

Stratton St Margaret Parish Council Cemetery Policy

Amended 05/04/2016



The cemeteries are 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 Stratton St Margaret Parish Council cemeteries. 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.

With regard to regulation

- a) You have a right to be given a list of regulations used by Stratton St Margaret Parish Council
- b) You have a right to be given a written explanation why a particular regulation has been used to restrict or otherwise influence your rights. Where you remain dissatisfied, you can utilise the Council's complaint procedure and the grievance procedure.

These Regulations are made by the Stratton St Margaret Parish Council (hereinafter called "The Council") acting as the Burial Authority in exercise of 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 cemeteries provided by them.

Interpretation

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:
"Applicant" is a person other than a funeral director who wishes to arrange a funeral
"Burial" or "Interment" means to place in a grave
"The Council" means Stratton St Margaret Parish Council
"Cemetery" or "Cemeteries" means the following cemeteries in the ownership and under the control of the said Council as the Burial Authority within the Parish and situated at:

Lower Stratton Cemetery, Stratton St Margaret
Green Road Cemetery, Green Road, Upper Stratton

"Manager" means the Deputy Clerk, Grounds Manager or the officer for the time being appointed by the Council and holding office by that designation, responsible for the management of all burial grounds and cemeteries provided by and under the control of the council and the person who shall be acting for him/her at the Cemetery in his/her absence.

"Memorial" means any gravestone, monument, cross, flatstone, kerbing or other monumental or wooden work that serves as a memorial of a person or persons buried.

"Grave" means an earthen burial place formed in the grounds by excavation without any internal wall, brickwork or stonework or any other artificial lining. This can be excavated for single or double interment, which must be stated at the time of the first interment.

"Grave Space" means the area of land in which a coffin has been or will be buried.

“Grantee” 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 or the legally responsible person.

“Lawn Plot” means a grave plot where only the head of the grave may be used for memorials.

“Parishioner” means any person residing within the Parish of Stratton St Margaret.

“Scale of Charges” means the scale of charges from time to time in force for the use of the cemeteries.

“Un-purchased, Public or Common Grave” means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons were interred.

“Consecrated” means burial land which has been blessed by the Church of England.

“Un-Consecrated” means burial land which has not been blessed.

“Statutory Documentation” means the Death Certificate which can be given by the Registrar of Births & Deaths, or a Certificate from the Coroners Office or for Cremated Remains the Certificate of Cremation from the Crematorium.

“Cremated Remains” means the ashes from a cremation.

“Full Interment” means the burial of a coffin which has not been cremated into a grave.

“Notice of Interment” means the form which must be completed before any interment/burial can take place.

“Interment” means the placing of a full interment or cremated remains in to a grave space.

“Grant” means the certificate which is issued to the Grantee or Owner when purchasing a grave space.

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

1. Administration

1.1 The Cemeteries office is situated at Stratton St Margaret Parish Council, Grange Leisure, Grange Drive, Swindon, Wiltshire, SN3 4JY and is open Monday to Friday 9am – 4pm (except for UK public holidays) under the control of The Clerk of the Council. For further information please call 01793 823761.

1.2 *Office Hours* - The cemetery office is open for public business from 9am – 4pm each day Monday – Friday, for the purpose of affording information, the registration of interments, the receiving of applications for grave spaces and interments and application for memorials. The office will not be open on Saturdays, Sundays or Public and local fixed holidays, which include Good Friday, Christmas Day, Easter etc.

1.3 *Hours for Admission of Visitors* - The cemeteries shall be open to visitors, unless otherwise determined by the Council:

Month	Open	Close
January	8.15am	4.30pm
February	8.15am	4.30pm
March	8.15am	4.30pm
April	8.15am	4.30pm
May	8.15am	8.00pm
June	8.15am	8.00pm

July	8.15am	8.00pm
August	8.15am	8.00pm
September	8.15am	4.30pm
October	8.15am	4.30pm
November	8.15am	4.30pm
December	8.15am	4.30pm

- 1.4 *Hours for Interment Lower Stratton Cemetery* - The standard hours for full interments are 09.00 hours – 13.30 hours Monday to Thursday and 09.00 hours – 13.00 hours Fridays and for graveside services these must take place ½ hr prior to the last interment time. The standard hours for cremated remains interments are 09.00hours – 15.30 hours Monday – Thursday and 09.00hours – 15.00 hours on Fridays, again for graveside services these must take place ½ hour prior to the last interment time.
- 1.5 *Hours for Interment Green Road Cemetery* - The cemetery is closed to Full Interments. The standard hours for cremated remains interments are 09.00hours – 15.00 hours Monday – Thursday and 09.00hours – 14.30 hours on Fridays, again for graveside services these must take place ½ hour prior to the last interment time.
- 1.6 *Interment restrictions* - Interments are not allowed on Saturdays, Sundays, UK Public Holidays. In special circumstances, interments may take place outside the standard hours with the consent of the Manager and subject to the payment of an additional fee, which is prescribed within the Scale of Charges, but not on UK Public Holidays, except in cases of urgency upon the order of the Consultant in Communicable Disease Control.
- 1.7 Notice of Interment or Burial and Application forms for Memorials may be obtained from the Cemeteries Office.

2. Admission to Cemeteries

- 2.1 Stratton St Margaret Parish Council welcomes visitors to its cemeteries and they are asked to respect the peace, dignity and reverence of the facilities.
- 2.2 No person who is not an officer or servant of the Council or another person so authorised by or on behalf of the Council shall enter or remain in the cemetery at any hour when it is closed to the public. Any person who contravenes these regulations 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. All persons entering the cemeteries will be subject to the orders and control of Council or any person authorised by the Council and will be subject to the Regulation in force.
- 2.3 Admission of Children – Children under 12 years of age will not be admitted into the cemetery unless accompanied by, or under the care and supervision of a responsible adult, or with the express consent of the Manager.
- 2.4 Animals – No dogs, except Guide Dogs for the visually impaired and Hearing Dogs for the Deaf, used and accompanied by their registered users, shall be permitted in a Cemetery.
- 2.5 Motor Vehicles – may enter a Cemetery only if an occupier is on cemetery business and shall only do so on a carriageway suited to the purpose. Vehicles must not exceed 10mph and must not obstruct paths or driveways. The requirement of the Highway Code must be observed at all times.

Permits allowing vans, lorries or other commercial vehicles to be driven into the cemeteries for any purpose other than attending a funeral must be obtained from the Cemeteries Office. The Manager shall have power to exclude from the grounds any vehicle which he/she deems unsuitable. The Council will not accept responsibility for loss from or damage to any vehicle brought into the cemeteries, howsoever caused.

- 2.6 Bicycles – Cyclists shall ride to the left of carriage ways in single file and must not exceed 10 mph. Bicycles shall not be ridden on footpaths, grass areas or planted areas. Bicycles must not be placed against memorials, benches or trees and shrubs and if laid on the ground must not cause an obstruction. The Council accepts no liability for loss from or damage to any cycle, brought into the cemeteries, howsoever caused.
- 2.7 Offices, enclosures and entrance gates – No person, except on business, shall be allowed access to any of the offices or enclosures in the Cemetery, and no visitor shall be permitted to enter or leave the grounds except by the proper entrance gates.
- 2.8 Funeral Services subject to Managers Directions – All funerals at the Cemetery are under the control and direction of the Manager or Nominated representative, and all hearses, carriages and persons entering a Cemetery must proceed to the places directed. Motor vehicles (with the exception of commercial vehicles and omnibuses) and carriages accompanying funerals will be admitted to the Cemetery as far as the car park, and to such other parts of the cemetery as may be sanctioned by the Manager after application to him in any particular case. The Manager shall have power to exclude from the grounds any vehicle which he/she deems unsuitable.

3. Conduct

- 3.1 Bylaws – regard shall be had to any Byelaws applicable to the cemetery concerned.
- 3.2 Unseemly Conduct – no person in the Cemetery shall behave in a noisy, disorderly or unseemly manner, consume alcohol, gamble, hold any picnic or barbecue, 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. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provision of the Local Authorities Cemeteries Order 1977 article 18(1) whereby no person shall:
- 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, any tombstone or any other memorial or any plants on any such grave; or
 - play any game or sport in a cemetery.

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 - 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 Vandalism – any person found vandalising any part of the cemetery or desecrating any grave space will be liable for prosecution by the Council under the provisions of the Local Authorities Cemeteries Order 1977.
- 3.5 Waste and Litter – no person shall drop, throw or otherwise deposit and leave in the cemeteries any wastepaper or refuse of any kind except in the litter bins provided.
- 3.6 Playing of Music – the playing of any musical instrument, tape cassette player, compact disc player, radio, record player or any device used to generate and/or amplify any sound is not permitted in the cemetery. The playing of music as part of a funeral service is permissible with the prior approval of the manager.
- 3.7 Canvassing – 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 a cemetery or to ask of, or attempt to obtain from any employee, either directly or indirectly, information as to grave owners, without the prior consent of the Manager.
- 3.8 Distributing literature or other advertisements – no person shall be permitted, by himself or any agent, to distribute leaflets, business cards, or any other advertisement within the Cemetery. 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.
- 3.9 Paths and Drives - Visitors shall keep to the drives and paths provided. No person shall be permitted to trespass upon or use the Cemetery roads or walks for the conveyance of goods, parcels or other materials not intended for use in the Cemetery.
- 3.10 Photographs – with the exception of the photographing or filming of images for personal use only, no photographs or video recordings may be taken in the cemeteries without the prior consent of the Manager and, where applicable, the Grantee or Owner of the Exclusive Right of Burial. In applying for such consent, the applicant is deemed to acknowledge that the copyright of all resulting images may not be reproduced without permission. The Council reserves the right to charge a fee for any commercial filming in the Cemetery. The Press will be requested to seek the prior consent of the Grantee or Owner and will be requested to adhere to the Manager's instructions whilst in the Cemetery.
- 3.11 Gratuities – 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. The receipt or demand of a gratuity, fee or unauthorised charge by any officer or servant of the Council will subject such offender to disciplinary action.
- 3.12 Cemetery Staff are available to assist visitors but are not available to carry out unauthorised works on behalf of visitors.
- 3.13 All enquiries, complaints and requests by members of the public must be made to the officer of the Council and not to the workmen in the cemeteries.
- 3.14 Exclusion or removal of persons from the Cemetery – 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. The Manager may also cause to be removed from there 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. All cases of exclusion under this Regulation shall be forthwith reported by the Manager to the Clerk of the Council.

4. Applications for Interment

- 4.1 Consent of the Council – No burial shall take place, no cremated remains shall be scattered and no monument nor memorial shall be placed in the Cemetery nor shall any additional inscription be made on a memorial without the prior consent of the Council. Any person contravening this Regulation shall be liable on 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 it continues.
- 4.2 Notices and applications required prior to interment – all notices of interment and application for grave spaces shall be given or made in the first instance by telephone to the Cemeteries Office and subsequently confirmed in writing. The minimum periods required for notice of interments are:
- ❖ Full interment – 2 working days notice
 - ❖ Cremated Remains interment – 1 working days notice
- These days notice must exclude the day of the interment and exclude Saturday, Sundays and UK public holidays. Wherever is practicable in the opinion of the Manager for excavation of the ground to be completed before the date and time of the proposed interment, shorter notice will be accepted subject to the payment of the fee specified in the Scale of Charges.
- 4.3 Notices of Interment – All Notices of Interment shall be given in writing, signed by the Grantee or Owner of the Exclusive Right of Burial. The completed signed form and the interment fee must be sent to the Cemeteries Office at least 2 days prior to the date of interment. The forms are available from the Cemeteries Office and shall state the forename and surname, age, place of death and last residence of the deceased person to be buried, the day and hour of the intended burial, whether in the “Consecrated” or “un-consecrated” portion of the ground, whether to be double or single depth, the name and address of the person who is to officiate and any other particulars required. The particulars required must be fully complete and received by the Cemetery Office before the interment can take place.
- 4.4 Interments at short notice – in the instances when a burial is booked with less than 24 hours notice for religious reasons, the Interment Notice must be hand delivered to the Cemeteries Office by 10am on the day of burial to confirm the booking. If the completed notice of Interment is not received by the required time, the funeral may be delayed or postponed at the discretion of the Manager.
- 4.5 Alteration of Day of Interment – 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 at the Cemeteries Office not later than 15:00 hours on the day prior to the day of interment.
- 4.6 Hours of Interment Punctuality – the time booked for the arrival of a funeral, namely the time when the procession or cortege is to be at the gates of the Cemetery 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. The time must be agreed with the Manager. If a funeral arrives after the time specified on the notice given for interment, the service will take place as soon as is possible after the appointed time at the discretion of the Manager.
- 4.7 Numerously attended funerals – In every case in which a funeral is likely to be attended by bands, or at which a large number of persons may be expected to assemble, the fact must be notified in writing to the Manager by the Funeral Director having charge of the funeral at least one clear day before the day fixed for the funeral, so that such arrangements may be made as will protect the cemeteries from damage. The band must cease playing on arrival at the cemetery gates and will not be allowed to play in the cemetery except by prior special consent of the Manager.
- 4.8

- 4.9 Unusual aspects of Funeral Services – we welcome any unusual or innovative arrangements for funerals including horse drawn vehicles, pipers, military ceremonies etc, subject to the Cemeteries Office being informed so that the necessary preparations can be made.
- 4.10 Any order or instruction given by telephone concerning any funeral will 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 not accept responsibility for any consequential failure to comply with them.

5. Certification Required

- 5.1 Certificate of Registry of Death – the certificate for Disposal issued by the Registrar of Births and Deaths or in the case where a Coroner’s inquest has been held, A Coroners Order for Burial or a duplicate thereof must be delivered to the Manager or his/her authorised officer at the time of the Interment. No interment will take place unless the Registrar’s Certificate for Disposal or Coroner’s Order for Burial is produced.
- 5.3 Certificate for Stillborn Children – 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 to burial. 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 – Before the Manager can authorise the interment of cremated remains of any person, a certificate must be produced from the appropriate Officer of the Crematorium.

6. Exhumation

- 6.1 Consent of Grantee or Owner of the Exclusive right of Burial – 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 from the Home Office and Dioceses.
- 6.2 Statutory Documentation – The statutory documentation required is dependent upon whether the exhumation is to take place from a grave located in the consecrated or un-consecrated section of the Cemetery. Original documents will be required for this purpose.
- 6.3 Exhumation from un-consecrated ground – where exhumation is proposed from a grave in un-consecrated ground a Home Office Licence is required and this can only be obtained upon the application of the registered grave owner.
- 6.4 Exhumation from consecrated ground for interment in un-consecrated ground – where exhumation is proposed from a grave in consecrated ground, followed by interment in un-consecrated ground in another cemetery, then both a Home Office Licence and a Faculty from the Diocese of Bristol are required.
- 6.5 Exhumation from consecrated ground for interment in consecrated ground – should exhumation be proposed from a grave in a consecrated section to another consecrated section in a cemetery or churchyard then only a Faculty will be required.
- 6.6 Licence and/or Faculty conditions – in all of the various circumstance described above, the Home Office Licence and/or Faculty may prescribe specific actions that are to be carried out during the

exhumation process. Exhumation will always take place very early in the morning and in most cases will require the attendance of a local Environmental Health Officer.

6.7 Fees and charges for exhumations – It will be the responsibility of the person requiring the exhumation to pay all fees for all requirements and to ensure that logistically the exhumation is carried out with due regard for the health and safety of all those involved, public decency and respect for the deceased.

7. The Interment

7.1 Any form of religious service may be used, but any other ceremony is subject to the approval of the council. Burials may take place either with or without a religious service. No religious service, except a Christian and orderly religious service, shall take place at any grave in consecrated grounds or in any ground set apart for the use of a particular Christian denomination.

7.2 Appointment of Person to Officiate – Relatives or representatives of the deceased making arrangements for interments at the Cemeteries may appoint their own person to perform the ceremony. The ceremony may be conducted by a Minister, Priest, member of the family or a friend, but notice of the appointment must be given to the Manager when the application for interment is made, and it shall always be subject to the Regulations of the Cemetery. The persons making such an appointment must themselves give notice to and make all arrangements for the attendance accordingly of the appointed minister. Alternatively, the interment may be committed without a service. Fees for the officiating person are normally paid separately by arrangement with the Funeral Director.

7.3 All graves will be dug or excavated by persons employed by the Council and situated as near as possible to the centre of the grave spaces. At the time of the first interment in a grave, the Grantee or Owner may choose to have the grave excavated for up to two interments.

7.4 All graves are formed in the grounds by excavation without any internal wall, brickwork or stonework or any other artificial lining.

7.5 Location of Graves – No burial (including those of cremated human remains) will be allowed on any ground allotted to paths or buildings or in the walks, shrubberies, or gardens within the Cemetery.

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

7.7 Removal of Memorials – 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, without prior notice, to provide access for equipment. Any memorial disturbed in this way will 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.

7.8 Construction of Coffins – 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 to be suitable. Un-coffined 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 to ensure no leaking of fluids and to ensure no offence to the living or indignity to the deceased. Under

- exceptional circumstances and with the permission of the Parish Council, interment in metal or metal lined coffins may be allowed in any purchased or un-purchased earthen grave.
- 7.9 Coffin Dimensions – the coffin/casket size must be confirmed in writing. The size must be exact and include mouldings and any opened handles. Any alteration to these sizes must be notified to the Cemetery Office in writing at least 2 working days prior to the funeral.
- 7.10 Identification – To every coffin, shroud or casket must be attached some permanent form of identification marker bearing the name of the deceased and their date of death.
- 7.11 Bearers – Families and Funeral Directors are to ensure that at least four people are able to bear the coffin to the graveside with due respect.
- 7.12 Not more than one body in each coffin – each individual body, whether an adult or child, must be brought to the cemetery in a separate coffin, except where:
- a) a mother and child who has died in childbirth, in which case both the mother and child may be interred in the same coffin; or
 - b) multiple births where the children have died in childbirth, in which case the children may be interred in the same coffin: or
 - c) the Manager has exercised his/her discretion to authorise some other arrangement
- 7.13 Death from Infectious Disease – the Manager shall be informed by the person giving notice if the deceased suffered from or died of an infectious or notifiable disease or was exposed to radiation.
- 7.14 Coffin Lids, etc not to be removed – 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.
- 7.15 Dressing and washing of bodies – All treatment, washing or dressing of bodies must be undertaken prior to arrival at the cemetery.
- 7.16 Backfilling of Graves – representatives of the deceased may, at their own risk, backfill the grave after an interment, but must strictly adhere to the instructions of the Manager or his/her representative in attendance. The Council will provide the equipment which will consist of two shovels, at anyone time only two people will be allowed to backfill. Shoring must remain in place and may only be removed by Council employees at the appropriate time.
- a) The Funeral Director must remain in attendance until the back filling is complete and it will be the Funeral Director who liaises with the family throughout this process.
 - b) The latest time for an interment is 12.30pm at the graveside, where the family wish to backfill.
 - c) Once the coffin has been lowered and the ceremony finished the Manager will request that the representatives move back to a designated safe area. The Ground staff will then remove the artificial grass etc.
 - d) The manager will then request those wishing to back fill to come forward, at any one time only two representatives will be allowed to back fill. The Manager will give shovels to the two representatives.
 - e) At the appropriate level the Manager will ask the two representatives to move back to the safe area whilst the ground staff tamp down the earth. The Ground staff will then remove the first part of the shoring. It is important that this procedure has been explained clearly to the family prior to the interment as it may be distressing to the family to see the ground staff tamping down the soil and climbing into the grave to remove the shoring.

- f) At all times the Manager has control and should he/she feel at anytime that there is a Health and Safety issue then they may suspend or stop the backfilling by the representatives.
 - g) The backfilling is complete when the earth is level, there will be no mounding of soil.
 - h) The representatives will then be asked to leave the cemetery so that the Ground staff can clear away.
 - i) At all times the representatives must respect the neighbouring graves to ensure no damage is caused.
 - j) There is an additional charge for the undertaking of back filling by mourners also the person organising the interment must sign to give their commitment that the above will be followed.
- 7.17 Cremated Remains – may be interred in caskets or containers constructed of biodegradable material either in graves for Cremated Remains or in a closed full burial grave. Identification of whose remains are contained within must be clearly attached to the container. . If the Grantee or Owner so wishes the Cremated Remains may be poured into the Grave but the grave will then be closed to any future interments.
- 7.18 The scattering of Cremated Remains is not allowed
- 7.19 Registers – A register of all Burials shall be kept by the Manager at the Cemeteries Office, where searches may be made during office hours and certified extracts may be obtained on payment of the prescribed fee.

8. Exclusive Rights of Burial

- 8.1 Grant of Exclusive Right of Burial – the Council will 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 who is resident in the Parish of Stratton St Margaret. The Grant of Exclusive Right of Burial will be for a period of ninety-nine years for any grave space or grave. The full name and address of the person to be registered as the Grantee or Owner thereof shall be supplied.
- 8.2 Certificate of Grant – Upon payment of the appropriate fee, the Grantee shall be furnished with a certificate and the particulars thereof shall be entered in a registry book to be kept for that purpose. The certificate will stipulate the full name of the Grantee and the terms on which the certificate has been issued as follows:
- i) The right of burial shall be exercisable only for a period of 99 years (specified at time of purchase) from the date of the 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.
 - ii) During the period of the Exclusive Right of Burial the Grantee or Owner will have the right to erect upon the specified grave a memorial that complies in all respects, including any inscription thereon, with the requirements of these Regulations.
 - iii) The Grantee or Owner (or their successor in title) may at the discretion of the Manager, during the last five years of the aforementioned period (or any extension thereof), and on payment of 50% 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
- 8.3 Selecting of Grave Spaces – The Council does not offer the facility to select a full interment grave space, the Council will allocate the next available space. For Cremated Remains, selection is available in the designated section of the cemetery by contacting the Cemeteries Office. Exclusive

Rights of Burial will not be sold to a Funeral Director, or a firm of Funeral Directors, their agents or a partner in such a firm unless evidence is submitted by a Funeral Director satisfactory to the Manager, that the grave is required for use by an applicant as a private individual who is resident in the Parish and not for the purposes of his business. The Council will mark every grave space according to the official plan.

- 8.4 Right of Burial – the purchase of an Exclusive Right of Burial entitles the Grantee or Owner the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave. The Council will not be held responsible if, due to factors outside its control, the full number of interments cannot be achieved.
- 8.5 Consent of Grantee or Owner Required – No body shall be buried or cremated remains interred in any grave in which an Exclusive Right of Burial for the time being exists, except with consent in writing of the Grantee or Owner.
- 8.6 Interment of Grave Owner – 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.
- 8.7 Transfer of Exclusive Right of Burial – 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 –transfer of ownership (as referred at 8.7) can take place on production of any of the following relevant original documentation at the cemetery office:
- Grant of Probate: Normally granted to the executors appointed in the will of the deceased person once the will has been proven in court. Only the original 'sealed' Grant will be acceptable at the Cemetery Office, i.e. it must bear the embossed seal of the Court.
 - Grant of Letters Of Administration: When a deceased dies intestate (i.e. without making a valid will) then the next of kin (or some others person with a sufficient interest) can apply to the Court to be made the Administrator of the Estate. As with Grant of Probate, the original document must be produced to the Cemetery Office bearing the embossed seal of the Court.
 - 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.
- Statutory Declaration: An original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

9. Production of the Grant of Exclusive Right of Burial

- 9.1 For every opening of a private grave the Grant of Exclusive Right of Burial or any assignment thereof and the written consent of the owner must also be produced and given to the Manager on giving notice of burial. If the burial is to be that of the Grantee, written permission to open the grave will not be required, only production of the Grant together with all the relevant documentation. 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

Manager, the documentation produced in support of the application is inadequate. The application forms are available from the Cemeteries Office.

- 9.2 Purchased graves – repairs of memorials – all memorials shall be kept in good repair at the expense of the registered Grantee or Owners, including repairs necessary due to vandalism. In the event of any memorial falling into disrepair and the necessary repairs not being carried out within 12 months after notice from the Council, the memorial may be removed by the council subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. The Manager shall make reasonable efforts to communicate with the grantee or owner by giving written notice by post to the owner at his/her last notified address when repairs are needed. The Burial Authority can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.
- 9.3 Maintenance of Graves – The area of the grave may not be interfered with by the owner of the grave or any persons on his behalf other than in accordance with these Regulations. The registered grantee or owner is responsible for maintaining the grave space, with its memorial, in good condition and repair.
- 9.4 Lawn Sections – graves in lawn sections will be allocated by the Council in accordance with the sequence marked on the lawn cemeteries plans. The site allocated will be the next available vacant site at the date when the first interment takes place in that grave. The purchase of and interment in a grave space in any area designated as a lawn section will be conditional upon the acceptance by the purchaser of the specification relating to memorials and the regulations governing their erection.
- 9.5 Grave Spaces – all grave spaces are 8'feet 6" inches by 4'feet (2745mm x 1220mm), and will be dug to the depth required by the purchaser, but in no case will a grave be allowed to be deepened after the first interment.
- 9.6 Plans of the cemeteries showing the whole of the grave spaces therein and their respective division within the cemeteries are kept at the Cemeteries Office and may be inspected free of charge by all parties making application for grave spaces by prior arrangement with the Cemeteries Office during normal office hours.

10. Interment of Residents and Non-Residents

- 10.1 Residents Status – Residents shall include a person who at the time of purchasing a grave is a resident within the Parish of Stratton St Margaret, a restriction of one grave per household applies.
- 10.2 Residents may pre-purchase the Exclusive Right of Burial in advance. The Grantee or Owner of the Exclusive Right of Burial shall be entitled to have interred in any grave to which that right exists, their body, even if at the time of death they reside elsewhere, but an additional fee will then apply.
- 10.3 The personal representative of a deceased resident who does not have a pre-purchased Grant of Exclusive Right may for that deceased resident purchase the Exclusive Right of Burial in any grave for the interment of such resident.
- 10.4 Interment of relatives of residents – where the Exclusive Right of Burial in a grave space is owned by a resident, the spouse, widow or widower of such owner may also be interred providing that at the time of the first interment the double depth requirement had been requested. Should the spouse, widow or widower reside outside of the Parish then the prescribed fee in the scale of

charges will apply. Where a non resident wishes to purchase Exclusive Rights of Burial in a new grave space, discretion may be shown if it is proven that the purchaser is an immediate relation i.e. partner, parent or child of a resident already interred within the cemetery. This discretion will not extend to non residents wishing to purchase Exclusive Right of Burial if the person interred is a non resident, regardless of their relationship.

- 10.5 Non – Resident extra fees – The interment fee will be doubled where;
- a) the deceased is not a resident of the Parish. If, exceptionally, the deceased lived in the Parish for the majority of their life but took up residence outside the Parish to receive full time care, in an appropriate facility, within two years of death, resident status will be granted. The executors or other representatives of the deceased must provide to the Council the relevant information for claiming resident status, or
 - b) a pre-purchase took place before the resident moved from the area.

11. Fees and Charges

- 11.1 Fees and charges for all cemetery services will be determined by the Council in accordance with the powers derived under Article 15(1) of the Local Authorities' Cemeteries Order 1977. They will be reviewed annually to take effect from 1st January each year. Full settlement of all fees and charges in respect of interments must be made before the funeral at the time of giving notice and all other fees must be paid at the time the order is given. No account facility is offered. Fees for funeral services, including fees for the officiating person, are normally paid separately through arrangement with the Funeral Director.

12. Memorials

- 12.1 Right to Erect Memorials - Memorials may only be erected over graves in respect of which the Exclusive Right of Burial has been purchased. The right to erect a memorial rests with the Grantee or Owner or their next of kin or executor, and will be for the unexpired portion of the Grant of Exclusive Right of Burial. No work must be carried out before the Council has granted permission and the appropriate fee has been paid. Where the Grant of Exclusive Right of Burial has expired, the grave space will revert to the Council and the memorial will be removed. It is an offence to wilfully interfere with a tombstone or other memorial, or to add additional inscriptions on a memorial without the Council's authority.
- 12.2 Owner's consent – No headstone, monument or memorial will be allowed to be fixed upon any grave without the written authority of the Owner; nor shall any lettering or cleaning be permitted without such authority being first delivered to the Manager.
- 12.3 Subject to the provisions of these Regulations, memorials must be of a hard natural stone or granite of a design approved by the Council and must conform with the following dimensions and may only take the form of headstones which must not exceed 3'0" (91.5 cm) in height, and 2'0" (60.9 cm.) in width with a minimum thickness of 2"0" (5.08 cm) and a maximum of 3" (7.62 cm.) erected on a base not exceeding 3'0" (91.5 cm.) in width, 1'6" (45.7 cm.) in depth and 3" (7.62 cm.) thickness.
- 12.4 Lawned Area - The Council will provide and maintain a grassed area covering the grave space. The right to enclose any graves on lawn sections will not be granted. No grave mound, raised or sunken footstones, kerbs, chippings, landings, plastic or wooden fencing or memorials of any other

description, except approved flower containers, will be permitted on or around a lawn grave. Prohibited items will be removed into temporary storage awaiting collection by the grave owner or representative.

- 12.5 Memorials in Cremated Remains sections shall consist of desk tablets, manufactured in one piece, of size 18" (76.00cm) x 18" (76.00cm) x 9"/3" (23.00cm/8.00cm) maximum mounted on a 24" (60.00cm) x 24" (60.00cm) x 2" (5.00cm) slab which is provided by the Council
- 12.6 Children's Grave Sections - A variety of memorials are permitted, e.g. tablet, plinth, vase, small headstone or book. The maximum permitted height is 24" (60.00 cm.) maximum width is 24" (60.00 cm.) and 12" (30.4 cm.) in depth
- 12.7 Flower Containers and vases unless incorporated in the memorial, are limited to one per grave, to be placed immediately in front or at the side of any headstone (or at the head of the grave if no headstone is erected), and must not exceed 12" (30.48 cm.) in height, 9" (22.86 cm.) in width and 9" (22.86 cm.) in thickness including base
- 12.8 Admission of Memorials - Memorials will be admitted into the cemeteries provided all fees have been paid. No memorials or materials shall be brought into the cemetery unless required for the immediate placement of a memorial. The Council reserves the right to remove a memorial if for any reason the prescribed fees have not been paid. The grave owner will be advised sensitively of their responsibilities.
- 12.9 Admission Of Workpeople - No masons, letter cutters or other work people engaged in fixing, delivering, painting or repairing memorials will be admitted to the cemeteries on Saturdays, Sundays, and UK public holidays, or on any other day before 9.00am, or when a funeral is due to take place or is taking place, except with the sanction of the Manager, and must leave the cemetery no later than the official closing time. All memorial masons' vans and trucks must be removed from the cemetery by 4.30pm Monday to Thursday and 4pm on Fridays.
- 12.10 Control Of Workpeople - All workpeople employed on behalf of the Grantee or owner of the Exclusive Right of Burial or personal representative of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:-
- comply with all reasonable directions and requirements of the Manager or cemetery staff;
 - 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 Manager;
 - provide their own tools and equipment;
 - continue any work in connection with a memorial until fully complete.
- 12.11 Position Of Memorials - The position for headstones, monuments and memorials shall be subject to the approval of the Manager. Headstones shall be fixed in alignment with adjacent memorials.
- 12.12 Fixings of Memorials - All new memorials and where practicable re-fixed memorials are to be fixed in the Cemetery in accordance with the requirements of the Stratton St Margaret Parish Council's Memorial Registration Scheme, as amended from time to time. The method of fixing and the foundations thereof shall be executed to the satisfaction of the Manager. Headstones, monuments, or memorials shall not be allowed to be fixed in unsuitable weather, nor whilst the ground is in an unfit state.
- 12.13 Photographs - Subject to the permission of the Manager, photographic plaques of an approved size may be affixed to memorials, provided that such photographs (limited to head and shoulder images) are of an approved material, do not exceed an overall size of 7cm x 9cm, and are limited to one per interment in the grave.

- 12.14 Inscriptions – Inscriptions on the front of the Memorial are to be included when application for a Memorial is made. No inscriptions are allowed on the reverse of the stone, however the surname of the deceased may be included on the reverse of the stone.
- 12.15 Grave Number And Trade Inscriptions - Every memorial of quarried material shall have the grave number, shown on the ground plan to be seen at the Cemeteries Office and recorded on the Grant, cut in small lettering at the base of the memorial, the expense thereof being borne by the applicant. Trade inscriptions will not be permitted. With the owner's written and prior consent, delivered to the Manager, memorial masons may display their name and district, but not their address or other particulars, in letters not exceeding one inch (25mm) in size, in a position approved by the Manager. Memorials erected with the ground anchor system must display an "n" next to the grave space number.
- 12.16 Erecting Memorials - 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. Memorial Masons must give 24 hours notice for an appointment to fix a memorial in the cemetery, providing Council approval has been applied for. The Council will 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.
- 12.17 Temporary Memorials – Application must be made to the Cemeteries Office for the erection of a temporary memorial. For the first twelve months immediately following an interment a temporary memorial can be erected providing it does not exceed 91.44 cm. (3'0") in height above ground level and 2' 3" (68.58 cm.) in width and not exceed 4" (10.16 cm.) in thickness. Where approval has been given for a permanent memorial and erection is pending, the temporary memorial may remain for a further period, upto 12months, provided the written agreement of the Manager is obtained
- 12.18 Removal Of Temporary Memorials - At the end of the twenty four month period following an interment, the owner of the Grant of Exclusive Right of Burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the satisfaction of the Manager. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.
- 12.19 Windmills - Windmills will be permitted on graves with the proviso that they are treated as for temporary memorials being removed after six months immediately following interment or if they are broken or damaged.
- 12.20 Notice To Be Given - Twenty-four hours prior notice must be given before removing a memorial or carrying out any work in connection therewith. Any person removing a memorial to permit a further interment shall in agreement with the Council, remove it from the cemetery or place it in a position indicated by the Council.
- 12.21 Maintenance Of Memorials - All graves in respect of which the Exclusive Right of Burial has been granted, together with the monuments and gravestones thereon, shall be kept in good repair by the owners. No headstone, monument or other memorial shall be altered or interfered with after it has been erected in the cemetery according to the designs submitted to and approved in writing by the Council nor shall any additional or altered inscription or lettering be placed, made or cut thereon without the previous consent of the Council, notified in writing by the Manager. No cleaning down or renovating of headstones, monuments or memorials, painting or cutting of

inscriptions, painting railings, or any other work will be permitted except with the consent of the Council given in writing by and under the direction and to the satisfaction of the Manager.

12.22 Removal Of Memorials - The Council must be informed of the removal of any memorial from the cemetery. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable, but in any case not before 6 months and 1 day from the date of interment. Memorials removed for an additional inscription must be returned with a fixing method as defined in the Stratton St Margaret Memorial Masons Registration Scheme.

12.23 Unauthorised Memorials - Anyone erecting a monument or kerb set or who undertakes any memorial work within a Cemetery not in compliance with these regulations will be required to remove the said memorial or kerb set and pay all costs involved. Otherwise, any unauthorised memorial, headstone or other material will be removed by the Council in accordance with Article 14 of the Local Authorities' Cemeteries Order 1977.

12.24 Dangerous Or Offensive Memorials - The Council reserves the right to:

- ❖ after notice has appeared in two 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 or vault will be re-opened in respect of which any such cost remains unpaid;
- ❖ 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 disfigures the cemetery or offends public decency;
- ❖ refuse to permit the erection of memorials considered inappropriate or that would cause offence;
- ❖ determine in which portion of a cemetery any design submitted for approval belongs;
- ❖ 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.
- ❖ Unstable memorials which do not pass the Topples test will be staked for a period of 12 months to allow the Grantee or Owner time to instruct a mason to effect repair, thereafter the memorial will be removed and placed under the surface soil of the grave.

13 Memorial Masons

13.1 Grantee or Owners of an Exclusive Right of Burial shall employ their own workpeople to erect any memorial or to remove and replace the same at the re-opening of a grave. Such workmen shall comply with such conditions as may be specified by the Council in its Monumental Masons' Registration Scheme, and in case of any contravention of such conditions, the Manager shall be empowered to order any workpeople to leave the cemetery and to prevent their re-entry thereto. Such exclusion will be extended to the exclusion of such workpeople in connection with any work in a cemetery.

13.2 Register Of Masons - Only companies/memorial masons who appear on the Council's Register of Approved Memorial Masons are permitted to carry out work or place a memorial upon any grave

in the cemetery. The registration process and the criteria that must be satisfied to enable a company/memorial mason to become registered as an 'Approved Memorial Mason' are set out in the Stratton St Margaret Parish Council Memorial Mason Registration Scheme. Application for acceptance onto the Register must be made in writing to the Manager using the appropriate form. Contravention of the Regulations may result in removal from the Register for a period to be determined by the Council.

- 13.3 Insurance - In accordance with the condition specified in the application, there shall be produced with the application, 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.
- 13.4 Memorial Masons – Tools and Equipment - Memorial Masons and others fixing memorials and/or carrying out other work in the Council's cemeteries must furnish themselves with sufficient tools, plant, planks, blocks, etc. 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. They will be held responsible for any damage done by them or their workmen either to the ground or to memorials.
- 13.5 Dressing Of Memorials - All headstones, monuments, or memorials shall be completely worked before they are admitted to the cemetery. No hewing, sawing or dressing of memorials will be permitted within the cemeteries.
- 13.6 Guarantee Of Workmanship - Masons working in the Council's cemeteries must give a guarantee of workmanship (minimum 10 years).
- 13.7 Memorial Applications - A drawing to the scale of 25mm to 300mm (one inch to one foot) of every memorial device, or other monumental work showing the form and dimensions figured thereon, accompanied by a specification and particulars of the materials to be used and a copy of every intended inscription (including any additional inscription) proposed to be executed on the appropriate Memorial Application Form provided by the Council, together with the appropriate fees, shall be delivered to the Manager for approval.
- 13.8 Grave Owner's Authority - The full names, address and signature/s of the person placing the order for the memorial work to be undertaken must be the Grantee or owner of the Exclusive Right of Burial. No other signature will be accepted. If such Grantee or Owner of the Exclusive Right of Burial is deceased, the applicant must make application to transfer such exclusive rights or, on production of proof of identity, make application as the executor for the deceased.
- 13.9 Inscriptions Upon Memorials - No inscription shall be placed upon any headstone, monument or memorial without written application to and the consent of the Council given in writing therefore prior to such inscription being so placed. Inscriptions may be incised, or in relief in a colour of choice, but only the Surname may be displayed on the back of the stone. Additions may be made to an inscription at a later date, following a subsequent interment in the same grave. However, any such addition must be separately approved. The lettering, layout and wording must be consistent with the original inscription. Any inscription in a language other than English requires a certified translation. The Council reserves the right to decline any inscription that they deem inappropriate for the cemetery.
- 13.10 Memorial Permits - No headstone, monument or memorial will be admitted into nor any inscription upon or work in connection with the same permitted in the Cemetery without the prior consent of the Council thereto and the official permit issued by the Manager and delivered to the Manager before the work is commenced, and upon payment of the appropriate fee. (The relevant

application form may be obtained from the Cemeteries Office.) The permit authorising the carrying out of any work in accordance with these Regulations shall be produced to the Manager whenever required during the progress of any such work.

- 13.11 Validity of Permits - The issue of a Memorial Permit, which will be valid for 6 months will confirm the approval of the Council for any such application, but this may be extended at the discretion of the Manager. No works will be undertaken unless a permit has been issued. 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. Maintenance of Graves, Flowers And Wreaths

- 14.1 Nothing may be placed on the area of the grave except as provided in these Regulations and, on the day of the funeral, when flowers and wreaths may be placed upon the grave in which the burial takes place. Funeral tributes may remain there for fourteen days after which they will be removed at the discretion of the Manager. All dead flowers and wreaths, garden refuse or litter must be conveyed to the nearest wastebasket. Council employees will remove Christmas wreaths that remain on graves after 31st January. As soon as convenient after the interment, the Council will sow grass seeds or lay turf over the whole area of the grave.
- 14.2 Decorations - 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 impede access or maintenance will be removed by the Council without notice. Articles are placed solely at the owner's risk. The Manager shall be at liberty to remove from graves any moveable article that shall be broken or have become unsightly. The Council reserve the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.

15. Miscellaneous

- 15.1 Loss Or Damage - 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. All complaints or allegations of theft should be directed where possible to the Cemetery Office in writing as soon as practicable after the event.
- 15.2 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 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 or other document which is required to be given to or served on the Council or for liability arising from such late receipt.

16 Complaints

- 16.1 Any complaints as to incivility or inattention on the part of any member of the Cemetery staff or in relation to any aspect of the Cemeteries Service should be made in writing to the Clerk of the Council.

Last updated 19 April 2017