

# **SOUTH LUFFENHAM PARISH COUNCIL**

## **CEMETERY RULES AND REGULATIONS**

### **Control and maintenance of South Luffenham Cemetery**

#### ***DRAFT FOR COUNCIL CONSIDERATION AND ADOPTION***

These Rules regulate the use, management and maintenance of South Luffenham Cemetery. They should be read alongside the Council's current Cemetery Fees and application forms. The Council may amend these Rules from time to time by resolution.

**Legal framework.** The cemetery is managed by South Luffenham Parish Council as burial authority. These Rules are intended to operate consistently with the Local Government Act 1972, the Local Authorities' Cemeteries Order 1977 (as amended), applicable burial legislation, health and safety duties and current government guidance.

#### **1. Cemetery plan and records**

The cemetery is divided into sections, including consecrated and unconsecrated areas. The Council shall maintain plans and statutory cemetery records showing grave spaces, interments and Exclusive Rights of Burial (ERoBs).

The allocation and numbering of grave spaces is determined by the Council.

#### **2. Notice and application for interment**

Notice of an intended burial or interment of cremated remains must be given to the Parish Clerk using the Council's current Cemetery Interment Application form.

No interment may take place until the Council has confirmed the arrangements and the applicable fees have been paid, unless the Clerk has agreed otherwise in exceptional circumstances.

#### **3. Certificates and documentation**

The certificate or other statutory authority permitting disposal of the body must be provided to the Clerk as required by law. For cremated remains, the appropriate cremation documentation must be produced where required.

Where an existing ERoB is involved, the Council may require evidence of the registered owner's consent or of the applicant's legal authority to act.

#### **4. Times of interment**

Burials and interments will normally take place between 9.00am and 4.30pm. Any interment outside these hours requires the prior agreement of the Clerk.

#### **5. Days of interment**

Burials and interments will not normally take place on Saturdays, Sundays, Christmas Day or Good Friday. The Clerk may agree an exception where there are special or urgent circumstances.

#### **6. Public health and infectious disease**

Any burial involving a notifiable or serious infectious disease, or any other public health concern, must be carried out in accordance with the requirements and advice of the relevant statutory authorities.

The Council may impose reasonable temporary access or operational restrictions where necessary to protect public health and safety.

#### **7. Fees and charges**

All fees and charges are payable in accordance with the Council's current published Cemetery Fees.

Fees are determined by the deceased person's residential address at the time of death, subject to any exceptions stated in the Council's fee schedule.

## **8. Exclusive Right of Burial and reservation of grave spaces**

A person may purchase an Exclusive Right of Burial (ERoB) in an allocated grave space for a period of 50 years, subject to payment of the applicable fee and these Rules.

An ERoB gives the registered owner specified burial and memorial rights for the period of the grant. It does not transfer ownership of the cemetery land or the grave space itself.

The Council will issue a deed or certificate and record the right in its ERoB register. The registered owner should keep the deed safely and notify the Council of any change of address.

## **9. Selection and allocation of grave spaces**

The selection and allocation of a grave space is subject to the approval of the Clerk acting on behalf of the Council. The wishes of applicants will be accommodated where reasonably possible, having regard to the orderly use and management of the cemetery.

No applicant has an automatic right to a particular unallocated plot.

## **10. Multiple interments and reopening graves**

Where a grave is intended for more than one coffin burial, the grave must be prepared and used in accordance with applicable burial law and safe grave-digging practice.

A grave may only be reopened where the proposed interment is lawful and authorised and where any necessary consent of the ERoB owner or person legally entitled to the right has been obtained.

Human remains already interred in a grave must not be disturbed except where permitted by law.

## **11. Grave excavation**

All grave excavation must be undertaken by a competent and suitably insured contractor acceptable to the Council.

The grave digger, funeral director and any other contractor working in the cemetery must take reasonable steps to protect neighbouring graves, memorials, paths, trees and other Council property and must make good any damage caused.

The Council may specify the position, depth and preparation of a grave having regard to legal requirements, ground conditions, previous interments and safe working practices.

## **12. Consent and ownership of burial rights**

Where an ERoB is registered, written consent of the registered owner is normally required before an interment or memorial work can be authorised.

If the registered owner has died, the right may need to be legally transferred before a further interment or memorial application can be authorised. The Council may request probate, letters of administration, a statutory declaration or other satisfactory evidence of entitlement.

## **13. Making good following an interment**

Following an interment, the grave will be made safe and the surface reinstated as ground conditions permit. Settlement of newly dug graves is normal and may continue for some time.

The Council or its contractors may top up, level, seed or turf a grave as necessary. Temporary disturbance of an adjacent grave may sometimes be unavoidable when another grave is excavated; reasonable care will be taken to restore the area afterwards.

## **14. Memorials**

No headstone, flat stone, vase, additional inscription or other permanent memorial may be installed, altered, removed, re-fixed or re-inscribed without the Council's prior written permission and payment of the applicable fee.

Applications must be made using the Council's current Cemetery Memorial Application form. The Council may refuse a proposal which is unsafe, unsuitable for the cemetery, offensive or inconsistent with these Rules.

Any memorial must be securely and competently installed by a suitably qualified and insured memorial mason or contractor and in accordance with accepted industry practice.

The registered EROB owner is responsible for the memorial and for ensuring that the work carried out matches the Council's approval.

### **15. Memorial safety and maintenance**

The Council will manage memorial safety in a proportionate manner, having regard to current Ministry of Justice and Health and Safety Executive guidance.

The Council may inspect memorials and take reasonable action where a memorial presents a significant risk. Wherever practicable, the Council will seek to contact the registered owner before permanent remedial action is taken, but urgent temporary action may be taken where necessary to protect visitors or workers.

The EROB owner is responsible for the upkeep and maintenance of any memorial.

### **16. Flowers, planting and items on graves**

Cut flowers and wreaths may be placed on graves. The Council may remove dead, deteriorated or unsightly flowers, wreaths or other items where necessary for maintenance, safety or the appearance of the cemetery.

No tree, shrub, bedding plant, edging, fence, structure or other construction may be planted or installed without the Council's prior written permission.

Items must not obstruct access, grass cutting or maintenance, encroach on neighbouring graves or create a hazard. Glass or other easily breakable containers should not be used.

### **17. Conduct within the cemetery**

Visitors must behave in a respectful manner and must not damage or interfere with graves, memorials, planting, wildlife, Council property or the belongings of others.

Children should be appropriately supervised. Dogs must be kept under proper control and any fouling removed.

Vehicles, contractors and funeral arrangements must comply with any reasonable directions given by the Clerk or Council.

### **18. Liability and personal belongings**

Personal items and memorials are placed in the cemetery at the owner's risk, subject to the Council's legal responsibilities. The Council cannot guarantee against theft, vandalism, accidental damage, weather damage or natural deterioration.

Nothing in these Rules excludes or limits any liability which the Council cannot lawfully exclude.

### **19. Exceptions and interpretation**

The Clerk may make reasonable operational decisions and approve minor exceptions where necessary for the safe and effective management of the cemetery, provided these do not conflict with legislation or a decision of the Council.

Any significant dispute or request for a material departure from these Rules may be referred to South Luffenham Parish Council for determination.

### **Contact**

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