

SCHEDULE 3

REMOVAL OF MEMORIALS AND LEVELLING, ETC

Notification of exercise of powers

3. Before exercising the powers described in article 16(2) the burial authority shall—
 - (a) display a notice of their intention to do so in conspicuous positions at the entrances to the cemetery and if the powers are to be exercised only in any area of the cemetery in conspicuous positions in or adjoining such area;
 - (b) publish the notice in two successive weeks in the newspaper or newspapers which in their opinion would secure the best publicity in the area served by the cemetery;
 - (c) where the area of the cemetery in which the powers are to be exercised, or any part thereof, has been consecrated or set apart for the use of a particular denomination or religious body, notify the rural dean or persons representative of the particular denomination or religious body, and where such dean or persons within the 3 months following the notification make any representations to them, consider such representations with them; and
 - (d) if they have not already done so, comply with article 20(5).

4. Before exercising the said powers in respect of any grave on which there is a tombstone or other memorial the burial authority shall, in the circumstances in which this paragraph applies, subject to paragraph 6, serve copies of the said notice and of paragraphs 9, 10, 12, 15, 17 and 18 on the owner of the right to place and maintain it or (if they have a record of his name and address) on the person granted permission to place it.

The circumstances in which this paragraph applies are where—

- a burial in the grave has taken place;
- the right to place and maintain, or the permission to place, the tombstone or other memorial has been granted or renewed;
- the right, or permission, to place any additional inscription on the tombstone or other memorial has been granted; or
- notification of any assignment or transmission of the right to place and maintain the tombstone or other memorial, or of the address of the owner of such right or of the person granted permission to place it, has been given,

within the 30 years preceding the first display of the notice under paragraph 3.

5. Before exercising the powers described in article 16(2)(c) in respect of any other grave the burial authority shall, in the circumstances in which this paragraph applies, subject to paragraph 6, serve copies of the said notice and of paragraphs 11, 14, 17 and 19 on the owner of the right described in article 10(1)(a)(i) or (ii) in respect of the grave.

The circumstances in which this paragraph applies are where—

- a burial in the grave has been made in exercise of the right described in article 10(1)(a)(i) or (ii); or
- notification of any assignment or transmission of such right, or of the address of the owner thereof, has been given,

within the 30 years preceding the first display of the notice under paragraph 3.

6. Paragraph 4 or 5 shall not apply in relation to any owner or person where the specified circumstances exist in respect of him.

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7. The said notice shall—

- (a) contain brief particulars of the proposals and unless the proposals are incapable of further statement specify an address at which further particulars are obtainable free of charge;
- (b) specify a date before which the carrying out of the proposals will not be commenced, being a date not less than 3 months following the completion of the action required by paragraph 3; and
- (c) indicate that particulars as to—
 - (i) the objections which can be made to the proposals;
 - (ii) requests for the re-erection of tombstones or other memorials; and
 - (iii) the removal of tombstones and other memorials,are obtainable free of charge from a specified address.