

Polebrook Parish Council

Cemetery Rules & Regulations

This document states Polebrook Parish Council's ("the Council") rules and regulations in relation to the Polebrook Cemetery. The Council will create and maintain a respectful and dignified environment, which is sympathetic both to the landscape and to the people who visit loved ones at their place of rest.

The boundary of the cemetery for which the rules and regulations apply are defined on the map of the cemetery.

A register of all burials and graves is kept by the Parish Clerk/Cemetery Manager at the registered address of the Council where searches can be made and certified extracts obtained. The cemetery is managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986 and such other regulations as may be made by the Secretary of State for the Home Office. The Council is empowered to alter or amend the rules and regulations at any time; to introduce further rules and regulations as the Council consider necessary; to waive any of the rules and regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these rules and regulations.

Whilst the rules and regulations are in specific categories they should not be read in isolation. All persons must comply with the Council's cemetery rules and regulations.

Copies of all documents referred to are available upon request.

CEMETERY RULES AND REGULATIONS

1. Visitors

1.1 The Council welcomes all visitors to the cemetery and they are asked to respect the peace and dignity and reverence of the facility. All persons shall conduct themselves in a decent, quiet and orderly manner and are advised of these provisions in the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986.

1.2 No person shall:

1.2.1 Wilfully create any disturbance in a cemetery

1.2.2 Commit any nuisance in a cemetery

1.2.3 Wilfully interfere with any burial taking place in a cemetery

1.2.4 Wilfully interfere with any grave or other memorial or any flowers or plants on any such grave

1.2.5 Play at any game or sport in a cemetery

1.3 Any person who contravenes these provisions shall be liable on summary conviction to a fine not exceeding £100 (Article 19 Local Authorities Cemetery Order 1977, as amended by the Local Authorities' (Amendment) Order 1986)

1.4 All persons entering the cemetery will be subject to the orders and control of the Council or any person authorised by the Council.

1.5 All persons entering the cemetery do so at their own risk and the Council will not accept any liability for injuries or damage sustained, howsoever caused.

1.6 Visitors to the cemetery shall not unreasonably interrupt the Council's employees at their duties or employ them to execute private works within the cemetery. All enquiries, complaints and requests by members of the public must be made to the office of the Council and not to employees in the cemetery.

1.7 All visitors to the cemetery must keep to the footpaths for that purpose, except whilst visiting a grave, and refrain from damaging the trees, shrubs, plants or flowers.

1.8 There is no vehicular access to the cemetery beyond the street parking.

1.9 Children under the age of 12 years are not permitted in the cemetery except under the care and supervision of a responsible adult over the age of 18 years.

1.10 Dogs must be kept on a lead at all times and dog owners are required to clear up any dog fouling.

1.11 The Council may exclude from the cemetery on the occasion of a funeral, any person or persons not being mourners or officially connected with the funeral.

1.12 All rubbish and waste material must be disposed of in the litter bins provided. Household waste or other waste material not generated in the cemetery must not be placed in the litter bins.

1.13 The Council do provide a water collection container, please ensure that you do not leave the tap on.

1.14 No person visiting the cemetery shall:

1.15.1 Operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.

1.15.2 Take photographs in the cemetery without the prior consent of the Council and where applicable the Deed Holder.

2. Funeral Directors (or persons arranging an interment)

2.1 No burial shall take place in the cemetery without the prior consent of the Council.

2.2 All graves will be prepared by the Funeral Director.

2.3 Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein or remove therefrom any soil containing existing human remains or coffin debris.

2.4 The application for interment must be confirmed in writing on the prescribed form to the Council at least 48 hours prior to the appointed time of the interment (the 48 hour rule could be waived in the interest of public health). The form must contain full details of the deceased, the proposed interment, the grave to be used and the signature of the Deed Holder, if applicable, and be accompanied by the appropriate fee for interment.

2.5 A certificate for disposal issued by the Registrar of Births and Deaths or a Coroners Order for Burial or a duplicate copy thereof must be delivered to the Council or their authorised officer prior to the interment. In the case of a non-viable foetus the Medical Practitioner's or Midwife's certificate of delivery will be required.

2.6 Any person procuring interment without the production of such certificate or order will be required to make a written declaration on the prescribed form in accordance with Section (1) of the Births and Deaths Registration Act 1926.

2.7 The body brought into the cemetery for interment shall be contained in a suitable coffin or shroud. No coffin or shroud shall be accepted unless it bears adequate particulars of the identity of the deceased person therein.

2.8 The time appointed for an interment will be the time at which the funeral cortege is to arrive at the entrance gate of the cemetery. The funeral director or person in charge of the funeral arriving after the appointed time must act under the direction of the Council or their authorised person as to when the funeral service may proceed.

2.9 The responsibility for providing sufficient bearers to carry the coffin from the hearse to the chapel and/or grave whether mourners are present or not rests with the funeral director or person arranging the funeral.

2.10 The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion to officiate at the burial service and for payment of any fee to which the minister is entitled. Any form of religious service may be used but any other ceremony is subject to the approval of the Council. Alternatively the coffin may be committed without a service.

2.11 After interment no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or Home Office licence for exhumation. The Council will require the original documents for this purpose. In the case of the re-opening of a private grave the written consent of the Deed Holder of the burial rights will be required or where the Deed Holder is deceased the Council will require to be indemnified against any action arising as a result of permitting the exhumation.

2.12 In the case of interment of cremated remains a certificate for burial purposes issued by the Cremation Authority will be required.

2.13 Cremated remains may be interred, in caskets or other approved containers, in the Ashes Sections or in a conventional grave in the Cemetery for which the Exclusive Right of Burial has been purchased.

2.14 Cremated remains shall not be scattered in the Cemetery unless prior approval has been given by the Council and a required fee is paid.

3. Deed Holder

3.1 The Exclusive Right of Burial may be purchased by a person (to be known as the Deed Holder) in advance or at the time of arranging the Interment on payment of the appropriate fee and completion of the relevant application form including the signature of the proposed Deed Holder. The 'Right' is granted for a period of 99 years. Plans showing the grave spaces are kept by the Council and may be viewed on written request.

3.2 The Exclusive Right of Burial entitles the Deed Holder to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to the payment of the relevant fee and permission of the Council) for a period of 99 years. All such private graves will be initially excavated to the standard depth determined by the Council. The Council cannot be held responsible if, due to the factors outside their control, the full number of interments in a grave cannot be achieved.

3.3 At the expiration of the 99 year period the Deed Holder, or their heir or successors, will have the option of renewing the Exclusive Right of Burial, subject to such restrictions and regulations as may be in force at that time.

3.4 Application should be made for renewal of the Exclusive Right of Burial within 12 months prior to the expiry of the previous Exclusive Right of Burial. Where the period of grant of right of approval has lapsed, and no notification of the intention to renew has been received from the Deed Holder, the Council may grant a renewed right of burial to another person, but before doing so will, where possible, notify the previous Deed Holder of the right, or their personal representative, and give option of renewal.

3.5 After an interment has taken place in a grave and one year has elapsed for the natural subsidence of the earth used to fill the grave, the Council shall, in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986, Schedule 2 Part 1 Paragraph 7, cause the surface of the grave to be levelled and properly covered with fresh turf, except for any area covered by any monument or memorial.

3.6 The Council reserves the right to level and turf any grave area that becomes derelict or falls into disrepair. Any costs incurred will be the responsibility of the Deed Holder.

3.7 It is the responsibility of the Deed Holder to keep the grave space free from weeds and in a tidy condition.

3.8 Any floral tributes laid on the grassed areas at the time of the funeral must be removed within one calendar month of the funeral. After this time the Council reserves the right to remove from any grave space flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly and dispose of them in such manner as they deem fit. Christmas wreaths will be removed by 31st January.

3.9 The placing on graves of glass containers, items of pottery, tins, plastic or wire mesh fences, chain link fencing or other items of metal, plastic or other material are NOT allowed, no shingle, gravel to be placed as this can damage the lawn mowers, any of these items may be removed by the Council without notice.

3.10 Under no circumstances must there be any encroachment onto the grassed areas, the Council reserves the right to remove any item that encroaches onto the grassed areas which is likely to cause the interference of grave excavation, ground maintenance, grass cutting and the health and safety of the cemetery operatives. Grass cutting will be carried out by the Council, at a frequency determined by weather conditions and by the Council.

3.11 Small annual bedding plants or bulbs may be planted on a grave, as directed by the Council, but the planting of perennials, shrubs and trees is not permitted.

3.12 The Right to Erect and Maintain a Memorial is issued with the Exclusive Right of Burial to the Deed Holder (which must conform to the Council's rules and regulations) on the grave.

3.13 The Exclusive Right to Erect and Maintain a Memorial can only be purchased by the Deed Holder. This fee includes the safety inspection of the memorial every five years; however it should be noted that any remedial work required will be the responsibility of the Deed Holder. Should the memorial fall into disrepair, it may be removed and the charge added to the grave.

3.14 The Right to Erect a Memorial rests with the Deed Holder. Should the Deed Holder pass away within the term of the deed it would transfer to their next of kin or "Executor".

3.15 Any memorial erected in the cemetery remains the property and responsibility of the Deed Holder or their personal representative and therefore, remains in the cemetery at the sole risk of, and must be kept in a good state of repair by, the said Deed Holder or personal representative.

3.16 Annual inspections are completed to test the stability of headstones. Should the headstone fail the test and be in immediate risk of collapse the headstone would be laid flat. Should the headstone be found to be relatively stable, but in need of attention by a stone mason, the headstone area would be taped off, along with explanatory signage at the grave site. In all cases where headstones fail the test the Deed Holder would be notified wherever possible.

3.17 The removal and re-erection of a monument to facilitate the re-opening of a grave, or to level such grave shall be at the expense of the Deed Holder or their personal representative.

4. Monumental Masons

4.1 A memorial, monument or additional inscription may only be erected on a grave space, subject to the discretion of the Council, within the cemetery in accordance with these rules and regulations and upon payment of the appropriate fee.

4.2 All persons not being employees of the Council, engaged at work in the cemetery, on behalf of the Deed Holder or persons representing such person, shall carry out their work under the direction and requirements of the Council.

They shall :-

4.2.1 At the cost of the Deed Holder, 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 the work

4.2.2 Perform the work during the normal opening hours of the cemetery

4.2.3 Provide their own tools and equipment and complete the work with due despatch

4.3 Anyone who erects a monument or kerb set, or who undertakes any monumental work, within the cemetery not in compliance with these rules and regulations will be directed by the Council to remove the said monument or kerb set. If this is not completed within one month the Council will complete the removal, the cost would be the passed onto the Deed Holder.

4.4 Application for the approval to place a new memorial or kerb set in the cemetery, alter or add to any inscription, or replace, add to or remove from the cemetery any memorial or kerb set, must be submitted to the Council in writing. Such notice must be submitted for approval at least two weeks in advance of the proposed date of erection and must include; -

4.4.1 The grave number and name of the deceased

4.4.2 In the case of a new memorial, a drawing of the proposed memorial and its specification, including the type, colour and finish (e.g. polished, honed, etc.) of the material (e.g. natural stone) to be used, and showing all dimensions, including those of the kerb set (if appropriate) and the foundation slab

4.4.3 The text of the inscription to be inscribed on the monument, or any text to be altered or added to any existing monument, and the method of lettering (e.g. incised, incised inlaid with lead etc.)

4.4.4 The name, address and signature of the person placing the order for the memorial work to be undertaken, who should be the deed-holder.

4.4.5 If such Deed Holder is deceased the applicant must sign an indemnity and must state their relationship to the deceased Deed Holder (in such circumstances, the applicant should be the deceased Deed Holders nearest surviving relative or Executor). If the Deed Holder is alive but is not making the application, the applicant must provide a letter in the Deed Holders hand confirming and authorising such application.

4.5 The approval of the Council for any such application would be confirmed by the issue of a Memorial Permit, valid for a period of 3 months. No work should be undertaken until the permit has been issued by the Clerk. Any such permit is issued on the understanding that the work undertaken will fully comply with the details specified within the application form and the requirements of these rules and regulations. No permit is required for cleaning only; up-righting and re-levelling; repair of existing lettering or painting of existing inscriptions unless the monument is to be removed from the cemetery.

4.6 The grave number and the trade name, address and telephone number, of the Monumental Mason, must be inscribed on the monument, in a conspicuous position as approved by the Council in characters of not more than one and a half inches in height, to match the main inscription.

4.7 With the exception of temporary, or permanent wooden crosses, (which are permitted subject to approval of Council) all memorials or kerb sets shall be constructed of granite, marble, slate or other hard natural stone of durable and sound quality.

4.8 Headstones shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze as part of the design or inscription provided such inlay shall not reduce the main body of the headstone to less than two inches or be raised above the surface of the headstone proper by more than half an inch and must be contained within the overall dimensions of the headstone.

4.9 No monument constructed from artificial, re-constituted (except figures), Bath, Soft Caen, Soft York or other soft stone, or coloured marble will be permitted and memorials of metal, pottery, plastic, glass or fibre-glass are forbidden and will be removed without notice.

4.10 Photographic plaques, to be ceramic, approved size to be 4 ½" x 3 ½" affixed to monuments. Frames of other material will not be permitted.

4.11 No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone, will be permitted in the cemetery.

4.12 All materials and equipment relating to the memorial shall be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material shall be removed in a like manner. Mats, boards or canvas shall be used, as directed by the Council, to achieve this end.

4.13 The Council shall not be held responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever.

4.14 The Council must be informed of the removal of any monument from the cemetery.

4.15 Any person removing a monument to permit a further interment shall either remove the same from the cemetery, after informing the Council, or place it in position indicated by the Council no later than the first anniversary of the last interment.

4.16 The Council reserves the right to:

4.16.1 Remove at the expense of the Deed Holder, or their personal representative any unauthorised memorial.

4.16.2 Remove any memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.

4.16.3 Exclude or remove from the cemetery any memorial not executed in a workmanlike manner, or from sound materials, or which would, in the opinion of the Council disfigure the cemetery or offend public decency.

4.17 The Council in exercising its powers under these rules and regulations will adhere to the following procedure where non-compliance with the rules and regulations has occurred:

4.17.1 Before any action is taken with regard to the removal of any memorial or object that is considered to be in contravention of the cemetery rules and regulations, the Council will notify the Deed Holder in writing of their intentions at their last known address, with one month's notice of any intended action to be taken.

4.17.2 The Deed Holder will have a right to appeal against any decision made. In the first instance this will be the Parish Clerk. Any appeal should be in writing.

4.17.3 If the Deed Holder is not satisfied with the outcome then they would be given the opportunity to have the matter discussed by the Council. The Council's decision is final.

5. Fees

5.1 Fees and charges for all cemetery and memorial services will be determined by the Council annually, to take effect from January each year. (Cemetery and Memorial Charges are available from the Parish Clerk, the noticeboard and the Council website)

5.2 All fees, in the case of Funeral Directors and Monumental Masons, are payable in advance to the Council.