

Linton Parish Council – Cemetery Regulations

1 General

Linton Parish Council (“the Council”) shall:

- 1.1 be solely responsible for the management and administration of the cemetery
- 1.2 be solely responsible for the upkeep and day to day management of the cemetery

2 Conduct in the cemetery

- 2.1 All visitors must conduct themselves in a quiet and orderly manner and no persons showing the effects of excess alcohol or drug abuse will be allowed within the cemetery. The consumption of alcohol is strictly prohibited within the cemetery.
- 2.2 No person shall canvass or solicit business within the cemetery.
- 2.3 Pursuant to the provisions of the Local Authorities Cemeteries Order 1977, it is an offence for a person to wilfully:
 - (i) create any disturbance in a cemetery
 - (ii) commit any nuisance in a cemetery
 - (iii) interfere with any burial taking place in a cemetery
 - (iv) interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any manner;
 - (v) play at any game or sport in a cemetery
 - (vi) enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so.
- 2.4 Dogs must be kept on a lead and to the paths. Any waste deposited in the cemetery by a dog shall be removed from the cemetery by the person in charge of the animal or placed in a dog waste bin.
- 2.5 No demonstration of any kind or religious service other than at the time of interment of coffin or ashes shall be held without the prior consent of the Clerk to the Council.
- 2.6 Conduct concerning vehicles:
 - (i) With the exception of invalid carriages and any other vehicle expressly authorised by the Council, no motor vehicle shall be driven into any part of cemetery other than in connection with the conduct or servicing of funerals or in connection with the erection of monuments and care of graves.
 - (ii) No person shall drive any motor vehicle onto the grassed areas, except for the sole purpose of grass cutting and excavating or backfilling graves. Any such vehicular access over grassed areas for these purposes shall be kept to an absolute minimum, and all reasonable protective measures shall be taken to avoid damage to the grass surface
 - (iii) Any person driving a motor vehicle onto a grassed area of the cemetery shall be liable to pay to the Council its costs incurred in making good any damage thereby caused
 - (iv) Authorised vehicles shall not exceed a speed of 5 mph in the cemetery
 - (v) The riding of bicycles, skateboards, roller blades, roller skates and scooters is prohibited within the cemetery.

3 Arrangements for a Burial Service

- 3.1 All fees and charges shall be paid to the Clerk to the Council within 10 working days of an interment having taken place and upon application in the case of headstones and other memorials. The Clerk to the Council shall make the current table of fees and charges available on request.
- 3.2 The fees charged by the Council are in respect of all matters connected with the specified items in respect of which an official receipt is given. No person employed by or on behalf of the Council is allowed to receive any gratuity and no gratuity shall be offered to any such person.

- 3.3 Except in cases where religious beliefs require otherwise or in cases of death from epidemic or epidemic disease upon medical certification, two clear days notice, excluding Saturdays, Sundays and Bank Holidays, must be given to the Clerk to the Council of an interment.
- 3.4 Reservations for burial services may be made by telephone during the Council's normal office hours, in writing, or by e-mail, where the current grave owner is the applicant or on behalf of the grave owner if he or she is the deceased. Reservations shall be treated as provisional until formal notice confirming the date and time of the service has been received.
- 3.5 Notice of burial is deemed to be given when all forms and certificates required to fulfil statutory requirements, together with the provisions of these Regulations, are received by the Clerk to the Council no later than two full working days before the proposed date of the funeral. Notice of the interment of cremated remains must be accompanied by the Certificate issued by the Crematorium where the cremation took place.
- 3.6 For the burial of a stillborn child a certificate in accordance with the Births & Deaths Registration Act 1953 must be delivered to the Clerk to the Council.
- 3.7 The Council accepts no responsibility for any delay loss or damage or mistake which may occur if instructions are given verbally or by telephone. Neither shall the Council accept responsibility for any documents lost or delayed in the course of post.
- and 3.8 Documents sent by fax or e-mail will only be accepted as temporary notification(s) must be confirmed by the submission of originals.
- 3.9 If the Registrar's Certificate for Disposal or the Coroner's Order is mislaid or lost, a declaration to the satisfaction of the Clerk to the Council must be made by the person procuring the disposal of the body. The original Certificate or Order or a duplicate copy of the same issued by the Registrar of Births and Deaths or the Coroner must be produced as soon as possible after the signing of the declaration.
- 3.10 In the case of a public or military funeral or one at which an exceptional number of persons may be expected, notice should be given at the time of reservation.
- permission 3.11 Only one funeral shall be allowed in the cemetery at any one time unless prior is given by the Clerk to the Council.
- 3.12 The selection of a plot for a grave shall be subject to the prior approval of the Clerk to the Council and be consistent with the general plan of the cemetery.
- 3.13 The location and/or position of the plot for a grave not acquired by way of a Grant of Exclusive Right of Burial shall be determined by the Clerk to the Council.
- 3.14 The Council reserves the absolute right not to permit the use of any particular plot in the cemetery for a grave.
- 3.15 A plan of the cemetery showing the position and number of each plot shall be maintained by the Clerk to the Council and may be inspected, without charge, by appointment.
- priests, 3.16 The responsibility for making the necessary arrangements for the attendance of ministers, or other persons to officiate at a service rests upon the funeral director or the person(s) arranging the burial.
- 3.17 The time fixed for a funeral shall be that when the procession is to arrive at the cemetery. The time fixed shall be strictly adhered to in order to prevent inconvenience to others. In the event of a funeral arriving late, the cortege shall wait as and where directed by the Clerk to the Council and the service shall take place as soon as possible thereafter at the direction of the Clerk to the Council.
- 3.18 The funeral director or person(s) arranging a funeral shall be responsible for arranging the excavation of earthen graves or a place for the interment of ashes.

- 3.19 The time allowed for a service in the cemetery shall not exceed 30 minutes unless prior approval for a longer period has been obtained from the Clerk to the Council.

4 Grant of Exclusive Right of Burial

- 4.1 An Exclusive Right of Burial in a specific numbered plot in the cemetery may be acquired by payment in full to the Council of the sum specified in the table of cemetery fees in force on the date of payment.
- 4.2 On the purchase of an Exclusive Right of Burial in a plot a deed (“the Deed of Grant”) confirming the grant of the Exclusive Right of Burial shall be issued by the Clerk to the Council to the purchaser, whose name shall be registered in the Register of Grants kept by the Clerk to the Council.
- 4.3 The Council reserves the right to delay or cancel any interment where in its opinion ownership of an Exclusive Right of Burial is disputed.
- 4.4 An Exclusive Right of Burial for any plot grants the following rights to the person acquiring the said Right and his successors, namely:
- (i) for the grantee to be buried in a grave in that plot
 - (ii) for other persons to be buried in that grave so long as sufficient space is available
 - (iii) the interment or scattering of cremated remains in or over that plot
 - (iv) to erect or place a memorial on the plot subject to the provisions of these Regulations
 - (v) to authorise inscriptions and additional inscriptions to be placed on a memorial subject to the provisions of these Regulations.
- 4.5 The Exclusive Right of Burial shall subsist for a period of 99 years from the date of purchase.
- 4.6 Notice of the transfer or assignment of an Exclusive Right of Burial shall be given to the Clerk to the Council who shall enter the transfer in the Register of Grants upon the production of the Deed of Grant. The Clerk shall be entitled to require the provision of satisfactory evidence that the Exclusive Right of Burial has been duly transferred.
- 4.7 Where no interment has taken place in a purchased plot the Council may in its absolute discretion agree to cancel the Exclusive Right of Burial upon the Deed of Grant being delivered to the Clerk to the Council for cancellation. In such cases the Council shall refund the original sum paid for the Exclusive Right of Burial.
- 4.8 If it proves not reasonably practicable to excavate a grave in a plot in respect of which an Exclusive Right of Burial has been granted, the Clerk to the Council shall be entitled to transfer the said Right to an alternative plot within the cemetery. In that event the Clerk to the Council shall if reasonably practicable seek the views of the grantee or his family, as the case may be, regarding the location of the alternative plot but shall not be obliged to accede to such views.

Note: The Deed of Grant is an important document and should be kept in a safe place. At the time of arranging the funeral of the current deed holder, it is recommended that the Deed of Grant be transferred to another family member to allow future interments to proceed without delay or hindrance.

5 Burials

- 5.1 Interments may take place at the cemetery on Monday to Friday and (subject to Regulation 5.2) on Saturdays between the hours of 09:00 and 17:00 subject to the prior submission of a notice of interment by the funeral director arranging the funeral.
- 5.2 The Council reserves the right to charge an additional fee for Saturday interments.

- 5.3 No interment shall take place on Sundays or bank holidays except in cases where religious beliefs require it or upon receipt of a certificate of a Coroner or registered medical practitioner stating that immediate interment is necessary.
- 5.4 All graves shall be excavated by persons appointed or authorised by the funeral director arranging the funeral.

Note: The purposes of Regulations 5.5 - 5.13 are to ensure that so far as possible graves headstones and tablets are laid out in an orderly and seemly regular grid pattern and to allow the cemetery to be well and properly maintained.

- 5.5 Subject to the provisions set out in Regulations 5.6 - 5.13 a grave shall be sufficiently large to admit a coffin or casket as notified by the funeral director arranging the funeral.
- 5.6 A coffin grave shall not exceed 229 cms (7 feet 6 inches) in length and 91 cms (3 feet) in width in the case of a standard plot or 229 cms (7 feet 6 inches) in length and 182 cms (6 feet) in width in the case of a double plot.
- 5.7 A coffin grave shall be dug so that the rear face of the headstone to the grave when erected shall be in line with the rear face of any existing headstones running along the same row of graves. If there are no existing headstones but one or more graves have been previously dug along the same row, the grave shall be dug in line with the graves previously dug so that when erected the rear face of the headstones to the various graves shall be in line with each other.
- 5.8 Except in the case of a double plot a coffin grave shall be dug so that as far as possible the centre line of the headstone when erected shall be line with the centre line of the line of headstones standing behind it in that section of the cemetery.
- 5.9 In the case of a double plot the coffin grave shall be dug so that the centre line of the headstone when erected shall be proportionately aligned with the two lines of headstones behind the double plot in that section of the cemetery.
- 5.10 Any area set aside in the cemetery for the coffin burial of children may be laid out with the intention that grave spaces shall be smaller than the maximum dimensions set out in Regulation 5.6.
- 5.11 A casket grave shall be 45 cms (1 foot 6 inches) square in size and if planted in a section of the cemetery set aside for casket graves shall be so laid out that it is in alignment with all existing casket graves in that section of the cemetery.
- 5.12 When the first grave in a new row is to be dug the funeral director or other person arranging the funeral shall agree its location with the Clerk to the Council before any work commences.
- 5.13 All graves shall be dug in such a way that sufficient space is allowed for the care of the grass between graves spaces at all times and to maintain the integrity of existing graves.
- 5.14 If it appears to the funeral director or other person responsible for the digging of a grave that for any reason it will not be possible to fully comply with Regulations 5.5 - 5.13 they shall first consult the Clerk to the Council who shall direct where the grave space is to be dug.
- 5.15 Any person or persons excavating or filling graves or carrying out any other work within the cemetery shall use such means as the Council may direct for the protection of the grass and walks during the progress of the work.
- 5.16 Any person or persons excavating graves within the cemetery shall deposit surplus soil in a tidy manner in the area specifically allocated for the deposit of such material.
- 5.17 With the exception of work for the excavation of a grave any person or persons carrying out work within the cemetery shall, on completion of the work, remove from the cemetery all materials not used or any waste materials and shall be responsible for the cost of repairing any damage caused during the execution of those works.

- 5.18 No body shall be buried in a grave in such a manner that any part of the coffin is less than 100 cms (3 feet 4 inches) below the level of the ground adjoining the grave except at the Clerk to the Council's discretion.
- 5.19 Save in the case of a multiple burial no body shall be buried in a coffin grave unless the coffin is effectively separated from any coffin previously interred in the grave by means of a layer of earth not less than 15 cms (6 inches) thick or by a continuous brick barrier.
- 5.20 In the event of a grave having to be enlarged, an additional charge may be levied at the discretion of the Clerk to the Council.
- 5.21 Save for the excavation of a grave, all work, including the construction or re-opening of bricked graves and the erection or removal and re-fixing of memorials, shall be carried out under the direction of the Clerk to the Council by a competent person appointed by the owner of the purchased grave.
- 5.22 All coffined burials shall be in coffins of a material and design approved by the Council. Metal caskets or caskets which contain glass are not permitted. Any request to use a biodegradable coffin shall be subject to the discretion of the Council.
- 5.23 With the exception of an Exclusive Right of Burial, interments shall take place in consecutive order.
- 5.24 No coffin or casket shall be opened in the cemetery for any purpose whatsoever except on the order of a Coroner, a Court of Summary Jurisdiction or a Chief Constable.
- 5.25 No coffin or casket or part of a coffin or casket shall be removed from the cemetery without the prior and express permission of the Council except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.
- 5.26 All coffins and caskets shall be marked with a non-perishable plaque or nameplate or by other means as shall be approved by the Council, showing the name, age and date of death of the deceased. In the case of a stillborn child, no age shall be recorded, but it shall include the name of the parent(s). Where the bodies of two or more persons are interred in one coffin the names, ages and dates of death of all of them shall be marked.
- 5.27 No body or cremated remains shall be exhumed without the consent of the Secretary of State for Home Affairs and/or the Faculty of the Bishop of the Diocese.
- 5.28 No body shall be removed from the cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.

6 Memorials

- 6.1 No memorial shall be erected on a plot until at least six calendar months after the date of interment. Thereafter a memorial may be erected subject to the provisions of these Regulations and the prior payment of the fee due to the Council.
- 6.2 No memorial of any kind shall be allowed in any part of the cemetery without the prior consent of the Council. Prior to the erection of any headstone or tablet, a drawing of the proposed memorial shall be submitted to the Clerk to the Council for approval. The Clerk may grant approval or refer the request to the Council for its decision. The drawing shall indicate the exact dimensions of the proposed memorial, the material to be used, the means of fixing and all associated details including the terms of any proposed inscription. All materials shall be of solid construction and no material may be covered in any way.

- 6.3 No permanent memorial of any kind shall be permitted in any part of the cemetery other than a headstone to a coffin grave or a tablet to a casket grave or memorials in the general areas of the cemetery pursuant to Regulation 6.27 below. For the avoidance of doubt no vaults, railings, kerb stones or other enclosures shall be permitted.
- 6.4 No temporary memorial shall be permitted in any part of the cemetery other than a small wooden cross placed upon a grave by a funeral director or other person arranging a funeral.
- 6.5 In the case of a standard coffin plot the dimensions of the headstone shall be as follows:
No part of the headstone shall be higher than 91cms (3 feet) above ground level.
The maximum width of the headstone shall be 61cms (2 feet).
The maximum width of the headstone base shall be 76cms (2 feet 6 inches).
The maximum depth of the headstone shall be 10cms (4 inches).
The position and alignment of the headstone shall be in accordance with the provisions of Regulations 5.7 and 5.8.
- 6.6 In the case of a double coffin plot the dimensions of the headstone shall be as follows:
No part of the headstone shall be higher than 91cms (3 feet) above ground level.
The maximum width of the headstone shall be 122cms (4 feet), excluding the base.
The maximum width of the headstone base shall be 137cms (4 feet 6 inches).
The maximum depth of any headstone shall be 10cms (4 inches).
The position and alignment of the headstone shall be in accordance with the provisions of Regulations 5.7 and 5.9.
- 6.7 In the case of a casket plot the dimensions of the cremation tablet shall be 46x46 cms (18x18 inches) in area and 5cms (2 inches) in depth. It shall be positioned and aligned in accordance with Regulation 5.11.
- 6.8 All headstones and tablets shall be inscribed with the grave section, row and number to which they relate. Headstones shall be erected vertically. Tablets shall be laid flush with the ground.
- 6.9 No grave may be raised above ground level.
- 6.10 No monument or other memorial shall be altered or interfered with within the cemetery save in accordance with a design submitted to and previously approved by the Council.
- 6.11 No inscription shall be cut, nor work of any kind undertaken to any monument or memorial within the cemetery without the prior written consent of the Council.
- 6.12 No memorial shall be removed from a cemetery for the purpose of cutting an additional inscription until the formal written approval of the Clerk to the Council to its removal has been given in respect of the proposed addition(s) as a fee is chargeable.
- 6.13 All dressing or working of stone or other materials to be used in or about any grave shall be undertaken outside the cemetery, except such work which cannot be carried out elsewhere.
- 6.14 Any memorial removed for the purpose of a further interment shall be transported from the cemetery grounds. Any memorial left in the cemetery grounds may be disposed of by the Council after the expiration of 7 days notice in writing given to a person reasonably believed by the Council to have a family or personal connection with the person memorialised that the Council intends to remove it. If having made reasonable enquiries the Council is unable to identify the name and address of any such person, the Council shall be entitled to dispose of such memorial without notice.
- 6.15 All memorials shall be fixed or re-fixed in accordance with the British Register of Accredited Memorial Masons (BRAMM) recommended Code of Working Practice and all work shall be undertaken by memorial masons who are registered with BRAMM in accordance with BS8415 and the Institute of Cemetery and Crematorium Management (ICCM). All upright memorials must be fixed with a ground anchor system.

- 6.16 The name of the stonemason may be discreetly inscribed in an appropriate place on the memorial. The address and/or contact details for the stonemason shall not be inscribed on any part of the memorial.
- 6.17 No memorial stone crosses, angels or statues of any description shall be permitted.
- 6.18 The Council shall not accept any responsibility for damage caused to any headstone or tablet through ordinary wear and tear, severe weather conditions or any other circumstances over which it has no control and shall be under no liability to make good any damage so caused.
- 6.19 All memorials erected in the cemetery shall remain the property and responsibility of the person or persons who arranged for their original erection and after their death shall remain the responsibility of their heirs and successors. If a grave memorial has been neglected for 12 months or more, the Council reserves the right to undertake its maintenance and to seek to recover the cost thereby incurred from the responsible person. The Council reserves the right to remove any artificial flowers or soft toys placed on a grave in the event of their becoming faded or soiled.
- 6.20 The provision of all foundations for headstones, the removal or re-fixing of them and any other work connected therewith shall only be carried out with the authority of the Council.
- 6.21 Every grave in respect of which an Exclusive Right of Burial has been granted and any monument or memorial thereon shall be kept in good repair by the owner. Notice to have repairs executed shall be sent to the owner where contact details are known. In cases where the name and/or address of the owner is not known, a notice shall be deemed to be properly served if placed upon the grave space or memorial.
- 6.21 If necessary repairs are not carried out within six months of the date of the notice, then the memorial may be made safe or removed and disposed of by the Council.
- 6.22 One vase not exceeding 30 cms (1 foot) in height and 20 cms (8 inches) in width and containing cut or potted flowers may be placed upon a grave.
- 6.23 No planting shall be permitted on a casket grave. In the case of a coffin grave no plants other than annual bedding plants shall be planted. Any planting shall be within the area originally excavated for the grave and shall be carried out in such a way that sufficient space for the proper care of the grass between adjoining grave plots is maintained at all times. The Council reserves the right to remove any planting in contravention of the provisions of the Regulations.
- 6.24 One solar light no more than 10 cms (4 inches) in diameter and a maximum of 30 cms (1 foot) in height from the ground may be placed on a grave. Naked flames or candles shall not be left unattended.
- 6.25 Any monument, memorial, stone, shrub, plant or other item erected, placed or planted in the cemetery in contravention of these Regulations may be removed by the Council at any time without notice.
- 6.26 In the case of any shrub or perennial plant planted within a plot before such planting was prohibited, it shall be kept pruned so that it is no larger than the width or height of the headstone on the plot, and if not so pruned may be removed by the Council.
- 6.27 If any person wishes to place a memorial in the form of a seat, shrub, tree, rose, bird box or other appropriate item in the cemetery they may apply to the Clerk to the Council for permission to do so, subject to the proposed memorial being in conformity with any memorial scheme adopted by the Council. The Clerk may refer any application to the Council for determination.
- 6.28 The Council shall carry out regular inspections and any memorial found to be unsafe shall be laid flat if support is not possible. Wherever possible, the owner of the memorial deemed to be unsafe shall be contacted and requested to appoint a stonemason to carry out repairs.
- 6.29 Owners of memorials shall inform the Clerk to the Council of any change of address.

- 6.30 All works shall be subject to the directions of the Clerk to the Council and any person carrying out works must adequately protect grass, borders, and adjoining memorials. On completion of works all surplus materials shall be removed and the whole site cleaned and left in a satisfactory condition. If any damage is caused to the cemetery in the course of works being carried out or the site is not left in a clean and satisfactory condition the Council shall be entitled to remedy the same and recover the cost of doing so from the person causing the damage or any person employing them to carry out the works.
- 6.31 All memorials and materials shall be conveyed into the cemetery in such a manner as not to cause any damage to roads, walks or turf. All materials shall be carefully removed from the vehicles conveying them and neatly piled or placed in or near the place where they are to be used, as directed by the Clerk to the Council. No working is permitted on roads, walks, or adjoining graves and all surplus materials shall be removed on completion of works.
- 6.32 Any person contravening any of the provisions of Regulations 6.1 - 6.31 shall not be allowed to carry out any further work within the cemetery.

Adopted by Linton Parish Council

Minute number 310

Dated 22nd April 2010