

Preston Under Scar

Appendix 1 CEMETERY REGULATIONS draft 5

1. Introduction

Preston under Scar (PUS) Cemetery on the Redmire To Wensley Road, DL8 4AH is owned and administered by Preston Under Scar Parish Council as the Burial Authority, in accordance with the Local Authorities Cemetery Order 1977.

These Regulations were made by Preston under Scar Parish Council on XXXXXXXX and supersede and take precedence over any earlier Regulations.

2. Opening Times

The cemetery is open to the public at any time. Visitors are asked to respect the peace, dignity and reverence of the Cemetery. The council reserves the right to close the cemetery or to limit the entry of persons thereto without notice.

3. Authority for Activity in the Cemetery

None of the following may take place without permission of the parish council:

- a) Burials or exhumations;
- b) Scattering or burial of ashes;
- c) Erection or fixing of a memorial;
- d) Inscription on a memorial;
- e) Renovation of a memorial; and
- f) Removal and/or replacement of a memorial.
- g) Planting of memorial trees, bushes or any other plants

4. Right of Interment and Fees

4.1. Subject to the prior granting of a Deed of Grant of Exclusive Right of Burial, the persons entitled to be interred or have ashes buried in the PUS Cemetery are:

- a) those whose home address, at the time of their death, was in Preston Under Scar.
- b) those whose home address, at the time of their death, was not in Preston Under Scar but who have previously lived in Preston Under Scar
- c) At the discretion of the Parish Council, other non-residents may be interred or have their ashes buried in Preston Under Scar Cemetery, subject to payment of the appropriate fee. This may include those who have a close relative already interred or ashes buried in the cemetery.

4.2 Prior to a burial or interment of ashes, an *Exclusive Right of Burial* must have been purchased from the Parish Council (see Regulation 5 below for further information about Exclusive Rights of Burial). The fee for the *Grant of an Exclusive Right of Burial* covers the reservation of the plot, and the right, subject to these regulations, to erect a headstone, or a cremation memorial stone as appropriate. The fee does not include the cost of digging and backfilling of the grave. Such fees shall be charged by the funeral director.

Fees are non-returnable.

4.3 No ashes may be added to a grave or cremation plot unless an *Exclusive Right of Burial* has been purchased.

4.4. The Deed of Grant is the sole property of the Grantee(s) named in the Deed, should this ownership need to be transferred then a new Deed of Grant will be required,

5. Exclusive Right of Burial

5.1. No interment can take place in any private grave unless a prior *Grant of Exclusive Right of Burial* in that grave has been made. The name and address of the owner of this right, known as the Grantee, must be given to the clerk at the time of giving notice of the interment.

5.2. The Grantee of the *Exclusive Right of Burial* will be furnished with a Certificate of the same.

5.3 Where someone has died without having a plot reservation, the PC will normally grant the rights to a plot through the undertaker and will invoice the undertaker for the fee, which he will recover from the deceased's family.

5.4. The individual plot will be assigned by the clerk after discussion with the Grantee.

5.5. An Exclusive Right of Burial shall be granted for a period of 100 years. *At the expiry the grantee may apply to the council for the opportunity to re-purchase the right for a further 100 years at the prevailing fee. The right will cease unless the Grantee notifies the clerk in writing of his/her wish to retain it for a further period.*

5.6. The rights to a grave may only be transferred using the legal process currently in force i.e. they must be assigned by deed when the Grantee is alive or bequeathed by will when the grave owner is deceased, please refer to **Appendix 2** and follow the guidance provided.

5.7. Until satisfactory evidence of such transfer is provided to the council and recorded by the clerk, the assignee will not be able to exercise any rights under the grant.

6. Notice of Interment

6.1. Notice of interment must be given to the clerk a minimum of five days prior to the date of interment.

6.2. All notices must state:

- a) The full name and age of the deceased;
- b) The normal residence of the deceased during the three months prior to death;
- c) The date and place of death;
- d) The dimensions of the coffin or casket if this may affect compliance with regulations in Section 7;
- e) The day, date and time of the funeral;
- f) The name and contact details of the funeral director;
- g) The name and address of the grave owner (Grantee)*, and their permission to open the grave for the interment;
- h) If the deceased was the grave owner (Grantee)*, the name, contact details and relationship to the deceased of the applicant for the burial. The applicant should be made aware of regulation 5.6 above regarding transfer of ownership; and
- i) For a new grave, the name and address of the person purchasing the *Exclusive Right of Burial*.

* If the name of the Grantee does not match that in the Parish Council's records, evidence that the *Exclusive Right of Burial* has been transferred must be provided (refer to **Appendix 2**).

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6.3. Any order or instruction given by telephone will be received at the sole risk of the person giving such orders or instructions. The Parish Council will not be responsible for any delays which may occur, or misunderstandings which may arise with regard to orders or instructions given by telephone unless immediately confirmed in writing.

6.4. A Registrar's Certificate for Burial or Cremation or a Coroner's Order for burial **must** be produced to the Parish Clerk before the burial or interment of ashes takes place or the burial/interment will not be permitted to take place.

7. Plots and Graves

7.1. Digging and mounding of graves, and excavations to receive cremation caskets, are only to be dug by personnel approved for this purpose via the funeral director and are undertaken at the expense of the person making the request.

7.2. A grave shall be of sufficient width and length to admit a coffin to the size specified on the notice of interment. *It is the responsibility of the person making the funeral arrangements to provide accurate measurements of the coffin size to ensure the correct size grave is prepared.*

7.3. The area allowed for a grave plot is 10' x 4'. Graves shall be excavated to a maximum depth of 4'6" for 1 interment, which is compliant with the *current legislation*

7.4. The area allowed for a grave plot for cremated remains, in the cremation area, is 2' x 2'.

7.5. A grave, or cremation plot, shall be suitably matted and dressed prior to an interment taking place.

7.6. Cremated remains may also be interred in any other full-size grave where an *Exclusive Right of Burial* has been granted provided that the owner of the Exclusive Right of Burial has given the necessary permission to enter in that grave, or if desired, in an unpurchased grave space, purchased prior to the interment – *at fee for the whole plot ?*) It is not permissible to inter ashes in a grave that has already been used for a coffin burial.

7.7. No burial of cremated remains will be permitted unless, prior to the interment, a copy of the Certificate of Cremation from the crematorium where the cremation took place, is delivered to the Parish Clerk, together with the necessary completed notice of interment and the prescribed fee. *This is to comply with current legislation.*

7.8. No stonework will be allowed in any grave space for which the *Exclusive Right of Burial* has not been granted and any memorial erected over such grave space may be removed by direction of the council.

7.9. No pets or animals may be buried in the cemetery.

8. Interments and Funeral Arrangements

8.1. The standard hours of interment are usually between the hours of 9 am and 4 pm, Monday to Friday. Requests for other times may be discussed with the Parish Clerk and funeral director.

8.2. Only one funeral will be allowed in the cemetery at any one time.

8.3. The time fixed for a funeral is that at which the procession is due at the cemetery and such times must be strictly observed.

8.4. When a Notice of Interment has been given, any alteration of arrangements will only be permitted at the discretion of the Parish Council in respect of any work that may have already been executed and any expenses that may have been incurred.

8.5. All bodies and ashes for interment are to be contained within a suitable biodegradable container. Such containers are to bear the identity of the person contained therein.

8.6. Ashes are only permitted in grave plots / cremation plots within the cemetery and may not be scattered in the general cemetery grounds. *This is a legal requirement.*

8.7. The Grantee or his/her representative or appointed funeral director should advise the Parish Clerk if the deceased to be buried has died of an infectious disease which may require special arrangements.

9. Memorials

9.1 Headstones and cremation memorial stones shall not be erected without approval having first been given. This also applies if any further inscription is required at a later date.

9.2. Details and drawings of any proposed grave memorial / cremation memorial stone and inscription thereon must be submitted to the Clerk/Parish Council for prior approval. The information provided must incorporate a drawing of any proposed memorial, inscription, dimensions and method of fixing.

NB: Headstones should be between 60cm and 100cm high and 45cm and 60cm wide and between 7.5cm and 15cm thick. Cremation memorial stones shall be rectangular shall not exceed 35cm by 35cm, containing a maximum of 2 urns. and must be set level with the ground surface. CHECK

The form must state the stonemason who will undertake the work and must be signed by the registered Grantee of the *Exclusive Right of Burial* as described in Regulation 5.

If the application is approved by the Parish Council, the Clerk shall notify the applicant in writing of that approval.

9.3. Only stonemasons listed on the British Register of Accredited Memorial Masons (BRAMM) are permitted to undertake monumental work within the Cemetery. The stonemason must contact the Clerk before undertaking the work.

All memorials (including Memorials being re-fixed after a burial has taken place and those found to be unsafe after Memorial testing has taken place) will be erected in accordance with the British Standard 8415:201 (industry standard for the safe fixing of cemetery memorials) and use suitably approved solid ground anchor fixings. All costs for this work must be met by the person to whom a permit to place the Memorial was given or his/her heir.

9.4. The materials used in the construction of memorials must be of durable natural stone, marble, granite or other similar materials.

A **memorial** must have inscribed upon it the relevant section and number of the grave or plot on which it is to be erected.

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9.5 All memorials installed in the cemetery from the date of installation must be accompanied by a 'Guarantee of Conformity', for a minimum of 30 years, granted by the mason who installed it, in line with the standard set by the National Association of Memorial Masons (NAMM). If at any point during the life of the Memorial it becomes loose or unstable and this cannot be attributed to ground conditions or disturbance, the mason should, under the terms of the said guarantee, refix the Memorial to the original standard at no cost to the grave owner or the Council.

9.6. The dimensions, locations and requirements of memorials must comply with the following:

9.6.1 Lawn Plot - Full Adult grave space

- a) The headstone must be fixed securely to the plinth on a secure base with an approved ground anchor system. The memorial must be positioned in line with adjacent memorials.
- b) The headstone and base must total no more than 107cm in height and 92cm in width. The headstone must not exceed 15cm in depth and the base must not exceed 36cm in depth. Any vase must be incorporated within the base or located in front of the headstone such that no part of the memorial protrudes beyond the plinth (maximum 36cm).
- c) As soon as convenient, turf must be laid over the whole grave.
- d) For grounds maintenance and health and safety reasons, nothing whatsoever may be planted or erected in the grassed area in front of the memorial.

9.6.2. A memorial for a cremated remains plot must measure no more than 46cm x 46cm and 15cm high located centrally within the 61cm x 61cm plot area. No planting is allowed, and any vase must be incorporated within the plot area.

9.7. The fixing of memorials is not allowed on Saturdays or Sundays. Work of every description must proceed continuously and be completed without unnecessary delay. This applies, in particular, to memorials awaiting re erection. The reinstatement of a grave after such work is the responsibility of the monumental mason concerned. Any Memorial being fixed or re-fixed must have the grave section and number clearly displayed on its base along with the identification of the memorial mason fixing the memorial.

9.8. All memorials must be conveyed into the cemetery, erected and removed at the expense of the Grantee of the Exclusive Right of Burial.

9.9. If any monument or other work is erected or undertaken in violation of these Regulations, the council may remove the monument or work at any time, without notice and at the expense of the person responsible for the work.

9.10. The council reserves the right to remove memorabilia of a temporary nature such as soft toys when appearing unsightly, or after 12 months of placement.

9.10. The upkeep and maintenance of any memorial within the Cemetery remains the responsibility of the person to whom a permit to place the Memorial was given. *All Memorials remain in the ownership and are the responsibility of the grave owner or person taking over responsibility after the grave owner is deceased.* If no family exists, the Parish Council will assume responsibility for headstone safety.

9.11. All plots and memorials must be kept in good repair. A program of memorial testing will be carried out ensuring every memorial is tested at least once every five years, see **Appendix 4 Guide to Memorial Inspections**. When memorials fail the test or are found to be loose or otherwise defective and, in the opinion of the council, may be unsafe, they will be laid flat. Notice will be sent to the registered Grantee's family. If no response has been received after one month, the council will decide on how to make it safe. Any costs incurred will be billed to the Grantees family. **DECIDE WHICH FORM WE record family if the Grantee is the deceased.**

10. Conveyance and Removal of Materials

10.1. Care must be taken to avoid cutting up or otherwise degrading paths or grassed areas in the cemetery.

10.2. At no expense to the Parish Council, all equipment, tools and other materials shall be removed from the cemetery immediately on completion of the erection of a memorial and at the end of the day while the work remains unfinished.

10.3. All work in connection with memorials and any necessary reinstatement arising therefore, shall be done to the reasonable satisfaction of the Parish Council.

11. Removal of Rubbish and Surplus Materials

11.1 No hewing or dressing of stone or other operation of that kind will be permitted in the cemetery.

11.2. Every person engaged in any work or labour in or upon any grave or memorial shall, immediately upon completion thereof, clear up and remove from the cemetery any rubbish and/or surplus materials remaining after completion. If any person, after receiving one day's notice from the parish council neglects or fails to comply with this requirement, the rubbish or surplus materials will be removed by the parish council and the person so neglecting or failing to comply, shall, on demand, pay to the parish council the cost incurred in the removal.

11.3. Any turf should be placed in the grave or re-used to cover the grave surface.

12. General Safety Rules

12.1. Dogs are not allowed within the cemetery unless on a lead.

12.2. Children under the age of 16 years must be in the care of a responsible adult.

12.3. No person will:

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

The Council reserves the right to make, from time-to-time, alterations, additions or amendments to these regulations consistent with the relevant legislation.

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The council has a risk assessment for the cemetery which is available on the Parish Council website [Preston Under Scar Parish Council](#). The assessment is reviewed annually.