

Pencombe Group Parish Council welcomes all visitors to its cemetery and they are asked to respect the peace, dignity and reverence of the facilities.

The cemetery is managed and operated in accordance with current legislation covering Burial and Cremation in England and Wales. These regulations are a necessary requirement for the management of Pencombe cemetery. Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these Regulations have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

Regulations made by Pencombe Group Parish Council (hereinafter called "The Council") acting, as the Burial Authority in exercise of the powers and duties conferred upon them by the Local Government Act 1972, Article 3 of the Local Authorities' Cemeteries Order 1977 and of all other powers and duties regarding the general management, regulation and control of the cemetery provided by them.

1. Interpretation

1.1. In the construction of these Regulations the following words have the meanings hereinafter respectively assigned to them, unless the context otherwise requires, that is to say:

- "The Council" means Pencombe Group Parish Council.
- "Cemetery" means Pencombe Cemetery in the ownership and under the control of the said Council as Burial Authority.
- The "Manager" means the Parish Clerk appointed by the Council and holding office by that designation, responsible for the management of the cemetery provided by and under the control of the Council.
- "Applicant" is a person other than a funeral director who wishes to arrange a funeral.
- "Burial" (Interment) means to place in a grave or tomb.
- "Funeral Director" means any person acting on behalf of the relatives of a deceased person in the carrying out of the arrangements for interment.
- "Office" means the residence of the Parish Clerk.
- "Memorial" means any gravestone, tomb, monument, cross, flatstone, kerbing, vaults, plaque or other monumental or wooden work that serves as a memorial of a person or persons buried.
- "Grave" means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.
- "Grave Space" means the area of land in which a coffin has been or will be buried.
- "Grantee" and or "owner" means the person who has the Exclusive Right of Burial in a grave, or the person or persons deriving title under him or her.
- "Kerb Section" means a section where the grave space may be used for erecting a kerb set memorial.
- "Lawn Section" means a section where only the space above the head of the grave may be used for memorialisation and/or placing of flowers.
- "Cremated Remains Section" means a section exclusively for interring cremated remains.
- "Resident" means a person residing within the parish of Pencombe.
- "Scale of Charges" means the scale of charges from time to time in force for the use of the cemetery.

- "Unpurchased, Public or Common Grave" means a grave in which no exclusive right of burial has been granted by the Council and in which unrelated persons may be interred.
- "Vault" means an underground burial place of any description except a grave to which the word "grave" interpreted as aforesaid applies.

1.2. Unless the expression otherwise requires, the expression "burial" includes the interment of cremated human remains and the expression "cemetery" includes any place set aside for the interment of cremated human remains.

2. Hours of Opening

2.1. Office Hours

2.1.1. Applications for grave spaces and interments, and applications for memorials can be made between 09:00 – 17:00, Monday to Friday. The office will not be open on Saturdays, Sundays or Public holidays.

2.2. Hours for Admission of Visitors

2.2.1. The cemetery grounds shall be open to visitors 24 hours per day.

2.3. Admission of Children

2.3.1. It is requested that children under 12 years of age shall be accompanied into the cemetery under the care and supervision of a responsible adult.

2.4. Dogs

2.4.1. Dogs must be kept on a lead at all times. Owners are expected to clear up any fouling.

2.5. Vehicles

2.5.1. Motor vehicles may enter the cemetery only if an occupier is on cemetery business.

2.5.2. Vehicles must not exceed 5 mph and must not obstruct paths or driveways.

2.5.3. The requirements of the Highway Code must be observed at all times.

2.5.4. Vehicles must not be parked in a position that obstructs other motor vehicles or any other form of access.

2.5.5. The Council will not accept responsibility for loss from or damage to any vehicle brought into the grounds, howsoever caused.

2.6. Bicycles

2.6.1. Bicycles shall not be ridden on grassed or planted areas.

2.6.2. Bicycles must not be placed against memorials, benches or trees and shrubs and if laid on the ground must not cause an obstruction.

2.6.3. The Council accepts no liability for loss or damage to any vehicle, bike, moped or bicycle whilst on the premises.

2.7. **Entrance Gates**

- 2.7.1. No visitor shall be permitted to enter or leave the grounds except by the proper entrance gates.

3. **Conduct**

3.1. **Byelaws**

- 3.1.1. Regard shall be had to any byelaws applicable to the cemetery.

3.2. **Unseemly Conduct**

- 3.2.1. No person in the cemetery shall behave in a noisy, disorderly, or unseemly manner, consume alcohol, gamble, hold any picnic or barbeque, sunbathe or play any game, use improper or indecent language, trespass on any portion of the cemetery, damage, destroy, or touch any tree, shrub, plant, headstone, monument, memorial, grave or any other property within the cemetery, or obstruct any officer as aforesaid of the Council in the execution of his duty.
- 3.2.2. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977 article 18(1) whereby no person shall:
- a. wilfully create any disturbance in a cemetery;
 - b. commit any nuisance in a cemetery;
 - c. wilfully interfere with any burial taking place in a cemetery;
 - d. wilfully interfere with any grave or vault, any tombstone or any other memorial or any plants on any such grave; or
 - e. play at any game or sport in a cemetery.
- 3.2.3. Note: Under article 10 of the Local Authorities' Cemeteries Order 1977, any person who contravenes article 18 shall be liable on summary conviction to a fine not exceeding £100.00 and in the case of a continuing offence to a fine not exceeding £10.00 for each day during which the offence continues after conviction thereof.

3.3. **Sitting or Climbing upon Headstones etc.**

- 3.3.1. No person shall sit, stand, or climb upon or over any gravestone, headstone, tombstone, monument, palisade, gate, wall, fence, or building within or belonging to the cemetery.

3.4. **Waste & Litter**

- 3.4.1. No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind except in the litter bin provided.

3.5. **Playing of Music**

- 3.5.1. The playing of any musical instrument, radio or any device used to generate and /or amplify any sound is not permitted in the cemetery (not including funeral services).

3.6. **Canvassing**

- 3.6.1. No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever, exhibit designs, or solicit for business for any company or individual within the

cemetery, or to ask of, or attempt to obtain from any employee, either directly or indirectly, information as to lease owners, without the prior consent of the Manager.

3.7. Distributing Literature or Other Advertisements

- 3.7.1. No person shall be permitted, by himself or via an agent, to distribute leaflets, business cards, or any other advertisement within the cemetery.
- 3.7.2. This regulation does not apply to the distribution of information relating to the cemetery by bodies such as Friends groups and similar organisations, in respect of which specific arrangements have been made with the Council.

3.8. Photographs

- 3.8.1. With the exception of the photographing or filming of images for personal use only, no photographs or video recordings may be taken in the cemetery without the prior consent of the Council and, where applicable, the holder of the deed of the Exclusive Right of Burial or applicant of the interment.
- 3.8.2. In applying for such consent, the applicant is deemed to acknowledge that the copyright of all resulting filmed images may not be reproduced without permission.
- 3.8.3. The Council reserves the right to charge a fee for any commercial filming in the cemetery.

3.9. Gratuities

- 3.9.1. No employee of the Council is to demand or receive any gratuity, or to undertake privately work of any kind connected with the cemetery, either in his own time or in the Council's time.
- 3.9.2. The receipt or demand of a gratuity, fee or unauthorised charge by any officer or servant of the Council will subject any such offender to disciplinary action.

3.10. Visitors Not to Interfere with Council Employees

- 3.10.1. Visitors or persons attending the cemetery shall not unreasonably interrupt or interfere with the Council's employees or its partners at their duties, nor employ them to execute any private works whatever in the cemetery.
- 3.10.2. Council employees shall make every effort to assist in an enquiry, although if further information is required or if a complaint is to be made then this must be directed to the office.

3.11. Exclusion or Removal of Persons from the Cemetery

- 3.11.1. The Council may at any time, by their officers as aforesaid, exclude or cause to be excluded from the cemetery any person or persons, who are not mourners or officially connected with the burial of any deceased person.
- 3.11.2. The Manager may also cause to be removed any person who shall be guilty of any breach of the Regulations for the time being in force in respect thereof for such period as the Council may determine, and may take such actions as may be deemed necessary in the event of unreasonable refusal to leave the Cemetery when required to do so.
- 3.11.3. All cases of exclusion under this Regulation shall be forthwith reported to the Manager.
- 3.11.4. No person shall be permitted to enter or leave the grounds except by the proper entrance gates.

4. Applications for Interment

4.1. Hours for Interment

- 4.1.1. Times available for interment are between 09.30 – 15:00, Monday to Friday.
- 4.1.2. Interments are not allowed on Sundays or Public holidays.

4.2. Consent of the Council

- 4.2.1. No interment shall take place and no monument or memorial shall be placed in the Cemetery nor shall any additional inscription be made on a memorial without the prior consent of the Council.

4.3. Notices & Applications Required Prior to Interment

- 4.3.1. All notices of interment and applications for grave spaces shall be given or made in the first instance by telephone to the Manager and subsequently confirmed in writing.
- 4.3.2. The minimum period required for notice of interments is three working days.
- 4.3.3. These days' notice must exclude the day of interment and exclude Saturday, Sunday and public holidays.

4.4. Notices of Interment

- 4.4.1. All Notices of Interment shall be given in writing and shall be signed by either the owner of the Exclusive Right of Burial (if applicable) or a near relative or the person legally responsible for the payment of the fees for the burial of the deceased.
- 4.4.2. This shall be on the prescribed form supplied for the purpose by the Council, the forms being available from the Manager or parish website.
- 4.4.3. The particulars required must be fully and distinctly filled in by the applicant.
- 4.4.4. Interment will not take place until all the forms are fully complete and other statutory documentation has been received.

4.5. Alteration of Day of Interment

- 4.5.1. Where it is found necessary to alter or postpone the day or hour previously fixed for an interment, notification of the alteration or postponement must be given to the Manager not later than 15.00 hours on the day prior to the day of interment.

4.6. Punctuality

- 4.6.1. The time booked for the arrival of a funeral, namely the time when the procession or cortege is to be at the graveside in accordance with the time specified on the notice given for interment, must be punctually observed in order to prevent, as far as possible, the interference of one funeral with another.
- 4.6.2. If a funeral arrives after the time specified on the notice given for interment, the service will take place as soon as possible after the appointed time.

4.7. Unusual Aspects of Funeral Services

- 4.7.1. The Council shall welcome any unusual or innovative arrangements for funerals including horse drawn vehicles, pipers, military ceremonies, etc., subject to the Council being informed so that the necessary preparations can be made.

4.8. Verbal Instructions

- 4.8.1. Any order or instruction given by telephone concerning any funeral shall be received at the sole risk of the person giving such order or instruction and, unless and until such orders or instructions are confirmed in writing in the manner provided for in these Regulations, the Council will accept no responsibility for any consequential failure to comply with them.

5. Certificates Required

5.1. Certificate of Registry of Death

- 5.1.1. The Certificate for Disposal issued by the Registrar of Births and Deaths or, in any case where a Coroner's Inquest has been held, a Coroner's Order for Burial or a duplicate thereof must be delivered to the Manager at least three working days prior to the time of the funeral.

5.2. Duplicate Certificate of Registry of Death

- 5.2.1. In circumstances where the Certificate or Order has been issued and lost or mislaid, the person having charge of the funeral must sign a declaration in accordance with the Births and Deaths Registration Act 1926 to the effect that a certificate has been issued before the interment may proceed.

5.3. Certificate for Still-born Children

- 5.3.1. The Certificate of the Registrar of Deaths given in pursuance of the Births and Deaths Registration Act 1953 or the Order of the Coroner must in a like manner be produced in respect of every stillborn child brought for burial.
- 5.3.2. If the birth does not come within the definition of "Still-born" or "Still-birth" as mentioned in the Still-birth (Definition) Act 1992, a certificate from a registered Medical Practitioner or other responsible person attendant at the birth, stating that it took place before the twenty fourth week of pregnancy must be produced.

5.4. Certificate of Cremation

- 5.4.1. A certificate of cremation must be produced from the appropriate officer of the Crematorium where the cremation took place before the interment of cremated remains of any person.

6. Exhumation

6.1. Consent of Registered Grave Owner

- 6.1.1. No body or cremated remains may be removed from a grave without the written and signed consent of the registered owner of the Exclusive Right of Burial for that grave, together with all other statutory documentation.

6.2. **Statutory Documentation**

- 6.2.1. The statutory documentation required is dependent upon whether the exhumation is to take place from a grave located in the consecrated or unconsecrated section of the Cemetery. Original documents shall be required for this purpose.

7. **Interment**

7.1. **Preparation of Graves**

- 7.1.1. All graves will be dug or excavated by competent persons appointed by the Funeral Director.
- 7.1.2. It is the responsibility of the Funeral Director to ensure that the grave digger is adhering to health and safety standards.
- 7.1.3. At the time of the first interment in a grave, the prospective owner may choose to have the grave excavated for up to two interments.

7.2. **Location of Graves**

- 7.2.1. No burial (including those of cremated remains) or encroachment shall be allowed for burial purposes on any ground allotted to paths or in the walks, shrubberies, or gardens within the Cemetery.

7.3. **Placing of Spoil**

- 7.3.1. The Council reserves the right to place excavated spoil on graves adjacent to those that need to be opened for an interment, without notice.
- 7.3.2. The spoil will be removed immediately following the interment and the area will be restored to its former condition.

7.4. **Removal of Memorials**

- 7.4.1. The Council reserves the right of passage over all graves for all purposes connected with the cemetery and the right to remove and replace memorials adjacent to those that need to be opened for an interment.
- 7.4.2. Every effort shall be made to contact the owner of the Exclusive Right of Burial.
- 7.4.3. Any memorials disturbed in this way shall be re-erected as soon as possible after the interment, but the Council will not be responsible in the event of a memorial being lost, broken or damaged through any cause other than their own negligence.

7.5. **Cremated Remains**

- 7.5.1. Cremated remains may be interred in caskets or containers constructed of biodegradable material in conventional purchased graves or graves for cremated remains.
- 7.5.2. Cremated remains may be interred in any previously purchased grave or in any area reserved for the purpose.
- 7.5.3. If a container is used, identification of whose remains it contains must be firmly attached to that container.

7.6. **Registers**

- 7.6.1. A Register of all Burials shall be kept by the Manager, where searches may be made during office hours and certified extracts or certificates obtained on payment of the prescribed fees.

8. **Exclusive Rights of Burial**

8.1. **Grant of Exclusive Right of Burial**

- 8.1.1. The Council shall grant on such terms and subject to such conditions as they think proper and upon payment of the appropriate fee or fees to any person aged eighteen years or over, for a period of seventy-five years, the Exclusive Right of Burial in any grave. The full name and address of the person to be registered as the owner thereof must be supplied.

8.2. **Selecting Grave Spaces**

- 8.2.1. Purchasers of Exclusive Rights of Burial for future use may select the location of any grave space for interment together with the required total depth subject to the approval of the Council. Where at all possible, the wishes of the purchaser will be considered.
- 8.2.2. Exclusive Rights of Burial shall not be sold to a Funeral Director, or firm of Funeral Directors, their agents or a partner in such a firm, unless evidence is submitted by a Funeral Director to the satisfaction of the Council that the grave is required for use by the applicant as a private individual and not for the purposes of his business.
- 8.2.3. The Council shall mark every grave space according to the official plan.

8.3. **Certificate of Grant**

- 8.3.1. Upon payment of the appropriate fee, the purchaser of the Exclusive Right of Burial in any grave or cremated remains plot shall be issued with a certificate, and the particulars thereof recorded by the Manager. The certificate will stipulate the full name of the owner and the terms on which the certificate has been issued as follows:
- a. The right of burial shall be exercisable only for a period of 75 years from the date of purchase/grant. At the end of this period the right of burial can no longer be exercised and all rights relating to the grave in question, and in relation to any memorial erected thereon, revert to the Council.
 - b. During the period of the Exclusive Right of Burial, the registered owner can apply for memorial works to be undertaken on the specified grave that comply in all respects, including any inscription thereon, with the requirements of these Regulations.
 - c. The registered owner (or their successor in title) may at the discretion of the Council, during any time of the aforementioned period (or any extension thereof), and on payment of the cost of the Exclusive Right of Burial at that time, obtain a renewal of the grant for an additional period not to exceed the original term of the grant.

8.4. **Right of Burial**

- 8.4.1. The purchase of an Exclusive Right of Burial entitles the deed holder/s the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to relevant grants).
- 8.4.2. The Council shall not be held responsible if, due to factors outside its control, the full number of interments cannot be achieved.

8.5. Consent of Grave Owner Required

- 8.5.1. No body or cremated remains shall be interred in any grave or cremated remains plot in which an Exclusive Right of Burial for the time being subsists, except with the consent in writing of the owner of the right.
- 8.5.2. It is the right of the grave owner to be interred in a grave for which they held the Exclusive Right of Burial however the Exclusive Right of Burial must subsequently be transferred before any memorial work application is granted.
- 8.5.3. To ensure that only the correct person is interred in the grave, any variation in the names must be explained and confirmed by a statutory declaration before the interment can take place.

8.6. Production of Deed or Grant

- 8.6.1. For every opening of a purchased grave, the certificate of ownership or any assignment thereof and the written consent of the owner must also be produced and given to the Manager with the Notice of Interment.
- 8.6.2. If the burial is to be that of the registered owner, written permission to open the grave will not be required, only production of the Grant together with all other relevant documentation (including the Certificate of Registry of Death and one of the documents referred to in paragraph 8.7 below). However, the name of the deceased as shown on the Registrar's Certificate for Disposal must be exactly the same as the name on the Grant of Exclusive Right of Burial.
- 8.6.3. If the certificate is lost or mislaid, a grave will be reopened only on the receipt of a completed form of declaration, which has to be sworn before a Solicitor, JP or Commissioner for Oaths at least 48 hours before the interment.
- 8.6.4. The Council reserves the right to require, in appropriate cases, an indemnity from the person applying for interment of a deceased registered owner if, in the opinion of the Council, the documentation produced in support of the application is inadequate.
- 8.6.5. The application forms are available from the Manager or the parish website.

8.7. Transfer of Exclusive Right of Burial

- 8.7.1. Following the decease of the grantee, the Exclusive Right of Burial in any grave space must be transferred and re-registered before the grave can be further re-opened or any stone or monument erected thereon or any existing stone or monument repaired, altered or removed.

8.8. Transfer of Exclusive Right of Burial – Documents Required

- 8.8.1. Transfer of ownership (as referred to above) can take place on production of any of the following relevant original documentation to the Manager:
 - a. Grant of Probate: Normally granted to the executor(s) appointed in the will of the deceased person once the will has been proven in court. Only the original 'sealed' Grant will be acceptable, i.e. it must bear the embossed seal of the Court.
 - b. Grant of Letters of Administration: When a deceased dies intestate (i.e. without making a valid will) then the next of kin (or some other person with a sufficient interest) can apply to the Court to be made Administrator of the Estate. As with Grant of Probate, the original document must be produced bearing the embossed seal of the Court.
 - c. Form of Assent: Normally completed by the deceased's personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased's estate.

- d. Statutory Declaration: An original document to be completed and witnessed by a Magistrate, JP or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

8.9. **Assignment of Exclusive Right of Burial**

- 8.9.1. Exclusive Rights of Burial in purchased ground shall not be assigned, except by deed, and on each change of ownership, whether by purchase or devise, the person claiming such right shall forthwith give notice of his claim to the Council and establish the same by sufficient evidence, when his title, if satisfactory, will upon payment of the prescribed fee in respect of the registration of such transfer, be recorded in the registry book.
- 8.9.2. Where the living owner of the grave wishes to transfer ownership of a grave, this can be carried out by completion of a Transfer for Deed form and submitting it to the Manager together with the original Deed (forms are available from the Manager or parish website).
- 8.9.3. The Council will endorse a note of the transfer on the grant.

8.10. **Purchased Graves – Repair of Memorials**

- 8.10.1. All memorials shall be kept in repair at the expense of the registered grave owners, including repairs necessary due to vandalism.
- 8.10.2. In the event of any memorial falling into disrepair and the necessary repairs not being carried out within 6 months after notice from the Council, the memorial may be removed by the Council subject and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977.
- 8.10.3. The Council shall make reasonable efforts to communicate with the grave owner by giving written notice to the owner when repairs are needed.
- 8.10.4. The Burial Authority can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.

8.11. **Grave Spaces**

- 8.11.1. All grave spaces shall be 2745mm (8') in length x 1220mm (5') in width, and shall be dug to a depth up to 2137mm (7'), but in no case shall a grave be allowed to be deepened after the first interment.

8.12. **Plans**

- 8.12.1. Plans of the cemetery showing the whole of the grave spaces therein and their respective divisions within the cemetery are kept by the Manager and may be inspected free of charge by all parties making application for grave spaces by prior arrangement with the Office during normal office hours. The cemetery plan is also available on the parish website.

9. **Unpurchased Graves**

9.1. **Unpurchased Graves**

- 9.1.1. Unpurchased graves are available for those requiring burial, but who choose not to purchase an Exclusive Right of Burial.
- 9.1.2. When it is desired that the interment shall take place in an unpurchased grave, the Notice of Interment must be signed by:

- a. a near relative of the deceased, and/or
- b. accompanied by a form of consent in writing signed by a near relative, or
- c. consent in writing signed by a person acting on behalf of the relatives of the deceased authorising the interment in an unpurchased grave.

- 9.1.3. The Council will determine the position of all new unpurchased graves.
- 9.1.4. Relatives of the deceased have no right to be buried in that grave, nor do they have any right to place a memorial on the same.
- 9.1.5. It will remain open for relatives of the deceased to purchase the Exclusive Right of Burial on an unpurchased grave for a period of one year immediately following the interment. Thereafter, the Council may re-open the grave for further interments at its discretion.

10. Coffins for Burial

10.1. Construction

- 10.1.1. No interment will be permitted unless the body of the deceased person is fully enclosed in a traditional wooden coffin or ecologically friendly coffin or casket considered suitable.
- 10.1.2. Uncoffined burial is permitted providing that the Council is informed beforehand of the type and design of the shroud and that the deceased is suitably wrapped, causing no offence to the living or indignity to the deceased.

10.2. Coffin Dimensions

- 10.2.1. The coffin/casket size must be confirmed in writing.
- 10.2.2. The size must be exact and include mouldings and any opened handles.
- 10.2.3. Any alteration to these sizes must be notified to the Manager in writing at least one working day prior to the funeral.

10.3. Identification

- 10.3.1. To every coffin, shroud or casket must be attached some permanent form of identification marker bearing the full name of the deceased.

10.4. Bearers

- 10.4.1. Families and Funeral Directors are to ensure that at least four people are able to bear the coffin into the graveside with due respect.

11. Memorial

11.1. Right to Erect Memorials

- 11.1.1. Memorials may only be erected over graves in respect of which the Exclusive Right of Burial has been purchased and a Memorial Work Application Form has also been completed.
- 11.1.2. Following the decease of the grantee, see section 8.7, the application for memorial work application rests with the Exclusive Right deed holder, and will be for the unexpired portion of the grant of Exclusive Right of Burial.

- 11.1.3. No work must be carried out before the Council has issued a Grant and the appropriate fee has been paid.
- 11.1.4. Where the grant of Exclusive Right of Burial has expired, the grave space will revert to the Council and the memorial may be removed.
- 11.1.5. It is an offence to wilfully interfere with a tombstone or other memorial, or to cut additional inscriptions on a memorial without the Council's authority.
- 11.1.6. There is no right to erect a memorial on an unpurchased grave.

11.2. Admission of Memorials

- 11.2.1. Memorials will be admitted into the cemetery provided applications have been approved, all fees have been paid and the works carried out by an approved Monumental Mason.
- 11.2.2. No memorials or materials shall be brought into the cemetery unless required for the immediate placement of a memorial.
- 11.2.3. The Council reserves the right to remove a memorial if for any reason the prescribed fees have not been paid.
- 11.2.4. The grave owner will be advised sensitively of their responsibilities.

11.3. Position of Memorials

- 11.3.1. All headstones, monuments and memorials shall be erected at the east end of the grave with the inscription facing westward, i.e. to the entrance of the cemetery, and shall be subject to the approval of the Council.
- 11.3.2. Headstones shall be fixed in alignment with adjacent memorials.

11.4. Quality Standards

- 11.4.1. All new memorials and where practicable re-fixed memorials are to be fixed in the cemetery in accordance with the requirements of the Council's Memorial Mason Rules, as amended from time to time.
- 11.4.2. The method of fixing and the foundations thereof shall be executed to the satisfaction of the Council.

11.5. Photographs on Memorials

- 11.5.1. Photographs on memorials shall only be permitted if they are not considered inappropriate and will not cause offence.

11.6. Grave Number & Trade Inscriptions

- 11.6.1. Every memorial of quarried material shall have the grave number shown on the ground plan to be seen by the Manager and recorded on the Deed of Grant, cut conspicuously on the base of the memorial over which it is to be placed in a position approved by the Manager, the expense thereof being borne by the applicant.
- 11.6.2. Trade inscriptions shall not be permitted.
- 11.6.3. Memorial Masons may display their name and district, but not the address or other particulars, in letters not exceeding 25mm (1') in size, in a position approved by the Manager.

11.7. Erecting Memorials

- 11.7.1. All headstones, monuments or memorials of whatever description admitted into the cemetery or permitted to be erected therein shall be so erected and remain at the sole risk of the Owner thereof.
- 11.7.2. The Council shall not accept responsibility for any accidents to memorials etc., occasioned by storm, wind, lightning, subsidence or other cause, or by third parties, but reserves the right to remove any damaged article subject to and in accordance with the provisions of Schedule 3 to the local Authorities' Cemeteries Order 1977.

11.8. Vases & Flower Containers

- 11.8.1. Flower containers of an ornamental character may be placed on the area provided for the erection of a memorial on purchased graves without a fee, provided they are not made of glass, bear no personal inscription and do not exceed 305mm (12") in height and 229mm (9") in thickness and do not exceed the width of any memorial as specified in the Regulations for the specific memorial types.
- 11.8.2. The vessel or vase used for flowers shall not be hazardous or in anyway sharp.
- 11.8.3. There is no restriction on the colour for containers provided they are in accordance with the dignity of the cemetery.
- 11.8.4. A vase of quarried material bearing a personal inscription shall be regarded as a memorial, however, and is subject to the fees payable under the Scale of Charges.

11.9. Maintenance of Memorials

- 11.9.1. All graves in respect of which a memorial work application has been granted, together with any memorials thereon shall be kept in good repair by the owners.
- 11.9.2. No additional or altered inscription/lettering shall be placed, made or cut, nor any renovating of memorials nor any other work shall be permitted, except with the consent of the Council.

11.10. Removal of Memorials

- 11.10.1. The Council must be informed of the removal of any memorial from the cemetery.
- 11.10.2. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable.
- 11.10.3. Memorials removed for an additional inscription must be returned and fixed in accordance with the Memorial Masons rules.

11.11. Unauthorised Memorials

- 11.11.1. Anyone erecting a monument or kerb set or who undertakes any memorial work within a cemetery not in compliance with these regulations will be dealt with in accordance with the Memorial Rules.
- 11.11.2. Otherwise, any unauthorised memorial, headstone or other material shall be removed by the Council in accordance with Article 14 of the Local Authorities' Cemeteries Order 1977.

11.12. Dangerous or Offensive Memorials

- 11.12.1. The Council reserves the right to:

- a. After notice has appeared in two consecutive local newspapers and has been posted conspicuously at the cemetery gates and in the vicinity of the memorial for two weeks, require the owner to remove any memorial which, in its opinion, has become or is likely to become a danger to health and safety or which is in a derelict, dilapidated or unsightly condition by long neglect or is not kept in proper repair or condition. If not arranged within three months after the issue of such notice the Council may at its own discretion cause the memorial to be repaired or removed at the expense of the owner. The Council may recover any costs so incurred from the owner of the burial rights, and no grave will be re-opened in respect of which any such cost remains unpaid;
- b. Exclude or remove from the cemetery, at the expense of the owner, any memorial of whatever description, or inscription or lettering, not executed in accordance with these regulations or in a workmanlike manner or from sound materials, or which in the opinion of the Council disfigure the cemetery or offend public decency;
- c. Refuse to permit the erection of memorials considered inappropriate or that would cause Offence;
- d. Determine in which portion of a cemetery any design submitted for approval belongs;
- e. Reverse, re-fix, move, "line up", or otherwise alter the position of any headstone, monument or memorial in the Cemetery which has been insecurely fixed or incorrectly positioned within the Cemetery into such a position as they may require at the expense of the owner.

12. Memorial Masons

12.1. Register of Masons

- 12.1.1. Only Memorial Masons who appear on the British Register of Accredited Memorial Masons are permitted to carry out work or place a memorial upon any grave in the cemetery.
- 12.1.2. The registration process and the criteria that must be satisfied to enable a Memorial Mason to become registered as an 'Approved Memorial Mason' are set out in the local Memorial Mason Registration Scheme.

12.2. Insurance

- 12.2.1. All stonemasons should be able to provide evidence of a policy of insurance taken out to cover the liability of the stonemason in the sum of at least £5 million and the receipt in respect of the premium paid under such policy.

12.3. Guarantee of Workmanship

- 12.3.1. Memorial Masons working in the cemetery must give a guarantee of workmanship of a minimum of 10 years.

12.4. Memorial Masons – Tools & Equipment

- 12.4.1. Memorial Masons and others fixing memorials and/or carrying out other work in the cemetery must furnish themselves with sufficient tools, plant, planks, blocks, etc.
- 12.4.2. All vehicles conveying headstones, monuments, or memorials to the cemetery shall proceed by a main road therein to the nearest point to that where the work is to be executed.
- 12.4.3. Masons and others shall use such mats, planks, boards, canvas or other such material for protecting the grass and walks from injury during the conveyance or erection of monuments or memorials.

12.4.4. They will be held responsible for any damage done by them or their workmen either to the ground or to memorials.

12.5. **Control of Workpeople**

- 12.5.1. All workpeople employed on behalf of the owner of the Exclusive Right of Burial or personal representative of such a person to erect any monument shall carry out their work strictly under the direction of the Council and shall:
- a. comply with all reasonable directions and requirements of the Council;
 - b. at the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of work to the satisfaction of the Council;
 - c. provide their own tools and equipment;
 - d. continue any work in connection with a memorial with due dispatch until fully complete.

13. **Memorial Applications**

13.1. **Memorial Applications**

- 13.1.1. Application for the approval to place a new memorial or kerbset in a cemetery, alter or add any inscription, or replace, add to or remove from the cemetery any memorial or kerbset, must be submitted to the Council.
- 13.1.2. The applicant shall submit for the approval of the Council the name and address of the Memorial Mason who will carry out the work, together with relevant drawings or plans.
- 13.1.3. The Memorial Works Application Form must be fully completed detailing the full grave number.

13.2. **Grave Owner's Authority**

- 13.2.1. The full names, address and signature/s of the person/s placing the order for the memorial work to be undertaken must be the registered owner/s of the Exclusive Right of Burial. No other signature will be accepted.
- 13.2.2. If such an owner of the Exclusive Right of Burial is deceased, the applicant must make application to transfer such exclusive rights, see section 8.7.

13.3. **Inscriptions Upon Memorials**

- 13.3.1. No inscription shall be placed upon any memorial without a written application to and the consent of the Council given in writing prior to such an inscription being so placed.
- 13.3.2. The lettering, layout and wording must be consistent with the original inscription.
- 13.3.3. Any inscription in a language other than English requires a certified translation.
- 13.3.4. The Council reserves the right to decline any inscription that they deem inappropriate for the cemetery.

13.4. **Validity of Permits**

- 13.4.1. The completion of a Memorial Works Application Form and issue of a permit will confirm the approval of the Council for any such application.
- 13.4.2. No works shall be undertaken unless a permit has been issued.
- 13.4.3. The permit is issued on the understanding that the work undertaken will comply with the details specified within the application form and the requirements of these Regulations.

14. Memorial Regulations in the Cemetery

14.1. Lawn Sections

- 14.1.1. Unless otherwise agreed in writing with the Manager, headstones (without kerbs) shall not exceed 1067mm (3' 6") in height, 914mm (3') in width and 102mm (4") in thickness.
- 14.1.2. Likewise, the overall memorial, front to back, shall not exceed 406mm (1' 4").
- 14.1.3. Lawn sections shall be seeded (after approximately 12 months) and mown by the Council.
- 14.1.4. Once the grave has been seeded, no planting or ornaments are permitted on the grave space.

14.2. Cremated Remains Section

- 14.2.1. Only a flat, 457mm (18") x 457mm (18") tablet or an 457mm (18") x 457mm (18") desk vase tablet with a flower container in the top left-hand corner is permitted.

14.3. Contiguous Grave Spaces

- 14.3.1. Memorials shall be permitted to span contiguous grave spaces where Exclusive Rights of Burial have been granted to the same person.
- 14.3.2. It will be necessary for each written application for a Grant to Erect/Maintain a Memorial to be considered on an individual basis and compliance with other appropriate Regulations will be a requirement.

14.4. Position of Memorials & Foundations

- 14.4.1. All memorials must be erected at the head of the grave.

14.5. Lawned Area

- 14.5.1. The Council will provide and maintain a grassed area covering the grave space.
- 14.5.2. Small annual bedding plants and bulbs may be planted within the earth border at the head of the grave.

14.6. Mounds, Kerbs Etc.

- 14.6.1. The right to enclose any graves on lawn sections will not be granted.
- 14.6.2. No grave mound, raised or sunken footstones, kerbs, chippings, landings, plastic or wooden fencing or memorials of any other description, except approved flower containers, shall be permitted around a lawn grave.
- 14.6.3. Prohibited items will be removed into temporary storage awaiting collection by the grave owner or representative.

15. Memorial Restrictions

15.1. Other

- 15.1.1. Erections or memorials not covered by or included in the foregoing Regulations or the Scale of Fees shall be subject to agreement with the Council.

16. Maintenance of Graves

16.1. Flowers & Wreaths

- 16.1.1. Nothing may be placed on the area of the grave except as provided in these Regulations and, on the day of the funeral, flowers and wreaths may be placed upon the grave in which burial takes place.
- 16.1.2. Staff may remove all dead flowers and wreaths at any time.
- 16.1.3. Dead flowers and wreaths or litter must be conveyed to the nearest wastebasket.
- 16.1.4. Staff may remove Christmas wreaths that remain on graves after 28th February.

16.2. Decorations

- 16.2.1. Items of pottery, tin, plastic or glass, bricks, blocks, wire mesh or plastic fences or any other object or materials which are fragile, easily breakable or which generate noise, pose a safety hazard or to impede access or maintenance may be removed by the Council without notice.
- 16.2.2. Articles are placed solely at the owner's risk.
- 16.2.3. The Council reserve the right to remove prohibited, hazardous, deteriorated articles or withered wreaths and flowers without notice.

16.3. Planting & Cultivation

- 16.3.1. The Council reserves the right at any time to prune, cut down or dig up and remove any existing shrub, tree or plant at any time, which, in the opinion of the Council, becomes unsightly or overgrown or causes encroachment.
- 16.3.2. Before removing/cutting down any flowers/trees/shrubs etc., which do not satisfy these Regulations, efforts shall be made to contact the grave owner who will be advised sensitively of their responsibilities.
- 16.3.3. Lawn sections shall be seeded {after approximately 12 months) and mown by the Council staff or its contractors.
- 16.3.4. Once the grave has been seeded, no planting or ornaments shall be permitted on the grave space.

17. Fees & Charges

17.1. Fees & Charges

- 17.1.1. Fees and charges for all Burial services shall be determined by the Council in accordance with the powers derived under Article 15(1) of the Local Authorities' Cemeteries Order 1977. They shall be reviewed annually.
- 17.1.2. Full settlement of all fees and charges in respect of burials must be made before the funeral at the time of giving notice and all other fees must be paid for at the time when the order is given.
- 17.1.3. Fees for funeral services, including fees for the officiating minister, shall normally be paid separately through arrangements with the Funeral Director.

18. Miscellaneous

18.1. Not More Than One Body in Each Coffin

- 18.1.1. Each individual body, whether an adult or child, must be brought to the cemetery in a separate coffin, except where:
- a. a mother has died in childbirth, in which case both the mother and child may be interred in the same coffin; or
 - b. twins or multiple twins have died in childbirth, in which case the children may be interred in the same coffin.

18.2. Death From Infectious Disease

- 18.2.1. The Manager must be informed by the person giving notice if the deceased suffered from or died from an infectious or notifiable disease.

18.3. Removal of Coffin Lids

- 18.3.1. No Funeral Director or other person shall be permitted to remove coffin lids from any coffin at any interment within the cemetery on any pretence whatever.
- 18.3.2. Exceptions shall be by prior arrangement with the Council only.

18.4. Dressing & Washing of Bodies

- 18.4.1. All treatment, washing or dressing of bodies must be undertaken prior to arrival at the cemetery.

18.5. Loss or Damage

- 18.5.1. All persons entering the Cemetery do so at their own risk and the Council accepts no responsibility or liability for injury to any person or theft, loss or damage caused to the property of any person or other loss/damage costs and expenses however caused to persons and their property entering the Cemetery except where such damage or injury is directly attributable to the negligence of the Council or their employees.
- 18.5.2. All complaints or allegations of theft shall be directed, where at all possible, to the Manager in writing as soon as practicable after the event.
- 18.5.3. The Council shall not be responsible for any loss or delay, which may occur resulting from:
- a. Any discrepancies, errors or omissions in any notice of interment, cremation or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors or omissions.
 - b. The late receipt of any notice of interment, cremation or other document, which is required to be given to or served on the Council or for liability arising from such late receipt.

18.6. Complaints

- 18.6.1. Any complaints in relation to any aspect of the cemetery should be made in writing to the Council.

18.7. Alterations to the Regulations

- 18.7.1. The Council reserves the right, from time to time, to make any alterations or additions to the foregoing Regulations consistent with the Burial and Cremation Acts.

18.7.2. The Regulations shall be reviewed annually and any significant changes will only be made following appropriate consultation.

18.8. Interpretation

18.8.1. Questions arising for which no provision is made in the Regulations shall be referred to the Council (or any Committee or Officer of the Council to which the Council has delegated its powers on this behalf) whose decision shall be final.

18.9. Revocation

18.9.1. On the coming into operation of these Regulations, all previous regulations for the management of the cemetery previously made by the Council are hereby revoked and shall cease to have effect.

These Cemetery Regulations were adopted by the Parish Council at a meeting of the Council held on:

28th November 2017
