

# South Hinksey Parish Council

<https://southhinksey-pc.gov.uk/burial-ground/>

## **Burial Ground Rules and Regulations**

### **1. Origin and Interpretation**

- 1.1. These Rules and Regulations (the “Rules”) are made by South Hinksey Parish Council (the “Council”) under paragraph 3(1) of the Local Authorities Cemeteries Order 1977 (the “Order”), for the proper management, regulation and control of the Burial Ground.
- 1.2. The Rules shall be taken to incorporate the provisions of the Order mentioned in 1.1 above and in the case of any conflict between these Rules and provisions of the Order, the Order shall prevail.

### **2. Registrar**

- 2.1. The Registrar of the Burial Ground shall be the Clerk to the Parish Council (or such other person as appointed by the Parish Council). Any reference to the Registrar also includes any appointed representative.

### **3. Entry to Burial Ground**

- 3.1. Visitors to the Burial Ground enter at their own risk. Whilst efforts are made to ensure that the safety of the public is not compromised, by their very nature cemeteries can be dangerous places to visit. The ground may be uneven presenting a trip hazard. Headstones can become unstable and so should not be leaned against, pushed or pulled. Members of the public should not go near open excavations or spoil heaps, as the ground can be unstable.

### **4. Plans**

- 4.1. Plans and records showing the situation of all Plots in the Burial Ground are kept by the Registrar.

### **5. Plots**

- 5.1. Burial Plots shall be 8 feet by 4 feet.
- 5.2. Cremated Remains Plots shall be 3 feet by 3 feet.
- 5.3. No grave will be made deeper than 7 feet in the case of a Burial Plot, or 2 feet in the case of a Cremated Remains Plot. Where it is impractical to dig to 7 feet, for whatever reason, the Council reserves the right to specify the maximum depth that can be dug. All coffins or other receptacles shall be buried in accordance with the requirements of Part I of Schedule 2 of the Order.
- 5.4. The number of people that may be buried in a single Burial Plot is dependent upon the depth of the first burial, but in any event will not normally exceed two, save with the consent of the Registrar. In addition, up to four urns of cremated remains may be buried in a single Plot.

### **6. Selection of Plots**

- 6.1. The selection of any Plot shall be subject to the approval of the Registrar. The Registrar will determine the location/position of any unpurchased Plots. The Council reserves the right to retain any Plots for its own purposes.

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## 7. Surplus Soil

7.1. It is often necessary to excavate a Plot to enable an interment to take place. It is common practice in the United Kingdom for the surplus soil excavated from any grave to be deposited on an adjacent grave space should this be necessary. The Council reserves the right to temporarily place surplus soil on any such part of the Burial Ground as the Council may determine, including Plots.

## 8. Eligibility

8.1. Save in exceptional circumstances, Exclusive Rights of Burial will only be granted on the death of, and with respect to, a specified *Category A* or *Category B* Eligible Person (as defined below).

8.2. The Council makes distinction according to the length of time an Eligible Person has been normally resident in the Parish, and, save in exceptional circumstances, Fees for Interment are applied accordingly:

8.2.1. *Category A*: normally resident in the Parish for 10 years or more, ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death;

8.2.2. *Category B*: normally resident in the Parish for less than 10 years ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death;

8.2.3. *Category C*: spouse, civil partner, or children of *Category A* or *Category B* who do not themselves qualify as *Category A* or *Category B*;

8.2.4. *Category D*: anybody who does not qualify as *Category A*, *Category B* or *Category C*.

## 9. Exclusive Rights of Burial

9.1. Exclusive Rights of Burial are granted with respect to a single Plot. Ownership of Exclusive Rights of Burial refers to the right to determine, subject to Eligibility, who is to be buried in the Plot, and not to ownership of the land itself.

9.2. The number of people that may be buried in a single Plot is defined in 5.4.

9.3. Exclusive Rights of Burial are granted for a period of 50 years from the date of grant.

9.4. The grant may be renewed thereafter for periods of 25 years up to a total of 100 years on payment at each renewal within the final five years of the period of each grant.

9.5. The Council will not send reminders and it is the Deed Holder's responsibility to contact the Council regarding renewal.

9.6. Where Exclusive Rights of Burial have not been exercised or renewed within 50 years from the date of the grant, the Exclusive Rights of Burial will lapse.

9.7. After the lapse of Exclusive Rights of Burial, the Council is at liberty to reuse or resell a Plot at its discretion.

9.8. No Plot in which the Exclusive Rights of Burial has been purchased shall be opened without the production of the Deed of Grant or the written consent of the holder of the Deed of Grant or the legal representative. The Council reserves the right to delay or cancel any Interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.

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## 10. Transfer of Ownership

- 10.1. If the owner of the Exclusive Rights of Burial dies, it is reasonably assumed that they gave permission to have themselves buried.
- 10.2. Thereafter, the Exclusive Rights of Burial become part of their estate, and may be left in a will or assigned by their executors to someone else.
- 10.3. If the owner of the Exclusive Rights of Burial dies without having specified to whom these rights are to be left, the Council will assume that they will pass to a surviving spouse, or in the absence of a surviving spouse, to the eldest surviving child. Where any other party claims these rights, such other party will have to demonstrate to the Council's satisfaction why and how they are entitled to these rights.
- 10.4. Other than by death or inheritance, agreement to any Transfer of Ownership of the Exclusive Rights of Burial is made at the sole discretion of the Council.
- 10.5. The inheritor or transferee of the Exclusive Rights of Burial must contact the Registrar and arrange for a Transfer of Ownership before the Plot can be opened again, a memorial is altered, or a new memorial placed. This is done by completing a Form of Transfer and returning it to the Registrar together with the original Deed of Grant and the appropriate Fee.
- 10.6. Any person seeking to affect a transfer of Exclusive Rights of Burial must be able to demonstrate successfully their identity and entitlement to the Council upon request.
- 10.7. Exclusive Rights of Burial that are no longer required by the Deed Holder may be surrendered at any time to the Council by writing to the Registrar and returning the Deed of Grant.

## 11. Notice of Interment

- 11.1. A written Notice of Interment, including the relevant statutory Certificate of Burial (e.g. "green form") and appropriate Fee must be delivered to the Registrar as soon as possible prior to any Interment in any Plot and in any event, not less than five clear working days before the Interment.

## 12. Hours of Interment

- 12.1. Except with the prior permission of the Registrar, Interments should be carried out during daylight hours.

## 13. Disposal Certificates

- 13.1. The relevant Certificate for Burial, Coroner's Order for Burial, Certificate for Disposal (still-birth) or Certificate for Cremation must be received by the Registrar prior to any Interment. No burials shall take place without the appropriate Certificate for Disposal.

## 14. Applications and Fees

- 14.1. All applications for Exclusive Rights of Burial, Interment, Approval and Erection of Memorials, Transfer of Ownership, and Renewal of Exclusive Rights of Burial must be made on the requisite Form together with the appropriate Fee, and sent to the Registrar together with any requisite

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supporting documentation, in accordance with the time limits specified in paragraph 11.

- 14.2. Fees are detailed in the Schedule of Burial Ground Fees. Fees will be reviewed on an annual basis and may be subject to increase with effect from 1st January each year.
- 14.3. Payments may be accepted by cheque, or bank transfer. All cheques should be made payable to "South Hinksey Parish Council". Bank transfer details are available from the Registrar on request.

## 15. Service

- 15.1. If any funeral service is to be conducted by a celebrant, they shall be provided by the applicant.
- 15.2. The applicant is responsible for paying the celebrant's fees.

## 16. Presentation and Care of Plots

- 16.1. Deed Holders are responsible for Plots. Plots must be kept in a neat and tidy condition and any litter should be removed from the Plot. Any person causing damage by bringing in any materials or memorials will be required to meet the cost of any repairs.
- 16.2. Any flower holders must be of non-breakable material and are left at the owners' risk. The Council may remove any articles from any Plot if they believe that they are likely to cause risk, damage or offence to other visitors to the Burial Ground.
- 16.3. It is prohibited to plant flowers, bushes, shrubs or trees on Plots, and the Council reserves the right to remove any such planted items.
- 16.4. Provision and erection of kerbstones is prohibited.
- 16.5. Tiles, articles of pottery, glass, metal ware or railings, metal kerbing and artificial wreaths covered with glass are prohibited on Plots.
- 16.6. Grassed areas of the cemeteries will be mown and maintained by the Council, with allowances made for areas designated by the Council as wild flower meadow.

## 17. Coffins and Other Containers

- 17.1. All coffins must be marked with at least one and preferably two non-perishable plaques, nameplates, or by other means as shall be approved by the Council, showing the name, age and date of death of the deceased. Only biodegradable coffins, including cardboard, wicker and shrouds shall be used for interments in any Plot. Large style wooden rectangular caskets may be used for which an additional charge is made to cover the extra cost for preparing a larger Plot. Metal caskets are not to be used for interment.
- 17.2. In the case of a stillborn child no age will be recorded.
- 17.3. Where two bodies are interred in one coffin then both names shall be marked.
- 17.4. In the case of a person dying from an infectious disease, the body must be enclosed in a properly waterproofed coffin.
- 17.5. Where shrouds are used for burial, the body must be conveyed to the graveside in a suitable covered container.

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## 18. Natural Burial

18.1. The Council does not normally cater for Natural Burials, but will consider this on a case by case basis.

## 19. Wreaths and Flowers

19.1. All wreaths and flowers may be cleared from Plots one month after interment unless alternative arrangements are agreed with the Council.

## 20. Burial of Cremated Remains

- 20.1. The scattering of cremated human remains is prohibited.
- 20.2. The burial of cremated human remains in any Plot for which the Exclusive Rights of Burial has not been purchased is not permitted.
- 20.3. The burial of cremated remains may take place in smaller Cremated Remains Plots.
- 20.4. Containers of cremated human remains may be buried in purchased Plots, with the consent of the owner of the Exclusive Right of Burial and on receipt of a completed Notice of Interment form, relevant statutory Certificate of Burial, together with the appropriate Fee.
- 20.5. Where a Plot is of sufficient depth, and will be required at a further date for the burial of a second coffin, the casket of ashes will be buried in the wall of the Plot, so as to permit the free passage of any coffin.

## 21. Exhumations

21.1. No body shall be removed from the Burial Ground for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable, or such other authority. No body or cremated remains shall be exhumed without the consent of the Secretary of State, Department of Justice.

## 22. Memorials Above Ground

- 22.1. All memorials should be in general keeping with the setting, and no memorial should, in the opinion of the Council, be of a design so as to cause it to stand out.
- 22.2. The maximum measurements for memorials:
  - 22.2.1. Headstones on Burial Plots shall not exceed 2 feet 6 inches in height.
  - 22.2.2. Bases for cremated remains memorials shall not exceed 2 feet by 2 feet by 2 inches thick. All bases should be fitted flush with the surrounding ground level.
- 22.3. No marble headstones will be allowed.

## 23. Application for Approval and Erection of Memorials

- 23.1. Before any memorials may be erected or works undertaken to an existing memorial, a Memorial Approval Form must be submitted by the Deed Holder, together with the requisite Fee. When approved, the Registrar will issue a written permit.
- 23.2. Any application for a new memorial must include:
  - 23.2.1. The inscription that is to be inserted on the memorial, showing the arrangement and style of lettering.

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- 23.2.2. A drawing or picture of the proposed memorial giving detailed dimensions of the memorial, footings and bases to be used, also diameter and types of dowels to be used in accordance with the relevant Code of Working Practice of The National Association of Memorial Masons, as well as the colour and type of material to be used.
- 23.3. Memorials shall not be placed, erected, or renewed on any Plot where the Exclusive Right of Burial has not been purchased.
- 23.4. The Plot location must be cut plainly on the rear at the base of each memorial above ground level in letters not less than half an inch in height.
- 23.5. Copper or other approved cramps of not less than 3/8 of an inch thickness shall be used in erection of all memorials.
- 23.6. Contractors must satisfy themselves as to the stability of the soil or footings and its ability to support a memorial before the memorial is erected.
- 23.7. The funeral director or contractor appointed by the Applicant shall be responsible for arranging for the removal of any memorial necessitated by an interment and for its re-erection.
- 23.8. All memorials that require additional inscriptions are to be removed from the Burial Ground to the contractor's premises as appointed by the funeral director.
- 23.9. Any contractor working in the Burial Ground must maintain a policy of public liability insurance minimum of £5 million against all claims and actions and produce evidence of such a policy on request.
- 23.10. All contractors must exercise due care in the cemeteries; any damage that is caused must be repaired at the contractors' expense.
- 23.11. Contractors must fit all memorials to the latest National Association of Memorial Masons standards using an appropriate ground anchor system or equivalent fixings.
- 23.12. No advertisement of the contractor's name may be cut or attached to any memorial.
- 23.13. Contractors shall not work in the cemeteries until a Memorial Approval Form has been submitted and approved.
- 23.14. All memorial masons must be members of the National Association of Memorial Masons, or the British Register of Accredited Memorial Masons before they are permitted to carry out work at the Burial Ground.
- 23.15. No hewing or dressing of stones shall be permitted within any of the cemeteries or approaches. All materials shall be conveyed to the Plot by hand or in such a manner under the direction of the Registrar as will avoid damaging the roads or walks.
- 23.16. All memorials and vases in the cemeteries must be placed or erected in line at the head of the Plots by contractors using a line to ensure accurate positioning.
- 23.17. The Council does not maintain or restore memorials, or recommend specific contractors. The Council may arrange for safety inspections of memorials in accordance with the Council's Memorial Safety Policy.

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## **24. Removal of Memorials by the Council**

- 24.1. The Council may remove any memorial where work has not been authorised. This may be at the owners' expense.
- 24.2. The Council reserves the right to remove any memorial at its absolute discretion.

## **25. Repairs to Plots and Memorials**

- 25.1. The Deed Holder is responsible for the maintenance of the Plot and any memorials thereon and must keep all monuments, gravestones, tablets, kerbs or other memorials in repair. This includes any damage caused by vandalism, theft of memorials or vases, cracking or subsidence of footings.
- 25.2. 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 Order, give six months' notice to the owner or owners, requiring her/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., or if the Council is unable to trace the owner(s) after taking such reasonable steps as it may consider necessary for that purpose, then the Council may remove or make safe the same without any rights of the owner or owners to any compensation for so doing and recover expenses from the registered owner or the owner's beneficiaries.

## **26. Vehicles**

- 26.1. Vehicles may not enter the Burial Ground.

## **27. Dogs**

- 27.1. Dogs are not permitted in the Burial Ground with the exception of Registered Assistance dogs.

## **28. Soliciting Orders**

- 28.1. No person shall distribute tracts, business cards or other advertisements or solicit orders for grave-related services within the cemeteries.

## **29. Rubbish**

- 29.1. Dead flowers and other rubbish must be placed in the waste bins provided. No stones or soil must be placed in these bins. Large quantities of waste must be removed from the Burial Ground.

## **30. Damage**

- 30.1. 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 Order.

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## **31. Improper Behaviour**

- 31.1. The Registrar may at any time exclude from the Burial Ground any person who conducts himself in a noisy, disorderly or unseemly manner or is intoxicated or uses improper language or trespasses upon or refuses to leave any portion of the cemetery when asked to do so.
- 31.2. The playing of music in any form is prohibited except with permission of the Registrar.
- 31.3. Visitors are not to interfere with any burial taking place in the Burial Ground or interfere with any Plot or vault, any tombstone or other memorial, or any flowers or plants in any such manner. Furthermore, visitors should not play any game or sport in the Burial Ground.

## **32. Release of Sky Lanterns and Helium-Filled Balloons**

- 32.1. The release of sky lanterns or gas-filled balloons is prohibited.

## **33. Risk Assessments**

- 33.1. Funeral directors are required to provide up to date risk assessments for the burial process upon request by the Registrar. Funeral directors must ensure that their staff have received adequate training in manual handling and heavy lifting prior to being employed on duties within Council cemeteries. Contractors are required to provide up-to-date risk assessments for relating to their work upon request by the Registrar. Contractors must ensure that their staff have received adequate training in work specific activities prior to being employed on duties within Council cemeteries.

## **34. Penalty for Contraventions**

- 34.1. Any person, who without reasonable excuse, offends against these regulations will be prohibited from entering the Burial Ground, for such period, as the Council considers appropriate.

**These Rules and Regulations were re-adopted without amendment by South Hinksey Parish Council on Wednesday 5<sup>th</sup> May 2021.**