

Burton Joyce Parish Council Cemetery

Rules & Regulations

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1 Introduction

Burton Joyce Parish Council manages and maintains the village cemetery.

To ensure that consistent high standards of service are maintained, the Parish Council has produced this booklet. It details the Parish Council's rules and regulations which will ensure statutory requirements are adhered to.

2. General

2.1 Address and Contacts

Enquiries relating to these Rules and Regulations should be directed to the Parish Clerk on 01159 314084 or via e-mail admin@burtonjoyceparishcouncil.org.uk .

2.2 Opening and Closing Times

2.2.1 The cemetery will open from 9am every day and close at dusk.

2.2.2 Access to the gardens of rest is available during cemetery opening hours.

3. Interments

3.1 Burial Procedure

3.1.1 Notices of Interment including scattering of ashes and all associated works orders must be communicated to the Parish Clerk using the official forms provided. These instructions must be received 48 hours prior to any interment. For interments for people with specific religious requirements please contact the Parish Clerk.

3.1.2 All bookings are provisional until the Parish Clerk receives the appropriate forms. Telephone messages must be confirmed with the appropriate paperwork. The Parish Council will not accept responsibility for information that has not been communicated on the appropriate forms. The Parish Council will not accept responsibility for paperwork lost in the post. Documents sent by email will only be accepted as temporary notifications and must be confirmed by the submission of the original paperwork.

3.1.3 Funerals will not be allowed to proceed if the Parish Clerk has not received the Registrar's Certificate of Disposal or a Coroner's Order for Burial prior to interment.

3.1.4 The Parish Council's workforce or the contractor approved and nominated by the Funeral Director will undertake all excavation work at the Cemetery. Back filling of graves is permitted with the Parish Clerk's consent.

3.1.5 European style caskets and American style caskets are not acceptable.

3.1.6 The responsibility for making the necessary arrangements for the attendance of priests, ministers or other persons to officiate at a service rests upon the Funeral Director or the person(s) arranging the burial.

3.1.7 The time fixed for a funeral must be that when the procession is to arrive at the Cemetery, and it is requested that the time be strictly adhered to, in order to prevent inconvenience and one funeral interfering with another. In the event of a funeral arriving late the cortege must wait as and where directed by the Parish Clerk, or his representative. The service will take place as soon as possible thereafter at the direction of the Parish Clerk.

- 3.1.8 In the case of a public or military funeral, or one at which in excess of 50 mourners may be expected, notice must be given at the time of booking.
- 3.1.9 No coffin shall be opened within the Cemetery grounds for whatever purpose, without prior consent of the Parish Clerk at the time of arranging the funeral.
- 3.1.10 Memorials including headstones and monuments will be removed by a nominated stonemason in all cases where a grave is to be re-opened. This will be organised by the funeral director booking the funeral and arranged within one hour of the booking being confirmed. Removal of memorials requires the prior approval of the grave deed owner.

3.2 **Exclusive Right of Burial**

- 3.2.1 Whilst ownership of an Exclusive Right of Burial i.e a deed does not give any ownership whatsoever in respect of actual land, it does give the owner of the Deed the right to:-
- a. Be buried in that grave.
 - b. Authorise further burials(s) in that grave (where space is available), or the interment or scattering of cremated remains in or over that grave.
 - c. Erect or place a memorial on that grave subject to the Rules and Regulations of the Parish Council relating to memorials.
 - d. Have inscriptions/additional inscriptions placed on a memorial on that grave subject to the Rules and Regulations of the Parish Council relating to this matter
- 3.2.2 Possession of a Deed does not necessarily give the person the permitted ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid will. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership. In most cases where the deceased is the deed owner the Parish Council will accept the Spouse or eldest child as the new owner if proof is provided.
- 3.2.3 On the purchase of the Exclusive Right of Burial in a grave, a Deed of Grant shall be issued to the purchaser whose name shall be registered.
- 3.2.4 The Exclusive Right of Burial shall extend for 50 years from the date of purchase. Rights may be extended for further periods of 50 years on payment of the fee applicable at that time.
- 3.2.5 The grave owner should ensure that the Parish Clerk is informed of any change of address.

3.3 Transfer of Ownership

- 3.3.1 Ownership of a grave may be transferred or assigned by use of the form of Declaration, Indemnity and Application in respect of the transfer of Assignment of an Exclusive right of Burial. Applications to transfer within the first five years may incur a penalty charge if the ownership changes from a resident to a non-resident.
- 3.3.2 The Parish Clerk must be notified of any transfer or assignment in order to update the Register of Deeds.
- 3.3.3 Where no interment has taken place in a purchased grave the Parish Council may agree to repurchase the grave. In such cases the Parish Council will pay the original purchase price.

3.4 Cremated Remains

- 3.4.1 Notice for the interment and the Certificate issued by the Crematorium where the cremation took place must accompany the interment or scattering of cremated remains.
- 3.4.2 Scattering of cremated remains is not permitted without the prior consent of the Parish Clerk.
- 3.4.3 The interment or scattering of cremated remains in or over a grave is not permitted without consent of the grave deed owner. This requires the owner to complete and sign a Notice of Interment Form.

3.5 Fee and Payments

- 3.5.1 Grave spaces or cremation plots can normally be purchased at anytime. Fees are reviewed annually. The Parish Council reserves the right to restrict the pre-purchasing of graves at the cemetery when space becomes limited.
- 3.5.2 Deeds will not be released to the purchaser until full payment is received.
- 3.5.3 Funeral Directors/Companies that have a debt of £2,000 or more, which is over 28 days old will be given seven days notice that no further interments will be approved until the debt is cleared in full.

3.6 Requirements of Funeral Directors or Companies

- 3.6.1 Initially every Funeral Director or Company will be required to provide to the Council the following documentation.
 - a. A detailed method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage property. This must cover every aspect of work the Funeral Director or their Company are likely to undertake in the Cemetery during the forthcoming year, including vehicle access and movement within the cemeteries.

- b. A copy of their Health and Safety policy and codes of practice.
- c. A copy of their Public and Employee Liability insurance with at least £5 million cover. Copies to be provided for the Council upon policy renewal.
- d. A copy in their incident reporting mechanisms and procedures in accordance with The Reporting of Injuries Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR).

Guidance on the completion of these documents can be obtained from the Association of Burial Authorities, The National Association of Funeral Directors/Company. The Funeral Directors/Company will then forward to the Parish Council working method statements which will be used as a control measure on work assessments. Parish Council Officers will monitor these.

Failure to provide the documentation or failure of the evaluation will result in permits being withheld and access to the Cemeteries will be denied.

The one year access permit does not give exclusive access to the Cemetery for Funeral Directors, all regulations in relation to Cemetery access within these regulations must be adhered to at all times.

4 Monumental Memorials

4.1 Monuments and Memorials – General

- 4.1.1** Prior permission to place or erect any form of memorial in any of the cemetery grounds must be obtained from the Parish Clerk. The appropriate published fees must be paid at the time of application.
- 4.1.2** Monuments, memorials, stones or tablets may only be placed or erected over graves where an Exclusive Right of Burial has been purchased. Monuments will be allowed to remain for the remaining term of the Exclusive Right of Burial, where the Exclusive Right of Burial is extended the Right to Erect a Monument will also extend. Monuments, memorials, stones or tablets shall not be placed or erected without the prior written consent of the owner of the Exclusive Right of Burial, and without the express approval of the Parish Council.
- 4.1.3** Any monument, memorial, stone, shrub, plant or item erected or placed in the Cemetery in contravention of these Regulations or when the Exclusive Right of Burial has expired, may be removed by the Parish Council at any time without notice.
- 4.1.4** All memorials including monuments, headstones and stone vases over 200 mm (8ins) in height shall be fixed in accordance with the National Association of Memorial Masons Code of Working Practice (NAMM). All work will be undertaken to the absolute satisfaction of the Parish Clerk. If this is not the case the work will be rectified within one working day of the notification. If this time limited is lapsed the Parish Council will remove the monument, memorial or stone vase and the Stonemason or deed owner will be charged for this work. At this point the responsible Stonemason may be

refused future entry into the Cemetery for breach of these regulations.

- 4.1.5** Memorials must be of a material approved by the Parish Clerk.
- 4.1.6** Before the erection of any tablet, monument, memorial, or stone vases, a drawing with any proposed inscription must be sent on the prescribed forms to the Parish Clerk for approval. The type(s) of material to be used shall be stated, together with exact dimensions and all associated details. The application forms must be duly signed and dated by the registered owner of the Exclusive Right of Burial or, in the event of the death of the owner, an indemnity must be fully completed and submitted.
- 4.1.7** No memorial may be fixed until the Parish Council gives formal written approval.
- 4.1.8** No monument or other memorial shall be altered or interfered with after it has been erected in the Cemetery in accordance with the designs submitted to and approved by the Parish Council, without the consent of the Parish Clerk.
- 4.1.9** No inscription may be cut or work of any kind undertaken to any monument or memorial within the Cemetery without the prior written consent of the Parish Clerk.
- 4.1.10** No memorial shall be removed from a Cemetery for the purpose of cutting an additional inscription until the formal written approval of the Parish Clerk has been given in respect of the proposed addition(s). Any person contravening this Regulation will not be allowed to carry out any further work within the Cemetery.
- 4.1.11** Vases of a material approved by the Parish Clerk up to a height of 200 mm (8ins) are permitted.
- 4.1.12** All work shall be subject to the directions of the Parish Clerk and any person carrying out works must adequately protect grass, borders and adjoining memorials. On completion of works all surplus materials must be removed from the cemetery and the whole site cleaned and left in a satisfactory condition.
- 4.1.13** Full-length kerbstones and footstones of a material and design approved will only be allowed in the kerb section of the Cemetery. The area enclosed on a single gravespace shall not exceed 2100 mm x 900 mm (7ft x 3ft).
- 4.1.14** No headstone placed in the Cemetery shall exceed 2ft 6ins in height or 2ft in width; the minimum thickness shall be 2ins except in the case of slate where 1½ins is acceptable. No fenders shall be allowed. Double headstones shall be no higher than 2ft 6ins and 6ft wide.
- 4.1.15** The person erecting a headstone or vase shall ensure that the relevant Section and Grave Number is inscribed 50 mm (2ins) above ground level on a suitable part of the memorial.

- 4.1.16** The name of the Stonemason must be discreetly inscribed in an appropriate place on the memorial, along with, the year the stone was erected, the Stonemason's town of residence and the grave section and number i.e.

**Section A Row G No. 235
ACE MASONS LTD. ARNOLD. 2003**

- 4.1.17** Hardwood Crosses of timber obtained from sustainable forests may be erected as a temporary measure for no longer than three months. Crosses must not exceed 750 mm (2ft 6ins) in height, 500 mm (1ft 8ins) in width, or 75 mm (3ins) in thickness. They must be set in a sufficient stone or concrete plate or base, the surface of which is to be below ground level to enable a mower to pass freely over it.
- 4.1.18** All monuments and materials must be conveyed into the Cemetery in such a manner as not to cause any damage to road, walks or turf.
- 4.1.19** No monuments, memorials or materials may be taken into a Cemetery before 9am on any working day nor on Good Friday, Christmas Day, Saturdays, Sundays or Bank Holidays without prior consent from the Cemetery Administrator. All persons employed in fixing, painting or restoring memorials, etc, must leave the Cemetery 30 minutes prior to the Cemetery closing time.
- 4.1.20** All dressing or working of stone or other materials to be used in or about any grave, vault, monument or memorial shall be undertaken outside the Cemetery, except such work which cannot be carried out elsewhere.
- 4.1.21** All materials shall be carefully removed from the vehicles conveying them in neatly piled or placed in or near the place where they are to be used. No working is permitted on road, walks, or adjoining graves and all surplus materials must be removed from the Cemetery.
- 4.1.22** A memorial removed for the purpose of a further interment shall be transported from the Cemetery grounds. The Council, in conjunction with item 3.1.11, may dispose of any memorial left in the Cemetery grounds.
- 4.1.23** The planting of shrubs on graves is not permitted without prior consent from the Parish Clerk. A 150mm (6ins) area in front of the headstones will be allowed for the planting of flowers, bulbs and small shrubs only once permission has been granted by the Parish Clerk.
- 4.1.24** No shrubs shall be cut down or carried away without the consent of the Parish Clerk. The Parish Council reserves the right to prune, cut down or remove any shrub, plant or flowers where, in their opinion, they have become unsightly, overgrown or dangerous.
- 4.1.25** No bell grasses are allowed, and no ornaments or decorations permitted unless prior approval of the Parish Council has been obtained.

- 4.1.26 Memorials in the form of the donation of shrubs, trees, roses, bird boxes etc, may be permitted at the discretion of the Parish Clerk.
- 4.1.27 Sponsorship of seats provided by the Parish Council within the Cemetery, which will include permission to place a memorial plaque, will be available from time to time, please contact the Parish Clerk for further details

4.2 Duty of Care

4.2.1 Responsibility for safe conditions in the cemeteries rests upon three main parties:

- a. **Burton Joyce Parish Council** – The Parish Council has a responsibility to ensure the cemetery is safe for all users and Council employees. This may include the inspection of memorials to ensure they are safe. A notice will be placed at the Cemetery four weeks prior to any inspection being undertaken.
- b. **Monumental Masons** – Stonemasons have a duty to ensure all work on memorials is carried out in a safe manner and that memorials are safe.
- c. **Owners of Memorials** – In the case of memorials the primary responsibility for ensuring they are safe rests upon the owner of the grave or memorial. It is their responsibility to ensure the memorials are maintained to a safe standard.

4.2.2 If a memorial is found to be unsafe the Parish Council has a duty to minimise the risk to cemetery users and its employees, in this instance action taken may include:

- a. Laying down of memorials.
- b. Lashing a memorial to a temporary stake to give support.
- c. Attaching highly visible appropriate signage.

This action may be taken immediately following inspection.

In each instance a warning note will be fixed to the memorial with a Parish Council contact number.

4.2.3 Where a memorial is found to be unsafe the owner will be informed, at the last address notified to the Parish Council, and given a time limit to undertake repairs to make the memorial safe again. Where the time limit has lapsed the Parish Council may undertake the repair and charge the owner or remove the memorial from the Cemetery. Where in the case of older memorials the owner cannot be traced, the Parish Council may pay for the work to be undertaken or remove the memorial.

4.2.4 Only approved test methods will be used by the Parish Council to establish memorial safety.

4.2.5 This duty also applies to kerbs, vaults and any other memorial within the Cemetery.

4.2.6 The Parish Council is not responsible for repairs to any monument or memorial due to storm damage or vandalism, this is the responsibility of the owner.

4.3 Requirements of Monumental Masons

4.3.1 Initially every Monumental Mason will be required to provide the Parish Council with the following documentation:

- a. A detailed method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. This must cover every aspect of work the Monumental Mason is likely to undertake in the Cemetery during the forthcoming year, including vehicle access and movement within the Cemetery.
- b. A copy of their Health and Safety policy and codes of practice.
- c. A copy of upto date Public and Employee Liability insurance with at least £5 million cover. Copies to be provided for the Council upon policy renewal.
- d. A copy of their incident reporting mechanisms and procedures in accordance with The Reporting of Injuries Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR).

Guidance on the completion of these documents can be obtained from the Association of Burial Authorities (ABA), The National Association of Memorials Masons (NAMM), the Borough Council's Safety Officer or the Health and Safety Executive (HSE).

The Parish Council's Officers will evaluate this documentation. Upon satisfactory evaluation, a one year Access Permit will be issued to the Stonemason. The monument masons will then forward to the Parish Council working method statements which will be used as a control measure on work assessments. Council Officers will monitor these.

Failure to provide the documentation or failure in the evaluation will result in permits being withheld and access to the Cemetery being denied.

The one year access permit does not give exclusive access to the Cemetery for Stonemasons. All regulations in relation to Cemetery access within these regulations must be adhered to at all times.

4.3.2 All Stonemasons will adhere to all requirements of section 4 of these regulations, in addition they will be required to:-

- a. Inform the Parish Clerk where they require entry into the Cemetery in accordance with the procedures published by the Parish Council.
- b. When written approval is given for the acceptance of the memorial into the Cemetery, a permit will be issued. Failure to produce this on

request will result in entry being denied.

- c. Stonemasons are reminded that failure to comply with these regulations may result in future entry being denied to the Cemetery.

4.4 Floral Tributes

Following interments, all floral tributes will be removed after 21 days, unless prior alternative arrangements are made with the Parish Clerk.

Christmas Wreaths will be removed by the end of January.

Dead flowers in vases will be removed at the discretion of the Ground & Amenities Manager to enhance the appearance of the Cemetery.

Artificial flowers that have been affected by the weather, will be removed at the discretion of the Ground & Amenities Manager to enhance the appearance of the Cemetery.

5 Conduct in Cemeteries

5.1 General Conduct

5.1.1 All visitors must conduct themselves in a quiet and orderly manner at all times. Council representatives have the right to exclude or remove any member of the public at their discretion.

5.1.2 Under the provision of the Local Authorities Cemeteries Order 197, it is an offence for a person to wilfully:

- a. Create any disturbance in a cemetery.
- b. Commit a nuisance in a cemetery.
- c. Interfere with any burial taking place in a cemetery.
- d. Interfere with any grave or other memorial or any flowers or plants in any such manner.
- e. Play at any game or sport in a cemetery.
- f. Enter or remain in a cemetery when it is closed to the public, unless authorised by the Parish Council to do so.

5.1.3 No pedal bicycles, skateboards, skates, scooters may be ridden in the Cemetery, with the exception of motorbility scooters.

5.1.4 Smoking in the Cemetery is not permitted.

5.1.5 No animals will be allowed in the Cemetery (excluding guide dogs or hearing dogs) without prior permission of the Parish Clerk.

5.1.6 Children under the age of 12 years shall not be permitted to enter the Cemetery unless accompanied by an adult.

5.1.7 No religious services or ceremonies are allowed other than the service at the time of interment, without the prior consent of the Parish Clerk.

5.1.8 No musical instrument or other sound-producing device will be allowed into the Cemetery except when used as an integral part of a funeral service.

Persons who contravene these provisions will be liable upon conviction to a fine; the costs of rectifying any damages caused which incur Parish Council costs.

5.2 Vehicle Access

5.2.1 Vehicle access is not permitted without the consent of the Parish Clerk or Ground & Amenities Manager. Vehicles may be permitted for those attending funerals and interments at the discretion of the Parish Clerk or Ground & Amenities Manager.

5.2.2 Disabled and Elderly vehicle access is permitted with prior consent from the Parish Clerk or Ground & Amenities Manager.

5.2.3 No vehicle access for the public, will be allowed prior to or during a funeral or interment.

