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Newstead Parish Council Cemetery Regulations

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1. General

- 1.1 In these regulations unless the context otherwise requires, the words “ The Council” means the Newstead Parish Council.
- 1.2 The Registrar means the “ Cemetery Registration Officer” for the time being of the Newstead Parish Council.
- 1.3 “The Cemetery” means a cemetery provided by the Newstead Parish Council located in Newstead Village and collectively referred to as “ the Cemeteries”.
- 1.4 All persons wishing to work within Council Cemeteries must provide annually, evidence of Public Liability and Employers insurance cover to indemnify the Council against any claims arising from any acts or omissions. Any persons wishing to undertake work in a Council Cemetery must abide by the relevant regulations. Should any person not do so, the Council reserves the right to refuse further access until such time such persons can demonstrate their compliance.
- 1.5 No memorial shall be altered or interfered with after it has been erected in the Cemetery according to the design submitted to and approved by the Council, nor shall any work of any kind or description be undertaken or carried on within the Cemeteries without the consent of the Council first being obtained. Should a memorial become unsafe the Council has the right to tape this off or make safe until the relative responsible has been contacted and action discussed. In the case where no relative can be found, the Council has the right to make safe, lay down or bury such memorial.
- 1.6 Should any persons wish to undertake work in a Council Cemetery, they must abide by the relevant regulations. Should any person not do so, the Council reserves the right to refuse access until such time as such persons can demonstrate their ability and willingness to abide by these regulations.

2. Burial

- 2.1 Advance notifications of interment may be telephoned to the Clerk to Newstead Parish Council.
- 2.2 For the booking of interments, including those of cremated remains or the strewing of cremated remains, all particulars must be completed on a Notice of Interment as supplied by the Council.
- 2.3 Notices of Interment must be delivered in writing or via email to the Clerk to Newstead Parish Council at least 2 working days prior to interment. The Council will not be responsible for notification of burials given by telephone unless full particulars of such notices are provided in writing 36 hours prior to interment.
- 2.4 The Notice of Interment must be completed in full and contain the following details:-
 - Name of Cemetery.
 - Day and Hour of the funeral service.
 - Full name and address of the deceased.
 - Date of death and age of the deceased.
 - Full particulars and description of the grave to be used.
 - Overall length and width of the coffin including associated furniture e.g. handles.
 - Name of officiating clergyman or minister.
 - Full name and address of the funeral director.
 - Full name and address of the applicant.
- 2.4 No grave, in which the Exclusive Right of Burial has been purchased, shall be opened without the consent of the owner in writing or statutory declaration to the Council. If the grave deed is in existence, then this should be produced to the Parish Clerk.
- 2.5 Funeral Directors shall ensure that all applicants are given a copy of the summary of Cemetery Regulations for memorials at the time of completing each interment notice.
- 2.6 The Registrar’s Certificate of Disposal, the Coroner’s Order for Burial or the Cremation Certificate must be presented to the Council’s representative at the time of interment.

- 2.7 There are two fee structures in place. One is for residents of the Parish and another that allows for the interment of non-residents.
- 2.8 At the time of death a former Newstead resident who has not resided in the Parish of Newstead for two years or more shall be deemed to be non-resident and non-resident fees will be charged. The decision of Newstead Parish Council is final.
- 2.9 Any person who dies in a State Aided Hospital or Nursing Home outside the Parish of Newstead and who was a Newstead resident for five years or more immediately prior to removal to such a hospital or home, shall be deemed to be a Newstead resident and will be charged as a resident of the Parish. The decision of Newstead Parish Council is final.

3. Burial Procedure

- 3.1 Coffins of a biodegradable material only are to be used in all graves.
- 3.2 No body shall be accepted for interment unless it is enclosed in a coffin of traditional type acceptable by the Registrar of Cemeteries. Details of any special type of coffin proposed must be approved by the Registrar at the time when the initial reservation of service required is made.
- 3.3 All excavations for graves shall be carried out by employees of the Council and no grave may be excavated beyond such a depth as the Council may prescribe.
- 3.4 In the interests of safety, and to preserve the original appearance and tidiness of the cemeteries, the Council will make safe leaning or fallen memorials, on graves where it is no longer possible to contact the owner or relative.
- 3.5 Any such work must be done at the expense of the person requiring the same, or his agent procuring the same on his behalf. He shall also be responsible for the re-erection or replacement as soon as is practicable after the interment.

4. Grant of right of burial

- 4.1 The Exclusive Right of Burial is the right to bury upon death of one's self and/or members of one family in a private grave on which a memorial headstone/vase can be placed, and not an unpurchased grave to which there is no right given for either memorial or interment of another.
- 4.2 The Exclusive Right of Burial does not give the purchaser any rights over land ownership of such a grave space. The land remains in the ownership of the Newstead Parish Council.
- 4.3 The purchaser of the Exclusive Right of Burial in a grave may not select the position of the grave space, except in certain exceptional circumstances when the wishes of the purchasers are considered as far as is practicable and subject to the approval of the Council.
- 4.4 On the purchase of the Exclusive Right of Burial in a grave, the Council shall issue a Deed of Grant of Right of Burial to whom, or on whose behalf the Exclusive Right of Burial has been purchased and such named person shall be registered in the purchased grave register as being the owner of the Deed.
- 4.5 No interment shall take place until the Clerk is satisfied the grave is owned by the person/estate making the application for burial and the Notice of Interment has been received.
- 4.6 In the case where a Deed of Grant has been lost or mislaid then the grave will be opened on the application of any person who is entitled thereto making a statutory Declaration and giving an indemnity to the Newstead Parish Council, application for which is found on the Interment form.

5. Cremated Remains

- 5.1 In the Council's Cemetery, an area of ground is designated as a Cremated Remains Section for the interment of ashes. Each cremated remains plot shall be 8ft x 2ft divided into four, each quarter to accommodate two caskets.
- 5.2 Notice of the interment and the Certificate issued by the Crematorium where the cremation took place, must accompany any application for burial or scattering of cremated remains.

5.3 Scattering or burial of cremated remains in any part of the cemetery is not permitted without the prior consent of the Council.

5.4 The interment or scattering of cremated remains in or over a grave is not permitted without the consent of the owner of the Exclusive Right of Burial. This requires the owner to complete and sign a Notice of Interment Form which is available from the Parish Clerk.

6. Transfers of Grant of Right of Burial

6.1 All transfers of the Exclusive Right of Burial in a grave must be registered with the Parish Clerk.

6.2 Transfer of Exclusive Right of Burial is only allowed for the re-sale of such rights back to the Council, on a pre-purchased grave which has had no interments at the time of transfer, the re-sale value of such transfers shall in accordance with the policy agreed by the Council for this purpose.

7. General Information

7.1 Council permission must be obtained prior to the placing of any memorial. The maintenance of any memorial remains the responsibility of the relatives.

7.2 Memorial seats, which includes permission to place a memorial plaque, may be allowed should appropriate placing be available, subject to successful application to the Council.

7.3 It is the owner's responsibility to ensure that the memorial seat is regularly maintained to make certain that it is safe, clean and in good order.

7.4 Where a memorial seat is found to be unsafe or unsightly, the owner will be informed at the last address notified to the Council, and given a time limit to undertake repairs. Notice will also be posted on the cemetery notice board. Where the time limit has lapsed, the Council will remove the memorial seat from the Cemetery. In the case of older memorial seats where the owner cannot be traced, the Council will post notice on the Cemetery notice board and will remove the memorial seat when the time has lapsed. On rare occasion and if appropriate, the Council may, at its discretion upon failing to locate the owner, decide to undertake such repairs themselves

7.5 The Council will undertake to turf or seed the grave as soon as it is practically possible to do so following interment.

7.6 The only permitted memorials on a grave will be a single headstone within the limits of an individual grave which incorporates no more than two flower containers within the plinth of a headstone, Or a single unbreakable container on the plinth of the headstone. A wooden cross may be permitted but only on the express permission of the Council and provided it is made from hard wood. It remains the responsibility of the owner to keep this in good repair.

7.7 The fixing of flat stones or kerb sets will not be permitted. Enclosing borders of any description or raised plots are also not permitted.

7.8 Memorials must be of a material approved by the Council.

7.9 The planting of trees, shrubs or bulbs on or near graves is not permitted under any circumstances.

7.10 Headstones, vases, trees, shrubs, bulbs or any other adornment not complying with the foregoing conditions shall be removed with adequate notice by letter and on the Cemetery notice board

7.11 The surface of a grave must not be obstructed by any adornment including but not exclusively, bell glasses, vases, solar lights, ornaments or any other decoration, but remain flat and unobstructed for health and safety reasons, ease of mowing and general maintenance.

7.12 Christmas wreaths will usually be removed at the end of January without notice.

7.13 Artificial flowers that have been affected by the weather will be removed at the discretion of the Ground staff to enhance the appearance of the cemetery.

7.14 Dead flowers in vases or on graves will be removed at the discretion of the Ground staff to enhance the appearance of the Cemetery.

7.15 No trenches or means of marking the boundary of a grave are permitted

7.16 All new graves are lawn type graves and such will be mown by powered mower on a regular basis. Artificial grass is not permitted.

7.17 It is an offence to drive a vehicle anywhere in the Cemetery except on the main drive, apart from approved maintenance vehicles under contract to the Council.

7.18 The Council reserves to itself the right from time to time to revise the foregoing rules.

8. Conduct within the Cemetery

8.1 All visitors must conduct themselves in a quiet and orderly manner at all times. The Council's representative has the right to exclude or remove any member of the public at their discretion

8.2 Under the provision of the Local Authorities Cemeteries Order 1977, it is an offence for a person to wilfully:-

- Create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Interfere with any grave or vault, any tombstone or other memorial or any flowers or plants in any such manner
- Interfere with any burial taking place in a cemetery
- Play at any game or sport in a cemetery
- Enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so

8.3 No carriages or vehicles shall be driven, drawn or propelled within the Cemeteries at a speed exceeding 10 mph and every driver or person in charge of such a vehicle shall obey the directions of the Council's representative whilst within the Cemeteries.

8.4 Vehicles must only use the main drives and must park where indicated by the Council's representative who shall have the power to exclude any vehicle which he considers unsuitable.

8.5 No pedal cycles may be ridden in the cemeteries.

8.6 No person whilst in the cemeteries shall smoke in any of the buildings therein (excluding buildings used as residences or offices) or within 50 feet of any place where a funeral or religious service is taking place.

8.7 Dogs may be taken into the Cemetery but must be kept on a lead and owners are responsible for clearing up any fouling caused by their dog.

8.8 No gratuity shall be offered to any of the Council's employees.

8.9 Children under the age of 12 years shall not be permitted to enter the cemeteries unless accompanied by an adult.

8.10 No person may canvass or solicit orders within the cemeteries on his behalf or for any other person.

8.11 No demonstrations of any kind or religious services other than the services at the time of interment shall be held without prior consent of the Council.

8.12 No musical instrument or other sound producing device including wind chimes (unless in situ before 4th July 2012), will be allowed into the cemetery except when used as an integral part of the funeral service.

8.13 The discharge of firearms is not permitted except when it is an integral part of the funeral service.

8.14 All complaints must be made in writing to the Clerk to Newstead Parish Council.

8.15 The Council reserves to itself the right from time to time to revise the foregoing rules.

8.16 To help inform the public of these regulations Funeral Directors and Monumental Masons are asked to assist the Council to communicate with the public an awareness and understanding of the regulations in this document.

9. Headstones and Memorials

9.1 Monumental Masons must book a date and time for fixing and show the permit issued to any Council representative at any time. No work can be carried out without the permit. Fixing of memorials may only take place between the hours of 8.00am and 2.45pm Monday to Friday (this refers to the time the work may be commenced). No fixing will take place at the weekend or Bank Holiday or commence outside of these hours.

9.2 All such work shall be carried out subject to the direction of the Council or their appointed representative. The person employed for carrying out such work must use such means for protecting the grass and walks as directed. As soon as the works are completed the whole area used must be cleaned to the satisfaction of the Registrar or their representative.

9.3 All working and dressing of stone or other material to be used in any grave, monument or memorial stone, except such work as is absolutely necessary, shall be done and completed outside of the cemetery. All materials shall be carefully removed from the vehicle conveying the materials, and neatly piled or placed in such a position upon or near to the spot where they have to be used as directed by the Council or their representative (not on adjacent graves).

9.4 All memorials and materials must be conveyed into the cemeteries in such a manner as not to cause damage to roads, walks or turf.

9.5 No memorials shall be placed or erected except over graves in which the Exclusive Right of Burial is purchased.

9.6 Drawings (Technical and Graphics) and specifications of all memorials to be erected or placed over purchased with the proposed inscriptions, if any, and additional inscriptions for existing erections, must be delivered to the Clerk to Newstead Parish Council in order that they may be approved. The name, quality of material proposed, height, breadth and thickness shall be stated on the appropriate form prescribed for such purposes. The height of a memorial in the burial section must not exceed 36 inches which includes the base, and in the cremation section the height is limited to 24 inches which includes the base.

9.7 No memorial shall be altered or interfered with after it has been erected in the cemetery according to the design submitted to and approved by the Council nor shall any work of any kind or description be undertaken or carried on within the cemeteries without the consent of the Council first being obtained (permit form required).

9.8 The re-turfing/re-seeding of graves is only to be carried out by the cemeteries staff.

9.9 Memorials and any vases and bases associated with them must be of best natural quarried material, all dowels shall be of stainless steel, galvanised steel or galvanised iron, all ground fixings must comply with the current and future NAMM Regulations (twin rod system) and where rafts are installed NAMM fixings (Twin Rod System) shall also be required.

9.10 Memorials that do not conform to the Regulations as approved by the Council will be removed in accordance with such regulations. Prior to removal a letter may be sent to the last known owner of the Right of Burial requesting them to remove the non-conforming memorial within 14 days following which it will be removed by the Council.

9.11 When memorials are removed, all parts of the memorials including headstones, kerbs etc. and all other debris are required to be taken from the cemetery by the Monumental Masons undertaking the work, until application for a permit to refit is approved. Should all items not be removed to the satisfaction of the Council, the Council will undertake such works as are necessary and make any reasonable and justifiable recharge to the Monumental Mason.

9.12 The Council will not be responsible for any damage or defacement to any memorial authorised or otherwise such being the responsibility of the owner thereof (insurance can be obtained to cover these occurrences).