

FRIENDS OF HIGHGATE CEMETERY TRUST

## Highgate Cemetery Act: Memorials policy

### **1. Introduction**

The Friends of Highgate Cemetery Trust ('the Trust') is required by sections 4(12) and 5(13) of the *Highgate Cemetery Act 2022* ('the Act') to 'publish on its website or by other appropriate means, and make available on request, a policy setting out how it will exercise its powers under this section in relation to memorials.' This document is that policy.

### **2. The value of memorials**

The Trust recognises the exceptional value of Highgate Cemetery's funerary heritage, from the largest of its mausolea to the humblest cremation plaques. They are evidence of the affection for those who have gone before us, examples of the sculptors' and masons' art, and many of them tell interesting stories which help us feel connected to our past.

However, many are also eroded, fragmentary or in poor condition, or retaining them would prevent cemetery operations from continuing. By passing the Act, the Government has shown it recognises that it may be necessary to remove a memorial from a grave for the purpose of increasing the space for interments and for the conservation of Highgate Cemetery.

### **3. What is a memorial?**

In this policy the word 'memorial' has the same definition as it does in the Act: 'any monument, headpiece, headstone, flatstone, slab, footstone, borderstone, kerbstone, tombstone or tablet, and includes any wall, kerb or railing protecting, enclosing or marking a grave or grave space or memorial (including any permanent covering thereon), or any other commemorative object placed in the cemetery including vases, flower containers or other similar objects.'

The definition includes most objects permanently placed on a grave regardless of their condition, whether intact or fragmentary: 'memorial' could refer to a perfectly-preserved headstone of outstanding interest, or a formless piece of stone without an inscription. Each demands different treatment.

### **4. What will happen to a memorial?**

Under the Act, the Trust may remove any memorial in connection with the extinguishment of a burial right or the disturbance of human remains. Any memorial remains the property of the owner of it, but if such owner does not claim it within a period of six months after the date specified in a notice, the Trust may put the memorial to such use as the Trust considers appropriate or the Trust may dispose of it.

#### **4.1 Claimed by owner**

Should an owner wish to claim their memorial, they must ensure that this can be done safely and without harm to other cemetery memorials or visitors. Larger memorials (anything which cannot easily be moved by one person without equipment) will require the use of a suitably-qualified and insured contractor who must submit a method statement for approval before

proceeding. All costs of claiming and removing the memorial will be met by the owner, but the Trust will not charge an administration fee.

#### **4.2 Unclaimed and put to an appropriate use**

The Trust may decide to put a memorial to an appropriate use within the cemetery including:

- reinstatement on the original grave
- burial at low level in the original grave
- removal to another location in the cemetery (including, for example, use as paving)
- incorporation in another memorial or building within the cemetery.

#### **4.3 Unclaimed and disposed of**

The Trust may decide to dispose of a memorial by sale or gift or by destroying it.

The Trust recognizes the importance of handling memorials with care and dignity out of respect for the individuals whose names are inscribed on them. It will take appropriate measures to ensure that the names do not appear in a context which may cause distress.

### **5. Determining appropriate uses or disposal**

Significant memorials will normally be kept within the cemetery but, where that is not possible and the condition of the memorial allows, the Trust will prefer a memorial to be put to another appropriate use rather than for it to be destroyed.

Unless a memorial is substantially damaged, the Trust will seek and have due regard to the views of the Memorial Assessment and Advisory Committee before determining its most appropriate use. In making its determination, the Trust will consider the cultural significance of the memorial, its condition, and the practicalities of its movement so as to ensure the safe and continued operation of the cemetery.

The Trust will apply the following sequential tests:

#### **1. Can it be kept?**

Is it reasonably practicable to keep the memorial within the cemetery by one of the appropriate uses identified in 4.2 above? If yes, the Trust will attempt to do so. (It is not anticipated that a memorial in good condition in categories 6.1 to 6.3 below or which the Trust has identified as being of positive cultural significance would be disposed of in connection with the exercise of powers under the Act.)

If not proceed to Step 2.

#### **2. Can someone else use it?**

Is it reasonably practicable to remove the memorial from the cemetery, but avoid its destruction? If yes, the Trust will consider identifying a location in accordance with section 4.2 above. If not, proceed to Step 3.

#### **3. Destroy**

The Trust may destroy the memorial.

### **6. Extant protections**

Nothing in the Act or this Policy affects the extant requirements under the Town and Country Planning Act 1990, or any other planning enactments in connection with listed buildings, or cultural heritage assets. These protections include:

#### **6.1 Listed memorials**

Notice would be served upon the Historic Buildings and Monuments Commission for England ('Historic England'). If appropriate, an application for Listed Building Consent would be made to the London Borough of Camden ('the local authority').

**6.2 Commonwealth war graves**

The Trust must obtain the written agreement of the Commonwealth War Graves Commission in addition to any other consents.

**6.3 Protected graves**

The Trust may from time to time, in consultation with or at the request of Historic England and the local authority, designate a grave as a protected grave. The Trust must obtain the written agreement of Historic England and the local authority before exercising the powers conferred by sections 4 and 5 of the Act in relation to protected graves.

**6.4 Pre-1925 memorials**

For any pre-1925 memorial (regardless of condition), the Trust must seek planning permission from the local authority.

**7. Memorial Assessment and Advisory Committee**

The Trust will establish a Memorial Assessment and Advisory Committee to advise it on the exercise of the powers under the Act in connection with memorials which it intends to remove from graves. Where the Committee's views are sought under section 5 above, the Committee will consider the cultural significance and condition of the memorial, practical difficulties in removal or retention and will take into account any representations by the owners and third parties with an interest in it. The Trust will have due regard to the views of the Memorial Assessment and Advisory Committee.

**8. Recording**

The Trust will make a record of each memorial removed according to the requirements of Section 7(4) and (5) of the Act. The record will at all reasonable times be available for consultation by any person free of charge, and a copy will be deposited with the Registrar General of England and Wales.

**9. Policy available on request**

The current version of this policy will be published on the Trust website. Copies will also be available by email on request to [info@highgatecemetery.org](mailto:info@highgatecemetery.org).

**10. Review**

The Trust will review this policy as often as necessary.

## Appendix: Memorial Assessment and Advisory Committee terms of reference

### **1. Purpose**

To advise the Trust on the significance of memorials, including priorities for repair or removal, and to ensure that new memorials are appropriate to their setting

### **2. Authority**

The Committee is authorised by the Board:

1. To perform the duties listed below
2. To delegate to the Chair or any member the authority between meetings to review papers and consult/inform Committee members by any means
3. To obtain independent professional advice and secure the attendance of outsiders with relevant expertise if it considers this necessary
4. To appoint ad hoc task groups comprising members of the Committee (and others who the Committee considers appropriate) to assist it in carrying out its task.

### **3. Duties**

1. To develop criteria and procedures for assessing the cultural significance of memorials
2. To assess the significance of memorials, taking into account any representations from experts, members, volunteers and the community
3. To advise the Trust on the exercise of its powers under the *Highgate Cemetery Act 2022* in connection with memorials it intends to remove from graves
4. To make recommendations on which graves should be designated as 'protected graves' under the *Highgate Cemetery Act 2022*
5. To set memorial repair priorities
6. To review applications for permits to erect a memorial which are unusual or diverge from design guidance (most approvals are delegated to the Registrar)
7. To ensure that appropriate records of work undertaken to memorials are maintained
8. To review as necessary the memorial assessment toolkit, design guidance for new memorials and technical guidance documents.
9. To provide minutes of all its meetings for review by the Board with a cover sheet which highlights:
  - a) key issues about which trustees need to be aware (including major risks);
  - b) decisions that trustees are being asked to make, and
  - c) decisions made under delegated authority.
10. To report back annually, and in summary, on:
  - a) what the Committee has achieved in the last 12 months;
  - b) what the Committee hopes to achieve in the next 12 months;

- c) what the Committee plans to do differently in order to increase its effectiveness; and
- d) what changes, if any, are needed to the Committee terms of reference.

#### **4. Composition and Quorum**

1. The Committee will consist at least four and no more than twelve members, at least one of whom must be a trustee.
2. The Committee and its Chair will be appointed by the Board.
3. The Committee will normally include people with appropriate expertise in:
  - a) Art History, especially sculpture, memorials or architecture
  - b) History
  - c) Materials or architectural conservation
  - d) Genealogy.
4. Members may also include a person nominated by Historic England, and a community representative.
5. A quorum shall be four Committee members.
6. The Chief Executive will be in attendance whenever possible.

#### **5. Frequency of meetings**

Meetings shall be held as necessary to undertake the duties outlined above but not less than once a year.

Date approved by the Board: 7 August 2024

Date for next review: 31 December 2025