

FARNDON PARISH COUNCIL

# CEMETERY REGULATIONS

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Farndon Cemetery  
Marsh Lane  
Farndon  
Newark  
Notts

August 2016

## CONTENTS

<u>Subject</u>	<u>Page</u>
A: Background	3
B: Interpretation	3
C: Cemetery Site	3
1: Conditions for use	4
2: Interments	4-6
3: Exclusive Right of Burial	6-7
4: Garden of Remembrance	7
5: Memorials	7-9
6: Other Commemorative Features	9
7: Exhumation	9
8: Maintenance and Upkeep	9-10
9: Fees and Charges	10
10: General	10
11: Exercise of Parish Council's Discretion	10
12: Alternative Formats	11
13: Freedom of Information	11
14: Office Hours	11

## **A BACKGROUND**

The Farndon Cemetery is located on Marsh Lane, Farndon adjacent to the Village Hall.

The Cemetery is controlled and administered by Farndon Parish Council, hereinafter called the "Council", under the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977. All burials and interments must comply with the above legislation and/or any successor legislation.

## **B INTERPRETATION**

The following regulations shall apply to Farndon Cemetery.

In these rules and regulations, unless the context otherwise requires, the following words and expressions shall have these meanings assigned to them:-

- 'Exclusive Right of Burial' - means the exclusive right of the registered owner to determine who may be interred in or commemorated on the grave in question; such exclusive right to be for a limited period determined by the Council, currently 50 years.
- 'Grave' - means a burial place formed in the ground by excavation and without any internal wall or brickwork, stonework or any other lining.
- 'Grave Space' - means that area allowed by the Council for the establishment of a grave or cremated remains plot.
- 'Inscription' - means a reference on a new memorial to ONE deceased person.
- 'Additional Inscription' - means each inscription, inscribed after the first inscription.
- 'Memorial' - means a headstone, monument, vase or tablet placed on a grave space that commemorates the memory of a deceased person.

## **C CEMETERY SITE**

The Cemetery will be open to the public on such days and during such hours as the Council may, from time to time, determine. At present such hours are:

- |                         |                    |
|-------------------------|--------------------|
| 1 April to 30 September | 8.00 am to 8.00 pm |
| 1 October to 31 March   | 8.00 am to 6.00 pm |

The Council reserves the right to close the Cemetery at any time without notice.

Any unauthorised entry when the Cemetery is closed to the public contravenes The Local Authorities' Cemeteries Order 1977, Section 18(2).

## **1. CONDITIONS FOR USE**

- 1.1 All persons entering the Cemetery will be subject to the orders and control of the Parish Council.
- 1.2 Everyone is welcome to visit the Cemetery. We ask that all visitors treat the Cemetery with respect by:
- conducting themselves in a decent, quiet and orderly manner;
  - not interfering with any graves or cremated remains plots, or with any burial taking place;
  - playing no games or sports;
  - taking no alcohol or illegal substances into the Cemetery.
- 1.3 Visitors to the Cemetery shall not unreasonably interrupt the Council's employees at their duties, employ them to execute private work within the Cemetery or extend to them any gratuity. Council employees will be pleased to help wherever possible with any queries but any complaints must be made to the Parish Council Offices.
- 1.4 Dogs must be on leads, any dog waste removed and deposited in the bins immediately. Bins are located next to the entrance gate.
- 1.5 No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders for the same, within the Cemetery without the express permission of the Council.
- 1.6 There is no access to any motor vehicle in the Cemetery, except Council operated vehicle and funeral vehicles and, at the discretion of the Council, vehicles bearing a disabled badge .
- 1.7 The use of motorcycles, cycles, skateboards, roller blades, roller skates, scooters or any other vehicle, whether propelled by mechanical or powered means, will not be allowed in the Cemetery, with the exception of mobility scooters.
- 1.8 All visitors to the Cemetery must keep on the footpaths or roads except whilst visiting a grave, and shall behave in a quiet and orderly manner.
- 1.9 No person shall sit, stand or climb upon or over any gate, wall, fence or building, or any gravestone/tablet or other property of or in the Cemetery.
- 1.10 No person shall drop, throw or otherwise deposit and leave in the Cemetery any wastepaper or refuse of any kind except in the bins provided for the purpose.
- 1.11 The use of lawnmowers is only permitted by employees or contractors of Farndon Parish Council.

## **2. INTERMENTS**

- 2.1 Interments may only take place in accordance with these regulations and at the following times:

Summer            10 am to 4 pm

Winter             10 am to 3 pm

Outside these hours will be exceptional, at the discretion of the Council, and special charges may apply in order to recover any additional administration/labour costs

- 2.2 The time appointed for an interment will be that at which the funeral cortege is to arrive at the entrance gate of the Cemetery.
- 2.3 Prior telephone booking is required for every interment and that must be confirmed in writing within 72 hours on the prescribed form, Notice of Interment. Such notice excludes weekends and public holidays. In exceptional circumstances, some discretion may apply. The Council will accept no responsibility whatsoever for verbal arrangements, where such arrangements have not been so confirmed.
- 2.4 The Notice of Interment must contain full details of the deceased, the proposed interment, the grave to be used, the dimensions/style of the coffin and the depth of grave to be prepared.
- 2.5 The Council will not accept responsibility for the consequences arising from the loss or delay of any such Notice, order or other document sent by post, nor for the accuracy of the details contained in the Notice of Interment.
- 2.6 A certificate of disposal issued by the Council of Births and Deaths or a Coroner's Order for burial must be delivered to the Council before the interment shall be allowed to proceed.
- 2.7 In the case of interment of cremated remains, a certificate for burial purposes, issued by the Cremation Authority, will be required.
- 2.8 In the case of foetuses, the Medical Practitioner's Confirmation of Delivery of a Non-Viable Foetus', will be required.
- 2.9 Coffins should be of wood or other perishable material, and must comply with any conditions that may, from time to time, be required by the Council, particularly in relation to health and safety issues.
- 2.10 All graves will be prepared by persons approved by the Council. During the preparation of the grave soil may be kept on the adjacent plot(s) and removed upon interment.
- 2.11 Where more than one burial takes place in a grave there shall be a layer of earth of not less than 15cm (6") in thickness, plus the thickness of the coffin board, between each coffin.
- 2.12 When any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein, or remove there from, any soil that is offensive.
- 2.13 After interment, no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or licence for exhumation required by law. The original documents will be required for this purpose.
- 2.14 Interments may take place with or without the services of a Clergyman or Minister of Religion, and the Council is not responsible for such arrangements. Ceremonies of a special nature are subject to the approval of the Council and every interment must take place with due reverence to the occasion.

- 2.15 The Parish Council must be advised of any funeral at which 50 or more mourners are expected.
- 2.16 The Council has the right to exclude from the Cemetery, on the occasion of a funeral, any person or persons not being mourners or officially connected with such funeral.
- 2.17 In the case of the re-opening of a private grave, where written consent of the owner of the burial rights, or other reasonable evidence of ownership cannot be produced, the Council will require to be indemnified against any action arising as a result of permitting the interment. A suitable form of indemnity is included on the Council's Interment Form.
- 2.18 Full reinstatement of the grave will be carried out by the Council in due course.
- 2.19 Scattering of Ashes is not allowed in any part of Farndon Cemetery.

### **3 EXCLUSIVE RIGHT OF BURIAL**

- 3.1 Grants by the Council of exclusive rights of burial in grave spaces in the Cemetery provide the owner of the Grant the right to:
- be buried in that grave;
  - authorise other burials in that grave (where space is available), or the interment of cremated remains in that grave, subject to its being contained in a casket/plastic cylinder;
  - erect or place a memorial on that grave subject to the Regulations of the Council relating to memorials;
  - have additional inscriptions placed on a memorial subject to the Regulations of the Council relating to this matter.
  - (Please note that possession of the Grant does not provide ownership of the actual land but only the right, see 3.6 below)
- 3.2 Grants are made subject to the following terms and conditions:
- The position of the grave shall be agreed with the Council.
  - Scattering of cremated remains upon the grave space, to which the Grant refers, will not be allowed at any time.
- 3.3 Wherever possible, all plots will be turfed flat for easy maintenance.
- 3.4 The plot may be used for a period of 50 years only and at the expiry of that period, all the rights of the grantee (i.e. the person purchasing the rights of burial) will cease. Under no circumstances will any Grant be made for periods exceeding 50 years.
- 3.5 If any dispute shall arise as to the date of expiry of the period for which exclusive rights of burial were granted by the Farndon Parish Council or a former Local Authority, such date shall be ascertained by reference to records kept by the Council, and the date shown in these records shall be final and conclusive and binding upon any person.

- 3.6 At the end of the said period of 50 years, the right to use the plot shall cease and any person interested may, before the expiry of the said period, give notice in writing to the Council that he/she wishes to retain any memorial erected or placed upon the plot, and if no such notice is given or if, after notice has been given the memorial is not within one month from the expiry of the period of 50 years removed at the expense of the person giving notice, the memorial may be removed by the Council and disposed of in such a manner as the Council shall choose and proof of the posting of the said notice shall not be deemed to be proof of a receipt thereof by the Council.
- 3.7 This Grant signed on behalf of the Council will at all times be accepted as evidence of the grantee's title to the aforementioned rights of burial.
- 3.8 The Grant will be subject to, in addition to these Regulations, any order that the Secretary of State may, from time to time, make in respect of the management of cemeteries by burial authorities, the Council's table of fees, and any regulations in force for the time being respecting the Cemetery or the portion thereof in which the plot, which is the subject of the Grant, is situated.
- 3.9 The re-assignment of Exclusive Rights of Burial will only be accepted on receipt of an appropriate, and original, legal arrangement.

#### **4 GARDEN OF REMEMBRANCE**

- 4.1 A Garden of Remembrance has been designated by the Council for the interment of cremated remains. These shall be buried in a casket or plastic cylinder in a plot suitable for two interments. The position of the plot shall be determined by the Council.

#### **5 MEMORIALS**

- 5.1 A memorial may only be erected on a grave space within the Cemetery in accordance with these Regulations and upon payment of the appropriate fee. The right to erect a memorial will be for the unexpired portion of the Grant of exclusive right of burial.
- 5.2 Any memorial placed or erected on the plot shall be of such dimensions as the Council shall approve and may bear a suitable inscription provided that such inscription is not, in the opinion of the Council, libellous or likely to cause offence to any person or body of persons.
- 5.3 Application for approval to place a new memorial in the Cemetery, alter or add to any inscription, or replace, must be submitted to the Council on the appropriate form provided and subject to the appropriate fee. Any second headstone that the Parish Council may approve has to be situated in the middle of the grave and the appropriate fee paid.
- 5.4 All memorial work MUST be undertaken by Memorial Masons who must be registered under the Council's Memorial Registration Scheme before they will be permitted to carry out work in the Cemetery. A list of approved Memorial Masons, all members of the National Association of Memorial Masons, can be obtained from the Parish Council.
- 5.5 The approval of the Council for any such application will be confirmed by the issue of

a memorial permit. No work should be undertaken until the permit has been issued. Any such permit is issued on the understanding that the work undertaken will fully comply with the details of the Application Form and the requirements of these Regulations. Any work that does not so comply will not be permitted to remain in the Cemetery. No permit is required for cleaning only; up righting and re-levelling; repair of existing lettering, or painting of the existing memorials and/or inscriptions.

The Council will not entertain re-imbusement of any costs associated with a memorial for whatever reason.

- 5.6 The Council must be informed of the removal of any memorial from the Cemetery.
- 5.7 The removal and re-erection of a memorial to facilitate the re-opening of a private grave or to level such grave shall be at the expense of the grave grantee.
- 5.8 **Any unauthorised memorials, including grave surrounds, are subject to removal by the Council without notice and the cost of removal and disposal shall be charged to the owner of the Right of Burial or other responsible person.**
- 5.9 Any memorial erected in the Cemetery remains there at the sole risk of, and must be kept in a good state of repair by, the owner of the Exclusive Right of Burial. The Council does not accept any liability in the event of a memorial being vandalised. In this respect it is strongly recommended that any memorial be adequately insured by the owner.
- 5.10 If any memorials are, in the opinion of the Council or its expert advisors, considered to be defective, dangerous or potentially unsafe, it will be the responsibility of the owners thereof to arrange for the necessary remedial work to be carried out. If that option proves unsatisfactory, then, subject to any legal requirements, such memorials will be made safe by appropriate means and the registered owner will be responsible for the repayment of any costs incurred. The Council reserves the right to lay flat or remove unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.
- 5.11 No unauthorised grave surrounds will be allowed in the Cemetery.
- 5.12 Grave surrounds were allowed previously and, where this is the case, the owner of the exclusive rights or their representative(s) are required to maintain the area within the grave surround to an acceptable standard. Further, if routine maintenance around the grave plot is difficult, the Council reserves the right to apply weed killer as required. No unauthorised grave surrounds will be allowed.
- 5.13 The Council reserves the right to exclude or remove from the Cemetery any memorial not executed in a workmanlike manner, or from sound materials.
- 5.14 For all memorials erected the following dimensions shall apply per plot:  
**Headstones:** Height shall not exceed 76cm (2ft 6")  
**Width** shall not exceed 45cm (1ft 6")  
**Thickness** shall not exceed 15cm (6")



- 5.15 **A base** must be constructed of complementary material to the headstone and be within the following dimensions:

**Width** – maximum support plinth to be no more than 107cm (42")

**Depth** (front to rear) maximum 45cm (18")

- 5.16 For all memorials erected in the Garden of Remembrance the following dimensions shall apply per plot:

The right to place a plaque not exceeding 45cm x 45cm (1ft 6" x 1ft 6") of Granite, York Stone, Slate or Limestone which must be laid level with the ground.

No extension of the permitted area for the memorial, by way of stone chippings or other type of material, will be permitted. The Council reserves the right to remove any such extension after giving notice to the burial grant holder.

#### **ADDENDUM TO PARAGRAPH 5 – 14.05.19**

No permission shall be granted for memorials to have any inscription to the rear of the headstone. Only the mark of the undertaker with the grave number will be permitted.

### **6 OTHER COMMEMORATIVE FEATURES**

- 6.1 **Trees:** A tree, with inscription, may be ordered through the Council. The variety of tree, type of inscription label, positioning and planting of the tree shall be determined and undertaken by the Council. A fee will be payable for the supply and initial maintenance of the tree, which will be subject to a renewal charge on a five-year basis.

- 6.2 **Garden Seats:** The provision of a garden seat with inscription plate attached will be considered. The style of seat/inscription plate, and the position of the seat, shall be subject to consultation with the Parish Council.

- 6.3 The Parish Council is willing to consider the suitability of other environmentally friendly options which may assist families in providing memorials to loved ones, for example the provision of bird boxes, bird baths or flower troughs.

- 6.4 Following the introduction of these Regulations any seat or other form of memorabilia to appear at the Cemetery site which is not authorised, or for which the appropriate renewal fee is not paid will be subject to removal by the Parish Council without notice.

### **7 EXHUMATION**

- 7.1 No person shall exhume or cause to be exhumed an interred body or cremated remains except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.

### **8 MAINTENANCE AND UPKEEP**

- 8.1 After an interment has taken place and a reasonable time has elapsed for the natural subsidence of the earth used to fill the grave, the Council will level the surface of the grave and turf or seed. All superfluous soil shall be disposed of as the Parish Council may from time to time direct.

- 8.2 The surface of every grave shall be at ground level, except for an approved memorial permitted in accordance with these Regulations.
- 8.3 For safety reasons the Council will not permit the top surface of earth graves to be covered with materials such as stone, concrete, gravel or stone chipping, unless they are contained within a previously authorised grave surround.
- 8.4 In respect of the grave the Council reserves the right to prune, cut down, or dig up and remove any shrubs, trees, plants or flowers, at any time when, in their opinion, the same are unsuitable or have become unsightly or overgrown.
- 8.5 With the exception of approved memorials any other articles, for example, items of pottery, wood, metal, plastic, clothing, chimes, lanterns and holders will not be allowed unless they are contained within a previously authorised grave surround.
- Glass items of any kind are not allowed in the Cemetery because of the safety risk if damaged.
- Action will be taken by the Parish Council to monitor and maintain these provisions and Council reserves the right to remove unauthorised items.
- 8.6 The Council are not to take responsibility for the security of any personal or decorative items left on the grave
- 8.7 The Council reserves the right to remove from any grave flowers, plants or wreaths that in their opinion have become unsightly and to dispose of the same in such manner as they may deem fit.

## **9 FEES AND CHARGES**

- 9.1 The fees and charges prescribed for the use of the Cemetery shall be those specified in the scale of fees and charges, as amended from time to time. All fees shall be paid in advance except when paid by account.
- 9.2 The fee for the Grant of Exclusive Right of Burial shall be doubled where the purchaser of such Grant was not ordinarily resident within the Parish of Farndon.
- 9.3 Similarly the fee for interment shall be doubled where the deceased was not ordinarily resident within the Parish of Farndon, except that the Council would grant a concession not to pay double fees for an interment in the case of:
- those of state retirement age and requiring nursing in residential or hospital care outside of the Parish who have a minimum five years' residence qualification that extends to the date of their moving in to residential or hospital care;
  - such concession to remain available to qualifiers from the date of their moving in to residential or hospital care;
  - such concession would exclude those who have left the village of their own volition then returned to residential or hospital care in the immediate neighbourhood.

## **10 GENERAL**

- 10.1 The Parish Council reserves the right to amend any of the foregoing Regulations and to deal with any circumstances or contingency not provided for, as necessary.

## **11 EXERCISE OF THE PARISH COUNCIL'S DISCRETION**

11.1 The Local Authorities' Cemeteries Order 1977 states that:

'No burial shall take place, no cremated human remains shall be scattered and tombstone or other memorial shall be placed in a cemetery and no addition inscription shall be made on a tombstone or other memorial, without the permission of the officer appointed for that purpose by the burial authority'

It is proposed that the Clerk to the Council be confirmed as the officer appointed for that purpose and authorised to act for the Parish Council on matters relating to the control and management of Farndon Cemetery in conjunction with the duly appointed Member with responsibility for the Cemetery or the Chairman of the Council.

## **12 ALTERNATIVE FORMATS**

12.1 Disability Discrimination Act 1995 – copies of this document in large print (A3 format) or larger font size can be made available for those with sight impairment on request from Farndon Parish Council.

## **13 FREEDOM OF INFORMATION**

13.1 In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website <http://www.newark-sherwooddc.gov.uk/farndon/>

## **14 OFFICE HOURS**

14.1 Any enquiries can be made at the Parish Office, Village Hall, Marsh Lane, Farndon.  
Tel 01636 708538; e-mail [clerk.farndon.pc@btconnect.com](mailto:clerk.farndon.pc@btconnect.com)