

SOUTHERY PARISH COUNCIL

The Local Authorities Cemeteries Order 1977

The Local Government Act 1972

These Regulations apply to
The Southery Cemetery, Off Mill Lane, Southery, Norfolk
parishclerk1@hotmail.co.uk

Adopted: October 2022
Next Review October 2026

This policy is made pursuant to Section 3 (1) of the Local Authorities Cemeteries Order 1977 and to the Local Government Act 1972.

1. Glossary

Adult grave	An area not exceeding nine feet (2745mm) x four feet (1220mm)
Body	The body or cremated remains of a deceased person brought to the cemetery for burial
Burial plot	The area of land, not exceeding nine feet (2745mm) by four feet (1220mm) identified on the cemetery plan in which the grave or vault is situated.
Coffin	A container constructed of wood; metal; bio-degradable or other material; or a shroud in which the body is enclosed for the purpose of burial
Council	Southery Parish Council
Cremation plot	An area not exceeding two feet (610mm) x two feet (610mm)
Exclusive Right of Burial (Purchased plot)	The right, granted by the Council for a limited period not exceeding 99 years, to bury a body in a specified burial plot
Family	Those persons related by blood, marriage or civil partnership or the adopted children of any such relationship
Grave	A burial space, formed in the ground by excavation, without any internal wall of brickwork, stonework or other lining
Grave owner	The person who is registered with the Council as the owner of the Exclusive Right of Burial
Memorial	A headstone, tablet or cross

Memorial owner	The person who is registered with the Council as the owner of the Memorial
Purchased grave	A grave in respect of which an Exclusive Right of Burial therein has been granted by the Council
Vault	A burial space, formed in the ground by excavation, with an internal wall of brickwork, stonework or other lining

2. Burial Notices

2.1 The Registrar of Births and Deaths Certificate for Disposal or the Coroners Order for Burial of the Registrar of Births and Deaths Certificate of Stillbirth or the Certificate of Delivery of Pre-viable foetus or the Certificate of Cremation, as appropriate will be provided by the Undertaker to the Clerk immediately after the burial has taken place. The Clerk will complete the form attached and send to the Registrar as soon as possible after they receive it.

3. Burials

3.1 Persons not resident in the Parish at the time of death may be buried in a purchased grave. This is at the discretion of the Parish Clerk. Non-residents where there is no connection or demonstrable tie, will incur a higher fee as displayed on the Burial Fees document.

3.2 The Council will allocate the location of each burial plot but the wishes of the applicant for a particular location will be met wherever possible.

3.3 Adult graves must not exceed nine feet (2745mm) x four feet (1220mm).

3.4 No body or cremated human remains shall be buried in any grave in which an Exclusive Right of Burial for the time being exists except by, or with the consent in writing of, the owner of the right to the purchased grave. Evidence must be provided preferably in the form of the Exclusive Right of Burial Certificate provided upon the purchase of the grave. This is usually supplied to the Council through the services of the Funeral Director. If in some circumstances this is not possible the Clerk will refer to registers of the Council.

3.5 Graves can only be excavated by persons on the Register of Grave Diggers. A Grave Digger in the preparation of a grave must be provided by the Funeral Director arranging a funeral or person responsible for the burial of a body. All graves to be dug in line with the row markers. 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.

3.6 Adult graves shall be dug to a minimum initial depth of six feet six inches (2000mm) where ground conditions allow.

3.7 A body shall be buried in such a manner that no part of the coffin shall be less than two feet (610mm) below the surrounding ground level.

- 3.8 Where a grave is reopened for a further burial a layer of soil six inches (152mm) deep shall be left undisturbed above the existing coffin.
- 3.9 Only one body shall be buried in a grave at one time, except where:-
- I. a mother and baby have died during child birth, in which case the mother and baby may be buried in the same coffin,
 - II. babies that have died during multiple child birth, in which case the babies may be buried in the same coffin,
 - III. the Southery Parish Council has exercised its discretion to authorise some other arrangement
- 3.10 The grave shall be backfilled immediately after any burial. No coffin shall be left exposed overnight.
- 3.11 All bodies brought for burial shall be enclosed in a manner, which will not cause offence to the public or endanger public health. Caskets are not allowable.
- 3.12 Cremated remains may be buried in a purchased grave or plot within the interment area. However, cremated remains shall not be strewn over any part of the Cemetery.
- 3.13 No body or cremated remains may be distributed or removed without producing to the Council the faculty and/or licence required by law.
- 3.14 The Council will not be responsible for the safekeeping of anything placed on the grave. However it will include within Grounds Maintenance Contracts that observation of such items are taken into account when operatives cut grass in the cemetery.
- 3.15 All excess earth must be left in the area allocated. If it is found that earth has not been placed in this designated place the Funeral Director responsible or grave digger will be requested to move it to the designated place immediately t their own co. If this request is not actioned within 14 days the Southery Parish Council will action and recharge costs incurred to the funeral director and/or grave digger concerned. Costs incurred will include Council staff time and contractor cost to resolve and will be recharged in full.
- 3.16 Any machinery/tools used to dig graves must not damage/mark existing graves and surrounding areas. Boards to cover the ground and protect it must be used for diggers working near existing graves etc. Where mitigations are put in place, but damage still occurs funeral directors and/or grave diggers should immediately contact the Parish Clerk and advise them of the issue to identify resolution. Where on request to resolve any damage to the ground is not actioned by a funeral director and/or grave digger, the work will be actioned by the Council and recharged in full. Costs incurred will include Council staff time and contractor cost to resolve.
- 3.17 The hearse should not travel any further than to the end of the gravel roadway and the roadway leading up to the cemetery, or park on verges or grass areas.
- 3.18 All graves must face east.

4. Unreserved Graves

4.1 The fee for a burial in an unreserved grave does not secure for any person any right to the future use of the grave and such rights may not subsequently be acquired.

5. Reserved Graves

5.1 The grave owners consent in writing (if it is not the owner who is to be buried) must be given before the grave is opened.

5.2 The applicant for burial shall be responsible at his/her own expense for the removal of any memorial and/or grave planting prior to a grave being reopened.

5.3 The grant of Exclusive Right of Burial issued by the Southery Parish Council shall be confirmed in writing to the Clerk of the Council/ together with the notice of burial whenever the grave is to be opened before burial is due to take place.

5.4 Where the grant of Exclusive Right of Burial is not available the applicant for burial shall indemnify the Council in writing against any future claim, which may be brought against the Council for permitting the use of the grave.

5.5 The grave owner may in his/her lifetime bequeath or transfer the Exclusive Right of Burial to some other person. This must also be in writing to the Southery Parish Council Clerk for records to be adjusted accordingly.

5.6 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.

6 Transfer of Grants

6.1 A transfer of grants 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.

7 Memorials

7.1 Memorials can only be put on a grave once an application has been made to the Parish Clerk and the current fee paid from the Stonemason and confirmed in writing by Parish Clerk and RFO on behalf of the Council. Memorials that the Parish Clerk on behalf of the Council deem as inappropriate for the Cemetery will not be allowed, this will be ratified by Council members by majority on email and not during a public open meeting. Headstones are not to exceed 3' 6" in height and to facilitate grass cutting no kerbs or footstones are permitted (bases should be below ground). The plot number should be chiseled into the stone on the back of headstones. The lettering should be 1.5 inches high in ordinary number format, not Roman numerals, and placed on the bottom corner on the opposite side to stonemason's details. The maximum width for headstones is 3' with no double

headstones permitted without prior permission. No railings or fencing may be erected around graves.

7.2 Memorials must be placed at the head of the grave.

7.3 For the first 12 months from the date of burial a temporary memorial will be permitted within the head area of the grave after which it will be removed. If at any time items become unsafe, broken or unsightly they will be removed by the Council. All new graves must be allowed to settle for twelve months following a burial which they must be at ground level and not mounded to allow grass cutting.

7.4 The Council will grant a Right to Erect a Memorial or an Additional Inscription on payment of the appropriate fee. These Rights shall be for a limited period and shall not extend beyond the expiry of the Exclusive Right of Burial.

7.5 The Council recommends that the grave owner takes out an "all-risk" insurance policy against loss or damage including public liability. The Council shall 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 the control of the Council.

7.6 All memorials shall be secured to withstand a measured force of 35kg at all times without falling or moving. Fixing in accordance with the NAMM Code of Working Practice should meet this requirement.

7.7 The Stonemason shall issue a 10-year guarantee of workmanship and material, including stability of the memorial, to the purchaser, and provide evidence to the Council of a public liability policy in the sum of £10,000,000 before the Council will issue any permit.

7.8 The Council may invoke the guarantee of workmanship on behalf of the purchaser if the memorial proves to be unstable.

7.9 The name of the monumental firm supplying and erecting the memorial may be cut in lettering not exceeding 15mm on the reverse or side of the memorial.

7.10 Erection of memorials is only permitted during working days.

7.11 At least ten working days' notice must be given to the Council of the intention to erect, or re-erect, a memorial and the approval must be produced, if requested.

7.12 A monumental mason wishing to carry out any work whatsoever on a memorial shall inform the Council ten working days before the work is carried out.

7.13 Confirmation in writing shall be forwarded to the Council within 48 hours of the erection, or re-erection, of any memorial or completion of any work notified to the Council.

- 7.14 The Council reserves the right, after first informing the owner, to remove from any grave any item erected without the written consent of the Council or any other item considered by the Council to be a safety hazard or which impedes access or the carrying out of maintenance. The Council will recover any costs incurred from the grave owner and will refuse to permit the opening of any grave or erection of a memorial until all costs incurred have been recovered.
- 7.15 Where an inscription or design has been cut without approval of the Council the grave owner shall cause the inscription or design to be erased, in a proper and workmanlike manner and so that the appearance of the memorial is not impaired, at his/her own expense on being ordered in writing to the registered address of the grave owner to do so by the Council.
- 7.16 All memorials and flower containers shall be maintained in a clean and tidy manner, and in a good and safe condition at all times and at the expense of the grave owner. The Council will take action as deemed necessary to render safe any memorial, which in the Council's opinion is a danger to health and safety, and any costs incurred will be recovered from the grave owner.
- 7.17 The Council reserves the right to direct the grave owner to carry out any work to prevent encroachment of any kind on a neighbouring grave, and any costs incurred by such action will be recovered from the grave owner.
- 7.18 Subject to the provisions of these regulations, memorials must be of a hard natural stone of a design approved by the Council.
- 7.19 No trees or shrubs may be planted on any grave.
- 7.20 Plastic or artificial flowers should be removed or replaced after six months if they become scruffy or unsightly. Christmas Wreaths must be removed by 31st January. This will be enforced by the Parish Council with any unsightly wreaths being removed.
- 7.21 No items which cause a noise to be made shall be permitted within the Cemetery.
- 7.22 Tablets/plaques in the Interment area must all face in the same direction as each other.
- 7.23 The Council will use the Institute of Cemeteries and Crematoriums Memorial Management Policy as guidance and best practice reference.
- 7.24 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.

- 7.25 Memorial stones/Tablets for interment of ashes in the Interment Area – 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.
- 7.26 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.
- 7.27 The Council reserves the right to re-align or move the position of any memorial as may be required.
- 7.28 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.
- 7.29 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
- 7.30 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.
- 7.30 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.
- 7.31 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).

8. Inspection of memorials

- 8.1 The Council will inspect all memorials every five years. If any memorial is found to be in an unsafe condition, the Council will make it safe, which may mean laying the memorial flat or take such other remedial action to remove the danger as the Council thinks fit.
- 8.2 The Council will take all reasonable steps to contact the grave owner before taking such action.
- 8.3 Memorial owners shall be responsible for the cost of repairing or re-installing memorials which have been laid down. Whilst the Council will endeavour to notify owners of unsafe memorials, if the grave owner does not repair the memorial or fails to contact the Council about the repair within the requested time for action to be taken, then the Council may remove the memorial.

8.4 Memorials can only be repaired and/or re-erected after an application form has been completed and the fee paid to a Council approved Stonemason and the Council has issued a permit.

8.5 Where necessary action has been taken in regard to any unsafe memorials and the costs of repair or removal has been borne by the Council, such costs will be recovered from the memorial owner or subsequent claimants to the Exclusive Right of Burial, should they become known to the Council.

9.0. Cremated Ashes

9.1 Cremated ashes can be buried within the area of an occupied burial plot provided that permission is provided in the most appropriate form to the Parish Clerk, the Officer appointed by the burial authority. Alternatively burial is permitted within the Interment Area. No ashes to be scattered in the Cemetery.

9.2 If buried within an occupied burial plot there will not be any surrounds, kerbing, gravel, edging of any type in addition to what is currently in place, and there must not be any planting or other adornments or items. Only flower receptacles that are incorporated within the tablet or desk tablet are to be used.

10. Funerals

10.1 All funerals shall be under the control of the Funeral Director once the cortege enters the cemetery. 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.

10.2 The Council may exclude from the cemetery any person who is causing a disturbance or acting in a manner likely to cause distress to mourners or other visitors.

10.3 An Extraordinary funeral procession may enter the cemetery only with the Council's permission.

10.4 Parties having charge of a military funeral or a funeral procession connected with a society or a public body are required to make such arrangements with the Council so as to ensure the protection of the cemetery from damage.

10.5 All Funeral Directors managing burials or cremations are required to sign and return acknowledgement form (Appendix 1) to say that they will keep this policy on file and agree to abide by its requirements every three years from dated as signed.

11. Miscellaneous

11.1 A person shall not enter or leave or seek to leave the cemetery otherwise than through one of the gates or entrances constructed and

provided for that purpose.

11.2 Dogs must be kept on a leash not longer than 2000mm at all times within the cemetery. The dog owner shall immediately remove any dog faeces deposited in the cemetery and take it away with them for disposal in an appropriate bin.

11.3 A person shall not sell, or offer for sale in the cemetery anything of any kind whatsoever without the written consent of the Council.

11.4 No person shall drop, throw or otherwise deposit and leave in the cemetery any litter, wastepaper or refuse.

11.5 No body or cremated remains may be removed from a grave without the written and signed consent of the registered owner of the Exclusive Right of Burial for that grave, together with all statutory documentation. It will be the responsibility of the person requiring the exhumation to pay all fees for such requirements.

11.6 Following confirmation of the date for any burial due to take place within the Cemetery the Southery Parish Council Clerk will immediately contact the Grounds Maintenance Contractor to coordinate the grass cutting schedule around the dates confirmed, to ensure they are not present on the date confirmed and that the cemetery is in good order for the service.

11.7 No vehicles or motorbikes should be allowed except for mobility scooters and funeral processions.

12. General

12.1 Any works to memorials is not to be undertaken without the express consent of the Council.

12.2 The Council may apply such conditions as it considers necessary or desirable to any consent it may grant for the placing of an item in the cemetery and reserves the right to remove any item placed in the cemetery without its express consent.

12.3 These regulations are to be read in conjunction with the Local Authorities' Cemeteries Order 1977 as amended by the Local Authorities' Cemeteries (Amendment) Order 1986.

12.4 Funeral Directors and Stone Masons will be requested to provide contact details of the next of kin for record purposes, but to do so within GDPR Regulations seeking the permission of the person to process their data in this way.

12.5 Any graves/areas with items placed on or around them will not be able to be strimmed. The Parish Council will cut and strim the grass only in the areas that are easily accessible. If we cannot access the grave then a grave owner will be responsible for maintaining this area.

12.6 Where Government changes legislation that effects the cemetery this must be observed by visitors, funeral directors and contractors working within the cemetery.

12.7 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.

13. Registers and Plans of the Cemetery

13.1 Registers of all burials and plans of the cemetery will be kept by the Clerk to the Council and request of a burial record search can be requested upon payment of the fee specified in the table of fees.

13.2 The Parish Council reserves the right to keep electronic copies of all registers.

14. Offences in the Cemetery.

14.1 No person in the Cemetery shall behave in a noisy, disorderly, or unseemly manner, consume alcohol, gamble, hold any picnic or barbeque, camp, sunbathe or play any game, use improper or indecent language, trespass on any portion of the Cemetery, damage, destroy or touch any tree, shrub, plant, headstone, monument, memorial, grave or any other property within the Cemetery, or obstruct any officer of the Council in the execution of its duty. All persons shall conduct themselves in a decent, quiet and orderly manner as of the provisions in the Local Cemeteries' Order 1977 article 18 (1).

Appendix 1

Southery Parish Council

Acknowledgement of Funeral Directors, Memorial Masons and Other Users of the Cemetery

I acknowledge that I have read, and agree to the conditions laid out in the Southery Parish Council Cemetery Policy

Signed.....

Name.....

Company Representing.....

Date.....