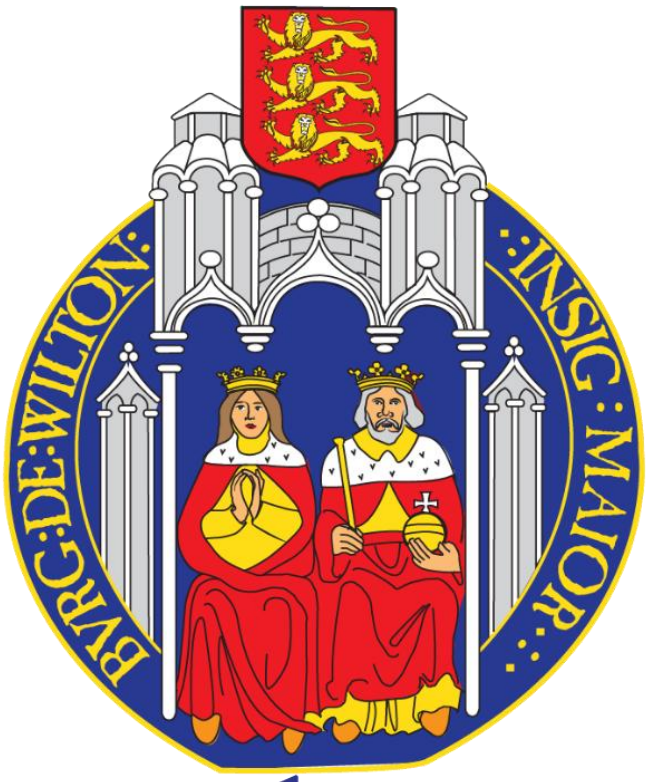

Wilton
Town Council

Cemetery Policy

Version 4.0 – November 2026

Contents

Contents

Document Control Information

References

1. Introduction

2. Right of Access and Use

3. Conduct

4. Fees

5. Exclusive Right of Burial (Deed)

6. Burials

7. Memorials

8. Grounds Maintenance

9. Cremated Remains

Document Control Information

Title: Cemetery Policy

Date: 02/11/2026

Version: 4.0

Authors: Wilton Town Council

Version Control:

Version No	Date	Approval FC reference	Description
1.0	May 2019	Unresolved	Policy Published
2.0	November 2022	203/22(ii)	Reviewed – minute 203/22(ii)
3.0	October 2026	FC79	Reviewed, rewritten, formatted into new template – deferred under minute FC79 on 12/10/2026
4.0	November 2026	FC89 (b)	Prepared for Full Council – 9 November 2026, including revisions as per Minute reference FC79

Planned Review Date: **November 2028, or earlier if legislation or operational requirements change**

References

Equality Act 2010. (n.d.). Retrieved from https://www.legislation.gov.uk/ukpga/2010/15/contents

Local Authorities' Cemeteries Order 1977. (n.d.). Retrieved from https://www.legislation.gov.uk/uksi/1977/204/contents/made

Local Government Act 1972. (n.d.). Retrieved from https://www.legislation.gov.uk/ukpga/1972/70/contents

Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970. (1970). Retrieved from https://www.legislation.gov.uk/ukpga/1970/29

1. Introduction

1.1 These regulations govern the management and use of Wilton Cemetery, Shaftesbury Road, Wilton. They apply to visitors, applicants, registered owners of burial rights, funeral directors, gravediggers, memorial masons, contractors and any other person carrying out work or activities within the cemetery.

1.2 These regulations are made pursuant to the Local Authorities' Cemeteries Order 1977, the Local Government Act 1972, and the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970 and shall be known as the Wilton Town Council Cemetery Regulations.

1.3 These regulations apply to Wilton Cemetery at Shaftesbury Road, Wilton.

1.4 The Council's appointed cemetery officer is the Town Clerk or their duly authorised representative.

1.5 For this policy, "Council" means Wilton Town Council and "cemetery" includes the burial ground and Garden of Remembrance under the Council's management and control.

2. Right of Access and Use

2.1 The cemetery will be open to visitors daily from dawn until dusk.

2.2 Children under the age of 12 years must be accompanied and supervised by a responsible adult.

2.3 The Council reserves the right to:

- Close or limit access to the cemetery, or part thereof, when necessary.
- Restrict or withdraw access to the cemetery by any person or organisation where reasonably necessary to protect public safety, prevent unlawful conduct, prevent serious disruption or respond to a breach of these regulations.

  Any restriction will be proportionate and will take account of the Council's obligations under the Equality Act 2010.

2.4 Private vehicles and cycles are not permitted within the cemetery. Permitted vehicles must not exceed 5 mph and must not be driven off the paths at any time.

2.5 Skateboarding, roller skating and similar activities are not permitted within the cemetery.

2.6 Dogs are not permitted within the cemetery, except assistance dogs.

2.7 Horses are not permitted in the cemetery.

2.8 Smoking, vaping and the consumption of alcohol are not permitted within the cemetery.

2.9 The cemetery chapel may be used only with the Council's prior permission and subject to any reasonable conditions imposed by the Council. The Council may require an appointed representative to attend. Smoking, vaping and the consumption of alcohol are not permitted within the chapel.

2.10 Littering is not permitted. Waste must be placed in the litter bins provided around the cemetery.

3. Conduct

3.1 In accordance with the Local Authorities' Cemeteries Order 1977 it is an offence to:

- Wilfully create any disturbance in a cemetery.
- Commit any nuisance in a cemetery.
- Wilfully interfere with any burial taking place in a cemetery.
- Wilfully interfere with any grave or vault, tombstone or other memorial, or any flowers or plants associated with a grave.
- Engage in sports, ball games or similar recreational activities in the cemetery.

3.2 In addition to the offences above, the following activities are prohibited within the cemetery:

- The use of threatening, offensive or abusive language towards any visitor, contractor or member of staff.
- Moving bins, benches or other cemetery assets without prior authorisation from the Council.
- Undertaking commercial filming or photography, or any other commercial activity, without prior authorisation from the Council.

4. Fees

4.1 The schedule of fees is detailed in the Council's Fees and Charges.

4.2 The Council shall review its fees at least annually.

4.3 All fees are payable in advance.

4.4 The standard interment fee includes ordinary administration, statutory register entries and database updates. An additional administration charge may be made only for exceptional work outside the ordinary processing of an interment or

application, such as complex succession or transfer enquiries, reconstruction of incomplete historic records or extensive archive searches. The applicant must be told in writing before chargeable additional work is undertaken. The first two hours of administration included in a transfer fee will not be charged again.

4.5 Any additional administration charge will be applied in accordance with the Council's approved Fees and Charges, normally in 30-minute units.

4.6 For the purposes of the Council's Cemetery Fees and Charges, a resident of Wilton is a person who is liable to pay the parish precept element of Council Tax to Wilton Town Council.

4.7 Where a deceased person was residing in a hospital, nursing home or other care facility outside the parish of Wilton immediately prior to their death, residency within the parish may be established by providing evidence of their previous residence, such as their most recent Council Tax bill showing liability for the Wilton Town Council parish precept.

5. Exclusive Right of Burial (Deed)

5.1 The cemetery and each grave space are under the Council's management and control. Purchasing an Exclusive Right of Burial does not constitute the purchase of the grave, grave space or land.

5.2 An Exclusive Right of Burial may be granted for a period not exceeding 100 years from the date of grant, subject to the Council's policy and the law in force at the time.

5.3 The Council will issue a formal written deed or grant for each grave or plot and maintain the corresponding statutory records.

5.4 The Exclusive Right of Burial entitles the registered holder(s) to:

- Be buried in the grave or plot, subject to space being available.
- Authorise burials in the grave or plot, subject to space being available and these regulations.
- Apply for permission to erect a memorial through the completion of the Memorial Application Form.
- Apply for permission for an additional inscription on an approved memorial.

5.5 An Exclusive Right of Burial will be issued in the names of up to three people.

5.6 Except for the burial of a registered owner(s), no burial or memorial work may take place without the written consent of all registered owner(s), unless another

lawful authority permits it. The Council may require evidence reasonably necessary to verify the registered right.

5.7 Each registered owner(s) may be buried in the grave without the consent of the other registered owner(s), subject to space being available. The consent of all registered owner(s) will be required to enable a memorial to be erected on the grave or to permit the burial in the grave of any other person.

5.8 Possession of a deed does not by itself establish current ownership. The Council's register is the primary record of the registered ownership of the right.

5.9 Ownership of an Exclusive Right of Burial does not give an individual or family the right to place items on a grave or plot that are not permitted under section 7.

5.10 An Exclusive Right of Burial may be assigned or transferred during the owner's lifetime or transmitted following death, subject to registration by the Council, production of appropriate evidence of entitlement and payment of the applicable fee. Evidence may include a Grant of Probate, Letters of Administration, statutory declaration, assignment or other documentation appropriate to the circumstances.

5.11 Where historic records are incomplete, inconsistent or unclear, the Council may require such documentary evidence as it reasonably considers necessary before authorising an interment, transfer or memorial application, and may postpone an application while entitlement is established.

5.12 Registered owners are responsible for notifying the Council of changes to their contact details.

5.13 Before expiry of an Exclusive Right of Burial, the Council may seek to contact the registered owner at their last recorded address regarding any option then available to extend the right. Any extension will be subject to applicable law and the Council's policy and fees then in force.

5.14 On expiry, rights under the grant cease except to the extent provided by law. Any action concerning a grave or memorial following expiry will be undertaken in accordance with applicable legislation and any required notice procedure.

5.15 No human remains, including cremated remains, may be exhumed, removed or otherwise disturbed unless all licences, faculties, permissions or other lawful authority required for the proposed exhumation have first been obtained. The Council's written approval and any operational requirements must also be satisfied before work begins.

5.16 Transfer from living owner(s) is completed through an Assignment Form. Transfer following the death of a registered owner requires evidence establishing the person or persons entitled to the right. Where a Grant of Probate or Letters of

Administration is unavailable, the Council may accept a statutory declaration or other appropriate evidence, having regard to the circumstances and any legal advice obtained.

6. Burials

6.1 All interments are subject to the Council's prior written approval and compliance with these regulations.

6.2 A completed Notice of Interment, together with the Registrar's or Coroner's certificate and all required supporting documents, must normally be received at least three clear working days before the proposed interment. The Council may require longer where ownership, grave capacity or records require investigation.

6.3 The Council will not confirm an interment until it is satisfied as to the grave, capacity, authority, documentation and applicable fees.

6.4 For the purposes of the Council's fee schedule, a child is a person aged under 18 at the date of death.

6.5 The Council requires the registered right to be verified before a grave is reopened. Where the deed is lost, the Council may require a statutory declaration or other evidence appropriate to the circumstances.

6.6 The digging and reinstatement of graves will be the responsibility of the appointed Funeral Director. The Funeral Director must appoint a competent gravedigger. Temporary placement and handling of spoil must follow the Council's directions. The Council will determine arrangements for the retention, reuse or lawful removal of surplus spoil and may recover general service costs through the approved interment fees.

6.7 Excavated material must normally be placed on suitable sheeting within the allocated working area and must not obstruct a public path. Where site constraints make temporary use of an adjacent grave unavoidable, appropriate protection must be used, the period of use must be kept to a minimum and the affected area must be left in its previous condition.

6.8 Memorials and grave furniture must not be loaded, covered, moved or disturbed except under arrangements approved by the Council. Surplus spoil must be placed only in an area designated by the Council or, where directed by the Council, removed from the cemetery and disposed of lawfully.

6.9 Mourners may scatter soil on the coffin but are not permitted to backfill a grave. Backfilling must be undertaken by a competent gravedigger after the service; details of the gravedigger must be provided on the Notice of Interment.

6.10 All bodies entering the cemetery for burial must be contained in a coffin or biodegradable wrapping or covering bearing the full name, age and date of death. The dimensions must be provided on the Notice of Interment. Where the size requires additional excavation, specialist equipment or exceptional arrangements, the Council may recover the reasonable additional cost, subject to prior agreement with the applicant or Funeral Director.

6.11 The interment fee includes all ordinary administration and entries into burial registers and databases. It does not include removal or reinstatement of any memorial, whether belonging to the grave to be opened or another grave requiring temporary access; that cost must be met by the applicant unless otherwise agreed in writing.

6.12 Additional administration may be charged only in the circumstances set out at clause 4.4 and not for the ordinary processing described at clause 6.11.

6.13 The Council may require an authorised representative to attend an interment or associated work.

7. Memorials

7.1 No memorial of any description may be placed on an unpurchased grave.

7.2 Memorials must conform to the standards set for the relevant grave or plot.

7.3 Only memorial masons approved by the Council are permitted to carry out work in the cemetery.

7.4 All memorials must be installed in accordance with the most recent applicable edition of the NAMM Recommended Code of Working Practice or the BRAMM Blue Book.

7.5 Details of each proposed memorial or additional inscription must be submitted using the Council's Memorial Application Form. Work may begin only after the Council issues written approval in the form of a permit and the applicable fee has been paid.

7.6 A burial memorial must not exceed 91 cm in overall height or 76 cm in overall width. A cremation memorial must not exceed 30 cm in overall height; a single flat memorial must not exceed 30 cm × 30 cm and a double flat memorial must not exceed 40 cm × 30 cm. No permit will be issued for a memorial exceeding these limits.

7.7 Subject to the grave selected and ground conditions, the Council may require a period of up to 12 months following a burial before a permanent memorial is erected.

7.8 The Council reserves the right to remove a memorial that does not conform to the approved application or has been erected without permission. The memorial will be retained at the cemetery for three months pending collection by the person responsible, after which it will be disposed of. The cost of removal and disposal will be recovered from the person responsible. The Council reserves the right to take action against the responsible memorial mason in accordance with its registration scheme.

7.9 Before permanent disposal, the Council will take reasonable steps to notify the registered owner or applicant using the latest contact details held, except where immediate action is necessary for safety. Any removal, retention, disposal and cost recovery will be documented.

7.10 A temporary wooden cross not exceeding 600 mm in height may be placed on a grave until a permanent memorial is installed or for a maximum of 12 months from the interment, whichever is sooner. Permission must first be obtained from the Council.

7.11 All new memorials must display the corresponding grave number and the name of the memorial mason conspicuously on the reverse.

7.12 Kerbstones or border stones are permitted only where approved by the Council. No other memorial, dressing, planting or item is permitted except as provided by clause 7.13. Prohibited items include wind chimes, windmills, flags, lights, candles, alcohol, fencing and anything made of glass.

7.13 Cut flowers and wreaths may be placed on graves. Dead flowers may be removed by the Council; Christmas wreaths may be removed after 31 January; and funeral tributes may be removed after 14 days.

7.14 Unauthorised moveable items may be removed without notice and stored for one month, after which they may be disposed of. Unauthorised planting may be removed and disposed of or reused by the Council. Where practicable, the Council will record removed items and the grave concerned.

7.15 The maintenance and insurance of a memorial are the responsibility of the registered owner of the Exclusive Right of Burial.

7.16 The Council will undertake proportionate memorial safety inspections and may make safe any memorial presenting an immediate risk. Where practicable, the Council will contact the registered owner using the latest details held and explain the defect and required action. Permanent repair or refixing remains the registered owner's responsibility and must be undertaken by an approved memorial mason.

7.17 If required safety work is not completed within a reasonable period specified by the Council, the Council may restrict further exercise of the memorial right and take such proportionate action as is lawful and necessary to manage the risk.

8. Grounds Maintenance

8.1 The Council is responsible for general maintenance of the cemetery grounds and communal areas, including grass cutting. Grave excavation, backfilling and initial reinstatement are the responsibility of the competent gravedigger appointed by or on behalf of the Funeral Director.

8.2 Following a burial, the grave will be backfilled by the appointed gravedigger and floral tributes placed carefully over the grave.

8.3 Following an earth burial, settlement of the backfilled grave is expected. The Funeral Director is responsible for ensuring appropriate arrangements are made for initial settlement and reinstatement. Once satisfactory reinstatement is completed, subsequent routine grounds maintenance forms part of the Council's grounds maintenance regime.

8.4 The Council reserves the right of passage by people and machinery over all graves for cemetery purposes, including grounds maintenance, grave preparation, memorial work and safety inspection.

8.5 The Council reserves the right to cover or temporarily remove a memorial in connection with an interment or cemetery operations.

8.6 When a grave is excavated for a second or subsequent burial, the registered owner is responsible for arranging removal and later replacement of the memorial after an appropriate settlement period.

8.7 Where access to a grave requires temporary removal of a memorial belonging to another grave, arrangements for safe removal, storage and reinstatement will be agreed by the Council before the interment.

8.8 The Council's directions on spoil handling under clause 6.6 apply to all excavations. No person may remove, deposit or reuse spoil contrary to those directions.

9. Cremated Remains

9.1 Loose cremated remains may be scattered only with the Council's prior permission, in the Garden of Remembrance or another area designated by the Council for that purpose, and subject to the appropriate fee.

9.2 Cremated remains may be interred in a grave where sufficient space is available and the interment can take place without disturbing previously interred remains.

9.3 The number and position of cremated-remains interments permitted will be determined by the Council having regard to cemetery records, available space and safe excavation.

9.4 A cremation memorial must comply with the dimensions and permit requirements in clauses 7.5 and 7.6.

9.5 No cremated remains may be exhumed or disturbed except in accordance with clause 5.15.