



HOLMER AND SHELWICK PARISH COUNCIL

# BURIAL GROUND REGULATIONS

(Adopted 20/05/19)

(Updated 13/01/20)



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### **Fees**

Exclusive Right of Burial for 50 years	£ 900.00
Purchase of additional 50 years	£ 900.00
Pre-Purchase of Exclusive Right of Burial for 50 years (also applies if purchased as a memorial only)	£ 1800.00
Exclusive Right of Burial for a child under 16	£ 375.00
Exclusive Right for burial of cremated remains (remains added to grave only if E.R.O.B exists)	£ 450.00
Pre-Purchase of Exclusive Right for Burial of cremated remains (also applies if purchased as a memorial only)	£ 900.00

### **For the right to erect a memorial on a grave in respect of which the Exclusive Right of Burial has been granted**

Headstone not exceeding 3f 6" (1050mm) in height and not exceeding 3f (900mm) in width	£ 50.00
An approved tablet of 18" (450mm) by 18" (450mm) in the Garden of Remembrance	£ 50.00
Kerb set (includes headstone and/or kerb); kerb not exceeding 7 feet (2100mm) by 3 feet (900mm) and headstone not exceeding 3 feet 6 inches (1050mm) in height	£ 150.00
Additional inscription	£ 50.00



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### **Admission of Children**

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

### **Dogs**

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

### **Bicycles**

Bicycles must not be ridden within the burial ground. Bicycles must not be placed against memorials, benches or trees and shrubs, and if laid on the ground must not cause an obstruction. The Parish Council accepts No Liability for loss or damage to any bicycle whilst on the premises.

### **Unseemly Conduct**

No person in the burial ground shall behave in a noisy, disorderly or unseemly manner. Nor shall they consume alcohol, gamble, hold any picnic or barbeque, sunbathe or play any game, use improper or indecent language, damage, destroy or touch any tree, shrub, plant, headstone, monument, memorial, grave or any other property within the burial ground.

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977 article 18(1) whereby no person shall:

*Wilfully create any disturbance in a cemetery or crematorium;*

*Commit any nuisance in cemetery;*

*Wilfully interfere with any burial taking place in a cemetery or crematorium;*

*Wilfully interfere with any grave or vault, any tombstone or any other memorial or any plants on any such grave;*

*Or*

*Play at any game or sport in a cemetery or crematorium.*

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.

### **Sitting, or climbing upon Headstones etc.**

No person shall sit, stand, or climb upon or over any gravestone, headstone, tombstone, monument, palisade, gate, wall or fence.

### **Waste and Litter**

No person shall drop, throw or otherwise deposit and leave in the burial ground any wastepaper or refuse of any kind except in the litter bins provided.

### **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 burial ground. (Not including funeral services).



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### **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 burial ground with the prior consent of the Parish Council and, where applicable, the holder of the deed of the Exclusive Right of Burial. In applying for such consent, the applicant is deemed to acknowledge that the copyright of all resulting filmed images may not be reproduced without permission. The Parish Council reserves the right to charge a fee for any commercial filming in the burial ground.

### **Consent of the Parish Council**

No burial shall take place, no cremated remains shall be buried and no monument or memorial shall be placed in the Burial Ground, nor shall any additional inscription be made on a memorial without prior consent of the Parish Council.

### **Certificate of Registry of Death**

The Certificate for Disposal issued by the Registrar of Births and Deaths or, in any case where a Coroner's Inquest has been held, a Coroner's Order for Burial or a duplicate thereof must be received by the Parish Clerk at least 2 working days prior to the time of the funeral.

## **Exhumation**

### **Consent of Registered Grave Owner**

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.

### **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 Burial Ground. Original documents shall be required for this purpose.

### **Preparation of Graves**

All graves will be dug or excavated by an approved person.

All new graves shall be dug 'double depth' to a minimum of 6 feet below ground level to allow for future burials to take place.

No body shall be buried in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave.

No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in a grave on a previous occasion by means of a layer of earth not less than six inches thick.



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### **Location of Graves**

No burial shall encroach on any ground allotted to paths or shrubberies.

### **Placing of Spoil**

The Parish Council reserves the right to allow for excavated spoil to be placed 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. This is the responsibility of the Funeral Directors.

### **Removal of Memorials**

The Parish Council reserves the right of passage over all graves for all purposes connected with the Burial Ground and the right to authorise the removal and replacement of memorials adjacent to those that need to be opened for an interment. Every effort shall be made to contact the owner of the Exclusive Right of Burial. The Parish Council will not be responsible in the event of a memorial being lost, broken or damaged through any cause other than their own negligence.

### **Cremated Remains**

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

## **Exclusive Rights of Burial**

### **Grant of Exclusive Right of Burial**

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

### **Selecting Grave Spaces**

Purchasers of Exclusive Rights of Burial for future use may select the location of any grave space for interment subject to the approval of the Parish Council or its Clerk. Where at all possible, the wishes of the purchaser will be considered. Exclusive Rights of Burial shall not be sold to a Funeral Director or firm of Funeral Directors, their agents or a partner in such a firm, unless evidence is submitted by a Funeral Director to the satisfaction of the Parish Council/Clerk that the grave is required for use by the applicant as a private individual and not for the purposes of his business.

### **Certificate of Grant**

Upon payment of the appropriate fee, the purchaser of the Exclusive Right of Burial in any grave or cremated remains plot shall be issued with a certificate, and the particulars thereof recorded and kept by the Parish



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Clerk. The certificate will stipulate the full name of the owner and the terms on which the certificate has been issued as follows:

The right of burial shall be exercisable only for a period of 50 years from the date of purchase/grant. At the end of this period the right of burial can no longer be exercised and all rights relating to the grave in question, and in relation to any memorial erected thereon, revert to the Parish Council.

During the period of the Exclusive Right of Burial, the registered owner can apply for the Right to Erect/Maintain upon the specified grave a memorial that complies in all respects including any inscription thereon, with the requirement of these Regulations.

The registered owner (or their successor in title) may at the discretion of the Parish Council, during any time of the aforementioned period (or any extension thereof), and on payment of the cost of the Exclusive Right of Burial at that time, obtain a renewal of the grant for an additional period not to exceed the original term of the grant.

### **Right of Burial**

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

### **Consent of Grave Owner Required**

No body or cremated remains shall be interred in any grave or cremated remains plot which an Exclusive Right of Burial for the time being subsists, except with the consent in writing of the owner of the right. It is the right of the grave owner to be interred in a grave for which they held the Exclusive Right of Burial however, the Exclusive Right of Burial must subsequently be transferred before any Right to Erect and or Maintain a Memorial is granted. 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.

### **Production of Deed or Grant**

For every opening of a purchased grave, the certificate of ownership or any assignment thereof and the written consent of the owner must also be produced and give to the Parish Clerk. If the burial is to be that of the registered owner, written permission to open the grave will not be required, only production of the Grant together with all other relevant documentation (including Certificate of Registry of Death). However, the name of the deceased as shown on the Registrar's Certificate of Disposal must be exactly the same as the name on the Grant of Exclusive Right of Burial. If the certificate is lost/mislaid, a grave will be reopened only on the receipt of a completed form of declaration, which has been sworn before a solicitor/JP/Commissioner for Oaths.

### **Transfer of Exclusive Right of Burial**

Where the living owner of the grave wishes to transfer ownership of a grave, the owner must submit this in writing to the Parish Clerk.



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### **Purchased Graves – Repair of Memorials**

All memorials shall be kept in repair at the expense of the registered grave 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 6 months after notice from the Parish Council, the memorial may be removed in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. The Parish Council shall make reasonable efforts to communicate with the grave owner by giving written notice by post to the owner when repairs are needed. The Parish Council can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.

### **Grave Spaces**

Under no circumstances shall a grave be allowed to be deepened after the first interment.

### **Plans**

A plan of the Burial Ground showing the whole of the grave spaces therein are kept by the Parish Clerk. These plans may be inspected free of charge by all parties making application for grave spaces by prior arrangement.

## **Unpurchased Graves**

### **Unpurchased Graves**

Unpurchased graves are available for those requiring burial but who choose not to purchase an Exclusive Right of Burial, and who fill the Parish requirements, of having been a resident of the Parish for 10 years, or having been a resident of the Parish and now having been moved to a residential care home outside of the Parish. The Parish Council/Clerk will determine the position of all new unpurchased graves. Relatives of the deceased have no right to be buried in that grave, nor do they have any right to place a memorial on the same. However, it will remain open for relatives of the deceased to purchase the Exclusive Right of Burial on an unpurchased grave for a period of one year immediately following the interment.

### **Construction**

No interment will be permitted unless the body of the deceased person is fully enclosed in a traditional wooden coffin or ecologically friendly coffin or casket considered suitable. Uncoffined burial is not permitted.

### **Identification**

Every coffin or casket must bear an identification marker stating the name of the deceased.

### **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.



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## **Memorials**

### **Position of Memorials**

The position for headstones, monuments and memorials shall be subject to the approval of the Parish Council. Headstones shall be fixed in alignment with adjacent memorials. All memorials must be erected at the head of the grave.

### **Quality Standards**

All new memorials and where practicable re-fixed memorials are to be fixed in the Burial Ground in accordance with the requirements of the Mason Rules, as amended from time to time.

### **Photographs on Memorials**

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

### **Erecting Memorials**

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

### **Maintenance of Memorials**

All memorials shall be kept in good repair by the owners. No additional or altered inscription/lettering shall be placed, made or cut, nor any renovating of memorials nor any other work shall be permitted without the permission of the Parish Council.

### **Removal of Memorials**

The Parish Council must be informed of the removal of any memorial from the Burial Ground. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable. Memorials removed for an additional inscription must be returned and fixed in accordance with the Memorial Masons Rules.

### **Dangerous or Offensive Memorials**

The Parish Council reserves the right to:

1. After notice has appeared in two consecutive local newspapers and has been posted at the Burial Ground 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 Parish Council may at its own discretion cause the memorial to be repaired or removed at the expense of the owner. The Parish Council may recover any costs so incurred from the owner of the burial rights.





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2. Exclude or remove from the Burial Ground, 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 Parish Council disfigure the Burial Ground or offend public decency.
3. Refuse to permit the erection of memorials considered inappropriate or that would cause offence.
4. Reverse, re-fix, move, "line-up", or otherwise alter the position of any headstone, monument or memorial in the Burial ground which has been insecurely fixed or incorrectly positioned at the expense of the owner.

### **Vases and Flower Containers**

Flower containers of an ornamental character may be placed on the area provided for the erections of a memorial on purchased graves without a fee, provided they are not made of glass, do not exceed 12" (30.48cm) in height and 9" (22.86 cm) in thickness and do not exceed the width of any memorial. The vessel or vase used for flowers shall not be hazardous or in any way sharp. Each grave shall be maintained by the owner/family. If after 6 months, the grave remains unattended, tributes will be removed.

## **Maintenance of Graves**

### **Flowers and Wreaths**

Nothing may be placed on the area of the grave except as provided in these Regulations and, on the day of the funeral, flowers and wreaths may be placed upon the grave in which the burial takes place. Authorised persons may remove all dead flowers and wreaths at any time. Dead flowers and wreath or litter must be conveyed to the nearest wastebasket. All Christmas wreaths that remain on graves after 28<sup>th</sup> February, will be removed.

### **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 to impede access or maintenance may be removed without notice. Articles are placed solely at the owners risk. The Parish Council reserve the right to remove prohibited, hazardous, deteriorated articles or withered wreaths and flowers without notice.

### **Planting and Cultivation**

The Parish Council reserves the right at any time to prune, cut down or dig up and remove any existing shrub, tree or plant at any time, which, in the opinion of the Parish Council, becomes unsightly or overgrown or causes encroachment. Before removing/cutting down any flowers/trees/shrubs etc which do not satisfy these Regulations, efforts shall be made to contact the grave owner who will be advised sensitively of their responsibilities. If a grave is lawn seeded, then no planting or ornaments shall be permitted on the grave space.



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### **Phase 2 Burial Ground**

New Graves will be lawn seeded, and no planting or ornaments shall be permitted. Flowers and vases shall be permitted in front of the headstone to the depth of 12 inches.

### **Memorial Masons**

#### **Register of Masons**

Only Memorial Masons who appear on Hereford Councils Register of Approved Memorial Masons or the British Register of Accredited Memorial Masons are permitted to carry out work or place a memorial upon any grave within the Burial Ground.

#### **Insurance**

Evidence should be produced before commencement of work, that the stonemason has a policy of insurance in the sum of at least £5m to cover liability.

### **Miscellaneous Provisions**

#### **Control of workpeople**

The owner of the Exclusive Right of Burial or their personal representative (Funeral Director) shall:

- ensure that all workpeople employed on their behalf to erect a monument or excavate a plot, shall 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 Parish Council / Clerk.
- be responsible for the supervision and standards of work carried out and ensure that a safe system of work is adopted by all workpeople in accordance with all current and relevant health and safety legislation.
- indemnify the Parish Council against all claims arising out of their negligence or their servants or agents, in connection with work on the burial ground.

#### **Revisions**

The Parish Council reserves the right, from time to time, to make any alterations or additions to the foregoing Regulations consistent with the Burial Act.