



MARLOWTOWNCOUNCIL

LOCAL GOVERNMENT ACT 1972 (3)

SECTIONS 214(3) AND 266(2)

**LOCAL AUTHORITIES' CEMETERIES ORDER 1977
STATUTORY INSTRUMENT 1977 No. 204**

REGULATIONS

**MADE BY THE TOWN COUNCIL OF MARLOW WITH RESPECT TO THE
MANAGEMENT OF THE CEMETERY PROVIDED BY THEM AND
CHARGES FOR THE USE OF SAME**

1. Throughout the construction of these Regulations the following words and expressions shall have the meanings hereinafter respectively assigned to them:-
 - a) "The Council" means the Town Council of Marlow.
 - b) "The Cemetery" means the Cemetery provided by the Council and situate to the north of Trinity Church, Marlow.
 - c) "Grave" means burial place formed in the ground by excavation and without any internal wall of brickwork or stonework or any other artificial lining.
 - d) "Vault" includes underground burial-places of every description, except graves to which the word "grave" interpreted as aforesaid applies.
 - e) "Exclusive right of burial" means in accordance with Section 18 below.
 - f) "Parishioner of the Civil Parish of Marlow" means a permanent resident and/or ratepayer of the Marlow Civil Parish. This definition includes those parishioners who have been caused to leave the said parish for any period of years by reason of hospital treatment or other care required to be given by authorised persons, or residence in Sheltered Accommodation outside the Parish.

The Council may require to consider proper evidence to support these Conditions and their decision on that evidence will be final.
2. Every person who in the Cemetery causes a vault to be built for use as a burial place shall cause it to be enclosed with walls constructed of:-
 - a) Good whole bricks or stone properly bonded and solidly put together, with good mortar compounded of good lime and clean sand or other suitable materials, or with good cement, or with good cement mixed with clean sand; OR
 - b) Other good hard and suitable material properly and solidly put together.
3. A person shall not in the Cemetery cause a body to be buried in a grave in such a manner that any part of the coffin is at a depth less than three feet below the level of the ground adjoining the grave.
4. A person shall not in the Cemetery cause a body to be buried in a grave unless the coffin is effectually separated from any other coffin already in the grave by means of a layer of earth not less than six inches in thickness.
5. Where, in the Cemetery, any grave is re-opened for the purpose of making another interment

therein, a person shall not disturb any human remains interred therein or remove therefrom any soil which is offensive.

6. Every person who in the Cemetery buries a body in a vault shall, within a period of twenty-four hours after the deposit in the vault of the coffin containing the body, cause the coffin to be wholly and permanently embedded in and covered with a layer or layers of good cement concrete, not less in any part than six inches in thickness, or to be wholly and permanently enclosed in a separate cell or receptacle which shall be constructed of slate or stone flagging not less than two inches in thickness, properly jointed in cement, or of good brickwork in cement, and in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or receptacle.
7. Every person who in the Cemetery buries a body in a grave in respect of which an exclusive right of burial has been granted by the Council shall, as soon as conveniently may be after the lapse of such a period as may reasonably suffice for the natural subsidence of the earth with which the grave has been filled up, cause the surface of the grave to be properly covered with fresh turf, or with any gravestone or monument which in pursuance of any grant by the Council, may lawfully be erected or placed on the grave or shall cause the surface of the grave to be planted with shrubs or with other suitable vegetation.

Cemetery

8. The Cemetery is open from 8.00 am until 4.00 pm during October through to March and 8.00 am until 8.00 pm during April through to September.
9. Notice must be given between the hours of 9 a.m. and 4.00 p.m. Monday to Friday, at the Office of the Council of any interment to be made, if in an ordinary grave three clear days, if in a vault three clear days (exclusive of Saturdays and Sundays) previously to the burial. An exception may be made when the immediate interment of a body is necessary. The notice shall be in the form prescribed by the Council, a copy of which will be supplied for use upon application.
10. The hours for interment (subject to arrangement as to the precise time with the Vicar or Minister required to officiate) will be as follows:-

During the months of January, February, March, October, November and December, between 10.00 am and 2.00 pm – due to dark.

During the months of April, May, June, July, August and September between 10 am and 4 pm.

It should be noted that in the event of a new interment, the cemetery superintendent will dispose of the wreaths and flowers etc. after 14 days

No second funeral shall be permitted at the time for which any interment (notice whereof shall have been already received) shall have been appointed except with the consent of those conducting the first funeral, or unless the same Minister will officiate at both funerals. No interment shall take place on Sunday, Good Friday or Christmas Day, except in cases of extreme urgency.

11. The Fees for interment must be paid at the Office of the Council on giving Notice of Interment and the receipt for same must be produced to the Clerk of the Council previously to the grave being dug. All fees and charges must be paid in advance.
12. No servant of the Council shall receive any payment or gratuity.
13. Children under twelve years of age will not be admitted except under the care of some responsible person: and all visitors will be expected in general to keep to the walks and invariably refrain from touching the shrubs or flowers and to observe perfect decorum in all respects. An officer of the Council may remove any person who shall injure the turf, trees, shrubs or plants, or any tombs, erections, or inscriptions or otherwise and reports of incidence will be reported to the

Town Council.

14. After every interment and before leaving the ground, the officiating council officer shall complete and sign a form for the registration of burial.
15. A register of the burials will be kept at the Office of the Clerk of the Council, where at all reasonable times searches may be made and certified extracts obtained upon payment of the proper fees.
16. When circumstances render it desirable to deviate from any of the above regulations, special application must be made to the Town Clerk, who shall put the information to the Council who have the power to sanction a deviation.

The regulations and conditions made by the Council on the 3rd day of February 1948, and amendments and additions thereto at any other time are hereby rescinded.

17. A person shall not willfully: create any disturbance in a cemetery; commit any nuisance in a cemetery; willfully interfere with any burial taking place in a cemetery; willfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or play at any game or sport in a cemetery.
18. Interments will not be allowed in the Chapel or within a suitable distance to be decided by the Council
19. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connection with the Cemetery, shall not on any day enter the Cemetery before the time hereinbefore appointed for the opening thereof, or enter the Cemetery or remain therein after the time hereinbefore appointed for the closing thereof.
20. A person shall not enter or exit the Cemetery otherwise than through one of the gates, wickets, passages or openings appointed by the Council as the authorised means of entrance to or exit from the Cemetery.
21. Dogs are not allowed in the Cemetery with the exception of guide dogs and other disabled assistance dogs. Please ensure dog litter is cleared up and disposed of properly.
22. Smoking is not permitted in the Cemetery or in the Chapel.
23. The selection of a site of a purchased grave must in every case be subject to the approval of the Council, but the wishes of the applicants will at all times be complied with where practicable. The selection of the site for an unpurchased grave for an interment will in every case be subject to the approval of the Council. The portion of the Cemetery coloured Pink on the Grave Space Plan to be seen at the Cemetery and the Council Offices will be reserved for purchased Grave Spaces.

Exclusive Right of Burial

24. a) "Exclusive right of burial" means the purchase of those rights for a period of ninety-nine years of a parcel of land of a size sufficient for the excavation of a grave space to such depth (9 feet long by 4 feet 6 inches wide (2.74m x 1.37 m) to receive the interment of the remains of one or two or three persons according to the depth of excavation agreed between the purchaser and the Council at the time of purchase. These rights also include the purchase of land 2'0" x 1'6" for the interment of Ashes after cremation of up to 6 persons.
25. If a Parishioner of the Civil Parish of Marlow shall, after the exclusive right of burial in any ground has been granted, leave and reside elsewhere, such purchaser shall retain the same right to the use thereof, as if such purchaser had continued in residence, and the same right shall be retained by his widow and children.
26. A person who desires to have one or more than one grave space as a family Burial Place may

purchase and obtain a grant or grants of right for ninety-nine years. Every grave space intended for a vault must be purchased. Pre-purchase of a grave space is not permitted.

27. No person not being a Parishioner of the Civil Parish of Marlow can be accepted for interment unless his heirs can produce Deeds of Purchase of Exclusive Rights of Burial subject also to the responsibilities set out in these Regulations.
28. Purchasers or owners of the exclusive right of burial in any ground for ninety-nine years shall not have the right to transfer the same otherwise than by will or with the consent of the Council. Every such transfer shall be made through the Council to whom the ground shall be surrendered for the purpose of being transferred to the permitted transferee.

After the first interment of Ashes the plot must be covered with a tablet of exact size for the purpose of inscription etc. and to be placed at ground level to enable the proper maintenance of the burial ground.

- b) Such purchase shall also include the right to inter the Ashes after cremation of other persons described by the purchaser at the time of purchase. In no way can these rights include the interment of remains in a coffin after one interment of Ashes after cremation has been approved whether or not a second or third interment has taken place before the interment of those Ashes.
- c) The purchase of exclusive rights of burial includes the responsibility of the purchaser described on his/her Deed of Purchase to maintain properly the grave space and of any monument, tablet or other materials placed on the grave.
- d) These exclusive rights include the responsibility of the cost of removal and proper replacement of any tablet, monument or other material placed on the grave after first or subsequent interment. The Town Council will not accept the cost of this responsibility and after 99 years has expired may give statutory notice to purchase and/described heirs and beneficiaries will remove and dispose of these monuments, tablets etc. and level that same grave, placing any nameplate or other inscription at such a level to provide for the more efficient maintenance of the Burial Ground.
- e) At the time of purchase of exclusive right of burial, the purchaser will state and the Deeds will be endorsed with the names of those to benefit by those Deeds including those who may eventually be excluded by means of the grave space becoming filled.
29. a) The interment of those remains other than of those for whom exclusive rights of burial have been purchased applies only to Parishioners of the Civil Parish of Marlow as to be interpreted in Clause 1 f).

Those remains will be interred in a suitable grave space selected by the Council and will not automatically confer any preference to any member of the deceased's family or any other person than selected by the Council.

The first interment of such a grave will be excavated to sufficient depth (less than 3 feet (0.91m) below the level of the surface of the ground adjoining the grave. to receive a second or third interment following and any such coffin may only be covered by earth according to the statutory requirements referred to in these Regulations and may not be back-filled to ground level unless the Council so decides.

30. Grant of Exclusive Right of Burial ownership must be in multiple owners, a minimum of two and a maximum of 4.

Full Graves

31. Materials of every description to be used in the construction of graves or vaults and all stones, tombs, tablets and monuments must be conveyed into the Burial Ground by hand or on carts or trucks with wheels, the tyres of which are not less than 4 inches wide. All bricks, stone, or other rubbish, shall be removed by and at the expense of the parties by whom it has been caused, and the superfluous soil arising from the digging of graves or vaults, shall be carted away by and at the expense of the parties making the grave or vault, or left on the ground at the discretion and disposal of the Council.
32. No brick or stone nor any tomb or monument shall be placed over any grave not purchased for ninety-nine years except that a headstone may be placed on that grave at a level of the surface of the grave for the purpose of naming the person whose remains are entered in that grave but its continuance would not be guaranteed beyond ten years in the case of a child up to twelve years of age nor beyond twenty years in any other case.
33. All damage caused by constructing a grave or vault or otherwise to any part of the Cemetery shall be immediately repaired to the satisfaction of the Council by the person causing the same, otherwise the repairs will be carried out by the Council, and the cost thereof charged and recovered as an extra fee.
34. No coffins constructed of more durable material than wood shall be placed in graves not held for ninety-nine years. Shroud's must be on an appropriate board and all wicker coffins must have a lining.
35. The planting of any grave space must be subject to the approval of the Council who reserve the right to remove any shrubs, trees, plants or flowers at any time when in their opinion the same shall have become unsightly or overgrown.
36. All graves and vaults in the Cemetery are to be dug by the person appointed by the Council, or under his superintendence who must provide a risk assessment and public liability certificate.
37. The consent in writing of the Owner, or his or her executors, administrators or permitted assigns, to any interment in a purchased grave or vault, must be left at Marlow Town Council with the notice of burial.
38. A safe unit must be used by the gravedigger to protect an empty grave which has been dug before the ceremony takes place.
39. A triple plot allows the burial of 3 bodies with up to 6 ashes.
40. A double plot allows the burial of 2 people with up to 6 ashes.

Cremation

41. Cremated remains may be interred in the cemetery either in a purchased ashes plot or in a full burial plot, where up to 6 ashes are allowed. An ashes plot is 2'0" x 1'6".

Section G

Section G can be found at the far north end of the Cemetery.

42. In Section G, upright headstones only are permitted in which a vase may be included in the headstone plinth. The graves in Section G will be levelled and grassed over for ease of maintenance and will be left to settle, for approximately twelve months, before a headstone can be installed. Marlow Town Council will provide a small aluminum vase until such a time that the grave has settled. The vase will be positioned in the place of a headstone by the Community and Amenities Officer and must not be moved to another position. If a headstone is then installed, the vase, which remains the property of Marlow Town Council, must be

returned to the Community and Amenities Officer. No graves are to be planted with shrubs, trees, or flowers, and no loose flowers are to be placed on the graves. No kerb edges, border stones, rails, chains, ornaments or other embellishments will be permitted. Any such items will be removed by the Community and Amenities Officer.

Memorials

43. Memorials must be erected by suitably qualified professionals (BRAMM registered). They must supply their Personal Indemnity certificate and risk assessment before work takes place.
44. All gravestones, monuments, memorials and inscriptions, are to be subject to the approval of the Council, and a copy of any inscription (if containing anything more than the name, date of death, and age of the deceased) proposed to be placed in the ground, and a drawing showing the form and dimensions of every tomb or monument proposed to be erected, must be left with the Clerk of the Council for approval. The Council reserves the right to remove anything placed on any grave space which in their opinion is unsightly or undesirable. No glass shades will be permitted on any grave space.
45. A monument should not exceed 3ft in height. Each application must be approved by Marlow Town Council. Following a burial a period of 12 months must be allowed before a monument is erected. This is to allow the ground to settle.
46. The identification number of a grave must be cut at the foot of all monuments or gravestones so as to be visible when erected.
47. All monuments, tablets, gravestones, fencing and other erections shall be kept in repair by the owners, if they come into a state of disrepair they will be forfeited after due warning by Marlow Town Council.
48. Memorials for cremated remains must not exceed a maximum of 18 x 18 inches (46cm x 46cm) and must be made of natural stone. They must be laid flat and level with the ground surface. These can be laid immediately after an interment.
49. The Council reserves the right, without notice to the owner(s), to remove any memorial not executed in a workmanlike manner, or one which disfigures the ground in any way.
50. Any person who causes damage to headstones must be held accountable for their actions and report the damage immediately to the Council. They will be charged for the repair or replacement.

The foregoing Regulations and Conditions were made and adopted by the Town Council of Marlow on 13th March 2018 in testimony whereof the Common Seal of the Council is hereto attached.

It is important all persons using the Burial Ground are warned of the penalties referred to in the Local Authorities' Cemeteries Order of 1977, with particular reference to wilful damage caused to any buildings, walls, fences, etc. belonging to the Cemetery or injury to any tree, plant therein and the wilful destruction, injury or defacement of any memorial tablet, inscription or gravestone in the Cemetery.

It is forbidden to play any game or sport or to discharge firearms, save at a military funeral, in the Cemetery or to wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein or the commitment of any nuisance within the Cemetery.

Jocelyn Towns

Signed.....
Town Mayor

Seal of the
Town Council

.....

of Marlow

Hilary

Signed.....
Town Clerk

13.03.2018

Town Clerk: Mrs Hilary Martin
Court Garden, Pound Lane, Marlow, Bucks, SL7 2AG Telephone: (01628) 484024, Fax: (01628) 481146
Email: office@marlow-tc.gov.uk