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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.

2.5 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, subject to the provisions of Section 4.5 where a grave is found to be unsafe or unsuitable. If the grave deed is in existence, then this should be produced to the Parish Clerk.

2.6 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.

2.7 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.

2.8 There are two fee structures in place. One is for residents of the Parish and another that allows for the interment of non-residents.

2.9 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.

2.10 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. The depth and configuration of each grave shall be determined by the Council at the time of excavation, having regard to ground conditions, safety requirements and applicable regulations.

3.4 Prior to interment, each grave will be inspected and assessed for safety and suitability. If, at the time of excavation, ground conditions render the grave unsafe or unsuitable for the intended burial, the Council reserves the right to restrict the depth of the grave or to require the use of an alternative grave space in accordance with Section 4.

3.5 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.

3.6 Any such work must be done at the expense of the person requiring the same, or their agent acting on their behalf. They shall also be responsible for the re erection or replacement as soon as is practicable after the interment.

### **4. Grant of right of burial – please also see Appendix A "Policy on the Pre Purchase of Graves"**

4.1 The Exclusive Right of Burial is the right to inter one's self and or members of one family in a designated grave space, subject to the Council's cemetery regulations and the suitability of the ground at the time of interment. This right permits the erection of an approved memorial in accordance with cemetery regulations. It does not apply to unpurchased graves, where no right is granted for memorial placement or interment.

4.2 The Exclusive Right of Burial does not confer ownership of the land. The land remains the property of Newstead Parish Council at all times.

4.3 The purchaser of an Exclusive Right of Burial may not select the specific position of a grave space. Allocation remains at the discretion of the Council. In exceptional circumstances, the wishes of the purchaser may be considered as far as is reasonably practicable and subject to Council approval. Pre purchase of graves is subject to the Council's current policy and may be restricted. The Council is under no obligation to make graves available for pre purchase.

4.4 The purchase of an Exclusive Right of Burial grants the right of interment in a specified grave space but does not guarantee that the grave will be suitable for multiple burials or any particular depth. The number of interments possible in any grave cannot be guaranteed in advance. Ground conditions may vary or change over time due to factors including water table levels, soil stability, tree roots or the condition of adjacent graves.

4.5 All graves are inspected at the time of preparation. Suitability, depth and safety are determined at the point of excavation. If a grave is found to be unsafe or unsuitable, it may be restricted to a single burial or deemed unusable for that interment. In such circumstances, the Council reserves the right to reassign a suitable alternative grave space to ensure the burial can proceed safely. Any reassignment will be made with due consideration and, wherever possible, in consultation with the grave owner or their representative. Reassignment shall not give rise to liability beyond the provision of an alternative suitable grave space.

4.6 On purchase of the Exclusive Right of Burial, the Council shall issue a Deed of Grant to the person in whose name the right has been granted, and that person shall be recorded in the Register of Graves as the owner of the Deed.

4.7 No interment shall take place until the Clerk is satisfied that the applicant is the registered grave owner or is otherwise authorised to act on their behalf, and the appropriate Notice of Interment has been received.

4.8 In the event that a Deed of Grant has been lost or mislaid, the grave may be opened upon receipt of a statutory declaration from a person entitled to apply and upon provision of an indemnity to Newstead Parish Council, in accordance with the procedure set out on the Interment form.

4.9 All fees are payable in accordance with the scale of charges in force at the time of purchase or interment. The purchase of an Exclusive Right of Burial does not fix or guarantee the level of future interment or related fees, which shall be those applicable at the time the burial takes place.

*The Council reserves the right to refuse, amend or relocate any proposed interment where, in its reasonable opinion, ground conditions, safety considerations or regulatory requirements make the proposed burial impracticable.*

## **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 in the Council's Cemetery measures approximately 8 feet by 2 feet and is divided into four equal sections. The exclusive right of burial applies to one of these sections only. Each individual section is designed to accommodate up to two caskets of cremated remains.**

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

## **6. Transfers of Grant of Right of Burial**

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

6.2 Transfer of Exclusive Right of Burial is only allowed for:

- a. 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 shall be equal to or less than the original purchase cost of the grave.
  - b. The transfer of ownership between family members or pursuant to a claim on an estate.
- 6.3 Transfer fees must be paid in full prior to the transfer being completed. A confirmation document will be issued by the Council to formally record and confirm the transfer.

## **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 noticeboard for 60 days. 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 reasonably practicable following interment. However, the Council cannot guarantee the successful establishment or continued growth of grass due to the woodland setting of the cemetery.
- 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 be removed within 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 willfully:

- 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 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.

## **9. Headstones and Memorials**

9.1 Monumental Masons must book a date and time for fixing and may be requested to show valid permissions issued to any Council representative at any time. No work can be carried out without permission. Fixing of memorials may only take place between the hours of 8.00am and 4.00pm Monday to Friday. 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 and specifications of all memorials to be erected or placed over purchased graves with the proposed inscriptions, if any, and additional inscriptions for existing erections, must be approved by the Clerk to Newstead Parish Council. 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 or 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 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.

## ***Appendix A***

### **Policy on the Pre Purchase of Graves**

Following recent operational experience, including instances where pre purchased graves have been found to be unsafe or unsuitable at the time of excavation, the Council has reviewed its approach to the advance sale of burial plots.

Ground conditions within the cemetery can change over time due to factors such as water levels, soil stability, tree root growth and the condition of adjacent graves. In some cases, this has resulted in graves that were purchased in advance being unusable or restricted in depth at the time they are needed. This can lead to additional stress for families, who may be required to make alternative arrangements at short notice during a period of bereavement.

On review, from the 8<sup>th</sup> April 2026, the Council will not routinely permit the pre purchase of graves. Grave spaces will normally be allocated at the time of need, based on current ground conditions, availability and safety considerations. This approach ensures that all burials are carried out in suitable and stable ground and reduces the risk of reassignment at short notice.

*Exceptional Circumstances* - The Council recognises that there are circumstances where pre purchase may be appropriate.

Pre purchase of graves may be permitted at the discretion of the Council Clerk in exceptional circumstances, including but not limited to:

- Where an individual has received a terminal diagnosis and wishes to make advance arrangements
- Where there are compassionate or practical reasons that justify early allocation

All requests for pre purchase will be considered on a case-by-case basis. The decision of the Council Clerk may be appealed to Council however the decision of the Council shall be final.

Where pre purchase is permitted, it must be clearly understood that:

- The purchase of an Exclusive Right of Burial grants the right of interment in a specified grave space
- It does not guarantee that the grave will be suitable for multiple burials
- It does not guarantee that the grave will be usable if ground conditions make it unsafe at the time of excavation
- All graves are subject to inspection at the time of preparation, and the Council reserves the right to restrict depth or reassign a grave where necessary to ensure safety.

This policy will be kept under review to ensure it continues to reflect operational experience, environmental conditions and the needs of the community.