

# SWETTENHAM PARISH COUNCIL

## PARISH CEMETERY

### CEMETERY RULES AND REGULATIONS

Updated March 2023

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These rules were approved by The Parish Council on 20<sup>th</sup> March 2023

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## Introduction

The Parish Council welcomes all visitors to the Cemetery situated on Swettenham Lane, approximately 200 yards past St. Peter's Church in the Village. Visitors are asked to respect the peace, dignity and reverence of the facilities.

The Cemetery is managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment Order 1986) and such other regulations as may be made by the Secretary of State for the Home Office.

Although these Rules are a necessary requirement for the management of the Cemetery, consideration has been made to accommodate the rights and choices of the individual. Therefore, these Rules have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds. For example, the prohibition of glass and plastics in memorials is based upon these items becoming potential hazards, when mowers are used. It is not based upon aesthetic considerations.

The Parish Council is empowered to alter or amend the Rules at any time, to introduce further Rules as they consider necessary; to waive any of the Rules in exceptional circumstances, or to impose temporary restrictions on any matter not specifically covered by these Rules.

Administration of the Cemetery is conducted by the Clerk to the Parish Council, details of which are shown on the inside front cover of this Rule Book.

A plan of the Cemetery is available for viewing during normal weekday office hours (10 am. to 4 p.m.)

The Parish Council will issue receipts for any money paid.

Should any visitors wish to make any suggestion, or any other enquiries, about any aspect of the Parish Council's Cemetery service, they should contact the Clerk to the Parish Council.

## 1. General Rules

1.1 Under the following rules, the Cemetery is managed by the Clerk on behalf of the Parish Council.

1.2 Anyone visiting the Cemetery must follow these Rules.

1.3 You must follow any instructions that the Clerk of the Council may give you when visiting the Cemetery.

## 2. Opening Times

2.1 The Cemetery will be open to the public every day of the year from sunrise to sunset.

## 3. Vehicles

3.1 Vehicles are not allowed in the Cemetery beyond the main driveway. This is to provide a safe vehicle free environment for pedestrians within the actual burial area.

## 4. Children

4.1 Children under 12 years of age are not allowed in the Cemetery unless they are under the care of a responsible adult. This is for their own safety.

## 5. Dogs

5.1 Dogs are allowed in the Cemetery, but must be kept on a lead at all times.

5.2 Any dog foul must be picked up, placed in a plastic bag and put in the waste bins provided.

## 6. Behaviour.

6.1 No one should wilfully obstruct, disturb, interrupt or annoy any other person who is properly using the Cemetery. Nor shall they deface or cause any damage or injury to any part of the Cemetery or items within the Cemetery, including wildlife, or take any actions that could allow livestock from adjoining land to enter the Cemetery. Any person found to be acting in these ways will be asked to leave the Cemetery and may face further charges. No one shall affix any notice within the Cemetery without prior approval from the Parish Council.

6.2 No one will be permitted to sell items within the Cemetery or their surrounds, or solicit orders for work, unless they have a formal arrangement with the Parish Council. Persons found to be selling or soliciting work without a formal agreement, shall be banned from the Cemetery in future.

## 7. Wreaths and Floral Tributes

7.1 Visitors are asked to remove all wreaths and floral tributes from graves and ashes plots when they begin to deteriorate. If not otherwise removed by visitors, then all wreaths and floral tributes will be removed from graves and ashes plots within 1 month of being placed, or once they are seen to deteriorate. This is to ensure the Cemetery's appearance is maintained at the highest standard for all visitors.

## 8. Burials.

8.1 Applications for burial must be made direct to the Clerk of the Parish Council and signed by the responsible person, who will be recorded as the Registered Applicant to whom Rights of Burial will be granted.

## 9. Application for burial

9.1 A completed application form must be delivered to the Clerk of the Parish Council, on or before the planned day of burial.

9.2 If the Parish Council does not receive a completed application form by the required time, the Parish Council may decide to postpone the interment.

9.3 The Registrar's Certificate for disposal or the Coroner's Order for burial, must be delivered to the Clerk of the Parish Council no later than the day of burial before a burial may take place

9.4 In the case of procuring interment of a non-viable foetus, the Medical Practitioner or Midwife's certificate of delivery will be required and received by the Clerk of the Parish Council, no later than the day of burial before a burial may take place.

9.5 These rules may be waived in the interests of public health.

## 10. Fees

10.1 All fees and charges must be paid in advance of an interment

## 11. General Rules

11.1 Interments may only take place in accordance with these Rules and normally between the hours 9:30 am and 3:30 p.m. from Monday to Saturday. Interments will only be allowed on Sundays or Bank Holidays in exceptional circumstances.

11.2 The time booked for an interment is the time that the cortege is due to arrive at the Cemetery. This time must be adhered to, to avoid disruption to other interments.

**Any reference to coffins in the following Rules will apply also to caskets.**

Everybody brought into the Cemetery for interment shall be contained in a suitable coffin. No coffin shall be accepted unless it bears adequate particulars of the identity of the deceased person therein.

11.4 Each individual body, whether an adult or child, must be brought into the Cemetery in a separate coffin. The only exceptions to this Rule will be:-

- i) When a mother died in childbirth, in which case both the mother and child may be in the same coffin.
- ii) When twins or multiple births die in childbirth the babies may be in the same coffin, or
- iii) At the discretion of the Parish Council.

11.5 Any cremated remains brought into the Cemetery shall be contained in a suitable container and bear adequate particulars of the identity of the deceased person therein.

11.6 No cremated remains shall be left, or stored, anywhere within the Cemetery.

11.7 Any form of religious service may be used, but any other ceremony is subject to the approval of the Parish Council. Alternatively, the coffin may be committed without a service.

11.8 For burial purposes coffins can be made of wood, metal, wicker or other material approved by the Parish Council. Shrouds are also allowed, but the Parish Council must be informed at the time of application for interment.

## 12. Rights of Burial.

12.1 Rights of Burial will be granted by the Parish Council for up to two burials in any one Grave or Ashes Plot, subject to one of the following conditions of entry being met:

- i) Resident within the Parish of Swettenham at date of death.
- ii) Former residents who have left the Parish due to retirement, marriage, or residential care, but have a strong family link with the Parish community.
- iii) Former residents who were listed in the Register of Electors for the Parish, within the period of 5 years prior to death.
- iv) Residents from adjoining Parishes who have maintained a strong connection with the Parish, by way of community involvement.

12.2 No grave for which a Rights of Burial applies may be opened without the written permission of the person to whom Rights of Burial were granted, unless the burial is to be for that of the person to whom the Rights of Burial were granted.

12.3 If the burial is to be of the person to whom the Rights of Burial were granted, written permission to open the grave is not required. However, the name of the deceased, as shown on the Registrar's Certificate for Disposal, must be exactly the same as the name to whom the Rights of Burial were granted. To make sure that only the correct person is buried in the grave, any variation in the names must be explained and confirmed by a Statutory Declaration, before the burial may take place.

12.4 A Certificate of Rights of Burial will be issued by the Parish Council at the time of approval for the first interment.

12.5 Rights of Burial to a Grave or Ashes Plot will be granted for a period of 100 years, beginning with the issue date of the Rights of Burial Certificate.

12.6 The Right of Burial does not provide any ownership to the land itself.

12.7 At the expiry of the period of Rights of Burial the Parish Council will, upon application, consider renewing the Right, subject to such restrictions and regulations as may be in force at that time.

12.8 Application should be made for renewal of the Rights of Burial within 12 months of the expiry of the previous Rights.

12.9 Any transfer of Rights of Burial will be subject to the production of satisfactory evidence of title and the approval of the Council. Such transfer must be registered in the records of the Cemetery and the Certificate of Rights of Burial must be produced for endorsement by the Council and the appropriate transfer fee paid.

12.10 Cremated remains may be interred in caskets or other approved containers in a conventional grave in the Cemetery, for which Rights of Burial has been granted.

12.11 Advanced acquisition of Rights of Burial is not available.

### 13. Graves

13.1 All graves will be initially excavated to the standard depth determined by the Council, to accommodate two coffin burials.

13.2 An approved grave digger must be engaged by the funeral director, to undertake the grave excavation to the required standard determined by the Parish Council.

13.3 New graves will be allocated in strict number sequence, according to the definitive plan. The definitive plan can be inspected during normal office hours by contacting the Clerk to the Parish Council. Any variation to such allocation due to ground conditions shall be at the absolute discretion of the Parish Council.

13.4 All graves will be treated as 'Lawn Graves' which are laid to lawn and have no mounds or surrounds. At the head of the grave a memorial headstone may be installed, subject to approval by the Parish Council and compliance with the National Association of Memorial Masons (NAMM) Recommended Code of Working Practice, for reasons of safety.

13.5 Memorials shall not exceed 850mm above ground level, 700mm in width and shall not exceed 100mm thick. The minimum thickness of Base or Tablet shall not be less than 75mm.

13.6 Memorial foundations will be suitably reinforced. Foundations will be substantial enough to accept the memorial as indicated in the NAMM Code. All foundations shall be of a suitable size to rest on undisturbed ground. (Maximum recommended width 900mm, depth 450mm, thickness 75mm).

13.7 Memorials must be made of natural solid Stone/Marble/Granite of durable and sound quality. All such monuments must be approved by the Parish Council and appropriate fees paid prior to installing.

13.8 Bricked graves will not be permitted.

14. Cremated Remains Areas.

14.1 Cremated remains may only be interred in caskets or other approved containers not exceeding 275mm x 200mm x 150mm deep.

14.2 All ashes plots will be initially excavated to the standard depth determined by the Council, to accommodate two casket burials within each plot. (450mm x 300mm).

14.3 An approved grave digger must be engaged by the funeral director to undertake the ashes plot excavation to the required standard determined by the Parish Council.

14.4 Memorials in this area shall be made of natural solid stone/Marble/Granite of curable and sound quality and be of the mini headstone type, as per attached specification.

14.5 All floral tributes must be confined to the designated plot, except for an initial period of one month following the internment, when floral tributes may be placed on unused ground in reasonable proximity to the plot.”

15. Memorial Headstones

15.1 No memorials are permitted within the Cemetery that do not comply with these Rules.

15.2 Applications to erect a memorial headstone will only be accepted from the owner of the Rights of Burial, or such other persons who can demonstrate that they are entitled.

15.3 Application for the approval to place a new memorial in the Cemetery, alter or add to any inscription, or replace, add to, or remove from the cemetery any memorial, must be submitted to the Parish Council on the appropriate Memorial Application Form. Such notice must be submitted at least 2 weeks in advance of the proposed date of erection and must include.

i) The grave number and name of the deceased.

ii) In the case of a new memorial, a drawing of the proposed memorial and its specification, including the type, colour and finish of the material to be used and showing all dimensions, including those of the foundation slab.

iii) The text of any inscription to be inscribed on the monument, or any text to be altered or added to any existing monument and the method of lettering.

iv) The name, address and signature of the person placing the order for the memorial work to be undertaken, who should be the owner of the Right of Burial. If such owner is deceased, the applicant must sign a Statutory Declaration and must state their relationship to the deceased owner. (In such circumstances the applicant should be the deceased owner’s nearest surviving relative or executor). If the owner is alive but is not making the application, the applicant must provide a signature of the owner for authorising such application. In normal circumstances the Council expects that any transfer of ownership of the Rights of Burial will have been followed by the proper due process.

v) The name, address and telephone number of the memorial mason.

15.4 Approval for any such application will be confirmed by the issue of a letter of approval. No work should be undertaken until the applicant has received the letter of approval. Any such approval is issued on the understanding that the work undertaken will fully comply with the details specified within the application form and the requirements of these Rules.

15.5 Approval of the Parish Council is required for the following operations even though it may not require removal of the monument from the Cemetery.

- i) intensive cleaning;
- ii) uprighting and releveling;
- ii) repair of existing lettering;
- iv) repainting of existing inscriptions.

15.6 Anyone who erects a monument or who undertakes monumental work within the Cemetery not in compliance with these Rules, may be compelled to remove the said monument and pay all costs involved.

15.7 All memorials shall be erected in accordance with the National Association of Monumental Masons (NAMM) Recommended Code of Safe Working Practice. All headstone memorials must be fixed using dowels and ground anchors in accordance with the NAMM Recommended Code of Working Practice.

15.8 No monument constructed from artificial, reconstituted, soft or coloured marble will be permitted and memorials of metal, pottery, plastic, glass or fibreglass are forbidden and will be removed without notice. A letter will be sent to the owner of the Rights of Burial notifying them of the removal and will allow the owner one month from the date of the letter to arrange for collection. If the memorial is not collected within one month then it may be disposed of.

15.9 Headstones shall be constructed of a single piece of natural Stone/Marble/Granite

15.10 The foundation must be sunk into the ground so that the top surface of the foundation is flush with the adjoining ground level and be of sufficient width to bridge the grave and rest on undisturbed ground, subject to the maximum recommended dimensions of 900mm x 450mm x 75mm.

15.11 Where the memorial consists of a headstone and base, the base shall be of the same materials as the headstone.

15.12 The base may be drilled to accommodate up to 2 flower containers.

15.13 Additional vases, or figures must not extend beyond the perimeter of the base and must not be covered, coated in plastic, gilded, glazed or painted.

15.14 All headstone monuments erected in the Cemetery shall be inscribed with its grave number, in a clear conspicuous place as approved by the Parish Council in characters of not less than 25mm in height, to match the main inscription.

15.15 The company name of the memorial mason must be inscribed on any monument, in a location approved by the Parish Council, in characters of not more than 12mm in height to match the main inscription.

15.16 No other forms of memorialisation will be allowed. (e.g. Trees, Shrubs, Seats, Plaques etc.)

## 16. Managing Memorials

16.1 The installation of new memorials, renovation of existing memorials, and added inscriptions to memorials is carefully controlled by the Parish Council to ensure that:

- i) work is only carried out with the authority of the registered owner of the Rights of Burial.
- ii) That all memorials comply with the Parish Council's Rules, applicable to the erection and maintenance of memorials and work is carried out in a manner that will ensure that all Health & Safety regulations are adhered to.
- iii) That all memorials are installed by authorised memorial masons to standards identified within the NAMM Recommended Code of Working Practice.

16.2 Applications for memorial work, together with the relevant fee, must be submitted to the Parish Council for approval prior to work commencing.

16.3 Only memorial masons who are subscribed to the Parish Council's Memorial Masons Registration Scheme are permitted to carry out work within the Cemetery. Application for acceptance onto the Register must be made in writing to the Clerk of the Parish Council. Any contravention of the Cemetery Rules may result in removal from the Register.

16.4 No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone, is permitted in the Cemetery.

16.5 All materials and equipment shall be conveyed in/out of the Cemetery in such a manner as to prevent damage to the lawned areas and all soil or waste material shall be removed in a like manner.

16.6 The Parish Council must be informed of the removal of any monument from the Cemetery.

16.7 Any person removing a monument to permit a further interment shall remove the same from the Cemetery, after informing the Parish Council, or place it in a position indicated by the Clerk of the Parish Council.

16.8 Any memorial removed from a grave or ashes plot to facilitate an interment shall be replaced as soon as possible to NAMM Recommended Code Working Practice, but in any case, no later than the first anniversary of the last interment.

16.9 A newly erected or re-erected memorial shall be placed in true alignment with the general row alignment. The Parish Council may require rectification where misalignment is evident, all costs of rectification shall be met by the responsible memorial mason.

16.10 Registered owners of Rights of Burial must keep memorials in a good and safe condition. The Parish Council is allowed to make safe, or remove any memorial that becomes dangerous in accordance with the Local Authorities Cemeteries Order 1977 and the Health & Safety at Work Act 1974.

16.11 Any unauthorised memorial shall be removed at the expense of the registered Rights of Burial owner, or their personal representatives. Memorialisation that has not been authorised will be removed into storage. A letter will be sent to the Owner of the grave's Rights of Burial, notifying them of the removal and allowing the owner one month from the date of the letter to arrange for collection. If the memorial is not collected within one month then it may be disposed of.

16.12 The Parish Council reserves the right to exclude or remove from the Cemetery, any memorial installation not executed in a workmanlike manner, or any memorial not formed of sound materials or which would in the opinion of



the Parish Council disfigure the Cemetery or offend public decency. Action against the responsible memorial mason shall be in accordance with the registration scheme.

## 17. Maintenance Upkeep

17.1 It is the responsibility of the registered owner of the Rights of Burial to keep memorials insured at all times.

17.2 The placing on graves or ashes plots, of glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic or other material is forbidden and the offending items may be removed by the Parish Council without notice. Letters will be sent to owners of the Rights of Burial notifying them of the removal and will allow the owner one month from the date of the letter to arrange for collection. If the item(s) has not been collected within one month then it may be disposed of.

17.3 Temporary wooded crosses are permitted subject to approval by the Parish Council.

17.4 No floral receptacle, or other memorialisation, is allowed to be sited beyond the extremity of the foundation slab directly in front of the memorial headstone base.

17.5 No floral receptacle, or other memorialisation, is allowed to be sited at the side of the memorial headstone base thereby reducing the width between graves/Ashes Plots and creating mowing restrictions.