**Southery Cemetery Regulations**

***(Pursuant to Section 3 (1) of the Local Authorities***

***Cemeteries Order 1977 and to the Local Government Act 1972)***

***Adopted June 2018 (next review due June 2021)***

All enquiries please contact the Clerk: Helen Richardson E-mail: parishclerk1@hotmail.co.uk.

Whilst respecting the rights of the public, it is necessary to prepare these regulations to comply with certain legal requirements, to enable contractors to carry out their duties safely and efficiently and to maintain a suitable environment for the bereaved to lay to rest their loved ones and to continue to pay their respects in this peaceful setting. Southery Parish Council requests that all visitors to the Cemetery follow these regulations.

**For Information**

- Grave/Burial plot An area not exceeding nine feet (2745mm) x four feet (1220mm).

- Body Refers to the body or cremated remains of a deceased person brought to the cemetery for burial.

- Coffin Refers to a container constructed of wood, metal or other bio-degradable material in which the body is enclosed for the purpose of burial.

- Council Refers to Southery Parish Council.

- Cremation Plot An area not exceeding eighteen inches (465mm) x eighteen inches (465mm) within the designated Garden of Remembrance.

- Double depth Plot A plot where one coffin is interred with the intention of interment of another coffin at a later date. See EROB below. Funeral directors will ensure that there is sufficient depth of soil between the two coffins.

- Exclusive Right of Burial (EROB) Means the right, granted by the Council for a limited period not exceeding 60 years, to purchase a grave that will be excavated to a depth which will allow the interment of one or two bodies. The term body can refer to either a coffin burial or cremated remains burial. The EROB entitles the purchaser to designate both names to be interred in the case of a ‘double’ burial. The purchaser is not buying the grave freehold and will not own any land.¹

- Extraordinary Funeral Procession Refers to any funeral under the control of the military services, civil authority, members’ organisation, or where there is the possibility of large numbers of mourners potentially causing disturbance to other graves.

- Family - Refers to those persons related by blood, marriage or civil partnership or the -adopted children of a relationship.

- Grave - A burial space, formed in the ground by excavation, without any internal wall or brickwork, stonework or other lining.

- Grave owner - Refers to the person who is registered with the Council as the owner of the EROB.

- Headstone/Tablet A Memorial Headstone at the head of a grave or a Memorial Tablet to commemorate an interment of ashes in the Garden of Remembrance. These are required to conform to standards as below.

- Reserved graves A grave in respect of which an Exclusive Right of Burial has been granted by the Council. These grave spaces are reserved and paid for prior to burial.

Stillbirth That defined by section 41 of the Births & Deaths Registration Act 1953 and the Still-Birth (Definition) Act 1992.

- Vaults There is no provision for the building of vaults in Southery cemetery.

¹Exclusive Right of Burial: The grave owner may in his/her lifetime bequeath or transfer the Exclusive Right of Burial to some other person. A transfer of Exclusive Rights of Burials will not be recognised by the Council until the Council records have been updated. Once the transfer has been made an Exclusive Right of Burial will be issued in the new owner’s name.

**Burial Fees (2018)**

**A** fee is charged every time a grave is opened for an interment and the level of the fee depends on the depth to be opened and the scale of the fees applicable at the time. Please note this applies to double depth graves.

See list of fees.

**Burials**

1. All graves unless previously EROB to be assigned by the Parish Clerk although, where possible, the wishes of an applicant for a particular location will be considered.

2. All burial fees to be paid to the Parish Clerk prior to the grave being dug

3. All graves to be dug by Council approved funeral directors and to comply with Council regulations; at the Clerk's discretion.

4. All graves to be dug in line with the row markers.

5. All funeral directors to carry out their own risk assessments and work to their own health and safety guidelines. Funeral Directors will be asked to provide copies of Risk Assessments, Burial Risk Assessments, working practice Method Statements and certificate from the Register of Grave Diggers.

6. Only one body to be buried in a grave at one time, with the exception of mother/child(ren) deaths during pregnancy/labour.

7. Graves to be backfilled immediately following a burial; no coffin to be left exposed overnight.

8. All excess soil from grave excavations must be removed from grave excavations and from site as part of the remit of funeral directors.³

9. Ashes may be buried in a grave plot if this is preferred. Headstone regulations will apply.

10. It is not permitted to distribute ashes randomly in the cemetery. Ashes must be contained in a casket or urn and interred either in a grave plot or in the Garden of Remembrance.

11. Dog Fouling, Littering and public that are behaving in a disorderly manner will not be tolerated and should be upheld at all times for the respect of the families who have loved ones laid to rest in the cemetery.

12. No body or cremated remains may be disturbed or removed without producing to the Council the necessary documents required by law.

13. Funeral Directors are responsible for arranging sufficient bearers to carry and lower the coffin in a dignified manner. When family members and mourners wish to be part of the bearer party this will be by arrangement with the Funeral Director. However, it is important that as ‘independent’ bearers assisting and lowering of the coffin is carried out at their own risk.

*³Ref: The views of the Chief Executive of the Institute of Cemetery & Crematorium Management was that given, under Article 3 (1) of the Local Authorities’ Cemeteries Order 1977 burial authorities have wide discretionary powers to manager and regulate civil cemeteries, nothing legally prevents a burial authority, or contractor with the authority’s approval, removing ‘non-offensive’ surplus soil from the cemetery including from consecrated ground. Surplus soil from digging a new grave, or re-opening an existing grave for subsequent burial, should not be considered contaminated or offensive; nor is mound soil later removed following settlement. The only soil which cannot be removed is that excavated in the course of exhuming remains.*

**Headstones/Memorials**

1. Memorials will only be allowed on graves where the EROB for that grave has been purchased. The right to erect a monument will not extend beyond the EROB. Memorials or additional inscriptions can only be put on a grave once an application form has been completed and a fee paid and the Council has approved the design.

2. Inscriptions and designs on the memorials must be discreet; the Council will refuse permission for anything they consider inappropriate.

3. Memorials must conform to the Council’s regulations and be sourced from hard natural quarried stone.

4. Memorials must be installed in accordance with BS8415 as recommended to the standard in the BRAMM Code of Working Practice ‘The Blue Book’; this ensures they are secured to withstand a measured force of 35kg at all times without falling or moving.

5. The Council will implement the guarantee of workmanship on behalf of the purchaser if the memorial proves to be unstable.

6. The Stonemason shall issue a 10 year guarantee of workmanship and material, to the purchaser and provide evidence to the Council of a public liability sum of £10,000,000 before the Council will issue any permit.

7. Permission is required from the Council for the removal, renovation and re-installation of a memorial. Permission will also be required, from the Council for additional inscriptions.

8. Responsibility for extra soil or levelling graves should be the stonemason’s and they will need to charge their fees accordingly. They will be required to bring additional soil with them or remove any mound soil when installing headstones.

9. For the first 12 months from the date of burial a temporary memorial will be permitted at the head area of the grave, after which time it will be removed. If at any time items become unsafe, broken or unsightly, they will be removed by the Council.

10. If no Headstone is to be erected, then after the expiration of a reasonable period for resettlement of the soil, the mound should be flattened to a level with the adjoining ground to facilitate grass cutting of the cemetery. This will be the responsibility of the immediate family/friends. Where contact cannot be made with responsible parties the Council reserves the right to intervene.

11. A Headstone for grave will not exceed 3’6” (1067mm) in height and to facilitate grass cutting, no kerbstones or foot stones are permitted (bases should be below ground). The maximum permitted width is 3’0” (914mm). Double headstones are not permitted. Plot numbers should be chiselled into the back of the headstones – the lettering should be 1.5” (40mm) high in ordinary number format, not Roman numerals, and sited at the bottom corner on the opposite side to the stonemason’s details.

12. Memorial stones/Tablets for interment of ashes in Garden of Remembrance – Tablets to measure 18” (465mm) x18” (465mm). Plot numbers should be chiselled into a visible edge of the tablet at a suitable size in ordinary number format, not Roman numerals,

13. All headstones, memorials and inscribed vases shall be maintained in a clean and tidy manner; however cleaning materials must not be left at the grave. The Council reserves the right to remove any cleaning products or cloths that have been left at graves without notice or payment of compensation.

14. Headstones and memorials are erected at the risk of the registered owner and the responsibility of the upkeep, in a good and safe condition, falls to the immediate family and/or friends. The Council recommends that the grave owner takes out an ‘all risk’ insurance policy against loss or damage including public liability. The Council will not be held responsible for the safekeeping of memorials, nor for any damage caused to a memorial by wind, storms, inclement weather, vandalism or other factors outside their control.

15. The Council reserves the right to re-align or move the position of any memorial as may be required.

16. The Council reserves the right to direct the grave owner/family to carry out any work to prevent encroachment of any kind on a neighbouring grave; any costs incurred will be the responsibility of the grave owner/family.

17. The Council reserves the right at all times to take over the maintenance of the grave without giving prior notice to the grave owner, where it has been determined that the grave owner has not suitably maintained the grave.

**Grave Tributes**

1. No shrubs, plants or flowers may be planted within the Cemetery or on any grave therein. The Council reserves the right to remove any of the above that has been planted without notice or payment of compensation

2. No other adornments, such as wooden fencing, concrete or other kerbing, wire fencing, windmills, raised or sunken footstones, wind chimes, balloons or any inappropriate decorative items as determined by the Council are allowed. The Council reserves the right to remove any of the above at its discretion without notice or payment of compensation.

3. Fresh flowers, artificial flowers, Christmas wreaths are acceptable. Artificial flowers should be either removed or replaced after six months. The Council reserves the right to remove any items that are damaged, decaying or, in the case of Christmas wreaths, by 31st January.

4. Floral tributes and wreaths must be removed within two weeks of the date of a burial or interment of ashes (earlier if they are decaying).

**Footnote**

The Cemetery is regularly inspected, please report any irregularities to the Clerk or, in extreme circumstances, the Police. The maintenance of the Cemetery is paid for by the Parishioners of Southery in the annual village Precept.

Children under the age of 12 must be accompanied and supervised by a responsible adult for safety reasons whilst in the Cemetery.

If you would like to commemorate a loved one with the purchase of a tree or seat, please contact the Clerk for further details.

*June 2018*