CEMETERY POLICY

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BEMBRIDGE PARISH COUNCIL

CEMETERY POLICY

1. Introduction

Burial Authority – Bembridge Parish Council

Burial Registrar – Clerk to Bembridge Parish Council

These regulations are made by Bembridge Parish Council under Section 214 of the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977. These regulations are in addition to the provision of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

The Lane End Cemetery is designed and maintained as a lawn cemetery by the Bembridge Parish Council. These Regulations are primarily designed to ensure that a sense of harmony is maintained throughout the cemetery. The Cemetery is a consecrated Burial Ground. The Council Lengthsmen are responsible for maintenance of the Cemetery.

2. Interpretation

In these Regulations the 'Council' means Bembridge Parish Council acting as Burial Authority for the Parish of Bembridge, the 'Cemetery' means the Cemetery provided on south side of Lane End Road, the 'Clerk' means the Clerk or other authorized officer of Bembridge Parish Council, and 'grave space' means any grave or cremation plot.

3. Admission

1. The cemetery is open at all times.
2. Children should be accompanied by a responsible adult.
3. Visitors must behave in a manner that shows respect to the deceased and the bereaved, avoid walking on occupied graves and not sit, stand or lean on memorials. Any person behaving in a disorderly, noisy or disrespectful manner may be asked to leave the Cemetery.
4. Dogs MUST be kept on leads inside the Cemetery and must not be allowed to foul any part of it.
5. Cyclists should dismount when crossing the Cemetery.
6. Skateboarding is prohibited.
7. No physical recreational activities are allowed in the Cemetery
8. No person shall canvass or solicit business in the burial grounds.
9. Anyone who persistently fails to comply with these Regulations may be refused access to the Cemetery.

4. Burial Rights and Fees

10. The Burial Registrar will be responsible for interpreting the Regulations and ensuring compliance.
11. No employee of the Burial Authority is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery either in their own time of during their employed hours.
12. All fees for interments or memorial works must be paid in full to the Burial Authority in advance.
13. The Burial Authority will publish a scale of fees and charges annually and the current scale of charges is available on application to the Clerk.
14. Purchasers of grave spaces shall be granted an Exclusive Right of Burial. This Right shall be valid from the date of purchase, after which it will revert to the Council.
15. A plan showing the position and allocation of grave spaces may be seen by appointment with the Clerk. A Register of all burials is kept at the office of the Burial Authority, where during office hours, searches may be made.
16. A Certificate of Exclusive Right of Burial is only issued to pre-purchasers of grave space and confers no proprietary rights upon the grantee in respect of cemetery land and will not affect the Council's right to carry out its obligations under the Local Authorities Order or its right to enforce these regulations in respect of any grave space for which the Exclusive Right of Burial has been granted.
17. The Grantee of a Certificate of an Exclusive Right of Burial will receive a written grant signed by the Clerk specifying which grave space numbered on the Cemetery plan. The grant will be registered in the Register of Exclusive Rights of Burial kept by the Clerk.
18. The owner of an Exclusive Right of Burial may assign that right by deed or will. The assignee must inform the Council in writing giving full details of the assignment and it cannot be exercised until this has been registered by the Clerk.
19. The transfer of a Grant of Exclusive Right of Burial is a legal process and whilst there are set procedures to follow each transfer must be looked at individually.

In the following circumstances a transfer of the Ownership of the Exclusive Right of Burial will be required:

- An application is made for a burial in the grave, but the Registered Owner is already deceased
- An application is made for a memorial to be erected on the grave, but the Registered Owner is deceased
- The existing memorial is to be replaced, renovated or cleaned, but the Registered Owner is deceased
- The Registered Owner has died, and a new Owner would like to be registered.

By Article 10(6) of the Local Authorities Cemeteries Order 1977, *no body must be buried, or cremated remains interred or scattered, in or over any grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right.*

Only the named owners on the Exclusive Rights of Burial can be buried in the grave or one of the following forms of Transfer will be required:

- Form of Assignment
- Grant of Probate
- Grant of Letters of Administration
- Form of Assent
- Statutory Declaration
- Form of Renunciation

20. The Burial Authority reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

5. Burial and Grave Spaces

21. No Burial or interment of cremated remains may be carried out without the permission of the Burial Authority.

22. Notice of burial may be given during normal office hours, Monday to Friday. Written applications must be delivered at least two clear working days prior to each interment and must include all fees due and the Certificate of Registration of Death.

23. Coffins may not be of any material other than wood, or a material derived from wood or other biodegradable material.

24. The hours of Interment will normally be between the hours of 9 am and 5pm Monday to Friday unless previously agreed.

- Full interment plot will allow for 2 coffins and 2 containers for cremated remains to be buried
- An Interment plot will allow 2 containers for cremated remains to be buried
- The Exclusive Right of Burial also permits a memorial to be placed on the grave

25. In order to obtain a grave space, an applicant must purchase the Exclusive Rights to Burial and pay all appropriate fees. The Burial Authority will allocate a space at its discretion. An Exclusive Right of Burial must be purchased before any Interment unless the grave has been pre-purchased.

26. No coffin shall be buried in any earthen grave within three feet of the ordinary ground level. A minimum of six inches of earth must be placed between each coffin. Grave spaces will be dug to a depth of 4ft 6 inches for one coffin or no less than 6ft for two coffins. There will be 1ft of space between each grave side by side and 1ft from head to toe of different grave spaces. If a larger casket is used the grave should be dug to a depth of 5ft.

27. No personal artefacts are to be placed in the grave outside of the coffin.

28. All graves are to be dug by the contractor to the satisfaction of the Burial Authority. Following interment, the grave shall be filled up with earth and the surface covered with turf to the level of the surrounding ground. Any surplus soil must be removed to the designated area.

29. It is lawful to permit ashes to be scattered on graves however they should not be recorded in the burial register. Scattering over the area of the grave constitutes a scattering whilst burial below ground in a definable mass or in a container does constitute a burial. The latter should be fully registered formally.

30. Prior to interment or the erection of a memorial, the Grant of Exclusive Right to Burial must be confirmed. If the documentary evidence has been lost, other satisfactory evidence of the applicant's title to the Grant must be produced.

In respect of scattering, it is advisable to add a note to the appropriate grave in the register of graves that ashes have been scattered. This will alert the Burial Authority should such a grave be reopened in the future for a coffin burial so that all topsoil goes back into the grave.

6. Memorials - General

31. No memorial may be placed on a grave except where the Exclusive Right of Burial has been purchased.

32. No monument, lettering or other memorial shall be permitted to be erected or placed in the grounds of the cemetery without written permission of the Burial Authority and payment of the appropriate fee.

33. Applications for approval shall be forwarded to the Burial Authority and must include a drawing of the proposed memorial showing design and dimensions, together with a specification of the material of which the memorial is constructed. A copy of the proposed inscriptions shall be sent with the drawing.

34. All memorials, and any memorial work must be carried out by a qualified mason, or a person qualified and insured to carry out the work.

35. The stonemason's name may be discreetly inscribed on the side or on the reverse of the memorial.

36. All headstones shall be securely dowelled to vase base or plinth and shall be supported by such foundations as is necessary.

37. Removal and reaffixing of any memorial for interment is the responsibility of the grave owner. Prior to any removal of a memorial for cleaning, repair or renovation notice shall be given in writing to the Burials Registrar.

38. A temporary mark (no more than one in total) identifying the deceased [after approval of the Burial Authority] may be placed on a grave for a period not exceeding twelve months providing application and payment are made to the Burial Authority, and the Exclusive Right of Burial purchased.

39. All memorials shall be kept in good repair and in a tidy and safe condition by the owner. It is recommended that memorials are insured against damage, as all memorials erected at Lane End Cemetery are erected at the owner's risk.

40. After erection of a memorial, all surplus materials must be removed, and any damage done to walks or grounds must be made good at the expense of the party for whom such a grave was constructed.

41. Where in the opinion of the Burial Authority a memorial is considered as requiring maintenance to ensure that it remains in a safe condition the Burials Registrar will advise the owner of the grave at their last notified address.

42. The Burial Authority reserves the right to dismantle and lower to the ground or remove any memorial that it considers may constitute an imminent danger to the public or contractors.

7. Memorials - Design

43. The concept of harmony is central to the regulation and management of the cemetery. Harmony does not require uniformity and headstones need not be restricted to a conventional rectangular shape. The regulations are designed to provide guidance on how to commemorate the life of a loved one and will be made available through the organising undertaker. Alternatively, a copy can be obtained at the offices of the Burial Authority.

44. Upright headstones should be:

- No more than 4 feet (1200mm) high, or less than 2 feet 6 inches (750mm) high (measurements from the surface of the ground);
- No more than 3 feet (900mm) or less than 1 foot 8 inches (500mm) wide;
- No more than 6 inches (150mm) or less than 3 inches (75mm) thick except in the case of slate memorials which may be thinner, but no less than 1.5 inches (38mm) thick.

45. For a child *(under 18)* the headstone may be smaller but should be no less than 2 feet (600mm) High, 1 foot 3 inches (375mm) wide and 2 inches (50mm) thick.

46. Headstones may be of three types:

- So shaped that they can be inserted directly into the ground at sufficient depth to ensure stability;
- On an integral base, no more than 9 inches (225mm) high, 3 feet (900mm) wide or projecting 4 inches (100mm) in any direction;
- On a vase base, no more than 4 inches (100mm) on either side; the base being no more than 1 foot 3 inches (375mm) front to back.

47. Where appropriate the Burial Authority will approve the placement of an additional tablet on an existing grave. Where approval is given the tablet should be sloped and laid as close to the original stone as is practical. Circumstances where a request might be approved could include situations where cremated remains are to be interred into an existing grave and there is insufficient space to allow for a further inscription on an existing headstone.

48. Only marble, granite or natural hard stone shall be used in the construction of memorials. No concrete or artificial stone of any kind shall be used in the construction of the memorial. Vases and/or containers only shall be exempt from this part of the regulations. No woodwork or metal other that approved for use as dowels shall be used in the construction of the memorial.

49. Non-Standard headstones (for example hearts, open books and crosses) are acceptable, subject to approval, but the Burial Authority retains the right to refuse a non-standard headstone where the proposed design is inconsistent with the principles of maintaining a lawn cemetery.

50. Grave kerbs (or the enclosure of a grave) and/or the spreading of any form of material over the area of the grave will not be permitted in any circumstances as these are inconsistent with the principle of a lawn cemetery.

51. Photographs or ceramic portraits of the deceased on memorials will be permitted provided that they are no larger than 6 inches (150mmm).

52. Glass vases and containers are prohibited.

53. In order to maintain harmony within the cemetery the following will NOT be permitted.

- Models of people, animals and toys made in concrete, metal, plaster, plastic or similar
- Windmills and jangling trinkets (wind chimes or similar)
- No artificial lighting of any type

54. Engraved images and motifs will be accepted [provided that they are no larger than 6 inches (150mm) if they are decorative (flower, tree or similar) or reflect an aspect of the deceased person's life. Recognised images reflecting the religious faith of the deceased will also be permitted.

55. Inscriptions need to be appropriate and reflect the life of the deceased. The Burial Authority reserves the right to not approve an inscription if it believes it to be insensitive or inappropriate.

56. Except where the design of a headstone contains an integral receptacle for plants and flowers, flowers should be placed in a removable container sunk into the ground.

57. Natural or silk flowers only are acceptable, but the Burial Authority reserves the right to remove those flowers if or when it considers them to have degraded to a less than acceptable standard.

58. The planting of trees, shrubs, bedding plants or bulbs on a grave or between graves is prohibited, recognising that the cemetery is designated a lawn burial ground.

8. Appeals Procedure

59. Where agreement is not reached between the Burials Registrar and the family on a matter relating to a memorial (wording, inscriptions or removal of articles that contravene the Regulations), the Burial Authority will establish a panel comprising three Parish Councillors [with delegated powers] to consider the matter and make the final decision.

60. The complainant will have the right to appear in person at the meeting of the panel and may be supported by one other. At least seven days and no more than twenty-one day's notice of the hearing will be given to the complainant.

61. The panel will record and report their decision and reasons to the complainant and the Burial Authority as soon after the panel meeting as is practical, but no longer than twenty-eight days after the meeting.

9. Cemetery Maintenance

62. The Burial Authority will maintain the cemetery as a lawn cemetery and ensure that its overall appearance appears tidy and regularly mown.

63. In pursuing its policy of maintaining the cemetery the Burial Authority retains the right to remove dead or unsightly flowers on graves.

64. The applicant, or their heirs or successors, is responsible for making arrangements for ensuring that the headstone, vase, tablet or other monument is maintained in good condition. Where the applicant for a monument cannot be identified the relatives of the deceased are responsible for its upkeep.

65. The Parish Lengthsmen will undertake a risk assessment every 2 years of all headstones, vases, tablets and other monuments at the Cemetery.

66. Depending on the condition of the headstone, vase, tablet or other monument the following action will be taken:

- *Unstable*: the Burial Registrar will arrange to have the monument repaired and will contact the person responsible for it to recover the costs involved. If the monument cannot be repaired, it will be removed.
- *Very poor*: the Burial Registrar will contact the person responsible for the monument and seek repair/restoration within three months of the completion of the risk assessment which first identified its condition as 'very poor'. If the person responsible for the monument does not complete the work required within three months the Burial Registrar will arrange to have the monument repaired and will take action to recover the costs involved.
- *Poor*: the Burial Registrar will contact the person responsible for the monument and seek repair/restoration within twelve months of the completion of the risk assessment which first identified its condition as 'poor'. If the person responsible for the monument does not complete the work required within twelve months the Burial Registrar will arrange to have the monument repaired and will take action to recover the costs involved.
- *Average*: the condition of the monument will be monitored by the Lengthsmen. If it deteriorates action will be taken to make it safe as set out above.
- *Good*: no action.

67. Where appropriate the Burial Authority will contact the grave owner on any matter relating to the maintenance and safety of the grave. The Burial Authority retain the right to take appropriate remedial action, at the expense of the grave owner if, it deems that urgent action is required to mitigate an imminent danger.

68. The Burial Authority reserves the right to maintain such grounds and buildings as is felt necessary and to carry out any such work under their control. No other person shall be allowed to carry out any work within the grounds or building except by permission of the Burial Authority.

69. The Burial Registrar has the right to exclude or remove any article or object which may cause offence.