

Kirkby Fleetham with Fencotes Parish Council

Parish Cemetery

Burial Ground Regulations

Date of Adoption: June 2023

1. Interpretation

In these Rules and Regulations:

“The Council” means the Parish Council of Kirkby Fleetham with Fencotes.

“The Parish” means the Civil Parish of Kirkby Fleetham with Fencotes.

“The Burial Authority” means the sub-committee of the Parish Council of Kirkby Fleetham with Fencotes appointed for this purpose.

2. Right Of Interment

- 2.1. Right of interment in the Burial Ground is exclusive to persons living in the Parish at the time of death on payment of the fees as set out in the Scale of Fees and providing there is room in the Burial Ground at time of death.
- 2.2. The Burial Authority may also grant permissions for the burial therein of other people at its discretion and on the payment of fees set out in the Scale of Fees and always where a person who has been resident within the Parish of Kirkby Fleetham with Fencotes and who at the time of death has been resident outside the said Parish if parents or siblings are buried there.
- 2.3. Persons who have previously purchased an exclusive right of burial in a plot may be buried here but if they were not resident in the Parish at the time of death the fees will be twice the amount shown in the Scale of Fees.

3. Selection And Ownership Of Graves

Every interment shall take place either in an allocated grave or in a reserved grave that will be selected by the Burial Clerk.

3.1. Allocated Graves

- 3.1.1. A grave space may be purchased from the Burial Authority and a list of the fees applicable for this and other amenities is available from the Burial Clerk.
- 3.1.2. A plan of the Burial Ground has been made upon which every grave space has been marked. A copy of the said plan is held by the Burial Clerk.
- 3.1.3. Grave spaces will be allocated on the basis of the next available plot in the area currently in use for burial purposes.
- 3.1.4. Where the exclusive right of burial in a grave space has not been purchased, and where no further space in the desired area is available, the Burial Authority reserves the right to reopen that grave at any time for the interment of the body of the person not being a relative of any person already interred in the grave.

3.2. Reserved Graves

- 3.2.1. On the purchase of the Exclusive Right of Burial in a grave a Deed of Grant shall be issued to the person who purchases the Exclusive Right of Burial, or on whose behalf it is purchased and such person shall be registered in the records held by the Burial Authority as owner of the grave for a period of 99 years.
- 3.2.2. As the remaining lease period reduces, owners have the opportunity to buy subsequent lease periods of 50 to 75 years as long as the total ownership at any time does not exceed 99 years. The additional lease period is charged on a pro-rata basis, at the time of purchase.
- 3.2.3. Owning an Exclusive Right of Burial in a specific grave does not give ownership of the actual land, but does give the owner of the Deed the right to:
 - Be buried in that grave if space is available.
 - Authorise further burials in that grave, where space is available, or the interment or scattering of cremated remains in or over that grave.
 - Place a memorial on that grave, subject to a separate agreement and to the Burial Authority's Rules and Regulations governing memorials (see section 5)
 - Have inscriptions, or added inscriptions, on a memorial on that grave, subject to the Burial Authority's Regulations on this.

- 3.2.4. Possession of a Deed of Grant does not necessarily give the person ownership of the Exclusive Right of Burial. When the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid Will. The law on this can be complex and we strongly advise you to consult a solicitor to establish new ownership. Ownership of a Deed may also be transferred or assigned.
- 3.2.5. The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.
- 3.2.6. All new graves are for a period of 99 years unless otherwise stated on the Deed of Exclusive Right of Burial.
- 3.2.7. Any transfer of the Exclusive Right of Burial in any grave shall not be deemed valid unless such transfer has been previously registered at the Bereavement Services Office. Where the current grave owner is still alive and wishes to transfer ownership to another person, the Burial Authority must be advised in writing.
- 3.2.8. Transfer of Ownership of a grave may take place where the registered grave owner is deceased by submitting any of the following to the Bereavement Services Office:
 - Letters of Administration.
 - Proof of a Named Executor who may then decide on ownership.
- 3.2.9. There will be NO refund of the plot reservation fee if it is not after all required.

4. Burial Procedures

All burials and interments shall take place in accordance with the statutory requirements laid down in the Local Authorities Cemeteries' Order 1977, and any other subsequent legislation that comes into force.

4.1. Notice of Interment

- 4.1.1. Applications shall be made in the first instance to the Burial Clerk of the Burial Authority giving at least three clear days notice, excluding Sundays and public holidays; if necessary to be immediately confirmed in writing. If the application comes within the limits as set out in paragraph 2 and if the Burial Authority's Burial Clerk approves, then it will give consent to the application. If, however, the application is not within the Burial Authority's power to grant or if it does not think fit to approve it,

it will inform the applicant. The Burial Authority shall not withhold its consent unreasonably.

- 4.1.2. All fees and charges are payable to the Burial Clerk on giving notice of interment.

4.2. Certification

- 4.2.1. No burial will be permitted unless correct and adequate paperwork has been inspected by the appropriate officer. This also applies to official papers obtained from either the Registrar of Births and Deaths or the Coroner.
- 4.2.2. A Disposal Certificate from the Registrar of Deaths or the Coroner must be supplied to the Burial Clerk before interment takes place. In the case of a stillborn child, the appropriate certificate under the Births and Deaths Registrations Act 1953 must be produced.
- 4.2.3. The Clerk to the Burial Authority must be informed of any bodies which have died from an infectious disease. An up to date list of infectious diseases is available from the British Medical Association.

4.3. Timing of Interment

- 4.3.1. All interments shall take place by agreement with the Burial Authority, normally between the hours of 9.30am and 4.00pm on Monday to Friday and between the hours of 9.30am and 2.30pm on Saturday. No interments may take place on a Sunday. The exact hour in all cases shall be subject to arrangement with the officiating Minister by the person giving notice of interment.
- 4.3.2. The time named for a funeral shall be that at which the procession is to arrive at the Burial Ground.

4.4. Coffins

- 4.4.1. A body will not be accepted for interment at the cemetery unless it is enclosed within a suitable coffin.
- 4.4.2. Coffins of wood, wicker, cardboard or other light, natural materials shall be used in earth graves and nothing else.
- 4.4.3. Any coffin entering the cemetery must bear a nameplate or other suitable form of identification and **MUST** contain the name of the deceased.

- 4.4.4. It is the responsibility of the Funeral Director or other person conducting the funeral to ensure that enough people are available to assist in transporting the coffin to the graveside and to assist with its lowering.

4.5. Depth of Graves

- 4.5.1. All graves will be dug and filled to the satisfaction of the Burial Clerk and will be the responsibility of the Funeral Director. The minimum depth of a grave shall be 1.83m.
- 4.5.2. No body shall be interred in a grave in such a manner that any part of the coffin is at a depth of less than 900mm below the level surface of the ground of the grave space.
- 4.5.3. Where any grave in the Burial Ground is reopened for the purpose of a second interment a layer of earth 150mm in thickness shall be laid between the coffins. No human remains shall be removed.
- 4.5.4. The depth of every grave shall be recorded in the Register of Graves.
- 4.5.5. No interment shall be allowed to proceed unless the grave conforms with the above regulations.

4.6. Interment of Ashes

- 4.6.1. Cremated ashes can be interred in the section of the burial ground designated and set aside for such a purpose. The plot dimensions for interment of ashes are 750mm x 750mm.
- 4.6.2. Ashes may be interred in an earthen grave if space permits, subject to the permission of the Burial Authority.
- 4.6.3. Cremated ashes must be placed in a wooden or biodegradable container and shall be interred at a depth of not less than 500mm. A maximum of two adjacent interments shall be permitted in each reserved space in the ashes section.
- 4.6.4. Memorial plaques – A memorial plaque may be placed over the interment site. The dimensions of any plaque must not be more than 460mm x 460mm and 50mm deep; or if sloping, the maximum thickness is 100mm sloping to a minimum of 50mm.

4.7. Register

A Register of Burials and Interment of Ashes shall be kept by the Burial Authority who shall at all reasonable times make searches and supply certified extracts at cost.

4.8. Maintenance Following Interment

- 4.8.1. All rubbish, surplus earth and materials, tools, stone, boards or other detritus shall be removed from the Burial Ground immediately upon completion of the interment or erection of a memorial. The levelling of graves will normally be done by natural settlement.
- 4.8.2. Any person or company failing to comply with these requirements shall, on demand, pay the Burial Authority the whole of any consequent costs.

5. Memorials And Monuments

Only monuments complying with the rules below will be permitted in the Burial Ground:

5.1. Form and Dimensions

Headstones should be simple, of polished or unpolished stone, slate or hardwood, not more than 900mm high, 600mm wide and 150mm thick or less than 760mm high, 500mm wide and 75mm thick. Alternatively, a cross or symbol of faith of similar dimensions may be erected, or a natural stone vase or urn measuring no more than 300mm x 200mm x 200mm.

5.1.1. Base and surrounds

- 5.1.1.1. A base forming part of the headstone design is permitted, no base may project more than 50mm beyond the headstone in any direction, except when a vase is incorporated, in which case the base may extend a maximum of 200mm beyond the headstone. The base itself shall be securely fixed to a foundation slab (preferably concrete), extending beyond the base by between 75 and 125mm all round, flush with or just below turf level so that a mower may pass freely over it.

Any tablet, sloping desk tablet or block vase memorial extended beyond the base will not be permitted.

All memorials shall be supplied, fixed and inscribed in accordance with the current Code of Practice as issued by the National Association of Memorial Masons (NAMM) or proof shall be provided that all materials will

last for at least 30 years in typical soil conditions. Any metal parts must be stainless steel. Every memorial erected shall have a proof strength to withstand a push/pull force of at least 35kg applied at the top. The NAMM may be requested to act as an independent arbiter in case of dispute between the owner of rights of burial or a memorial mason and the burial authority.

- 5.1.1.2. No monument shall include kerbs, railings, plain or coloured chippings, figured statuary, pictorial etchings or photographs; toys or other memorabilia; or be in the form of an open book or heart.

5.2. Inscriptions

The name and forename of the deceased should be given with age and dates of birth and death. The terms of any epitaph should be approved by the Burial Authority's Burial Clerk who reserves the right to require it to be amended. Lettering, preferably incised, can be gilded or silvered but not coloured. The plot number should be engraved on the rear of the headstone.

Drawings to scale of every headstone or plaque with a statement of the proposed position on the grave space and the proposed material shall be submitted to the Burial Authority for its approval and be deposited with the Clerk. No headstone or tablet shall be erected or placed in the burial ground without such approval.

5.3. Fees

All fees for memorials shall be paid to the Burial Clerk before permission is granted to erect a headstone.

5.4. Wreaths and Flowers

Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised under these regulations, but the Burial Authority may remove them when they appear to have died or weathered. If a built-in vase or container is not used for a period of twelve months or more the Burial Authority may insert a stone stopper in the vase. Glass containers MUST not be used.

5.5. Planting on Graves

No tree, shrub, herb or bulbed flowers may be planted on any grave.

5.6. Mounds and Banks

Raised mounds or turfed banks will not be permitted on any grave.

In the event of any monument, tombstone or other memorial being erected or placed in the Burial Ground without consent of the Burial Authority, those responsible may be required to remove and pay the costs of any legal proceedings compelling them to do so.

6. General information Relating to Graves and Burial Ground

- 6.1. The Burial Authority has the right to remove from any grave any items that may interfere with the grounds maintenance of that area after serving notice to the registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.
- 6.2. The Burial Authority has the right to remove and dispose of any floral tributes, flowers, plants etc, that have died or weathered or have become unsightly on any grave space.
- 6.3. No dogs are allowed under any circumstances in the Burial Ground except for guide dogs.
- 6.4. The Burial Authority will undertake to maintain the Burial Ground.
- 6.5. The Burial Authority will not be held responsible for any loss, theft, injury or accident to persons or property within the Burial Ground.

7. Health and Safety

- 7.1. Any person engaged in any work on graves or memorials in the Burial Ground shall appraise themselves of the relevant regulations regarding safe working practices and shall at all times observe these regulations. In particular, Funeral Directors should ensure that any contractors employed by them for the purpose of grave digging are aware of and observe such regulations.

- 7.2. All grave memorials will be inspected on a regular basis by the Burial Authority to check their stability, the Burial Authority will make every attempt to contact the memorial owner beforehand if the memorial gives cause for concern. Where a headstone or memorial is found to be potentially dangerous for any reason, the Burial Authority has the right to make it safe immediately before contacting the owner in accordance with the Local Authorities Cemeteries' Order 1977, Article 3. The Rules and Regulations Governing Memorials gives full details on the approved methods of memorial maintenance.

8. Reserved Rights of the Burial Authority

The Burial Authority reserves the right, after due consideration, to alter these Rules and Regulations or any part of them from time to time as they may see fit and to make supplementary rules and regulations.