



## **NORTHAMPTON BOROUGH COUNCIL**

### **SCRUTINY PANEL 1 – CEMETERIES**

**27 SEPTEMBER 2017**

#### **BRIEFING NOTE: RELEVANT LEGISLATION**

##### **1 INTRODUCTION**

1.1 At its inaugural scoping meeting, Scrutiny Panel 1 (Cemeteries) agreed that it would receive details regarding relevant Legislation regarding cemeteries.

1.2 Short summaries of the key points of the Legislation, for consideration by the Scrutiny Panel at its meeting on 27 September 2017, are:

- Legislative background - Cemetery and Crematorium Regulations, Local Authorities Cemeteries Order 1977, Cremation Act 1902
- Cemetery and Crematorium Regulations

##### **2 Relevant Legislation**

###### **2.1 Legislative Background**

The provision of cemeteries and crematorium is not a statutory duty of a local authority.

Under Article 2 of the Local Authorities Cemeteries Order 1977 (LAC 077) a local authority may provide and maintain cemeteries inside or outside its area. The order sets out the general parameters under which municipal cemeteries operate. The order allows considerable management discretion and regulates matters such as:

- Provision of chapels, mortuaries and biers;
- Plans and records keeping, registration of burials and disinterment, and storage of records;
- Grant of exclusive rights, rights to erect memorials and agreements for maintenance of graves and memorials;
- Fees and charges;

- Maintenance, including removal or memorials;
- Depth of burial and special provisions in relation to walled graves and vaults; and
- Offences and penalties.

The legislation requires that a Local authority must keep in good repair any cemetery that they are responsible for, together with the walls, buildings and fences thereon and any other buildings provided for use therein. Section 4 of the Cremation Act 1902 provides that a Burial Authority may provide anything ancillary or incidental to the provision of cemeteries and this shall be deemed to extend to the provision of crematoria. The 1902 Act also allows local authorities to charge such fees as they see fit, and requires the keeping of registers and plans of sites

## **2.2 Cemetery and Crematorium Regulations**

2.2.1 Local Authorities can introduce cemetery and crematorium regulations and details of those introduced by Northampton Borough Council are provided at agenda item 9 of the meeting.

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Date: 7 August 2017