

# **Sutterton Parish Council**

# **SUTTERTON CEMETERY REGULATIONS**

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# 1. INTRODUCTION

Sutterton Parish Council welcomes all visitors to the cemetery and they are asked to respect the peace and dignity and reverence of the facility.

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, from time to time.

These regulations form the basis for the proper control and management of the cemetery and are designed to be fair to all users and visitors, and for the greater good of all.

# 2. MANAGEMENT OF THE CEMETERY

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

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the LACO article 18 (1):-

No person shall:

- a) Wilfully create any disturbance in a cemetery
- b) Commit any nuisance in a cemetery
- c) Wilfully interfere with any burial taking place in a cemetery
- d) Wilfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants or any such grave, or
- e) Play at any game or sport in a cemetery

*Note: Under article 19 of LACO any person who contravenes Article 18 shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction thereof.*

Dogs are permitted in the cemetery but must be kept on a lead and any dog fouling cleared away immediately by the dog owner. Fines will be issued for offenders.

No person shall sell, offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same, within the cemetery.

No vehicle access without prior arrangement via the Clerk first. All permitted vehicles must keep to the central track.

All visitors to the cemetery must keep to the footpaths or roads provided for that purpose.

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

No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.

No burial shall take place and no monument or memorial shall be placed in the cemetery nor shall any additional inscription be made on a monument or memorial without the prior consent of the Council.

Arrangements can be made with the Clerk to the Council for ashes to be scattered in the designated area, with a memorial plaque if required and this service is available to all.

### **3. INTERMENTS**

All applications for interments must be submitted to Sutterton Parish Council at least 72 hours prior to the appointed time of the interment.

The application for interment must contain full details of the deceased, the proposed interment, details of the next of kin, the grave to be used and details of the owner of the exclusive right of burial, if applicable.

The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion to officiate at the burial service (if desired) and for payment of any fee to which the Minister is entitled.

Any form of religious service may be used. Alternatively, the coffin may be committed without a service.

A certificate issued by the Register 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 before the interment takes place.

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.

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

In the case of a non-viable foetus the Medical Practitioner's or Midwife's certificate of delivery will be required.

Every body brought into the cemetery for interment shall be contained in a suitable coffin. No coffin shall be accepted unless it bears adequate particulars of the identity of the deceased person therein. A coffin may only contain one body except in the case of a parent and child aged under 1. Containers other than standard traditional coffins must have the approval of the Council prior to interment.

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

The funeral directors will arrange for all graves to be prepared.

No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet below the level of any ground adjoining the grave provided that the Council may, where they consider the soil to be of a suitable character, permit a coffin to be placed not less than 2 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 the grave on a previous occasion by means of a layer of earth not less than 6 inches thick.

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 which is offensive.

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 required by law. The original documents will be required for this purpose.

In the case of the re-opening of a private grave the written consent of the owner of the burial rights will be required or where the owner is deceased the Council will require to be indemnified against any action arising as a result of permitting the interment. No consent is required for the interment of the grave owner of the exclusive right of burial.

The Exclusive Right of Burial in a grave may be purchased at the time of the interment on payment of the appropriate fee.

\*No refunds will be given once an exclusive right of burial has been purchased.

The 'Right' is granted for a period of 50 years.

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 being granted by the Council).

Due to the high water table, it is usually only possible to bury one coffin in each grave, but future interments of cremated remains is possible.

Rights of Burial may also be purchased at any other time in order to reserve spaces, providing that no more than 6 spaces may be purchased by an individual within any 12 month period unless with permission from the Council.

New graves will be available for selection subject to the approval of the Council and payment of the appropriate fee. Graves will be allocated on a next available space basis at all times.

At the expiration of the 50 year period of the Exclusive Right of Burial the purchaser, or his/her heir or successors, will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at that time. Application should be made for renewal of the Right within 12 months of the expiry of the previous grant.

Where the period of Grant of Right of Approval has elapsed, and no notification of the intention to renew has been received from the person who held the right of burial, the Council may grant a renewed right of burial to another person, but before doing so will, where possible, notify the previous owner of the right, or his personal representative, and give option of renewal.

Any transfer of ownership of exclusive right of burial will be subject to the production of satisfactory evidence of title and the approval of the Council. Such transfer must be registered in

the records of the Cemetery and the deed of grant of right of burial must be produced for endorsement by the Council and the appropriate transfer fee paid.

## 4. MEMORIALS

### Application and Permission

A monument may only be erected on a grave space within the Cemetery in accordance with these Regulations and upon payment of the appropriate fee. The right to erect a monument rests with the 'Exclusive Right deed-holder' or their next of kin or executor, and will be for the unexpired portion of the Grant of Exclusive Right of Burial.

The erection of a monument on an unpurchased (common) grave will be subject to the discretion of the Council and in accordance with these Regulations and upon payment of the appropriate fee. As there is no right to erect a monument on an unpurchased (common) grave, such monument does not in itself confer any right and remains at the pleasure and discretion of the Council.

Application for the approval to place a new monument, kerb set, or vase in the Cemetery, alter or add to any inscription, or replace, add to or remove from the cemetery any monument, kerb set, or vase must be submitted to the Council.

Such notice must be submitted at least 2 weeks in advance of the proposed date of erection and must include:-

- The grave number and name of the deceased and Date of Death.
- In the case of a new monument, a drawing of the monument and its specification, including the type, colour and finish (i.e. polished, honed, etc.) of the material to be used, and showing all dimensions, including those of the kerb set (if appropriate) and the foundation slab.
- The text of any inscription to be inscribed on the monument, or any text to be altered or added to any existing monument, and the method of lettering (i.e. incised, incised inlaid with lead etc.)
- The name, address and signature of the person making the application for the monumental work to be undertaken, who should be the stone mason or the owner of the Exclusive Right of Burial. If such owner is deceased the applicant must sign an indemnity and must state their relationship to the deceased owner (in such circumstances, the applicant should be the deceased owners' nearest surviving relative or executor). If the owner is alive but is not making the application, the applicant must provide a letter with the owner's signature confirming and authorising such application.

The approval of the Council for any such application will be confirmed by correspondence of approval. No work should be undertaken until the permit has been issued and any fees paid in full. 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 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.

Anyone who erects a monument, kerb set, or vase or who undertakes any monumental work, within the Cemetery not in compliance with these Regulations may be compelled to remove the said monument or kerb set and pays all costs involved.

## Materials and Construction

All monuments and figurines must be constructed of granite, marble, slate, hard stone or other materials, which must be durable and sound.

Potted or planted trees or shrubs are permitted on or near the grave but must be maintained and if not may be removed by the Parish Council.

Windmills, chimes or other similar ornaments are not allowed on graves or cremation plots. The Parish Council reserves the right to remove these additions.

Sutterton Parish Council encourages the use of natural and environmentally friendly materials, which break down naturally over a period of time without harm to the environment. Therefore, the use of wood as a memorial, such as a carving, is not discouraged. However, wooden fences will not be permitted, as these quickly collapse and are hazardous to mowing equipment. All such memorials must be approved first by the Council.

Wooden crosses will be permitted as a temporary memorial set at the head of the grave, but the design, size and type must be approved first by the Council.

Kerbs and surrounds are not permitted on any new grave, except where prior arrangement has been made. They must be constructed of granite, marble, slate or other hard stone which must be durable and sound.

The dimensions of any headstone on a grave shall not exceed 3 feet (91cm) in height above ground level and 2 feet 3 inches (69cm) in width and 3 inches (7.5cm) in thickness.

The dimensions of a plaque over cremated remains shall not exceed 12 inches (30cm) square and be of a suitable stone (black granite or York stone is preferred) and shall be laid flush with the ground. A memorial or flower holder may be placed but must not exceed 12 inches (30cm) in height.

The headstone may be:

Sunk into the ground to a depth of 1'0" and haunched front and back with concrete; or

Be fixed to a foundation, as part of a kerb set; or

Be fixed to a base of the same material as the headstone.

All monuments shall be erected in accordance with the National Association of Monumental Masons' Code of Practice.

Photographic plaques, either ceramic or other approved material may be affixed to monuments.

Any monument erected in the Cemetery shall be inscribed with its grave number, on the reverse of the base, in characters of not less than one inch in height, to match the main inscription.

A single trade name may be inscribed on any monument.

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

All materials and equipment 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.

All workmen employed, on behalf of the owner of the exclusive right of burial or personal representatives of such person, to erect any monument shall carry out their work strictly under the direction of the Council and 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 the work.
- Provide their own tools and equipment and complete the work with due despatch.

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

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

Any person removing a monument to permit a further interment shall remove the same from the Cemetery, after informing the Council, or place it in position indicated by the Council.

Any unauthorised monument shall be removed at the expense of the grave owner, or their personal representative.

Any monument or memorial erected in the Cemetery remains the property and responsibility of the grave owner or their personal representative and therefore, remains in the Cemetery at the sole risk of, and must be kept in good state of repair by, the said owner or personal representative. Sutterton Parish Council shall not be held responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever, excepting damage caused by the actions of their own staff or contractors.

The Council reserves the right to exclude or remove from the Cemetery any monument or 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.

Sutterton Parish Council reserve the right to remove any memorial or other item that is placed upon a grave in contravention of these regulations, without notice.

## 5. MAINTENANCE AND UPKEEP

It is the responsibility of the grave owner to keep the grave space free from weeds and in a tidy condition. In default the Council reserves the right to level and turf the grave.

The Council reserves the right to remove from any grave space; flowers, plants, floral tributes or wreaths or other mementos which have deteriorated or become unsightly or excessive and dispose of them in such manner as they deem fit.

Grass cutting will be carried out by Sutterton Parish Council or their contractor, at a frequency determined by the Council.

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

The Parish Council reserves the right to tidy up neglected or untended graves.

## 6. FEES

Fees for Cemetery Services will be determined by the Council annually.

In determining whether fees will be chargeable at the Resident or Non-Resident rate, the last permanent address of the deceased will be used. If the deceased has resided at an address in the village of Sutterton in the past it will be at the discretion of the Parish Council as to whether the Resident or Non Resident rate should be used.

All fees are payable in advance to the Council.

	<b>Parish Residents</b>	<b>Non-Parish Residents</b>
Exclusive Rights Reservation (50 years)	£300.00	£600.00
Full Burial	£500.00	£900.00
Full Burial Child under 18	£0	£0
Ashes	£300.00	£600.00
Ashes on Existing Grave	£150.00	£150.00
Ashes Child under 18	£0	£0
Memorial/Headstone	£65.00	£65.00
Memorials/Headstone Child under 18	£0	£0
Replacement of Memorial/Headstone	£65.00	£65.00
Additional Inscription	£30.00	£30.00
Additional Inscription Child under 18	£0	£0
Seat/Bench	£275.00	£550.00
Exhumation	POA	POA
Transfer of Grave Ownership	£50.00	£100.00
Admin fee for surrender of Grave Ownership	£50.00	£100.00
Family History Search	£25.00 plus hourly rate (currently £15.21)	£25.00 plus hourly rate (currently £15.21)



## 7. GENERAL

All rubbish and waste material, including wreaths and floral tributes, which have been removed from graves should be disposed of in the litter bin provided.

The Council reserve the right to disconnect the water supply to avoid freezing, when a tap or taps are defective or if the supply provided is abused.

All persons not being employees of the Council, engaged at work in the Cemetery shall comply with all directions and requirements of the Council.

The Council are empowered to alter or amend the foregoing regulations at any time; to introduce further regulations as they consider necessary; to waive any of the foregoing regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these regulations.

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. This regulation does not affect your statutory rights.

On at least an annual basis, the Cemetery Committee will appoint specified persons to conduct safety checks on memorial headstones. If any are found to be unsafe, the family of the deceased will be contacted to promptly arrange the securing of the headstones in the interest of public safety. In cases where a family cannot be contacted, or there is a delay in action and the memorial is considered to be very unsafe and a danger, the Clerk and Cemetery Committee will lay the memorial down with respect and sensitivity.