

## **LITTLE MARLOW PARISH COUNCIL**

### **CEMETERY, BURIAL AND MEMORIAL REGULATIONS**

#### **FERN LANE CEMETERY, LITTLE MARLOW SL7 3SD**

#### **INTRODUCTION**

In these regulations the following expressions shall have the meaning hereby assigned to them:-

- 'The Council' means Little Marlow Parish Council.
- 'The Clerk' means the Clerk of the Parish Council.
- 'The Cemetery' means The Council's Fern Lane Cemetery in the Parish of Little Marlow.
- 'Purchased Grave' means any plot of land at The Cemetery containing, or intended to contain, human remains, cremated human remains or human stillbirths in respect of which a Grant of Exclusive Right of Burial has been issued by The Council.

#### **INTERMENT**

1. Interment of human remains, including those which result from cremations or stillbirths, may take place with or without the services of a minister of religion.
2. Before interment can take place, the applicant must give notice to the Clerk in the prescribed form accompanied by the certificate for disposal issued by a Registrar of Births and Deaths, or an order for burial issued by a Coroner, or a Cremation certificate in the case of cremated remains.
3. A bricked grave may be constructed with the prior written approval of the Council but the walls of such a grave shall be at least 12 inches (30.5cm) below the finished surface of the ground adjoining the grave.
4. A grave may only be re-opened in the following circumstances:
  - for the purpose of successive interment (where the grave is so designed) provided the written permission of the owner of the Exclusive Rights of Burial is given. The simplest way is for the owner to mention in his or her will that he or she wishes to be interred in the grave and that, as the owner of the grave, he or she gives his or her permission.
  - in cases of exhumation, by order of a court of competent jurisdiction.
5. Section 25 of the Burial Act 1857, as amended by Church of England (Miscellaneous Provisions) Measure 2014, allows the Exhumation of a grave provided permission is granted by the Ministry of Justice for an unconsecrated grave and a faculty of the Diocese for a consecrated grave. The exception is an exhumation order from the Coroner.
6. Graves for the interment of one adult shall be dug 6 – 8 feet (182-243.5cm) deep. Graves for interring two adults shall be dug 8 feet (243cm) deep, and graves for interring three adults shall be dug 10 feet (304cm) deep. In all cases a minimum of 6 inches (15.5cm) of earth shall be left between each coffin. Excavation of graves for full body remains must be 'shored up' during the digging process to comply with health and safety regulations and insurance. Failure to comply with this regulation will result in being prohibited to work at the cemetery.
7. The applicant, or his approved agent or attorney, shall be responsible for the excavation or re-opening of any grave and for removing surplus soil within 21 days of the interment to the area designated by The Council.

8. For successive interments within the same grave, any existing monuments, headstones, railings and similar fittings or structures shall be removed by, and at the expense of, the person requiring such removals, and replaced by that person - or his or her appointed representative - at his or her expense as soon as practicable after the interment. To avoid inconvenience to other users, they shall remain within the cartilage of the grave space, or stored in a location previously approved by the Clerk. In the event that these fittings or structures are not replaced within three calendar months of such interment, The Council shall have the power to arrange for this to be done at the expense of the person requiring the removal, or of his or her legal representative or attorney or his or her estate executive in the event of a death.

9. Any damage to any boundary, bricked grave, headstone, monument, railing, or any other fitment or structure in The Cemetery, or any damage howsoever caused during the construction of any grave, or during the erection, removal or replacement of any such fitment or structure, shall be repaired as soon as possible - and in any event in less than three calendar months from the occurrence of such damage - by, and at the expense of, either the person causing the damage, or by his or her agent or formally appointed representative.

10. In no circumstances will The Council be liable for any damage to or desecration to a memorial, grave space or other plot however caused, including vandalism, unless it is caused by a person in the direct employment of the Council and in connection with his or her duties. The Council advises the owner of title in such plots, graves or associated property to take out adequate insurance against theft, vandalism, accidental damage and other insurable risks, as The Council cannot be held responsible for the consequences of such adverse actions.

11. Only coffins constructed of bio-degradable materials may be used in earthen graves, and all bodies must be totally and securely enclosed within coffins at the time of burial. Coffin dimensions must be given to the Council before any interment may take place. No Caskets are permitted.

12. All bricked graves shall be closed by and at the expense of the person responsible for the interment.

13. No memorial of any kind may be placed on any grave space, including plots intended for cremated remains or stillbirths, unless the Exclusive Right of Burial has previously been purchased and written permission has been granted by the owner.

14. No permanent memorial, vase or tablet shall be placed in The Cemetery unless prior permission has been given by The Council following application to it in the approved manner.

15. All fees and other payments due to The Council must be paid to it before any interment takes place or before the installation of any memorial, vase, tablet or other fitment or structure.

16. All memorials, tablets, vases, fittings or other structures must be of dimensions within the limits prescribed by The Council and in accordance with other associated criteria, as specified in Clauses 21, 22 and 32 below and they must be installed in the allocated position to The Council's reasonable satisfaction.

17. The memorial mason carrying out this work must be accredited with the British Register of Accredited Memorial Masons (BRAMM) or the National Association of Memorial Masons (NAMM). The mason is responsible for maintaining the level, firmness and satisfactory workmanship of the memorial for the period of 12 months after the installation

18. As soon as possible after interment, the applicant will, by prior arrangement with The Council ensure that all burial mounds are properly levelled to a height not exceeding 12 inches (30.5cm) and that the grave area is seeded or re-turfed as necessary to The Council's reasonable satisfaction and at no charge to The Council.

19. No loose flowers, vases or other adornments may be placed on the grassed lawn area surrounding the grave or ashes plot except immediately following an interment. The Council reserves the right to remove them if they become unsightly or otherwise undesirable and to charge the person responsible for the interment for any costs it may thereby unavoidably incur. Within one month, the area around the allotted burial space should be cleared to enable grass cutting.

20. At any time after the interment, headstones with bases may be erected - with or without kerbs and permanent flower vases - provided that they comply with the other relevant requirements in these regulations, and that they are sited according to instructions given by The Council.

21. All grave space memorials shall normally be of natural quarried stone, but a plain wooden nameplate, cross or other suitable marker may in some circumstances be permitted. A stone memorial shall consist of a headstone constructed to a maximum height of 3 feet (91.5cm) above the adjoining ground level and be no more than 2 feet (61cm) wide, with a slab thickness of between 6 inches (15.5cm) and 3 inches (7.5cm). Headstones are to be securely fixed to their respective bases by means of dowel pins and permanently held in place by a sand and cement grouting mixture. Vases may be incorporated within the dimensional limits specified above but must be either part of, or else securely fixed to, the memorial (Health and Safety Act). Memorials are to be maintained by the plot owner or his/her heirs in an upright and safe condition.

22. Grave spaces in Section 3 and 4 of The Cemetery, excluding plots reserved for cremated remains and stillbirths, may also have a kerb memorial of natural quarried stone with or without a cover slab. The external dimensions of the kerb memorial must not exceed 6 feet 6 inches (198cm) long by 2 feet 6 inches (76cm) wide. No other material, such as metal, plastic, wood, glass, brick, concrete or loose stone is permitted.

23. All memorials shall be erected on a foundation of concrete or stone, suitably reinforced as necessary, which is to be supplied by the monumental mason. The surface of this foundation is to be just below the finished level of the surrounding earth.

24. In any case where a breach of these regulations has occurred, The Council reserves the right to remove, without further reference, the offending plants, artificial materials, fittings or structures from the grave or cremated remains space, after due notification of the owner of the Exclusive Rights of Burial or, if the owner is deceased, his or her next of kin, at his or her last known address. Any expense necessarily incurred by The Council in so doing shall be chargeable to the plot Owner or, if the owner is deceased, his or her next of kin.

25. In areas where the planting of flowers is permitted, the natural growth shall not exceed 2 feet (61cm) in height. All planting and cultivation shall be subject to the approval of The Council which reserves the right to prune, cut down, dig up or remove any flower or plant at any time when, in its opinion, the plant or flower has become unsightly, overgrown or troublesome, or when it becomes necessary to allow the grave space to be used again.

26. Where any interment has taken place in a grave where the Exclusive Right of Burial has not been purchased, The Council reserves the right to allow a further interment in that grave subject to the depth requirement of Clause 5 above, of a body unrelated to previous interments within it.

27. The Council will grant the Exclusive Right of Burial in an individual grave space for a period of fifty years from the date of the grant, upon payment of the prescribed fee. This fee provides Exclusive Rights to be buried in the prescribed plot, it is not ownership of the land which is retained by the Council. This period of Exclusive Right of Burial may be extended for a further 25 years on application in writing at the end of the present term by the person then legally entitled to do so, after payment of the appropriate fee then applicable.

28. Grants of Exclusive Rights of Burial are, in normal circumstances, issued to individuals only. In the case of a child's grave, both parents will be granted dual ownership of the Exclusive Rights of Burial.

29. Any transfer or re-assignment of an Exclusive Right of Burial must be submitted to the Council with the appropriate legal documentation and the original Exclusive Rights of Burial certificate. Failure to provide the correct paperwork will result in the refusal of the application.

30. The Council will not recognise any transfer or re-assignment of the Exclusive Right of Burial which has not been registered in accordance with Clause 29 above.

### **BURIAL OF CREMATED REMAINS**

31. The burial of caskets or urns containing human ashes will normally be permitted only in the part or parts of the cemetery set aside for this purpose. Alternatively, caskets or urns containing human ashes may be buried on top or beside a previous interment after the written permission of both The Council and the owner of the Exclusive Rights for the plot has been obtained.

32. The dimensions of the ground space in the assigned place for burial of each casket or urn shall not exceed 18 inches (46cm) square for each interment. The dimensions of any memorial tablet placed on the ground shall not exceed 15 inches (38cm) square and the dimensions of any memorial headstone shall not exceed 18 inches (46cm) high by 15 inches (38cm) wide by 3 inches (7.5cm) thick. All memorials shall be of natural quarried stone. Alternatively, a plain wooden name plate, cross or other suitable marker may be erected within the dimensions mentioned above, subject to the prior written approval of The Council. See also clause 16, 17 and 19 above.

### **GENERAL CONDITIONS**

33. No artificial wreath, artificial flower, flower vase of glass, plastic, nor any jar container shall be placed on or near any grave or memorial without the permission of The Council which will not unreasonably be withheld. Any such item left without this permission may be removed and disposed of without liability on the part of The Council, which shall be entitled to recover, as a simple contract debt in any court of competent jurisdiction, any costs thus necessarily incurred from the person to whose order any headstone, memorial or other offending item was placed, or his or her personal representative. The Council reserve the right to remove without prior notice any other objects or substances which it considers dangerous or of otherwise unsuitable character, and make an appropriate charge. Where no immediate danger to public health or safety is threatened, however, The Council undertakes - simply as a matter of courtesy - to attempt to contact plot owners or licensees or their known representative before taking such a step in cases where substantial alteration of the grave space may thus be involved.

34. All dead flowers, wreaths, weeds, rubbish or other unsightly matter shall be removed from graves as soon as possible and tidily deposited in the places allotted for them.

35. No advance purchase of grave spaces or plots for ashes is permitted. The ownership of the grave space will be for 50 years. After this period, the grave space may be re-purchased for a further 25 years. See Clause 27 above.

36. All fees, whether for interment, the erection or dismantling of memorials or other approved works or services, shall be paid in full to The Council in advance. A copy of the current scale of charges may be obtained from The Clerk.

37. The playing of games or the participation in any sport is prohibited in The Cemetery, and no discharge of firearms may take place except at military funerals and only with prior written agreement of The Council.