

## **Swaffham Prior Parish Council Cemetery Regulations**

The foregoing rules and regulations will come into operation from 11th May 2023. All previous rules and regulations previously made by the Parish Council are hereby superseded. The Parish Council reserves the right to make alterations, additions or amendments to these rules and regulation specified herein. These rules and regulations will be reviewed at least once per year.

### **Introduction.**

The Parish Council seek to observe the rights and choices of any individual wherever possible, to keep everyone safe, and to maintain the cemetery to high standards the Parish Council do need some regulations. Everyone visiting the cemetery needs to follow these regulations.

When the Parish Council mentions 'cemetery' in the regulations, the Parish Council are referring to Swaffham Prior Cemetery, located behind the church and NOT the churchyard itself.

Swaffham Prior Parish Council (referred to as “the Parish Council” in the regulations) are legally responsible for managing and controlling the cemetery. The Parish Council authorises the Parish Clerk or, in the case of absence, the Deputy Clerk, to act with its authority and enforce the regulations.

To comply with the relevant laws, the Parish Council run the cemetery in accordance with the Local Authorities Cemetery Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the secretary of state.

If there are any questions about these regulations, please contact the Clerk. Contact details are on the front page of the Parish Council website, [www.swaffham-prior.co.uk/pc](http://www.swaffham-prior.co.uk/pc).

### **Regulations.**

#### **Opening times.**

1. The cemetery is open daily to visitors.

#### **Rights of use and admission.**

2. (a) the Parish Council reserve the right to close or limit access to the cemetery when necessary and withdraw the use of the cemetery from any person or organisation.

(b) Dogs are allowed into the cemetery but they must be kept on a short lead and under control at all times.

(c) Dog fouling is prohibited. Owners must clear up after their dogs and there is a dog bin located at the corner of Cooper’s Green, 30 yards from the cemetery entrance by the main road.

(d) Only vehicles associated with a funeral cortege or those displaying a valid disabled parking permit (blue badge) may enter the cemetery. Any vehicle entering must be driven very slowly and keep to the central path, and be parked in a way that does not inconvenience visitors or staff.

(e) Cycling is prohibited in any part of the cemetery; cyclists should dismount at the gate.

**Fees.**

3. All fees for plot reservations are payable in advance. Other fees must be paid within 28 days of receipt of invoice.

4. All cemetery fees and charges are reviewed annually and are displayed on the Parish Council website.

**Exclusive right of burial.**

5. At the time of the interment, an exclusive right of burial in a grave may be purchased for an agreed period of time. The purchase will be subject to payment of the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The exclusive right of burial varies between grave types. Exclusive rights of burial may be purchased in advance.

6. The exclusive right of burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the Parish Council has given permission).

7. On the 100<sup>th</sup> anniversary of the purchase the Parish Council may offer the deed holder the opportunity to buy an extension of another 100 years, bringing the exclusive right of burial back to its original term.

8. The exclusive right of burial relating to cremation plots is also for 100 years and may be extended in a similar fashion.

9. The Parish Council policy is to excavate graves to the maximum depth available. With regards to new graves the Parish Council will initially aim to excavate them to a depth of 2.75 metres (approximately 9ft). This will enable the grave to accommodate three Interments. The Parish Council cannot be held responsible if, due to factors outside the Parish Council's or Clerk's control, the grave cannot hold the full number of Interments.

10. The Parish Council will allocate new graves in strict rotation. The Parish Council will try to meet the wishes of applicants who buy grave spaces if it is practical to do so, subject to the Parish Council's approval and payment of the appropriate fee.

11. The Parish Council keeps plans and records of graves which may viewed on the Parish Council website.

12. When the exclusive right of burial period comes to an end, the buyer (or his or her heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.

13. Deed holders will need to apply to renew the exclusive right of burial within 12 months of the previous grant finishing.

14. The Parish Council may grant a renewed right of burial to another person if the exclusive right of burial grant period has finished and nobody has informed the Clerk that they want to renew it. Before the Parish Council do this, the Parish Council will, where possible, notify the previous owner (or his or her personal representative) to give them the option to renew it.

15. Where no Interment has taken place in the grave, the owner of the exclusive right of burial may surrender it to the Parish Council. The Parish Council will pay the owner an amount which is in proportion to the number of years remaining for the exclusive right of burial. The Parish Council will not make a payment if the exclusive right of burial has lapsed, or finishes within ten years.

16. If the Parish Council gives permission, the owner of an exclusive right of burial may transfer it to another person if he or she provides satisfactory evidence of ownership. The owner must register the transfer in the

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cemetery's records, have the deed of grant of right of burial endorsed by the Parish Council and pay the appropriate transfer fee.

17. Provided that there is sufficient room and subject to receiving consent from the Clerk, cremated remains can be interred in any adult grave in the cemetery for which there exists an exclusive right of burial. No adult Interments, either full or cremated remains, are allowed to be interred in to the grave of a child or baby unless the child or baby was interred into a full adult grave and the appropriate adult exclusive right of burial fee was paid.

18. Ownership of the ground does not at any time pass from the control of the Parish Council.

19. Before the reopening of a purchased grave, the ownership for exclusive right of burial must be proven and permission given in writing.

20. If an original Grant of Exclusive Right of Burial has expired and no further burials are to be made in a plot, a Grant of Right to Erect and Maintain Grave Markers may be purchased, which enables the owner to erect, maintain and/or replace grave markers, but not to request burials. If further burials are required when an active Grant of Right to Erect and Maintain Grave Markers is in place, only the owner of this Grant can request a new, full Grant of Exclusive Right of Burial.

**Coffins and caskets.**

21. To help us all respect the environment, all bodies entering the cemetery for burial must be contained in a coffin or wrapping made of a perishable material bearing the full name, age and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the Clerk. A coffin or casket which is over 6 feet 10 inches in length or over 3 feet in width will be regarded as an extra large and will be liable to fees that are set for such coffins.

**Interments.**

22. Anyone can apply for a burial by contacting the Clerk. A completed Interment notice must be delivered to the Clerk at least two clear days before the Interment (excluding Saturdays, Sundays and bank holidays). Application forms for interment, the reservation of plots and the scale of fees form part of these regulations and are available from the Clerk.

23. The Interment fee excludes the excavation and preparation of the grave, matting, and backfilling on the day of service. The fee includes all administration, entries into the burial registers and onto the burial database. The fee does not include the removal or reinstating of any memorial (whether the memorial belongs to the grave to be opened or other graves within the area which need to be removed to provide access) or any replanting. The cost of any of these actions must be covered by the applicant.

24. The time booked for a funeral is the time the cortege is due to arrive at the cemetery. If the funeral director or person in charge of the funeral is later than the appointed time he or she must act under the direction of the Clerk or some other authorised person as to when the funeral service may proceed.

25. The Parish Council will not open a grave covered by an exclusive right of burial without the written permission of the registered owner, unless the burial is to be that of the registered owner.

26. The Parish Council will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid then a statutory declaration must be made.

27. The Parish Council must receive the registrar's Certificate for Disposal or coroner's Order for Burial before any burial can take place. The Parish Council will require a medical practitioner, midwife or nurse's certificate if the Interment is for a non-viable foetus.

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28. The Parish Council reserve the right to delay or reschedule a funeral if any burial area or excavated grave becomes unstable or dangerous due to severe weather, other naturally occurring instances or an act of God.
29. The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the funeral director or person arranging the funeral.
30. Once the Parish Council have a Notice of Interment, the Parish Council reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The applicant will pay the cost of removal.
31. The Parish Council reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. The Parish Council also reserve the right to move memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial.
32. Only the Parish Council can authorise people to prepare graves.
33. Parish Council staff are not permitted to accept tips.
34. A Parish Council representative might be present at all interments to make the final checks to ensure the funeral is completed lawfully.
35. During a funeral (or before) the Parish Council have the right to exclude those who are not mourners or not officially connected with the funeral.
36. The cemetery contains a children's grave section. The Parish Council do not permit the Interment of adults in children's graves in the children's section.
37. Persons authorised by the Parish Council will normally carry out the back filling of any grave. However in the event that relatives and friends wish to do so, permission must be sought from the Clerk and the back filling must be carried out under the direction of an authorised person.

**Management of memorials.**

38. The Clerk will issue the correct form to complete for permission to erect a memorial, add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. Memorial stones cannot be placed within six months of the interment to allow time for the ground to settle.
39. Issuing a permit to work confirms that approval for any such application is given. The applicant must not start any work until they have received the authorised permit. The Clerk will give permission as long as the work undertaken fully complies with the details specified within the Application for memorial/re-inscription Permit, the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM) schemes and the requirements of these regulations.
40. All memorials must be erected in accordance with BS8415 and the National Association of Memorial Mason's (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) code of practice current at the time of installation. The owner of the exclusive right of burial is responsible for keeping the memorial in a good and safe condition. The Parish Council are permitted to remove any memorial that becomes unsafe or is otherwise dilapidated.
41. Any work, memorials or curb sets that do not comply with the Cemetery Regulations must be removed and all costs paid.

42. All memorial mason companies who work within the cemetery must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM). The PC will also allow work to be carried out by a contractor who notifies the council in writing, on the contractors' headed stationery, before commencing any work, that they self-certify to carry out the work to BS8415 and provide evidence of Public Liability insurance to a minimum value of £5m and they have Professional Indemnity insurance. At all times memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.

43. Only granite, marble, slate or other suitable material of durable and sound quality may be used for memorials.

#### **Memorial sizes.**

44. Headstones and memorials must not exceed 975 millimetres (3'3") in height (above ground level) and 750 millimetres (2'6") in width. The stone must be of sufficient thickness to support its height and any reasonable force exerted upon it to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with or below the adjoining ground level. Headstones or headstone bases may not be linked over two or more graves.

45. Cremation plots may only have a flat stone marker, not exceeding 12 inches by 18 inches in size.

46. A drilled base which should not exceed 3 feet in width by 18 inches in depth and 6 inches in height may accommodate up to two flower containers or up to two natural stone vases. Any such vase, tablet or figure must not extend beyond the perimeter of the base. Alternatively a memorial may consist of a natural stone vase of reasonable dimensions.

47. Photographic plaques, either ceramic or other material, of an approved size may be attached to memorials with the Clerk's written approval.

48. Trade names must be inscribed on any memorial in the lower left corner of the rear of the base or other location approved by the Parish Council in characters of not more than 12 millimetres (1/2") in height to match the main inscription.

49. All contractors engaged on work in the cemetery must comply with all Parish Council directions and requirements.

50. All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to paths and turfed areas and all soil or waste material must be removed in a like manner.

51. Masons must notify the Parish Council of intent to work in the cemetery at least 24 hours before arrival at the cemetery. No work will be permitted at weekends unless specifically approved by the Clerk.

52. Any person removing a memorial to permit a further Interment may only do so after informing the Clerk. Upon reinstallation of such memorials they shall be re-fixed in accordance with BS8415 and the NAMM or BRAMM code of practice; this will include the installation of new dowels between the base and headstone plate.

53. The Parish Council will remove any unauthorised memorial and charge the cost to the grave owner or their personal representative.

#### **Memorial trees, roses and shrubs**

54. No memorials or items may be placed on or around the tree areas.

55. Planting is permitted on top of graves as long as it is limited to an area two feet by five feet. No shrubs or trees are permitted to be planted apart from rose bushes.

**Public graves.**

56. A public grave is a grave in which no exclusive right of burial has been granted by the Parish Council and in which unrelated persons may be interred.

**Maintenance.**

57. It is forbidden to place glass containers or shades, plastic or wire mesh fences on the graves. The PC will contact the owner/s where possible to ask them to remove such items within 7 days and if this has not been done, the PC will remove and dispose of the said items. The PC request that non-compostable materials be removed and taken away.

58. The Parish Council may remove Christmas wreaths from 1 February onwards each year.

59. Temporary wooden markers are permitted subject to the Parish Council's approval. These should be removed from the grave if and when the permanent memorial headstone is set.

60. The Parish Council reserves the right to remove and dispose of from any grave space flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly. A photograph of the item/s will be taken and presented at the next PC meeting. If it is agreed by the PC that the item is deteriorated or unsightly, the owner will be contacted where possible to remove the item/s in 7 days, after which the PC will remove and dispose of the item/s.

**Scattering of cremated remains.**

61. The scattering of cremated remains on purchased or unpurchased graves or in any other area in the cemetery is forbidden.

**Repair of failed memorial headstones.**

62. The Parish Council reserve the right to physically test all headstones for safety at least every five years, or at any time if it is suspected that the stone maybe unsafe. The date these tests take place will be publicised 3 months in advance and members of the public may attend. Physical testing will be carried out by suitably qualified persons.

Visual checks regarding the condition of grave markers will be carried out more frequently and without public announcement. These will follow the Institute of Cemetery and Crematorium Management 'Management of Memorials' guidance (August 2019).

Grave markers will be given one of three categories after inspection. These are:

- Category 1- Immediate action is required to make the memorial safe or to stop the public accessing the memorial. This could be the permanent removal of the hazard or the temporary making safe of the hazard.
- Category 2 – The memorial is not an immediate danger to the public but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial. The construction, material used, or position of the memorial may also qualify it as priority.
- Category 3 – The memorial is perfectly stable or below 625mm in height and will only need to be inspected in 5 years' time.

If a marker is found to be category 1 or 2, the Parish Council will contact the deed holder to inform them.

63. Grave markers that fail the safety test will be required to be repaired as soon as possible by the deed holder. The marker must be repaired by the owner and any costs incurred by the Parish Council be repaid before the exclusive right of burial is further exercised.

64. In the case of memorials that have been laid down after failing the safety checks or have fallen of their own accord, the Parish Council will wait 12 months for contact from the families of fallen or failed memorials with a lapsed or no Grant of Exclusive right of Burial. After this time, if no-one has claimed it, the stone should be laid face up within the confines of the grave plot, where possible.

65. For stones on plots with an active Grant of Exclusive Right of Burial, where the owners were unwilling/unable to repair or move fallen or failed gravestone, after 12 months, the Parish Council will place the stones face up within the confines of the grave plot, where possible.

**Photography in the cemetery.**

66. There have been instances where photographs and videos have been taken in the cemetery and have been posted on social media which has caused additional upset and distress to bereaved families. Due to this, anyone wishing to take photos in the cemetery must first seek agreement from the Clerk.

**Funerals requiring brick lined or vaulted graves.**

67. Funerals which require a new or reopened grave to be brick lined or vaulted will be required to give the Clerk a minimum of 10 working days notice of the Interment.