



Rutland
County Council

CEMETERY REGULATIONS Adopted

April 2019

Revision date due April 2024

Email burials@rutland.gov.uk
Cemetery Office, Rutland County Council,
Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577
www.rutland.gov.uk

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2 Definition of Terms

Application - A request made on the Council's prescribed form.

Assignment of Exclusive Right of Burial - The act of assigning the Exclusive Right of Burial for the remaining years on the Exclusive Right of Burial Deed of Grant upon instruction from the Holder(s) / Owner(s) of the Exclusive Right of Burial. Assignment of Exclusive Right of Burial also applies to Transfers of Exclusive Right of Burial when clarifying proposed elected new Holder(s) / Owner(s).

BRAMM - British Register of Accredited Memorial Masons scheme is a network of nationally accredited businesses and registered fixers.

Burial Plot – A plot assigned for burial and cremated remains also known as a grave. Both terms will be used interchangeably within these Regulations.

Cemeteries - All cemeteries coming under the control of the Council and as identified at Section 5.1 below.

Cemeteries Representative: A member of staff appointed by the Council to carry out Cemeteries administration or supervision work on behalf of the Council.

Cemeteries Service or Office - The Council department responsible for administering and maintaining the Cemeteries for both burial and the interment of ashes.

Common Grave – A Burial Plot which has not been purchased upon or after Interment.

Cremated Remains Plot – An Interment Plot assigned for cremated remains only.

(The) Council – Rutland County Council.

Exclusive Right of Burial (EROB) - An agreement between the Council and the elected Holder(s) / Owner(s) of an Interment Plot giving them the right to open the plot and install a Memorial stone. The terms *Holder(s)* and *Owner(s)* relating to the Exclusive Right of Burial will be used interchangeably within these Regulations.

Exclusive Right of Burial Deed of Grant – The legal document which records the purchase of the Exclusive Right of Burial, lists the deed of grant unique number, the Holder(s) / Owner(s) of the Exclusive Right of Burial and the Interment Plot details.

Family Organised Interment – A burial or cremated remains interment organised directly through the Cemeteries Office.

Holder(s) / Owner(s) of an Exclusive Right of Burial – All Holders / Owners are elected upon purchase of the Interment Plot or during Transfer of Exclusive Rights of Burial. During the interment plot Ownership of Rights tenure, changes in Ownership are permissible through Assignment of Rights.

Interment – The act of burying within a Burial Plot or a Cremated Remains Plot.

Interment Plot – A space assigned for burial and / or cremated remains.

Memorabilia – Portable commemorative objects which are not fixed to the main Interment Plot's Memorial.

Memorial – A permanent, fixed, typically inscribed, structure used to memorialise the person(s) interred. Memorials permitted may include memorial headstones, kerb-sets and integrated floral tributes. All Memorial installations are subject to Application and approval.

Memorial Application - A request to install a Memorial at one of the Cemeteries.

NAMM – National Association of Memorial Masons scheme is a network of nationally accredited businesses and registered fixers.

Selection Fee – Selection Fee applies to all newly purchased graves and Cremated Remains Plots if the next in line plot is not the preferred choice and an alternative is purchased.

Statutory Declaration – A written statement of fact that is signed in the presence of a solicitor or a commissioner for oaths.

Statutory Inspection - The testing of memorials to assess their safety and risk level. The inspection process is also known as topple testing. Mandatory inspections are periodically carried out by the Cemeteries Service, in line with the recommendations stated in *Article 16.1 of The Local Authorities' Cemeteries Order 1977*.

Transfer of Exclusive Right of Burial –The act of transferring the Exclusive Right of Burial for the remaining years on the Exclusive Right of Burial Deed of Grant when the Holder / Owner of the Exclusive Right of Burial is deceased.

3 Introduction

The following Cemetery Regulations are intended for all parties with an affiliation with the Cemeteries Service and the Cemeteries.

The Cemeteries Service administers and maintains cemeteries for both burial and the Interment of ashes.

The Rutland County Council Cemetery Office is committed to providing an excellent customer service to the bereaved. The Service includes:

Interment bookings;

Memorial Applications;

Purchase and legal Transfer of the Exclusive Right of Burial; and

Enquiries relating to all Cemeteries which are administered by the Council.

The service of Interment includes the administration for the booking of the Interment, the preparation and completion of the Interment at the time of committal, and the maintenance of statutory registers and records post Interment.

These Regulations have been formulated to ensure the Cemeteries remain well maintained and pose no safety risk to either visitors or operatives. The Regulations should therefore, be observed at all times.

The recommendation of any officer of the Council of any undertaker, sculptor, stonemason or other tradesman is strictly forbidden by the Council.

The Council's Service Manager's decision shall be final in all matters relating to the management of the Cemeteries.

3.1 Contact Details

For Cemeteries enquiries, please contact the Cemeteries Office by email at burials@rutland.gov.uk. You may also contact the Office on 01572 722577.

The Cemeteries Office will be open for business as per the times published on the Cemeteries website.

The Cemeteries Office is not open on Saturdays, Sundays, Christmas Day, Boxing Day, Good Friday, Public Bank Holidays or any other day when the Council main offices are closed.

Information notice boards are placed at the entrance to each Cemetery with the contact email address, telephone number and address of the Cemeteries Office.

4 General Regulations

These Regulations are in addition to the provisions presented in *the Local Authorities Cemeteries Order 1977* and any other appropriate Regulations currently in force.

4.1. Fees

A copy of the current fees and charges is available from the Cemeteries Service website www.rutland.gov.uk. Details may also be obtained by contacting the Cemeteries Office during the office opening hours. Please see [3.1](#) for contact details.

Fees and charges for the Cemeteries Service will be determined by the Council annually and changes will take effect from 1 April each year.

Fees and charges are payable in advance, unless by prior agreement. The Council does not currently provide a payment plan option.

4.1.1 Fees and Charges

See [12.1](#) for Fees and Charges for the Purchase of Exclusive Right of Burial Flow Chart and [12.2](#) for Fees and Charges for Interment.

4.1.2 Fees for Residents of Rutland

To qualify for Resident Purchase of Exclusive Right of Burial

- (a) The Purchaser must be a resident of the County **or**;
- (b) The Purchaser must be the nearest surviving relative (next of kin) of the deceased and the deceased was a resident of Rutland.

To qualify for Resident Burial Fees

- (a) The deceased must be resident in Rutland at the date of death **or**
- (b) The deceased was the owner of the Exclusive Right of Burial and was resident in Rutland at the time of purchase

or

- (c) Where the deceased was previously a resident of Rutland and has been in residential care outside the County (whether in institutional care or to be cared for by relatives) for a period not exceeding 5 years.

4.1.3 Non Resident Fees

The fees payable for the grant of exclusive burial rights and the interment fees shall be doubled where the deceased is not a resident in the County of Rutland as defined above.

Under exceptional circumstances, the Council reserves the Right to implement Resident fees to non-residents. All decisions will be final and are at the discretion of the Service Manager.

Proof of residency such as a council tax or utility bill is required to support resident fees claims and needs to be submitted with all Application requests. In cases where proof of residency is unattainable, a Statutory Declaration for proof of residency must be completed; otherwise non-resident fees will be incurred.

5 Cemeteries

The Council's Cemetery Regulations form the basis for the management and administration of the Cemeteries and are designed to ensure a safe and pleasant environment and provide information to visitors and Exclusive Right of Burial Holders.

An information notice board is placed at the entrance of the Kilburn Road, Oakham Cemetery which contains cemetery management and maintenance notices, cemetery section maps and latest news updates.

In its management of the Cemeteries the Council will give consideration to wildlife and vegetation.

5.1 The Cemeteries

The following Regulations shall apply to all the Cemeteries under the administration of the Council, and are sited at the following locations:

- Kilburn Road, Oakham

These Regulations also apply to the closed churchyards currently maintained by the Council, or which the Council is responsible for the maintenance of the grounds, trees and boundaries, and is required to undertake Statutory Inspections and testing of Memorials.

5.2 Cemetery Sections

5.2.1 Lawn Section

With the exception of some older sections, the Cemeteries are predominantly organised as *lawn cemeteries*. The lawn sections are designed on the war grave principle; with a memorial stone of a standard size at the head of the grave leaving the remainder of the grave laid to lawn. For a more detailed memorial description see [10.3.1](#).

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove any Memorial headstone to facilitate any subsequent Interment within the purchased Burial Plot and to meet the costs for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended Memorial headstones. See [10.2.1](#) for more information.

In designated lawn sections, no memorabilia, edging stones or ornamental fencing of any type, is permitted on any grave.

All new graves will be dug at single depth.

5.2.2 Cremated Remains Section

Authorised memorial stones only are permitted to be installed in this section. For a more detailed memorial description see [10.3.2](#).

Single casket dimensions should not exceed 12 inches (300mm) by 8 inches (200mm) by 6 inches (150mm) high.

Double casket dimensions should not exceed 17 inches (430mm) by 13½ inches (340mm) by 6 inches (150mm) high.

All caskets and urns, including biodegradable boxes, polytainers and scatter tubes, need to fit within the constraints of a single casket as stated above; unless permission has been sought from the Council. Permission is granted at the discretion of the Council's Service Manager.

5.2.3 Burial Plots Requiring 2 Grave Spaces

With burial Interments, coffins needing more than one burial space will require the purchase of two Burial Plots.

A Memorial stone of a standard size at the head of the grave leaving the remainder of the grave laid to lawn is permitted.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to remove the Memorial headstone to facilitate any subsequent Interment within the purchased Burial Plot and meet the costs for its removal and replacement. Applications must be made in writing to the Council when re-erecting amended Memorial headstones. See [10.2.1](#) for more information.

Memorabilia, edging stones and ornamental fencing of any type, are not permitted on any grave.

5.2.4 Scattering of Ashes

See [8.5.1](#) for more information.

6 Management of the Cemeteries

6.1 Cemetery Operation

Cemeteries maintenance operations which includes grass cutting, landscape planting management, the upkeep of flower beds and borders and any other routine grounds work, will be carried out by the Council, at a frequency determined by the Council and subject to weather conditions.

The Cemeteries Service will endeavour to reinstate all newly excavated Burial Plots after an Interment, subject to weather conditions and to the season appropriate for these works being undertaken.

The reinstatement of Burial Plots within lawn sections shall include levelling and seeding or turfing the grave surface.

The Council reserves the right to disconnect the water supply during the winter months to avoid freezing and burst pipes, or when the tap is defective and requires remedial works.

The Council reserves the right to change the appearance of any of the Cemeteries as part of the Council routine Cemeteries maintenance operations and development schemes.

6.2 Admission to the Cemeteries

All persons shall conduct themselves in a respectful and orderly manner and are reminded of *Article 18.1, Offences in Cemeteries, of The Local Authorities' Cemeteries Order 1977* whereby:

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 on any such matter; or*
- e) play at any game or sport in a cemetery.*

All persons contravening any of the above provisions *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 therefor (Article 19, Penalties, of The Local Authorities' Cemeteries Order 1977).*

The Cemeteries are open to the public daily; local restrictions to pedestrian access may apply.

Children less than ten years of age will not be admitted unless in the care of a responsible adult.

The Council reserves the right to temporarily close public access to the Cemeteries or any part of a Cemetery at any time without notice.

Vehicles must not exceed 5mph in Cemetery grounds. No vehicle or cycle (except official funeral vehicles, authorised vehicles, transport for disabled persons and pushchairs) will be allowed without the permission of the Council's Service Manager. For the Kilburn Road Cemetery no vehicle or cycle (except official funeral vehicles, authorised vehicles, transport for disabled persons and pushchairs) will be allowed beyond the precincts of the Cemetery Lodge without the permission of

the Council's Service Manager. The Council's Service Manager has the authority to arrange to remove any unauthorised vehicles.

No vehicle is to be left in a position so as to cause an obstruction to pedestrians or other traffic.

All persons entering the Council Cemeteries do so at their own risk. The Council shall not be liable (except in respect of personal injury or the death of a person caused by the Council's negligence) for any loss, injury or damage sustained regardless of the form of action, whether in contract, tort (including negligence and breach of statutory duty), strict liability or otherwise.

No dogs, except Registered Assistance dogs, may be taken into or allowed to enter the Cemetery grounds.

Visitors are requested to deposit litter, spent flowers and other unwanted items in the bins provided.

Damage caused to any boundary wall, fence, ground, paths, memorial, or to any other part of the Cemetery must be repaired to the satisfaction of the Council's Service Manager by the party causing the damage. Details of these repairs should be submitted in writing to the Council's Service Manager for approval prior to these works being carried out.

No person shall interfere with the Council employees in their duties nor seek to employ them to plant graves or execute any private work whatsoever.

All enquiries, complaints and requests by members of the public should be made to the Cemeteries Office.

7 Administration for Interment

Completion and submission of a notice of Interment form is mandatory with all interments and scatterings of cremated remains within all the Cemeteries.

Unauthorised scattering of ashes is not permitted. Prior to the scattering of any ashes, permission from the Cemeteries Office should first be sought by completion and submission of a notice of Interment form.

All fees and charges must be paid at the time of application, prior to the Interment taking place unless by prior agreement, in accordance with the scale of fees. All payments should be made to Rutland County Council.

The Council reserves the right to charge a fee for cancelled or postponed Interments.

7.1 Booking an Interment

A provisional telephone booking must be made through the Cemeteries Office prior to the submission of any formal papers and / or payment of fees, to ensure the requested date and time is available.

To secure Interment bookings, the Council's notice of Interment form must be completed in full and signed, by all the Owners of the Exclusive Right of Burial or the Applicant(s) for the Exclusive Right of Burial. Completed forms, together with Certificates for Interment and payment, need to be received and approved by the Cemetery Office at least 5 clear working days prior to the Interment date.

In all cases the grantee(s) or successor(s) must sign the declaration on the notice of Interment form to agree to comply with these Cemetery Regulations.

No paperwork is to be handed to the Council's Cemeteries Team on the day of Interment.

Notice of Interment and relevant forms and information are available on the Cemeteries website. Further advice and assistance on this procedure can be obtained by contacting the Cemeteries Office during office hours or by email.

The Council advises families to contact a chosen funeral director before proceeding with all family organised burial and cremated remains interments; all booking requirements apply. All family organised Interments are subject to approval from the Council's Service Manager.

7.2 Certificates for Interment

The relevant certificate from the Registrar of Births and Deaths, or the Coroner or Crematorium, must accompany the notice of Interment. No Interment, including family organised interments will take place unless the Certificate for disposal is produced at least 5 clear working days prior to the Interment date.

If an Interment is to take place in a grave for which the Exclusive Right of Burial has been purchased the Deed of Grant for the Exclusive Right of Burial must be produced as proof of Ownership. If this is mislaid, a Statutory Declaration for a lost document and accompanying Indemnity Agreement needs to be completed whereby instructing the reissue of a lost Deed of Grant.

When the Owner of the Exclusive Right of Burial is deceased, the Executor(s) or next of kin should arrange for the Ownership to be Transferred to the entitled legal Owner(s). Information on this procedure is available on the Cemeteries website. Further advice and assistance may be obtained by contacting the Cemeteries Office. (See [9.2.](#))

With all family organised burial Interments, the Statutory Declaration will need to be completed and accompany the standard mandatory certificates outlined above.

7.3 Coffins and Caskets

The exact maximum external coffin or casket sizes must be measured and specified in inches, and must include the handles, if applicable. These exact measurements must be declared on the notice of Interment form. No measurement allowances are permitted.

Incorrect measurements are the responsibility of the funeral director or the person completing the notice of Interment form with family organised Interments. Inaccurate measurements may engender issues at the time of Interment. In exceptional circumstances, inaccurate coffin or casket measurements may incur a penalty.

All coffin and casket sizes will determine the number of all subsequent Interments.

With burial interments, coffins needing more than one burial plot space will require the purchase of two burial plots

8 Procedures for Interment

All burial and cremated remains Interments and scattering of ashes are committed and registered to the requirements as laid out in *The Local Authorities' Cemeteries Order 1977*.

Animal interments are not permitted within the Council's Cemeteries.

8.1 Hours of Interment

Interments may only take place in accordance with these Regulations, subject to availability and between the hours published on the Cemeteries website.

Hours of Interment are subject to change and are at the discretion of the Council's Service Manager.

No burials may take place on Saturdays, Sundays, Bank or other Public Holidays or any other day the main Council offices are closed.

8.2 Allocation of New Interment Plots

8.2.1 Burial Plots

Allocation of next in line graves is subject to availability and in all cases shall be at the discretion of the Council's Service Manager.

If requested at the time of booking the Interment, new graves may be available for selection when the next in line grave is not the preferred choice. Selection choice is subject to the approval of the Council and payment of the appropriate fee. Burial Plots will not be available for selection in areas not currently active.

For sections which are segregated by religious denominations: specific requirements should be made at time of booking. Requesting a preferred section will not incur a Selection Fee.

8.2.2 Cremated Remains Plots

Allocation of next in line Cremated Remains Plots are subject to availability and in all cases shall be at the discretion of the Council's Service Manager.

If requested at the time of booking the Interment, new Cremated Remains Plots may be available for selection when the next in line plot is not the preferred choice. Selection choice is subject to the approval of the Council. Selection of Cremated Remains Plots does not incur a Selection Fee. Cremated Remains Plots will not be available for selection in areas not currently active.

8.3 Excavation of Interment Plots

All Burial Plots shall be prepared and completed by persons employed by the Council.

All Burial and Cremated Remains Plots are excavated to the requirements as laid out in Part 1 of Schedule 2 to *The Local Authorities' Cemeteries Order 1977*.

8.3.1 Burial Plots

All new Burial Plots shall be prepared at single depth.

With single depth graves, the top of the coffin will be at a depth of no less than 3 feet (900 mm) below the level of the ground adjoining the grave.

Where a burial has taken place the grave shall be entirely backfilled and made tidy on the day of the interment and will be continually topped-up with soil until settlement ceases. As soon as practical, the Burial Plot will be seeded or turfed. Once the turfing has taken place, the turf shall not be removed except for additional interments, exhumations or the placing of authorised Memorials. Removal of turf, for reasons other than previously stated, will entitle the Council to take proceedings to recuperate the cost of replacing the said turf.

With double depth burials, if conditions at the time of the first Interment prevent the deeper grave, alternative arrangements may be required. An alternative, more suitable, Burial Plot may be available. An additional adjacent Burial Plot may need to be purchased to accommodate two burials when double depth burials are unattainable.

8.4 Re-opening of Interment Plots

8.4.1 Burial Plots

Graves may be re-opened for further interments, subject to space availability.

Reopened graves will be prepared at single depth.

No burial Interment shall take place in a re-opened grave unless the coffin is separated from the coffin already in that grave by the means of a layer of earth no less than 6 inches (150 mm) thick.

If the layer of earth is calculated to be less than 3 feet from the top of the coffin to ground level, a concrete capstone / slab will be required to permit the Interment at single depth.

No person shall disturb any human remains or remove any soil that may be contaminated. After the Interment has been committed to the ground it shall not be removed or otherwise disturbed except for lawful exhumation, by Licence and / or Faculty, or by the Order of a Coroner. This includes disturbing the earth / turf following the scattering of Ashes.

8.4.2 Cremated Remains Plots

Reopened double depth Cremated Remains Plots will be excavated at single depth, providing for two cremated remains Interments in caskets.

No person shall disturb any human remains or remove any soil that may be offensive. After a casket has been committed to the ground it shall not be removed or otherwise disturbed except for lawful exhumation, by Licence and / or Faculty, or by the Order of a Coroner. This includes disturbing the earth / turf following the scattering of Ashes.

8.5 Scattering of Cremated Remains

8.5.1 Scattering of Cremated Remains within Purchased Burial and Ashes Plots

Scattering of cremated remains without a casket is permitted below ground within all purchased Burial and Cremated Remains Plots, subject to space availability.

The Cemeteries Service will remove a small area of turf from a previously purchased grave, providing for an area for the scattering of cremated remains. The turf will be replaced over the remains to complete the scattering Interment.

The act of the scattering of the ashes is the responsibility of the person(s) instructing the scattering of ashes Interment. The persons employed by the Council will not scatter the ashes during the Interment.

The location of the scattering of cremated remains will be recorded within the Cemetery Registers and records.

8.6 Exhumation

After Interment, no body or cremated remains may be removed from a Burial or Cremated Remains Plot without the production of an ecclesiastical Faculty and / or Home Office Licence for exhumation required by law. Original documents will be required for this purpose.

All burial and cremated remains exhumations must adhere to *The Local Authorities' Cemeteries Order 1977*.

9 Burial Plot Ownership and Burial Rights

The Exclusive Right of Burial entitles the registered Owner(s):

To be interred in the Burial or Cremated Remains Plot, subject to space availability;

To determine who is to be interred within the said Burial or Cremated remains plot, subject to space availability; and

To apply for the right to erect a Memorial on the Burial or Cremated Remains Plot, in accordance with the Regulations.

Purchasing the Exclusive Right of Burial, however, does not extend to possession of the land; this remains in the Ownership of the Council.

The Council reserves the right to allocate the provision of space within its Cemeteries.

9.1 Purchasing the Exclusive Right of Burial

The Exclusive Right of Burial may be purchased in advance of an Interment taking place to reserve the Burial or Cremated Remains Plot, or at the time of the Interment, subject to space availability.

The Exclusive Right of Burial does not specify the number of Interments that can be accommodated within the Burial or Cremated Remains Plot; this will be dependent upon the depth of the first Interment, the size of coffin / casket interred in the Plot, and the ground conditions at the time of excavation.

The Council recommends up to a maximum of three people hold the Rights to the Exclusive Right of Burial; please note all Holders must agree to give consent for future Interments and Memorial applications on the purchased Plot.

Once the Exclusive Right of Burial has been purchased, a Deed of Grant will be issued to all elected Owners of the Burial or Cremated Remains Plot. The Deed of Grant is proof of Ownership and must be produced with all prospective Interments and Memorial applications.

A Burial or Cremated Remains Plot may not be reserved unless the appropriate fee has been paid in full.

The selection of Burial and Cremated Remains Plots, both for Interment and prepurchase, is subject to availability and the approval of the Council's Service Manager.

The Exclusive Right of Burial for Burial and Cremated Remains Plots may be purchased for 99 years. During such a 99 year period, an Owner can 'add years' up to a total maximum of 99 years, subject to payment of the appropriate fee, on a pro-rata basis.

When the Exclusive Right of Burial tenure has lapsed, the Ownership reverts to the Council, unless additional years are purchased by the previous Owner(s) or interested parties / next of kin. The purchase of additional years is subject to payment of the appropriate fee.

9.2 Transfer or Assignment of Exclusive Right of Burial

The Owner(s) of the Exclusive Right of Burial, may Transfer or Assign the Ownership to any other person(s) of at least 18 years, upon payment of the appropriate administration fee.

When the last Owner to the Exclusive Right of Burial is deceased, a Transfer of the Right is required to enable future Interments and Memorial headstone installations and amendments. The Exclusive Right of Burial forms part of the Estate of the deceased Owner, which can only be Transferred, for the remaining years on the Deed, to the entitled person(s).

The entitled persons(s) may instruct the Council of the Transfer of the Exclusive Right of Burial, upon production of the original Grant of Probate, the Grant of Letters of Administration or the relevant Statutory Declaration and supporting legal documentation, together with the appropriate administration fee.

9.3 Lost or Mislaid Exclusive Right of Burial

The Owner(s) of the Exclusive Right of Burial are responsible for informing the Council if the Deed of Grant has been lost or mislaid and must request a Deed of Grant reissue from the Cemeteries Office.

Reissuing the Exclusive Right of Burial Deed of Grant if lost will incur a reissue administration fee.

9.4 Surrender a Burial Plot with an Exclusive Right of Burial

Where no Interment has taken place in a purchased Burial or Cremated Remains Plot, the Owner(s) of the Exclusive Right of Burial may request the surrender of the Plot in return for a refund of the original purchase payment, less the years of Ownership.

No refund will be made where the Exclusive Right of Burial tenure has lapsed; the Ownership reverts to the Council.

9.5 Change of Address or Name Change

The Owner(s) of the Exclusive Right of Burial are responsible for informing the Council of any changes of address or Deed registration details.

Reissuing the Exclusive Right of Burial Deed of Grant through change of address or Deed registration details will **not** incur a reissue administration fee.

9.6 Unpurchased Burial and Cremated Remains Plots

With previously unpurchased Burial and Cremated Remains Plots, the Exclusive Right of Burial must be purchased after an Interment has taken place in order to erect a Memorial and / or to re-open the Plot for further Interment. All purchases are at the discretion of the Council's Service Manager.

The Council reserves the right to reuse any Common Grave for future interment.

10 Erecting and Maintaining a Memorial

A Memorial may only be erected on a Burial or Cremated Remains Plot within the Cemeteries in accordance with the current Regulations in force at the time of application.

The type of Memorial permitted is determined by the section that has been selected by the Owner(s) of the Exclusive Right of Burial.

All Memorial installations must be in accordance with the current BRAMM and NAMM standards.

10.1 Authorisation to Erect and Maintain a Memorial

The Owner(s) of the Exclusive Right of Burial may only apply to erect a Memorial, subject to the payment of the appropriate Memorial Application fee. If the Owner is deceased, the Exclusive Right of Burial will need to be Transferred prior to Memorial Application approval. (See [9.2.](#))

With previously unpurchased Burial and Cremated Remains Plots, the Exclusive Right of Burial must be purchased after an Interment has taken place in order to apply to erect a Memorial. All purchases are at the discretion of the Council's Service Manager.

10.2 Applying and Approval of Memorial Applications

10.2.1 Memorial Stone Application

A Memorial Application to erect or amend an existing Memorial must be made prior to installation. The Council Memorial Application must be completed in full and signed by all the Owners of the Exclusive Right of Burial to agree to the proposed Application.

A Memorial Application is not needed for *insitu* Memorial cleaning maintenance where the original stonemason installed the Memorial. It is the responsibility of the memorial mason to ensure works are undertaken with consideration to adjacent Memorials.

Memorial Applications cannot be submitted; neither can Applications be approved, prior to Interment.

All Memorial stones for Burial Plots must display the installer's trade name and the Plot details on the reverse of the Memorial. The lettering used must be of uniform height, preferably of 1 inch (25mm), a minimum of ½ inch (12.5mm) and placed on the left hand side of the base, 6 inches (150mm) above ground level. No other inscriptions or drawings are permitted to be shown on the reverse side of the headstone.

For Memorials for Cremated Remains Plots the displaying of the installer's trade name and the Plot details on the front of the memorial base is optional. If displayed, the lettering used must be of uniform height, preferably of 1 inch (25mm), a minimum of ½ inch (12.5mm).

Memorial Applications must be submitted with the appropriate fee and include a copy of the Deed of Grant for each Owner of the Exclusive Right of Burial. (See [9.2.](#))

Memorial Applications for Burial Plots can be submitted any time after Interment. The Council, however, recommends a period of deferment for one year to allow for adequate ground settlement.

Memorial permits will be issued upon Memorial application approval and are valid for one year from date of approval. If the Permit has expired, a new Memorial Application will need to be submitted together with the correct application fee.

The Owners of the Exclusive Right of Burial are responsible to ensure Memorial installations are safe from settlement, and to ensure the elected registered stonemason will guarantee remedial works.

The Owners of the Exclusive Right of Burial are responsible for ensuring works are guaranteed against faulty installation.

Memorial Applications for Cremated Remains Plots and designated sections with precast plinths can be submitted any time after Interment. A period of deferment to allow for ground settlement is not required; Memorials can be installed any time after Interment.

The Council reserves the right to exclude any Memorial that would in any way disfigure any of the Cemeteries or which is considered inappropriate in design. It also reserves the right to refuse any inscription which it considers may cause offence. The Council's Service Manager's decision is final.

10.2.2 Memorial Plaque

The Memorial plaque is installed on the Chapel wall by the Cemeteries Service upon submission of a Memorial Application and payment of the appropriate Application Fee.

10.3 Permitted Memorials

10.3.1 Burial Plot within Lawn Sections

A Memorial headstone is only permitted within the Lawn Section of the Cemetery that has been selected by the Owner(s) of the Exclusive Right of Burial.

The Memorial headstone must not exceed 3 foot (900mm) in height, 2 foot 6 inches (750mm) in width (base) and 2 foot (600mm) in width (headstone). Memorials falling outside these measurements will not be approved or permitted to be installed.

Flower vases must be an integral part of the Memorial.

10.3.2 Cremated Remains Sections

A flagstone is only permitted within the Cremated Remains Section of the Cemeteries.

The flagstone must not exceed 18 inches (450mm) in width and 24 inches (600mm) in depth, and must be fixed to the supplied paving. Plaques can only be 12 inches (300mm) in width and 9 inches (220mm) in depth. Marble edging, vase and chippings are allowed with plaque. Memorials falling outside these measurements will not be approved or permitted to be installed.

10.3.3 Memorial Plaque

The Memorial plaque is installed by the Cemeteries Service and will measure a maximum of 6 inches by 4 inches (150mm x 100mm).

10.4 Owner(s) of Exclusive Right of Burial Memorial Responsibility

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to maintain their Memorials in a safe condition.

The Owner(s) of the Exclusive Right of Burial shall fully comply with these Regulations guaranteeing the Burial or Cremated Remains Plot is maintained in a safe condition to the satisfaction of the Council's Service Manager. Repairs will be at the expense of the Owner(s) of the Exclusive Right of Burial.

If the Owner(s) of the Exclusive Right of Burial cannot be contacted, the Council reserves the right to make safe or remove any Memorial that is allowed to fall into disrepair or become unsightly or dangerous. The Council will seek reimbursement from the Owner(s) or the successor(s) in title for the whole of the costs of these works.

Should a Memorial fail the Council's Statutory Inspection, it is the responsibility of the Owner(s) to organise repairs and to meet the full costs of those repairs.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to organise the removal of Memorials or kerb-sets prior to Interment. The replacement of the Memorial without inscription amendment will not require submission of a Memorial Application.

It is the responsibility of the Owner(s) of the Exclusive Right of Burial to submit a Memorial Application with any proposed amendments to existing Memorials or existing kerb-sets.

10.5 Stonemasons and Funeral Directors Responsibility

All stonemasons and funeral directors must ensure the Cemeteries Office possess current copies of the mandatory registration insurance certificates prior to any works being undertaken within the Cemeteries.

All stonemasons must ensure the Cemeteries Office possess current copies of Association Membership certificates.

For stonemasons or other person(s) involved in the production and installation of memorials, Employers Liability, Public Liability with £5,000,000 cover and Professional Indemnity insurance are required.

For funeral directors, Employers Liability and Public Liability insurance with £5,000,000 cover are required.

It is the responsibility of the stonemasons or funeral director to ensure the persons requesting the memorial are the Holders of the Exclusive Right of Burial. All Holders need to agree to the Memorial Application.

A copy of these Regulations must be made available to the Holders of the Exclusive Right of Burial to clarify the Council's permitted Memorials and memorabilia.

It is the responsibility of the memorial mason / funeral director to ensure all applications received comply with the current Regulations in force at the time of submission. All applications containing inaccurate or erroneous information must be rectified prior to formal submission to the Cemeteries Service.

Suitable foundations must be provided in order to prevent Memorials from sinking or tilting. All Memorials erected in any of the Cemeteries must comply with BS8415 and the National Association of Memorial Masons Recommended Code of Practice.

Works must be guaranteed for at least 10 years to safeguard against faulty installation.

10.6 Removal of a Memorial for Access

The Council retains the right to remove Memorials, prior to an impending interment, to gain access to adjacent burial plots. The Cemeteries Service will make contact with the Holder(s) of the Exclusive Right of Burial; when contact is not possible, the Council will remove and replace the said Memorial. The Holder(s) of the Exclusive Right of Burial will not incur any memorial removal and replacement costs.

10.7 Memorial Inspection and Rights of the Cemeteries Service

Statutory Inspections and testing of Memorials will be periodically carried out by the Cemeteries Service or its contractors, in line with the recommendations stated in *Article 16.1 of The Local Authorities' Cemeteries Order 1977*.

11 Preservation of Good Appearance of Burial Places

The surface of every grave after due settlement, shall be at ground level without any mound or erection above that level other than an approved Memorial.

11.1 Burial Plot within Lawn Sections

The planting of trees, shrubs and other plants and the erection of fences, railings or ornaments and the placing of kerbs on and around burial places are not allowed. The Council reserves the right to prune, cut down or dig up and remove any plant which may be planted without prior approval on a burial place in contravention of these regulations or which is considered to have become unsightly or overgrown in the interests of general maintenance and to ensure that graves do not become overgrown. Only turf shall be planted on the actual space.

Unless the Interment has taken place in a grave subject to an Exclusive Right of Burial, no memorial, monument, name tablet or other inscribed object shall be placed or erected on the burial place; except for the placing of a permitted vase not exceeding 12 inches (300mm).

Anything placed and planted on any grave other than a Memorial becomes the property of the Council and may be removed and disposed of at the Council's discretion without the Council being liable to account for any proceeds of disposal.

Floral decorations may be placed on any grave. When these are seen to be decaying the Council reserves the right to remove and dispose of them if the owner fails to do so. The Council reserves the right to remove any receptacle for flowers, damaged wreaths, ornaments etc. that it considers unsuitable or broken without notice. Glass containers are strictly prohibited.

11.2 Seasonal Memorabilia

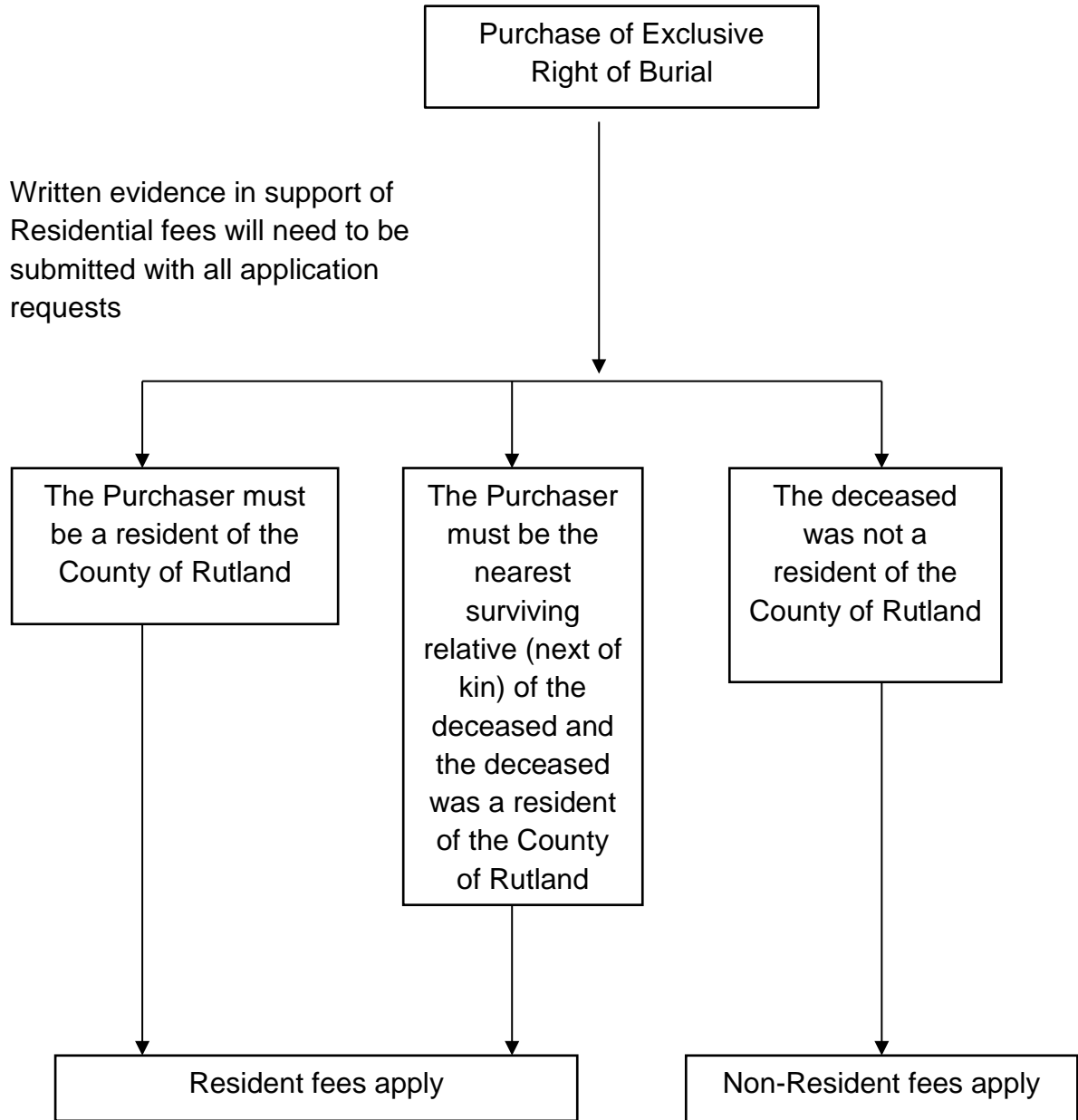
Seasonal memorabilia which are not integral to the Memorial are permitted and must be placed at the head end within the integral space of the plot. Materials used to secure wreaths shall be of natural materials or they should be secured to the headstone to prevent them blowing away. Any objects such as metal pins / hooks are prohibited and will be removed without notice.

Disposal of spent seasonal memorabilia is principally the responsibility of the Owner(s) of the Exclusive Right of Burial; after a maximum period of 2 months the Cemeteries Service will remove and dispose of spent memorabilia as part of routine maintenance works.

12 Appendices

12.1 Appendix 1a

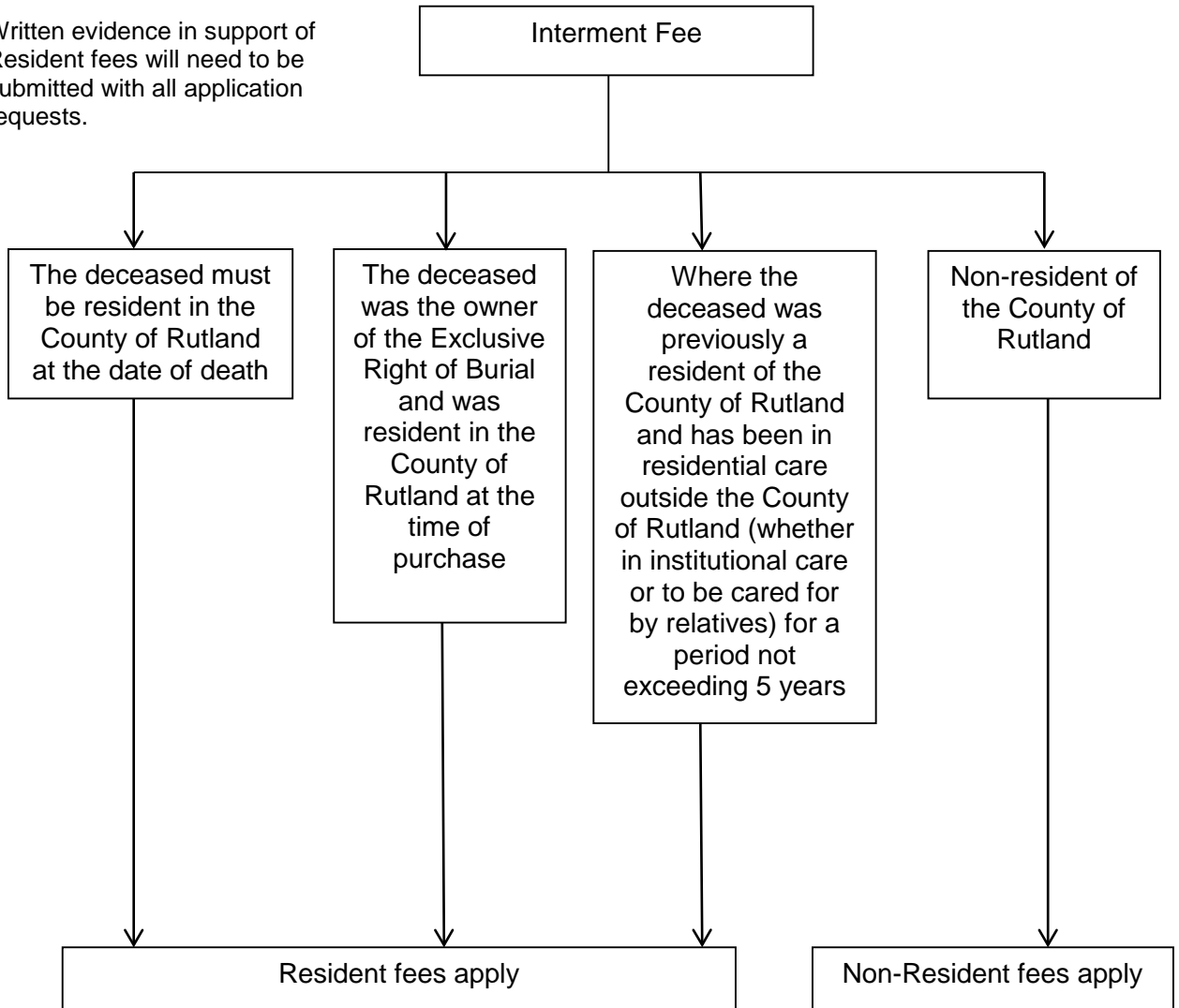
Purchase of Exclusive Right of Burial - Resident and Non-Resident Fees and Charges



12.2 Appendix 1b

Interment Fee - Resident and Non-Resident Fees and Charges

Written evidence in support of Resident fees will need to be submitted with all application requests.



Memorial fees are dependent upon residency status and subsequent interment fees incurred

13 ANNEX 1

13.1 GENERAL LAW APPLICABLE TO CEMETERIES

Local Authorities Cemeteries Order 1977

- 1) No body shall be buried, or cremated human remains interred or scattered in or over any grave or vault in which an exclusive right of burial for the time being exists except by or with the consent in writing of the owner of the right.

This paragraph shall not extend to the body, or remains of:-

The person who immediately before his death was the owner of the right; or

Any other person specified in the deed of grant or in an endorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the burial authority.

Article 10 Paragraph 6

- 2) 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 on any such matter; or
 - (e) play at any game or sport in a cemetery

Article 18 – (1)

- 3) No person not being an officer or servant of the burial authority or another person authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

Article 18 – (2)

- 4) Every person who contravenes:-
 - (a) any prohibition under article 5(6);
 - (b) article 10(6);
 - (c) article 18;
 - (d) Part I of Schedule 2.

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 therefor.

Article 19

- 5) No burial shall take place, no cremated remains shall be scattered and no tombstone or other memorial shall be placed in a cemetery and no additional inscriptions shall be made on a tombstone or other memorial without the permission of the officer appointed for that purpose by the burial authority.

Schedule 2 Part I
Paragraph 1

- 6) No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave; provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground adjoining the grave.

Schedule 2 Part I
Paragraph 2

- 7) 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 six inches thick.

Schedule 2 Part I
Paragraph 3

- 8) When any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove from there any soil which is offensive.

Schedule 2 Part I
Paragraph 4

- 9) Every walled grave or vault shall be properly constructed of suitable materials.

Schedule 2 Part I
Paragraph 5

- 10) Within 24 hours of any burial in a walled grave or vault, the coffin shall be :-

- (a) embedded in concrete and covered with a layer of concrete not less than six inches thick; or
- (b) enclosed in a separate cell or compartment of brick, slate stone flagging or pre-cast concrete slabs of a 1:2:4 mix, in any case not less than two inches thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.

Schedule 2 Part I
Paragraph 6

- 11) Any person to whose order a body is buried in a grave in respect of which an exclusive right of burial has been granted shall, as soon as conveniently may be after the subsidence of the earth has been completed, cause the surface of the grave to be covered with any tombstone or other memorial in respect of which a right has been granted by the burial authority or any predecessor of theirs, or with fresh turf, or, where the burial authority permit, with such flowering or other plants, or in such other manner, as may be permitted.

Schedule 2 Part I Paragraph 7

Criminal Damage Act 1971

A person who without lawful excuse destroys or damages any property (e.g. a statue, monument or other memorial of the dead, or any railing or fence surrounding such statue or monument, in a church, churchyard, burial ground or cemetery) belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

A person found guilty of such an offence shall be liable on summary conviction to a fine not exceeding £1,000 and on conviction on indictment to a term of imprisonment not exceeding ten years.

14 ANNEX 2

14.1 PERMITTED SIZES OF MONUMENTS, ETC.

Headstones

Headstones must not exceed 3'0" (900 mm) in height above ground (including any plinth), 2'6" (750mm) in width (base) and 2'0" (600 mm) in width (headstone).

Note – All headstones must have the grave number cut into the rear of the headstone in a prominent position.

Vases and Cremation Plot Memorials

Vases must not exceed 12 inches (300 mm) in height and 12" (300 mm) in diameter.

Flagstones must not exceed 18 inches (450mm) in width and 24 inches (600mm) in depth. Plaques can only be 12 inches (300mm) in width and 9 inches (220mm) in depth.

15 ANNEX 3

15.1 INSTALLATION OF MONUMENTS

The installation of any monument or memorial within any cemetery must be in accordance with the Code of Practice recommended by the UK National Association of Memorial Masons (NAMM) and comply with the British Standard (BS 8415) 2004 'Specification of Monuments within burial grounds'.