



Burial Ground Regulations

1 Windsor Parade
Windsor Road
Barton-le-Clay
Bedford MK45 4NA

Tel: (01582) 883990

www.bartonleclay.co.uk

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1.0 INTRODUCTION

Barton-le-Clay Burial Ground is located at the eastern end of Church Road.

The Burial Ground is controlled and administered by Barton-le-Clay Parish Council (hereinafter referred to as 'the Council') from the Parish Office. Contact Tel. No. (01582) 883990

The Burial Ground will be open to the public on such days and during such hours as the Council may, from time to time, determine. At present such hours are

1 April to 30 September 8.00 am to 8.00 pm

1 October to 31 March 8.00 am to 5.00 pm

The Council reserves the right to close the Burial Ground at any time without notice.

Any unauthorised entry when the Burial Ground is closed to the public contravenes The Local Authorities' Cemeteries Order 1977, Section 18(2).

All persons entering the Burial Ground will be subject to the rules and regulations administered by the Parish Council.

The Parish Council reserves the right to amend any of the foregoing Regulations and to deal with any circumstances or contingency not provided for, as necessary.

2.0 ADMINISTRATION

All queries or comments regarding the Burial Ground should be sent to the Parish Office :-

c/o The Parish Clerk,
1 Windsor Parade
Windsor Road,
Barton-le-Clay,
Bedfordshire, MK45 4NA.

Tel: 01582 883 990

Email: theparishclerk@bartonleclay.co.uk

Office opening hours are Monday to Friday 10.00am to midday. Telephone enquiries can be made between 9.30am and 2.30pm Monday to Friday.

Information and copies of these Regulations, forms and current scale of charges relating to the Burial Ground may be obtained free of charge from the Parish Council Office.

In compliance with the Disability Discrimination Act 1995, copies of this document in large print (A3 format) or larger font size can be made available for those with visual impairment on request from the Parish Clerk.

3.0 ARRANGEMENTS FOR A BURIAL SERVICE

3.1 All requests for interment shall be made in the first instance by telephone to the Parish Office during office hours and subsequently confirmed in writing. Reservations will be regarded as provisional until the requisite formal notice has been received.

The minimum periods required for notice of interments are:

- Interment in an earthen grave - 5 working days
- Interment in a Garden of Rest plot – 5 working days

All written applications must be submitted on the prescribed form of **Notice of Interment** to Barton-le-Clay Parish Council at least 72 hours (excluding weekends) prior to the appointed time of the interment. In the case of re-opened graves the ownership of the Exclusive Right of Burial must first be determined. This will be by reference to one of the following three documents: **1) Exclusive Rights of Burial** issued in the name of Deceased, **2) Transfer of Exclusive Rights** in the name of the next of kin of Deceased **3) Indemnity Form** signed by the next of kin of Deceased. The appropriate forms are available from the Parish Office.

N.B. Only forms provided, or approved, by the Parish Council must be used.

3.2 The Council shall not be responsible for:

a) Any discrepancies, errors or omissions in any notice of interment or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors or omissions.

b) The late receipt of any notice of interment or other document which is required to be given to or served on the Council or for liability arising from such late receipt.

3.3. A certificate for disposal issued by the Registrar of Births and Deaths or a Coroners Order for Burial or a duplicate thereof must be delivered to the Council or their authorised officer when the funeral cortege arrives at the burial ground. No interment will take place unless the certificate for disposal is produced.

3.4 In the case of a non-viable foetus, the Medical Practitioner or Midwife's certificate of delivery will be required.

3.5 An area of un-consecrated ground is situated within the Burial Ground for the deceased with no religious persuasion. All requests for interment in the un-consecrated ground shall be made in the first instance to the Clerk.

3.6 All fees and charges shall be paid to Barton-le-Clay Parish Council and sent to the Parish Office. The fees and charges for any burial shall be paid at the time of giving notice of booking, and all other fees shall be paid before the work to which they relate is started. These requirements do not apply to those Funeral Directors who pay on account. No receipt other than an official receipt issued by the Council will be acceptable as proof of payment.

3.7 The hours for interments (for all denominations) are as follows:

1 April to 30 September 10am to 4pm Mondays to Fridays

1 October to 31 March 10am to 3pm Mondays to Fridays

No interment shall take place outside these hours, or on weekends, Good Fridays, Christmas Day or a General Holiday except in cases of special emergency and then only at an approved hour and on payment of an appropriate additional fee and at the Councils discretion.

4.0 EXCLUSIVE RIGHT OF BURIAL

- 4.1** The Exclusive Right of Burial in a grave may be purchased at the time of the interment request upon payment of the appropriate fee and completion of the relevant section on the **Notice of Interment** form including the name and address of the proposed owner (Grantee).

On the purchase of the Exclusive Right of Burial in a grave, a Deed of Grant shall be issued to the purchaser (Grantee) whose name shall be then registered.

- 4.2** An Exclusive Right of Burial cannot be reserved.
- 4.3** Any Exclusive Right of Burial shall be granted for a period of 99 years.

The Exclusive Right of Burial shall extend for 99 years from the date of purchase.

- 4.4** At the end of the said period of 99 years, the right to use the plot shall cease and any person interested may, before the expiry of the said period, give notice in writing to the Council that he/she wishes to retain any memorial erected or placed upon the plot. If no such notice is given or if, after notice has been given, the memorial is not within three months from the expiry of the period of 99 years removed at the expense of the person giving notice, the memorial may be removed by the Council and disposed of in such a manner as the Council shall choose. Proof of the posting of the said notice shall not be deemed to be proof of a receipt thereof by the Council.

- 4.5** Exclusive Rights will not be sold to undertakers, their agents or other persons for re-sale. The Council will mark every grave space according to the official plan.

- 4.6** Grants by the Council of exclusive rights of burial in grave spaces in the Burial Ground provide the owner of the Grant the right to:

- Be buried in that grave;
- Authorise other burials in that grave (where space is available), or the interment of cremated remains in that grave, subject to it being contained in an approved casket and in accordance with the Parish Council's procedure and pricing structure;
- Erect or place a memorial on that grave subject to the Regulations of the Council relating to memorials;
- Have additional inscriptions placed on a memorial subject to the Regulations of the Council relating to this matter.

(Please note that possession of the Grant does not provide ownership of the actual land)

- 4.7** New graves will be allocated in strict rotation. They are not available for selection.
- 4.8** If any dispute shall arise as to the date of expiry of the period for which an exclusive right of burial was granted by the Parish Council, such date shall be ascertained by reference to records kept by the Council, and the date shown in these records shall be final and conclusive and binding upon all parties.
- 4.9** Plans showing the divisions of the Burial Ground with grave spaces marked thereon may be inspected by prior arrangement with the Parish Office during normal office hours.
- 4.10** The Grant will be subject to, in addition to these Regulations, any order that the Secretary of State may, from time to time, make in respect of the management of burial grounds by burial authorities, the Council's burial ground fees, and any regulations in force for the time being respecting the Burial Ground or the portion thereof in which the plot, which is the subject of the Grant, is situated

5.0 TRANSFER OF AN EXCLUSIVE RIGHT OF BURIAL

- 5.1 The Grantee or his legal personal representative may transfer or assign a Right of Burial in a grave space, subject to the proper notice being served on the Parish Council. The transfer or assignment of a Right of Burial in a grave must be notified to the Clerk on the appropriate **Transfer of Exclusive Rights** form (Declaration, Indemnity and Application in respect of the transfer or Assignment of an Exclusive Right of Burial), obtainable from the Parish Office, who will enter the transfer in the Register of Grants maintained upon the production of the original Deed, or a solicitors letter confirming legal transfer of the said Deed.
- 5.2 Following the death of the Grantee, the exclusive right of burial in any grave space should be transferred and re-registered before the grave can be authorised for further re-opening or any stone or monument erected thereon or any existing stone or monument repaired, altered or removed. No grave space in which the exclusive right of burial has been purchased may be opened for an interment for other than that of the Grantee, without the express consent in writing of the Grantee, or otherwise by reference to a completed **Transfer of Exclusive Rights** form, or **Indemnity** Form.

Possession of a Deed does not give the person in possession ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid Will. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership. Ownership of a Deed may only be transferred or assigned by use of the appropriate **Transfer of Exclusive Rights** form obtainable from the Parish Office.

NB. The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.

6.0. BURIAL GROUND RULES AND REGULATIONS

6.1 General

- 6.1.1 Everyone is welcome to visit the Burial Ground, and we ask that all visitors treat the Burial Ground with respect. Burial Ground staff will be pleased to help wherever possible with any queries but any complaints must be made to the Parish Council Offices.
- 6.1.2 The Council reserves the right to remove any receptacle for flowers or ornament, which it considers unsuitable, without notice. Glass bottles or other glass based receptacles, solar lights, windmills, flags and alcoholic tributes are not permitted in the Burial Ground. **Relatives are advised to seek the opinion of the Council as to permitted ornaments in the event of any doubt as to suitability.**
- 6.1.3 Dogs must be kept on leads when within the Burial Ground and any fouling should be removed immediately.
- 6.1.4 No rose, bush or standard, shrub, or tree shall be planted on any grave space.
- 6.1.5 Broken or damaged wreaths, shall not be allowed to remain on any grave in the Burial Ground and the Council shall be at liberty to remove the same if the owner fails to do so. All dead floral tributes will be removed from graves at the Council's discretion if the owner first fails to do so.
- 6.1.6 No gratuities shall be demanded by any officer or servant of the Council.
- 6.1.7 No monument, gravestone or tablet will be allowed over any grave to which the Exclusive Right of Burial has not been purchased.

- 6.1.8** No transfer of an Exclusive Right of Burial in any grave shall be deemed valid unless and until the same is verified and registered at the Parish Office.
- 6.1.9** No burial shall take place, no cremated human remains shall be interred, no memorial shall be placed in the Burial Ground and no additional inscription shall be made on any memorial without the written permission of the Parish Council and after the appropriate fee(s) (if any) have been paid.
- 6.1.10** The Parish Council will not accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally or by telephone. Neither will the Council accept responsibility for any documents lost or delayed by the post.

Documents sent by Email will only be accepted as temporary notification(s) and must be confirmed by the submission of originals.

All notices of interment must be in writing on the forms provided by the Council and requirements must be clearly and completely stated. The responsibility for any error therein is that of the person signing the notice, particularly so in cases where either the wrong fee is charged as a consequence or where additional fees are afterwards incurred.

- 6.1.11** If the Registrar's Certificate for Disposal, or the Coroner's Order, is mislaid or lost, a declaration to the satisfaction of the Clerk must be made by the person procuring the disposal of the body. The original certificate or duplicate copy issued by the Registrar of Births and Deaths, or the Coroner, must be produced as soon as possible after the signing of the declaration.
- 6.1.12** The responsibility for making the necessary arrangements for the attendance of priests, ministers, or other persons to officiate at a service rests upon the Funeral director or the person(s) arranging the burial.
- 6.1.13** The time appointed for an interment will be that at which the funeral cortege is to arrive at the entrance gate of the Burial Ground. It is requested that the time be strictly adhered to in order to prevent inconvenience and one funeral interfering with another.
- 6.1.14** In the case of a public or military funeral, or one at which an exceptional number of persons may be expected, notice must be given at the time of booking.
- 6.1.15** The Funeral Director or person(s) arranging the funeral are responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the graveside.
- 6.1.16** Only one funeral will be allowed in the Burial Grounds at any one time unless prior permission for alternative arrangements is obtained from the Clerk.
- 6.1.17** The time allowed for a service in the Burial Ground shall not exceed 1 hour unless prior approval for a longer period has been obtained from the Clerk.
- 6.1.18** No coffin shall be opened in the Burial Ground for any purpose whatsoever.
- 6.1.19** The fees charged by the Council include everything 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.
- 6.1.20** No body shall be buried, or cremated remains interred in a grave in which an Exclusive Right of Burial exists, unless the owner has given express approval in writing or the deceased is the current owner. In the event of the owner being pre-deceased an affidavit must accompany the Notice of Interment and a form of indemnity completed and submitted where a Deed of Grant cannot be provided.
- 6.1.21** The Council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.

6.1.22 The Council will refuse to allow interments when there is reason to believe details given on the Notice are incorrect, the disposal certificate is not available for inspection to authenticate the identity of the person to be interred prior to the burial, or if the necessary Notice mentioned above has not been given.

6.1.23 No cremated remains shall be scattered over any grave whatsoever.

6.2 Right of Interment.

6.2.1 Parishioners whose names appear or are eligible to appear in the Register of Electors for Barton-le-Clay, and any children residing in the parish, may be interred in the Burial Ground on payment of the appropriate fee as set out in the scale of charges. Non-parishioners will be permitted interment rights providing that they meet at least one of the following criteria:

- 1) previous resident of the parish, as an adult homeowner or tenant, for a period of 10 years or more
- 2) the son/daughter of a parishioner who has resided within the parish for in excess of 30 years
- 3) the mother/father of a parishioner who has resided within the parish for in excess of 30 years
- 4) was present on the electoral role of any church within the Parish boundary for the 10 years preceding to death
- 5) was the owner of a business located within the parish of Barton-le-Clay for a period of 10 years preceding death

In all cases, non-parishioner interments fees will be subject to the non-parishioner multiplier as stated within the Council's current 'Burial Ground Fees.

Subsequent interments within plots previously purchased are hereby permitted, regardless of compliance to the above 'non-parishioner criteria, but will be subject to the grave owners consent and the non-parishioner multiplier as previously stated.

6.2.2 The selection of any grave space shall be subject to the approval of the Clerk and consistent with the general plan of the Burial Ground.

6.2.3 The location/position of any graves shall be determined by the Clerk.

6.2.4 The Council reserves the right to retain any grave space(s) for its own purposes.

6.2.5 Cremated Remains shall not be scattered in the Burial Ground.

6.2.6 Regard shall be had to any Byelaws applicable to the Burial Ground.

6.2.7 A plan of the Burial Ground showing the position and number of each grave space is kept in the Parish Office and may be inspected during normal office hours without charge.

6.3 Conduct in the Burial Ground

6.3.1 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 Burial Ground. The Clerk has full power to exclude or remove any member of the public at his/her discretion.

6.3.2 Under the provisions of Article 10 of the Local Authorities' Cemeteries Order 1977, any person who contravenes Article 18 shall be liable on summary conviction to a fine not exceeding £100.00 and in the case of a continuing offence to a fine not exceeding £10.00 for each day during which the offence continues after conviction thereof.

Under these provisions, it is an offence for a person to wilfully;

- Commit any nuisance or disturbance in the Burial Ground;

- Interfere with any burial taking place in the Burial Ground.
 - Interfere with any grave or memorial, or any flowers or plants in any such manner;
 - Play at any game or sport in the Burial Ground;
- 6.3.3** Vehicles must not exceed 5 mph in the Burial Ground and must park where indicated in the parking area only. The Clerk shall have the power to exclude any vehicle which is considered unsuitable.
- 6.3.4** Visitors to the Burial Ground are requested to refrain from smoking near to where a funeral or religious service is taking place in the grounds and to dispose of cigarette ends in a proper manner.
- 6.3.5** No person shall canvass or solicit orders within the Burial Ground unless the prior approval of the Council is obtained.
- 6.3.6** Any form of religious service may be used, but any other ceremony is subject to the approval of the Council. Alternatively, a coffin and or casket may be committed without a service.
- 6.3.7** No musical instrument or other sound producing device will be allowed except as an integral part of a funeral service or an event approved by the Clerk.
- 6.3.8** Any person found vandalising any part of the Burial Ground or desecrating any grave plot will be liable for prosecution by the Council under the provisions of the Local Authorities' Cemeteries Order 1977.
- 6.3.9** Visitors to the Burial Ground shall not unreasonably interrupt the Council's employees at their duties or employ them to execute private works within the Burial Ground or extend to them any gratuity. All enquiries, complaints and requests by members of the public must be made to the Clerk at the Council Offices and not to the workmen in the Burial Ground.
- 6.3.10** Subject to the provisions of the Byelaws with respect to the Burial Grounds, all dogs must be kept on leads when within the burial ground.
- 6.3.11** Children under 12 years of age are not permitted in the Burial Ground except under the care and supervision of a responsible adult.
- 6.3.12** No person shall ride a bicycle, skateboard or other similar machine in the Burial Ground.
- 6.3.13** No person shall drop, throw or otherwise deposit and leave in the Burial Ground any wastepaper or refuse of any kind except in the litter bin provided.

6.4 Rules and Regulations Relating To Memorials

- 6.4.1** A memorial may only be erected on a grave space within the Burial Ground subject to obtaining the Council's permission and upon payment of the appropriate fee. (The relevant application form may be obtained from the Parish Office.) The right to erect a memorial rests with the Exclusive Right Deed holder or their next of kin or executor, and will be for the unexpired portion of the Grant of the Exclusive Right of Burial.
- 6.4.2** The erection of a memorial on an un-purchased/public/common grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a memorial on a such a grave, it will be subject to the right of the representatives of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a memorial on an un-purchased, public or common grave, such a memorial does not in itself confer any rights and remains at the pleasure of the Council.
- 6.4.3** An application for the approval to place a new memorial in the Burial Ground, alter or add any inscription, or replace, add to or remove from the Burial Ground any memorial, must be submitted to the Council on the appropriate Memorial Application Form provided by the Council. All such work must

be undertaken in accordance with the current Code of Practice issued by the National Association of Monumental Masons.

- 6.4.4 Every memorial mason shall be insured for public liability to the value of £5,000,000 minimum and employer liability to a value of £10,000,000 minimum.
- 6.4.5 The name, address and signature of the person placing the order for the memorial work to be undertaken must be the owner of the Exclusive Right of Burial. If such owner of the Exclusive Right of Burial is deceased, the applicant must make application to transfer such exclusive rights or on production of proof of identity, make the application as the executor for the deceased.
- 6.4.6 The permission of the Clerk to place or erect any form of "memorial" in the Burial Ground must be obtained. The approval of the Council for any such application will be confirmed by the issue of a Memorial Permit which will be valid for 6 months but this may be extended at the discretion of the Clerk. No works will be undertaken unless a permit has been issued. The permit is issued on the understanding that the work undertaken will comply with the details specified within the application form and the requirements of these regulations.
- 6.4.7 Anyone erecting a monument or who undertakes any Memorial work within the Burial Ground not in compliance with these regulations will be required to remove the said memorial and pay all costs involved

The Council will remove any unauthorised memorials, kerbs, railings, ornamentation or horticultural decoration. The Council may recover the cost of removal of these items from the holder of The Grant of Exclusive Right of Burial to that grave, in accordance with the powers and procedures set out in Article 14 of The Local Authorities Cemeteries Order 1977.

- 6.4.8 Memorials must be of a material approved by the Council. Granite, Marble or Dressed Stone.
- 6.4.9 Before the erection of any tablet, monument, memorial, stone vase or tablet, a drawing with any proposed inscription must be sent on the prescribed forms to the Clerk for the approval of the Council. The type(s) of material to be used shall be stated, together with exact dimensions and all associated details. The application forms must be duly signed and dated by the registered owner of the Exclusive Right of Burial or, in the event of the death of the owner, the applicant must make an application to transfer such exclusive rights or on production of proof of identity, make application as the executor for the deceased or alternatively, an indemnity must be fully completed and submitted.
- 6.4.10 No memorial may be fixed until formal written approval is given by the Council and a Permit issued. On completion of the work a Declaration must be completed by the person who has fixed the memorial and submitted to the Parish office without delay.
- 6.4.11 No monument or other memorial shall be altered or interfered with after it has been erected in the Burial Ground in accordance with the designs submitted to and approved by the Council.
- 6.4.12 No inscription may be cut, nor work of any kind undertaken to any monument or memorial within the Burial Ground without the prior written consent of the Clerk.
- 6.4.13 No memorial shall be removed from the Burial Ground for the purpose of cutting an additional inscription until the formal written approval of the Clerk has been given in respect of the proposed addition(s).

N.B. Any person/contractor contravening this Regulation will not be allowed to carry out any further work within the Burial Ground.

- 6.4.14 A minimum period of six months should elapse between the burial and/or interment of any person to be commemorated and the erection of a memorial.

- 6.4.15** All memorials must be fixed or re-fixed in accordance with the National Association of Memorial Masons Recommended Code of Working Practice.
- 6.4.16** All work shall be subject to the directions of the Clerk and any person carrying out works must adequately protect grass, borders, and adjoining memorials. On completion of works all surplus materials must be removed and the whole site cleaned and left in a satisfactory condition.
- 6.4.17** The person erecting a memorial shall ensure that the relevant Grave Number is inscribed 2" (50 mm) above ground level on a suitable part of the memorial.
- 6.4.18** 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 are not however permitted.
- 6.4.19** All graves and garden of rest plots must display a temporary marker bearing the name/s of the deceased from the time of interment. Softwood wooden crosses may be erected temporarily to mark a new grave and shall be allowed for a period not exceeding 6 months from the date of the interment. Any inscription thereon shall be by means of an inscribed brass plate affixed to the face of the cross but at its joint with the upright. The Council reserves the right to remove any wooden cross permitted by this regulation after the expiry of six months following the date of the interment to which it applies.
- 6.4.20** Hardwood Crosses of timber obtained from sustainable forests may be erected. Crosses must not exceed 2'6" (75cm) in height, 20" (50cm) in width, and 3" (75mm) in thickness. They must be set in a sufficient stone or concrete plate or base, the surface of which is to be below ground level. The cross shall be in the form of a crucifix and the cross bar shall be joined to the upright in a secure and tidy manner. Any inscription thereon shall be properly carved into the face of the cross or by means of an inscribed brass plate affixed to the face of the cross but at its joint with the upright.
- 6.4.21** All monuments and materials must be conveyed into the Burial Ground in such a manner as not to cause any damage to roads, footpaths or turf. If any damage is done to the Council's land or premises by bringing in any materials, gravestones, or monument or from any other cause, the person or persons doing such damage will be held responsible for the same and the Council may recover the cost of repairing such damage from such person or persons and in addition take proceedings under Article 18 of the Local Authorities' Cemeteries Order 1977
- 6.4.22** 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 Burial Ground Attendant. No working is permitted on roads, footpaths, or adjoining graves and all surplus materials must be removed from the Burial Ground.
- 6.4.23** No workman employed in fixing, painting or restoring monuments or gravestones will be admitted or materials received into the Burial Ground on Saturdays, Sundays, Christmas Day, Good Friday, Bank Holidays or on any other day before 9 a.m. or after 4 p.m. without the express knowledge and permission of the Clerk.
- 6.4.24** All dressing or working of stone or other materials to be used in or about any grave, monument or memorial shall be undertaken outside the Burial Ground, except such work which cannot be carried out elsewhere. The Clerk must be informed if this situation arises.
- 6.4.25** A memorial removed for the purpose of a further interment shall be transported from the Burial Grounds. The Council does not accept any responsibility for removed memorials left in the Burial Ground and may at their discretion dispose of the said memorial.
- 6.4.26** Every grave in respect of which an Exclusive Right of Burial has been granted, and any monument or memorial thereon must be kept in good repair by the owner. In the event of any such monument etc., becoming dangerous, defective or illegible from want of repair or neglect, the Council may, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of the Local Authorities' Cemeteries Order 1977, give notice to the owner or owners, requiring him or them to repair

or remove any such monument etc., and if, after the expiration of such notice, the owner or owners have failed to repair or remove any such defective or dangerous monument etc then the Council reserves the right to lay flat or remove unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.

- 6.4.27 Notice to have repairs executed will 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, monument or memorial.
- 6.4.28 If the necessary repairs are not carried out within six months of the date of the notice, then the memorial may be removed and disposed of by the Council.
- 6.4.29 Surplus soil excavated from any grave is to be carted away immediately from the Burial Ground.
- 6.4.30 The Council will not undertake to keep clean or maintain memorials.
- 6.4.31 No rose, bush or standard, shrub, or tree shall be planted on any grave space.
- 6.4.32 No shrubs under the Councils maintenance shall be cut down or carried away. The Council reserves the right to prune, cut down or remove any shrub, plant or flowers where, in the opinion of the Council, they have become unsightly, overgrown or dangerous.
- 6.4.33 The Council shall keep the grassed areas mown at its own expense.
- 6.4.34 No ornaments or decorations are permitted unless the prior approval of the council has been obtained. Glass items of any kind are not allowed in the Burial Ground because of the safety risk if damaged.

Action will be taken by the Parish Council to monitor and maintain these provisions and the Council reserves the right to remove unauthorised items.

The Council accept no responsibility for the security of any personal or decorative items left on the grave.

- 6.4.35 Memorials in the form of the donation of seats, shrubs, trees, roses, bird boxes, etc may be permitted at the discretion of the Council dependent upon the memorial schemes being operated by the Council at the time in question.
- 6.4.36 Memorial masons must be registered under the Council's Memorial Registration Scheme before they will be permitted to carry out work in the Burial Ground. A list of approved Memorial Masons can be obtained from the Parish Office.

6.5 Burials and Interments

- 6.5.1 The excavation of all graves in the Burial Ground shall be the responsibility of the funeral director. No grave shall be excavated beyond such a depth as the Council may determine and the grave shall be situated as near as possible to the centre of the grave space(s).
- 6.5.2 All graves will be prepared by persons approved by the Council. During the preparation of the grave soil may be kept on the adjacent plot(s) and removed upon interment.
- 6.5.3 Cremated remains (ashes) may be interred in caskets or other approved containers in conventional purchased graves, graves for cremated remains (ashes) only or the garden of rest. There is no facility for the scattering of cremated remains (ashes).
- 6.5.4 The excavation of plots in the Garden of Rest is the responsibility of the Parish Council.

- 6.5.5 No body shall be buried in a grave in such a manner that any part of the coffin is less than 3' (91.5cm) below the level of the ground adjoining the grave except at the Councils discretion.
- 6.5.6 No body shall be buried in a 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 6" (15cm) in thickness except in the case of a multiple burial.
- 6.5.7 Graves will be sufficiently large to admit coffins/caskets to the dimensions specified by the Funeral Director or the person arranging the funeral on the application form.
- 6.5.8 Work, other than excavation, including the construction or reopening of bricked graves, the erection or removal and re-fixing of memorials, may be carried out under the direction of the Clerk by an approved contractor appointed by the owner of the purchased grave.
- 6.5.9 All coffined burials must take place in coffins of a material and design approved by the Council. Metal caskets, caskets which contain glass, cardboard coffins or any other such materials that may be deemed appropriate are permitted at the discretion of the Council.
- 6.5.10 All coffins must be marked with a non-perishable plaque, 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 will be recorded. Where two bodies are interred in one coffin then both names shall be marked.
- 6.5.11 No coffin or part of a coffin shall be removed from the Burial Ground without the prior and express permission of the Clerk.
- 6.5.12 No body or cremated remains (ashes) may be removed from a grave without the production of the ecclesiastical faculty and or Home Office licence for exhumation required by law. Original documents must be presented to the Clerk for this purpose.
- 6.5.13 After an interment has taken place and a reasonable time has elapsed for the natural subsidence of the earth used to fill the grave, the Council reserves the right to level the surface of the grave.

7.0 GARDEN OF REST PLOTS

- 7.1 A Garden of Rest has been designated by the Council for the interment of cremated remains. These remains shall be buried in a casket of a maximum size 18"x12"x12" (46cm x 30.5cm x 30.5cm) in a plot, the position of which shall be determined by the Council.
- 7.2 Plot sizes within the Garden of Rest are 2' x 2' (60cm x 60cm). Caskets are to be interred to a depth of 18" (45cm).
- 7.3 Plots are able to hold a maximum 2 single caskets of cremated remains, or one double casket
- 7.4 Maximum headstone sizes for the Garden of Rest are 20" (50cm) high x 18" (45cm) wide and must be mounted on a plinth measuring 12" (30cm) deep x 19" (47.5cm) wide, which must be flush with the back of the headstone.
- 7.5 Maximum horizontally mounted tablet sizes for the Garden of Rest are 12"(30cm) deep x 19" (47.5cm) wide.
- 7.6 A minimum period of six months should elapse between the interment of any person to be commemorated and the erection of a memorial.

8.0 BURIAL GROUND PLOTS

8.1 Grave Sizes

Double burial plots are suitable for 2 full burial interments, the dimensions of which should not exceed the following measurements:- 8' x 3' 6" (240cm x 105cm), plus two cremated remains interments within approved caskets of a maximum size 18"x12"x12"(46cm x 30cm x 30cm) provided that the location of each are interred as directed by the Council's representative. A double plot is also suitable for 1 full burial and 6 interments of cremated remains with the dimensions as stated above. Once burial plots are re-opened for ashes interments, no further burials will be permitted. Single burial plots may also be purchased for the interment of cremated remains only, in which case a maximum of 6 interments within approved caskets of a maximum size 18"x12"x12"(46cm x 30cm x 30cm) may take place, with the location of each interment within the plot being directed by the Council's representative.

8.2 Grave Depths

- 8.2.1** A body shall not be interred in a grave in such a manner that any part of the coffin is at a depth less than three feet below the level of the surface of the ground of the grave space, nor shall the cremated remains of a body be interred in a grave in such a manner that any part of the casket is at a depth of less than one foot below the level of the ground of the grave space.
- 8.2.2** Not more than two burial interments plus two cremated remains (under the headstone), or six cremated remains if no burials, shall take place in a single burial plot.
- 8.2.3** The minimum depth of a grave shall be 4' 6" (135cm) for one interment, 6' 6" (195cm) for two interments.

9.0 MEMORIALS

Only one memorial per deceased is permitted. For all memorials erected after the date of the coming into force of these Regulations the following dimensions shall apply per plot:

- 9.1 Grave Headstones:** Height shall not exceed 3' (90cm) from the surface of the raft

Width shall not exceed 3' (90cm), Thickness shall not exceed 6" (15cm).

A base must be constructed of complementary material to the headstone and be within the following dimensions:

Width – maximum plinth to be no more than 3' (90cm), Depth (front to rear) maximum 18" (45cm).

- 9.2 Garden of Rest Headstones:** Height shall not exceed 20" (50cm) from the surface of the raft

Width shall not exceed 18" (45cm), Thickness shall not exceed 3" (15cm).

A base must be constructed of complementary material to the headstone and be within the following dimensions:

Width – maximum plinth to be no more than 19"(47.5cm), Depth (front to rear) maximum 12" (30cm).

- 9.3 Vases/Tablets:** to be placed on the raft or within a surround and to be no more than:

Vases – 15" (37.5cm) x 15" x 15"

Tablets – 12" (30cm) W x 19" (47.5cm) L x 6" (15cm) H.

- 9.4 Ashes Memorials within Burial Plots:** A flat stone plaque maximum size 12" x 12"(30cm x 30cm) to be installed at ground level as directed by the Council's representative.

10.0 REVOCATION

10.1 All other regulations for the Burial Ground previously made by the Council are hereby revoked.

10.2 The Council reserves the right at any time to vary these Regulations.

11.0 FEES AND CHARGES

The fees and charges prescribed for the use of the Burial Ground shall be those specified in the scale of fees and charges, as amended from time to time. All fees shall be paid in advance except when paid by account.

12.0 FREEDOM OF INFORMATION

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website www.bartonleclay.co.uk

Appendix A

DEFINITION OF RESIDENT

The fee for the Grant of Exclusive Right of Burial shall be subject to a multiple of 5 where the purchaser of such Grant was not ordinarily resident within the Parish of Barton-le-Clay.

Similarly the fee for interment shall be subject to a multiple of 5 where the deceased was not ordinarily resident within the Parish of Barton-le-Clay, except that the Council would grant a concession to waive the multiple of 5 for an interment in the case of ;

1. those requiring nursing in residential or hospital care outside of the Parish who have a minimum five years' residence qualification that extends to the date of their moving in to residential or hospital care.
2. those requiring the care of family outside of the Parish who have a minimum of five years' residency qualification that extends to the date of their moving into the care of family members.
3. such concession to remain available to qualifiers for a period of ten years from the date of their moving into residential, hospital or family care.
4. such concession would exclude those who have left the village of their own volition then returned to residential or hospital care in the immediate neighbourhood, unless described in No.5 below.
5. those who have moved from the parish of Barton-le-Clay within the 12 months preceding death, having previously been a resident throughout the previous 5 years.
6. a still born child, where one of the parents is, or at the time of the infant death was, a resident of Barton-le-Clay.

Appendix B.

BARTON-LE-CLAY PARISH COUNCIL : REGISTRATION SCHEME FOR MASONS

1. Registration Requirements:

Any memorial mason wishing to carry out work in Barton-le-Clay Burial Ground, must be registered with the Parish Council. A copy of the current approved list is available from the Parish Office.

The basic requirements for registration are as follows:

Insurance – every memorial mason shall be insured for public liability to the value of £5,000,000 minimum and employer liability to a value of £10,000,000 minimum.

Experience and Qualification – Memorial masons must be able to prove that a certain standard of workmanship has been obtained and that their staff are suitably qualified and competent to carry out the necessary work within the Council's Burial Ground. Ideally this should be achieved by obtaining a qualification from a national accreditation scheme.

Discipline and Workmanship – Each memorial mason will be required to sign a statement that they have not been barred from carrying out work in any other cemetery within the previous 2 years. An agreement will also be signed confirming they will comply with all Statutory Regulations, Burial Ground Regulations, the Memorial Registration scheme requirements and the current NAMM Code of Working Practice.

2. Application to Erect a Memorial

All memorials to be installed in the Parish Burial Ground must first be approved by the Council. All applications will show full detail of the memorial to be installed indicating the size, material, the inscription and full installation details, including the method of fixing the memorial to the foundation. All work will be in accordance with the current NAMM Code of Working Practice. When approval has been granted, a Permit to Erect a Memorial will be issued to the mason.

3. Erection of a Memorial

The mason should have provided the Council with an indication of when he wishes to erect a memorial, i.e. day and approximate time. The mason should then ensure every effort is made to fix the memorial around the time indicated.

The memorial shall be installed as indicated on the Application to Erect a Memorial. No variation to the detail will be permitted without prior consent of the Council. All work undertaken on site will also be in accordance with the detail submitted on the Application to Erect a Memorial and the current NAMM Code of Working Practice or similar. Each memorial will bear the grave number on the back in letters not exceeding one inch in height.

4. Inspection of Work

All work carried out by masons will be subject to inspection by the Council. After a suitable period, i.e. 36 months, a newly erected and replaced memorial will be checked to ensure it meets approved standards of safety. Where work is considered to be unacceptable, for whatever reason, the mason will be asked to return and bring the memorial up to an appropriate standard.

5. Workmanship Guarantees and Insurance

All work will be covered by a workmanship guarantee that will guarantee against poor workmanship, in respect of materials and construction, for a period of 10 years. This guarantee shall be issued to the grave owner with a copy supplied to the Council.

The mason should also provide advice to the grave owner regarding insurance of memorials against accidental damage or acts of theft or vandalism.

6. Penalties

Any breach of the above rules will result in a written warning, issued to the memorial mason concerned. This written warning will remain on record for a period of 18 months. Assuming that the breach is corrected and if no further breach occurs during this period of time, the warning will be removed from the records.

If during the course of the 18 month period, there is a further breach of the rules, a final written warning will be issued to the memorial mason and this will remain on record for a period of 3 years.

Once again, assuming the breach is rectified and if no further breach of the rules occurs, the warning will be removed from the records.

If during the course of the 3 years following a final written warning, there is a further breach of the rules, the memorial mason concerned will be forbidden to carry out any work within the Council's Burial Ground for a period of 2 years.

If a memorial mason, who has returned from a period of exclusion, breaches the rules in any way during the 18 months following his return, the mason will be banned from carrying out any work within the Council's Burial Ground for an indefinite period of time. Their return shall be by application to the Parish Clerk, following a minimum period of 3 years.

7. Gross Misconduct

Certain circumstances shall be regarded as gross misconduct, which will result in the memorial mason being immediately banned from the Council's Burial Ground for a period of 2 years.

Consideration could be given to advising other local authorities within the area of any gross misconduct by the memorial mason. The following are examples of situations that would be considered as gross misconduct, however, this is not an exhaustive list and the Parish Clerk will make the final decision on gross misconduct:

Installation of a memorial that has not been approved by the Council;

Refusal to correct an error in the installation of a memorial, when notified by the Council;

Abusive or aggressive behaviour to Council staff or members of the public.

Failure to maintain the requirements of the Registration Scheme.

Failure to make payment for services provided by the Council within the agreed timescale.

8. Appeals

Any memorial mason unhappy with any decision taken against him, will be entitled to appeal against the decision in writing addressed to the Parish Clerk. A hearing will then be arranged in order that a final decision can be made.

9. Recording of Accidents

To monitor the security of the Burial Ground, all accidents within the Burial Ground boundaries are to be recorded in an Accident Log detailing the name of the person suffering the accident, time and date, exact location within the Burial Ground, nature of the injuries, cause and what treatment the person received. The names/addresses of independent eyewitnesses should also be recorded where available.