTERPRETATION**

1. In these Regulations the "Council" means Atherstone Town Council.
2. The "Cemetery" means the Cemetery provided by the Council at Sheepy Road, Atherstone, Warwickshire, Together with any land or building provided therewith by the council or others
3. "Town Clerk" means the Town Clerk of the Atherstone Town Council and is the person to deal with the day-to-day management of the cemetery.
4. Grave means a burial place formed in the ground by excavation and without any internal wall or brickwork or stonework or any other artificial lining.
5. Walled Grave means a burial place formed in the ground by excavation and lined with walls of brick or stone or other such material.
6. Grave space means an area of approximately 2.7mtrs x 1.2mtrs within the cemetery and allocated for the provision one grave or one walled grave.
7. Private grave means a grave in respect of which the council has granted an exclusive right of burial.
8. Public grave means a grave in respect of which an exclusive right of burial has not been granted nor will be granted by the council.

9. Memorial means any monument, gravestone or tablet that is erected on or surrounding a grave.
10. Medical Referee means such registered medical practitioner appointed, as a medical referee or a deputy medical referee, by the Home Office.

### **ADMISSION TO CEMETERY**

11. The Cemeteries will be open as per the advertised times currently

January, February, November and December	8.00 a.m. to 4.00 p.m.
March, April, September and October	8.00 a.m. to 6.00 p.m.
May, June, July and August	8.00 a.m. to 8.00 p.m.

Records showing the division of the Cemeteries into grave spaces and copies of the Tables of Fees setting out the charges referred to in these regulations, may be viewed free of charge at: -.

The Town Council Office, The Old Mortuary, North Street Atherstone  
Opening times - Monday to Friday 9.30 a.m. to 11.00 a.m.

Bank Holidays excepted  
Other times by appointment  
Telephone 01827 720829

12. The whole of the grounds and the buildings in the Cemetery, together with all growing trees, shrubs and flowers, are placed under the care of the Town Clerk or the superintendent or any other person authorised by the council whose duty it is to preserve order at all times and especially when interments take place.
13. Benches:  
Benches will be maintained by the Council until they are deemed, in the opinion of the Council, to be in an unsafe or un-repairable condition. The person who provided the bench will in that case be given the opportunity to replace the bench (the replacement must be of a specification approved by the Council), failing which the Council will have the bench removed.
14. All visitors to the Cemetery must keep to the roads or paths, except whilst visiting graves.
15. Visitors must not stand or sit or lean on any memorial or otherwise act in such a way as to cause damage to property or offence to passers-by.

16. No dogs are allowed in the cemetery with the exception of Guide Dogs

## **INTERMENTS**

17. Except on production of a certificate signed by a medical referee, that immediate burial is necessary on the grounds of public health, interments shall take place between the hours of 9.30am and 3.30pm during British Summer Time and 9.30 am and 2.30pm during the rest of the year on weekdays. Interments shall not take place on Saturdays, Sundays, and Monday mornings (ashes excepted), statutory or public holidays, and the following mornings (ashes excepted) unless by special arrangement and authorised by the Town Clerk or any other person authorised by the Town Council
18. Only human remains may be interred in the Cemetery (plus any small articles that can be reasonably contained in a standard coffin or casket).
19. Notices of interment must be given on the Council's printed form and this Notice must be properly completed and transmitted to the Council in accordance with their requirements. Responsibility for error therein must rest with the person giving the Notice. Provisional arrangements for interments shall be made by telephone prior to completing the above Notice.
20. a) The Notice of Interment must be delivered to the Town Clerk or other authorised officer so as to allow 2 full working days prior to the interment, Excluding the day of interment and will be stamped as received by the Town Clerk.

*Note: Saturdays, Sundays, statutory or public holidays and such other days on which the cemetery or Council offices are closed to the public shall not be counted as working days.*

b) Notice sent by post, fax or e-mail, shall be deemed to be delivered when the Town Clerk or other authorised officer (any such Notice, which is delivered on a day other than a working day, shall be deemed to be delivered at 9am on the next working day) receives it, and will be stamped as received on that next working day.

21. If circumstances are such that a particular interment is not convenient or practicable on the day or at the time stated in the Notice of Interment, the Town Clerk or other authorised officer shall forthwith notify the person giving the Notice of Interment of the grounds of his or her objection.

Interment shall not take place except on such day and at such time as may be approved by the Town Clerk or other authorised officer.

22.a) A Certificate of the Registrar of Births and Deaths, or a Coroner's Order for the Burial, must be delivered to the Town Clerk or other authorised officer at the time of, or prior to, the interment

b) For the burial of a stillborn child; the Certificate of the Registrar of Births and Deaths that he or she has registered the stillbirth or that he or she has received official notice of the stillbirth, or a Coroner's Order for Burial, must be delivered to the Town Clerk or other authorised officer being the person effecting the burial at least 2 hours prior to the interment.

*(Note: By section 1 of the Births and Deaths Registration Act 1926, it is both prohibited and an offence punishable on summary conviction by a fine not exceeding Level 1 on the standard scale (currently £200) for anyone to dispose of the body of a deceased person without delivery of the Registrar's Certificate for Disposal or the Coroner's Order for Burial or Certificate for Cremation).*

### **EXCLUSIVE RIGHT OF BURIAL**

23. The exclusive right of burial may be purchased using the appropriate form.

24. The purchase of the exclusive right of burial shall be for a period currently of 60 years, after which all rights shall revert to the Council or the deed owner/s may apply to pay an additional fee to top back up to 60 years (see current fees)

24.a) A maximum of 3 full burials and 4 cremated remains will be allowed in each a new plot. It should be noted that the burial of cremated remains prior to full burial may reduce the number of full burials that can take place. A maximum of 4 burials of cremated remains is allowed in an ashes plot.

25. The purchaser of the exclusive right of burial will be furnished on payment of the prescribed fee with a grant of the same.

26. The Deed of Grant must be produced to the Town Clerk or other authorised officer with the Notice of Interment, and the written consent of the owner, personal representative or next of kin must be produced or endorsed on the Form of application for interment. In the event of an Exclusive Right of Burial not being produced, the Council's form of Indemnity must be completed, after determination of the ownership of the rights of burial.

27. The grantee or his or her successors in title may not, without the consent of the Council, transfer the right of burial to another person. There is a charge for transfer of right of burial. It is the responsibility of the holder of

the right of burial deed or his or her successors to inform the Town Council of any change of address etc.

28. Registers of Burials in respect of each cemetery will be kept at the following locations:

The Town Council Office, The Old Mortuary, North Street, Atherstone (or other location to be specified as known)

Or any other place decided upon by the Town Clerk from time to time, where a search may be made, and certified extracts obtained during Town Council office hours.

## **GRAVES**

29. The Council reserves the right to designate areas of the cemeteries for the burial of children and cremated remains, and to declare certain areas as "lawned" areas, where the type of memorial that may subsequently be erected, is restricted.

30. The selection of the sites of all graves is subject to the approval of the Town Clerk or other authorised officer.

31. No burial shall take place, no cremated human remains shall be scattered without the permission of the officer appointed for that purpose by the burial authority.

No tombstone or other memorial shall be placed in a Cemetery, and no additional inscription shall be made on a tombstone or other memorial without the written permission of the burial authority.

32. No coffin shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave:

Provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground adjoining the grave.

33. No coffin shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than six inches thick.

34. When any grave is reopened for the purpose of making another burial

therein, no person shall disturb any human remains interred therein or remove therefore any soil, which is offensive.

35. Every walled grave or vault shall be properly constructed of suitable materials.

36. Within 24 hours of any burial in a walled grave or vault, the coffin, shall be

(A) Embedded in concrete, and covered with a layer of concrete not less than six inches thick; or

(B) Enclosed in a separate cell or compartment of brick, slate, stone flagging or pre cast concrete slabs of a 1:2:4 mix, in any case not less than two inches thick, in such a manner as to prevent, as far as possible, the escape of any noxious gas from the interior of the cell or compartment.

37. Any person to whose order a body is buried in a grave in respect of which an exclusive right of burial has been granted shall, as soon as conveniently may be after the subsidence of the earth has been completed, cause the surface of the grave to be covered with any tombstone or other memorial in respect of which a right has been granted by the burial authority or any predecessor of theirs, or with fresh turf, or, where the burial authority permits, with such flowers and other plants, or in such other manner, as may be permitted. As per the Memorial Regulations.

Any person to whose order a body is buried in a grave in respect of which an exclusive right of burial has been granted shall, remove any unwanted items from the grave to a safe place within the cemetery for safekeeping.

38. The depths of graves shall be subject, from time to time, to the regulation, supervision and direction of the Council; no grave will be allowed to be deepened after first interment. In any grave coffins made only organically degradable materials may be used and must bear a nameplate establishing the identity of the person being buried.

39. The Council reserves the right to prune, cut down or dig up, remove and dispose of any shrub, tree, plant or flower, at any time, when in its opinion the same has become unsightly or overgrown or when necessary for the purpose of allowing a grave to be reopened.

40. The planting of small hardy plants, flowers or rose bushes is allowed at the head of the grave, subject to the approval of the Town Clerk or other authorised officer.

41. Except where in accordance with the foregoing Regulations, the Council has undertaken to maintain or care for them; any memorial, vase, jar or other such receptacle (which must be shatterproof or unbreakable), shrub, plant or flower must be maintained, cared for or kept in a state of tidiness or good repair, as the case may be, by the person erecting, planting or placing the same.

The Town Council reserve the right to dispose of any cut flowers or wreaths from plots after what it deems to be an appropriate length of time.

### **CREMATED REMAINS**

42. The exclusive right of burial may be purchased for plots for the interment of cremated remains. The grant of the exclusive right shall be in accordance with Regulations 23 - 28.
43. Urns or receptacles containing cremated remains may be interred in otherwise full graves, (including graves designated as children's graves) subject to the provisions of the Local Authorities Cemeteries Order, 1977 relating to the reopening of such graves and the payment of the prescribed fee and also subject to the regulations in 24a).
44. On payment of the prescribed fee, cremated remains may be strewn inside a grave, subject to the decision of the Town Clerk or other authorised officer as to the suitability of the grave for this purpose, and any conditions he may impose.
45. These Regulations shall apply to the interment or disposal of cremated remains.
46. The Certificate for Burial of the ashes issued by the Registrar of the Crematorium must be produced to the Town Clerk or other authorised officer at the time of, or prior to, the interment or disposal of the ashes takes place. (See Reg. 14)
47. Permission must be obtained, and arrangements made, for the scattering of ashes in the designated area from the Town Clerk. **See Appendix 1**

### **MEMORIALS**

48. All memorials and inscriptions (and the erection thereof) are subject to the prior approval of the Town Council and payment of the required fees.

49. A completed application form signed by the deed holder and the memorial mason must be submitted to the Town Clerk. This must contain a plan showing the size and dimensions of the memorial and a copy of any proposed inscription in English or accompanied by a certified English translation.
- a) No memorial may be erected or inscription added without prior written permission in the form of a permit
  - b) No memorial is allowed to be erected on a grave in respect of which the exclusive right of burial has not been purchased.
50. Memorials are subject to the regulations as laid down in the Registration scheme for Memorial Masons. Only memorial masons registered under the scheme will be permitted to carry out works to memorials in Atherstone cemetery.
51. The Council reserves the right to remove or prevent the erection of any memorial, monument, or vase for which no permit has been issued.
52. All persons at work in the Cemetery in connection with graves, monuments or otherwise: -
- (A) Shall comply with all reasonable directions and requirements of the Town Clerk or other authorised officer.
  - (B) Shall only work during the normal working hours of Council staff, unless the prior written permission of the Town Clerk or other authorised officer has been obtained
  - (C) Shall clear away and dispose of off site all dirt, rubbish or other debris and leave all sites in a clean and safe condition
  - (D) Shall make good any damage that may be caused when carrying out work in the Cemetery
  - (E) Shall notify the Town Clerk or other authorised officer before starting work.
53. No memorial or part of a memorial may be removed from the Cemetery without the prior approval of the Town Clerk or other authorised officer. Any memorial removed in the process of opening a grave shall be removed at the risk and expense of the person requiring the grave to be opened. Where the Town Council's records show that a memorial is in place which requires removal prior to opening a grave, the funeral director

will be notified accordingly and will remove the stone not less than 48 hours prior to interment.

54. Any memorial taken down for any purpose must be replaced on the grave as soon as possible or removed from the Cemetery. See the Memorial Regulations

If a memorial is not replaced on the grave or taken from the Cemetery within four months of the date of its removal from the grave, the Council may give notice to the owner of the grave or the person requesting the memorial to be taken down, requiring its replacement or removal from the Cemetery.

If such notice is not complied with within fourteen days, the memorial will become the property of the Council absolutely and will be removed or destroyed or made safe.

55. All memorials erected within the Cemetery shall be kept in good repair by and at the expense of the owner. The Council reserves the right to remove any memorial, which is allowed to fall into disrepair or becomes unsightly. The Council may remove any memorials, which have been placed within the Cemetery without the required permission. If in the opinion of the Town Clerk or other authorised officer any memorial provides a risk of injury or damage to any other person or any other property, then the Council may take immediate action to eliminate that risk. Such actions may include (but are not limited to) removal, the laying down, supporting and sealing off of the memorial area, and to include the erection of warning notices in the area. Such actions may be taken without the notification or approval of the deed holder.

## **FEES AND CHARGES**

56. The Town Clerk shall produce, from time to time, a list of fees and charges for all relevant matters relating to plots, burial sections and memorials which will be available for inspection at the cemetery offices or any other place decided upon by the Town clerk from time to time.

57. The Town Council will review the Fees and Charges on an annual basis.

58. All fees and charges must be paid at the office of Atherstone Town Council, to the Town Clerk. Charges for interment must be paid before the time of the funeral or service and all other work is begun in respect of which they are payable.

59. A register of burials is kept at the office of the town clerk and searches may be made and certificates obtained on payment of a fee commensurate with the time spent in administration.

60. Any form specified in these regulations may be obtained free on application to the Town clerk.

### **ADDITIONAL PROVISIONS**

61. Any person who does not comply with the Regulations may be refused admittance to the Cemetery for such periods as the Council may think fit.

63. No alcohol or other intoxicating substance shall be permitted in the Cemetery. Any person found to be under the influence of or in possession of alcohol or any other intoxicating substance shall be refused admittance to or is required to leave the cemetery.

64. The Council accepts no responsibility whatsoever for any loss or damage, howsoever caused, in the Cemetery.

### **NOTES**

Attention is drawn to articles 5(6); 10(6), 18, 19 and Sections 1, 2, 3, 4 and 7 of Part I of Schedule 2 to the Local Authorities Cemeteries Order, 1977, viz:-

5(6) A burial authority may at the request of a particular denomination or religious body prohibit the interring or scattering of cremated human remains in or over part of a Cemetery set apart for their use.

10(6) No body shall be buried, or cremated human remains interred or scattered in or over any grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right. This paragraph shall not extend to the body, or remains of the person who immediately before his death was the owner of the right; or any other person specified in the deed of grant or in an endorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the burial authority.

18 (1) No person shall: -

- (a) Wilfully create any disturbance in a Cemetery;
- (b) Commit any nuisance in a Cemetery;
- (c) Wilfully interfere with any burial taking place in a Cemetery;
- (d) Wilfully interfere with any grave, or vault, any tombstone or other memorial, or any flowers or plants on any such matter;
- (e) Play at any game or sport in a Cemetery.

(2) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a Cemetery at any hour when it is closed to the public.

19 Every person who contravenes: -

- (a) Any prohibition under article 5(6),
- (b) Article 10(6).
- (c) Article 18,
- (d) Part I of Schedule 2,

Shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale (currently £1000), and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefore.

## **65. Ashes Scattering Area - See Appendix 1**

### **APPENDIX 1**

#### **SCATTERING OF ASHES IN ATHERSTONE CEMETERY**

Scattering of Ashes shall not take place except on such day and at such time as may be approved by the Town Clerk or other authorised officer. If weather conditions are not conducive the scattering may, at the discretion of the Town Clerk or other authorised officer, be postponed.

1. The Town Council has provided a procedure for the scattering of ashes in Atherstone Cemetery on two designated lawned areas in the Bottom Section of the Cemetery.
2. Ashes will be scattered in rotation using a special hand held scattering machine, thus avoiding an accumulation. The scattering of ashes must be conducted in an appropriate manner and may only be carried out by the Town Clerk or designated Town Council staff or authorised person. (This could include a Funeral Director)
3. Scattering of ashes outside the boundary of the designated site is not permitted.
4. This scattering service is available by appointment only. Enquiries may be made directly to the Town Council office by the public or through a funeral director or member of the clergy.

5. A charge is levied for this service. Please see the list of charges available from the Town Council office. The procedure may be carried out by the funeral directors who will levy their own charges. A further charge (see scale of Cemetery Fees for current rate) would be levied to the funeral director by the Town Council for the right to scatter ashes.
6. In the case where the family make the arrangement themselves through the Clerk a charge (see scale of Cemetery Fees for current rate) would be levied to the family by the Town Council for the right to scatter ashes. In this case the scattering will be carried out by the person /s appointed to do so by the Town Council.
7. Tributes of flowers may be placed at any time in the flower trough provided for this purpose adjacent to the lawns. Flowers /tributes must not be left on the Scattering Lawns or surrounding areas. The Town Council reserves the right to remove floral tributes at its own discretion that have died or have been left in the wrong place.
8. The Town Council has designated the area on which ashes are to be scattered as a green lawn space. The placement of any form of memorial, vase, urn or plants is not permitted.
9. A Remembrance Wall with seating is situated at the rear of the Ashes Scattering Lawns.
10. Memorial plaques of uniform design may be ordered through the Town Council Office, (see scale of Cemetery Fees for the current rate). Plaques will be sold for a one off fee. No renewal fee will be applied. If the plaque falls into disrepair it will be replaced with the same style of plaque and wording at the expense of Atherstone Town Council. Charges will cover the cost of the plaque, inscription and fixing costs. A sample is available on request. Only one plaque per scattering is permitted.

These regulations were amended and approved by the Council on the 17<sup>th</sup> October 2018.

*Signed; Councillor David Wright* \_\_\_\_\_  
*Chairman; Atherstone Town Council*