

# Ashdon Parish Council

## Rules & Regulations for Ashdon Cemetery

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# **Ashdon Parish Council**

## **Ashdon Cemetery Rules and Regulations**

These Rules and Regulations are made pursuant to Section 38 of the Burial Act 1852 and the Local Authorities' Cemeteries Order 1977, ~~Cemeteries Act~~ by Ashdon Parish Council as the Burial Authority with respect to the Management of Ashdon Cemetery

### **1. General**

Ashdon Parish Council ("the Council") shall:

- 1.1 be solely responsible for the management and administration of the cemetery
- 1.2 be solely responsible for the upkeep and day to day management of the cemetery
- 1.3 review these Regulations annually and update and approve as required.
- 1.4 display an up-to-date copy of these Regulations on their Website or supply a copy of these Regulations on request.
- 1.5 maintain Registers of all Burials and the interment of cremated remains, a Plan of all interments, and the Grant of Exclusive Rights of Burial. Details can be obtained from the Council upon request.
- 1.6 No burial shall take place, no cremated remains shall be scattered and no memorial shall be placed or inscription added without the permission of the officer appointed by the Council

### **2. Conduct in the cemetery**

- 2.1 All visitors must conduct themselves in a quiet and orderly manner.
- 2.2 Pursuant to the provisions of the Local Authorities Cemeteries Order 1977, it is an offence for a person to wilfully:
  - (i) create any disturbance in a cemetery
  - (ii) commit any nuisance in a cemetery
  - (iii) interfere with any burial taking place in a cemetery
  - (iv) interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any manner
  - (v) play at any game or sport in a cemetery
- 2.3 Dogs
  - (i) Dogs must be kept on a lead at all times and to the paths.
  - (ii) Any waste deposited in the cemetery by a dog shall be removed from the cemetery by the person in charge of the animal
- 2.4 No demonstration of any kind or religious service other than at the time of interment of coffin or ashes shall be held without the prior consent of the Clerk to the Council.
- 2.5 Conduct concerning vehicles:

- (i) With the exception of invalid carriages and any other vehicle expressly authorised by the Council, no motor vehicle shall be driven into any part of the cemetery other than in connection with the conduct or servicing of funerals or in connection with the erection of monuments and care of graves
- (ii) No person shall drive any motor vehicle onto the grassed areas, except for the sole purpose of grass cutting and excavating or backfilling graves. Any such vehicular access over grassed areas for these purposes shall be kept to an absolute minimum, and all reasonable protective measures shall be taken to avoid damage to the grass surface
- (iii) Any person driving a motor vehicle onto a grassed area of the cemetery shall be liable to pay to the Council its costs incurred in making good any damage thereby caused

### **3. Arrangements for a Burial Service**

3.1 The cemetery is for the burial (including cremated remains) of current Ashdon residents. There are some exceptions including:

- (i) Where a grave plot has previously been reserved by the purchase of a Grant of Exclusive Right of Burial
- (ii) Where there is an existing family grave
- (iii) Where previous residents only left the parish for care within the last two years due to declining health
- (iv) All requests from non-residents shall be at the Council's discretion

3.2 The Local Authorities' Cemeteries Order 1977, Clause 10(6) states:

No body shall be buried, or cremated human remains interred or scattered, in or over any grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right

This paragraph shall not extend to the body, or remains, of:

- (i) The person who immediately before his death was the owner of the right; or
- (ii) Any other person specified in the deed of grant or in an endorsement thereon made at the request of the owner by the officer appointed by the burial authority

3.2 The location of a grave shall be subject to the prior approval of the Council and consistent with the general plan of the Cemetery. The location and/or position of the plot for a grave not acquired by way of a Grant of Exclusive Right of Burial shall be determined by the Council.

3.3 The fees charged by the Council are in respect of all matters connected with the specified items in respect of which an official receipt is given. No person employed by or on behalf of the Council is allowed to receive any gratuity and no gratuity shall be offered to any such person.

3.4 Except in cases where religious beliefs require otherwise or in cases of death from epidemic or epidemic disease upon medical certification, five working days notice, excluding Saturdays, Sundays and Bank Holidays, must be given to the Council of an interment.

3.5 Reservations for burial services may be made by telephone during the Council's normal office hours, in writing, or by e-mail, where the current grave owner is the applicant or on behalf of the grave owner if he or she is the deceased. Reservations shall be treated as provisional until formal notice confirming the date and time of the service has been received.

3.6 Notice of burial is deemed to be given when all forms, certificates and fees required to fulfil statutory requirements, together with the provisions of these Regulations, are received by the Clerk to the Council no later than five full working days before the proposed date of the funeral. Notice of the interment of cremated remains must be accompanied by the Certificate issued by the Crematorium where the cremation took place. Documents sent by email will only be accepted as temporary notification(s) and must be confirmed by the submission of originals.

3.7 For the burial of a stillborn child a certificate in accordance with the Births & Deaths Registration Act 1953 must be delivered to the Clerk to the Council.

3.8 The Council accepts no responsibility for any delay loss or damage or mistake which may occur if instructions are given verbally or by telephone. Neither shall the Council accept responsibility for any documents lost or delayed in the course of post.

3.9 If the Registrar's Certificate for Disposal or the Coroner's Order is mislaid or lost, a declaration to the satisfaction of the Council must be made by the person procuring the disposal of the body. The original Certificate or Order or a duplicate copy of the same issued by the Registrar of Births and Deaths or the Coroner must be produced as soon as possible after the signing of the declaration.

3.10 In the case of a public or military funeral or one at which an exceptional number of persons may be expected, notice should be given at the time of reservation.

3.11 Only one funeral shall be allowed in the cemetery at any one time unless prior permission is given by the Council.

3.12 The Council reserves the absolute right not to permit the use of any particular plot in the cemetery for a grave.

3.13 A plan of the cemetery showing the position and number of each plot shall be maintained by the Clerk to the Council and may be inspected, without charge, by appointment

3.14 The responsibility for making the necessary arrangements for the attendance of priests, ministers, or other persons to officiate at a service rests upon the funeral director or the person(s) arranging the burial.

3.15 The time fixed for a funeral shall be that when the procession is to arrive at the cemetery.

3.16 Ashes may be interred with the services of an undertaker, who will arrange the preparation (digging) of the plot for a fee.

3.18 Ashes may be interred loosely (scattered) within an ashes plot or placed in a biodegradable box or casket (wood or cardboard) to be buried in an ashes plot.

#### **4. Grant of Exclusive Right of Burial**

An Exclusive Right of Burial is essentially a lease on a burial plot for a specified period of time (but cannot exceed 100 years). During this period, only the person who holds the right, or those they permit, can be buried in that plot. It is important to note they are not buying the land itself, just the right to be buried there.

4.1 An Exclusive Right of Burial in a specific numbered plot in the cemetery is acquired by payment in full to the Council of the sum specified in the table of cemetery fees in force on the date of purchase. The selection of grave spaces is subject to approval by the Council.

4.2 On the purchase of an Exclusive Right of Burial in a plot a deed (“the Deed of Grant”) confirming the grant of the Exclusive Right of Burial shall be issued by the Council to the purchaser, whose name and address shall be registered in the Register of Grants kept by the Clerk to the Council. The purchaser shall inform the Council of any change of address.

4.3 The Council reserves the right to delay or cancel any interment where in its opinion ownership of an Exclusive Right of Burial is disputed.

4.4 An Exclusive Right of Burial for any plot grants the following rights to the person acquiring the said Right and his successors, namely:

- (i) for the grantee to be buried in a grave in that plot
- (ii) for other persons to be buried in that grave so long as sufficient space is available
- (iii) the interment or scattering of cremated remains in or over that plot
- (iv) to erect or place a memorial on the plot subject to the provisions of these Regulations
- (v) to authorise inscriptions and additional inscriptions to be placed on a memorial subject to the provisions of these Regulations.

4.5 The Exclusive Right of Burial shall subsist for a period of 99 years from the date of purchase. At the expiration thereof, the Council may renew the Grant for further periods subject in all cases to the payment of the appropriate fees at the time of purchase. The selection of grave spaces is subject to approval by the Council.

4.6 Notice of the transfer or assignment of an Exclusive Right of Burial shall be given to the Council who shall enter the transfer in the Register of Grants upon the production of the Deed of Grant. The Council shall be entitled to require the provision of satisfactory evidence that the Exclusive Right of Burial has been duly transferred.

4.7 Where no interment has taken place in a purchased plot the Council may in its absolute discretion agree to cancel the Exclusive Right of Burial upon the Deed of Grant being delivered to the Clerk to the Council for cancellation. In such cases the Council shall refund the original sum paid for the Exclusive Right of Burial.

4.8 If it proves not reasonably practicable to excavate a grave in a plot in respect of which an Exclusive Right of Burial has been granted, the Clerk to the Council shall be entitled to transfer the said Right to an alternative plot within the cemetery. In that event the Clerk to the Council shall if reasonably practicable seek the views of the grantee or his family, as the case may be, regarding the location of the alternative plot but shall not be obliged to accede to such views

4.9 Surrender of Exclusive Right of Burial. Where no interment has taken place, and provided that the Exclusive Right of Burial will not lapse within ten years, the owner may surrender it to the Council and be refunded 75% of the fee paid.

Note: The Deed of Grant is an important document and should be kept in a safe place. At the time of arranging the funeral of the current deed holder, it is recommended that the Deed of Grant be transferred to another family member to allow future interments to proceed without delay or hindrance.

## **5. Burials**

5.1 Interments may take place at the cemetery on Monday to Saturday between the hours of 09:00 and 17:00 subject to the prior submission of a notice of interment by the funeral director arranging the funeral.

5.2 No interment shall take place on Sundays or bank holidays except in cases where religious beliefs require it or upon receipt of a certificate of a Coroner or registered medical practitioner stating that immediate interment is necessary.

5.3 All coffin and casket graves shall be excavated by person(s) appointed or authorised by the funeral director arranging the funeral.

Note: The purposes of Regulations 5.4 - 5.10 are to ensure that so far as possible graves headstones and tablets are laid out in an orderly and seemly regular grid pattern and to allow the cemetery to be well and properly maintained.

5.4 Subject to the provisions set out in Regulations 5.5 - 5.13 a grave shall be sufficiently large enough to admit a coffin or casket as notified by the funeral director arranging the funeral.

5.5 A coffin grave shall not exceed 229cm (7 feet 6 inches) in length and 91cm (3 feet) in width

5.6 A coffin grave shall be dug so that the rear face of the headstone to the grave when erected shall be in line with the rear face of any existing headstones running along the same row of graves. If there are no existing headstones but one or more graves have been previously dug along the same row, the grave shall be dug in line with the graves previously dug so that when erected the rear face of the headstones to the various graves shall be in line with each other.

5.7 A coffin grave shall be dug so that as far as possible the centre line of the headstone when erected shall be in line with the centre line of the line of headstones standing behind it in that section of the cemetery.

5.8 A casket grave for the burial of ashes shall be 45 cms (1 foot 6 inches) square in size and if in a section of the cemetery set aside for casket graves shall be so laid out that it is in alignment with all existing casket graves in that section of the cemetery.

5.9 Before a grave is to be dug the funeral director or other person arranging the funeral shall agree its location with the Council before any work commences.

5.10 All graves shall be dug in such a way that sufficient space is allowed for the care of the grass between graves spaces at all times and to maintain the integrity of existing graves.

5.11 If it appears to the funeral director or other person responsible for the digging of a grave that for any reason it will not be possible to fully comply with Regulations 5.4 - 5.13 they shall first consult with the Council who shall direct where the grave space is to be dug.

5.12 Any person or persons excavating or filling graves or carrying out any other work within the cemetery shall use such means as the Council may direct for the protection of the grass and walks during the progress of the work.

5.13 Any person or persons excavating graves within the cemetery shall be responsible for removing all surplus sub-soil from the cemetery, or as otherwise agreed with the Council. There is no facility for the disposal of soil in the cemetery.

5.14 Any person or persons carrying out work within the cemetery shall, on completion of the work, remove from the cemetery all materials not used or any waste materials and shall be responsible for the cost of repairing any damage caused during the execution of those works.

5.15 No body shall be buried in a grave in such a manner that any part of the coffin is less than 100 cms (3 feet 4 inches) below the level of the ground adjoining the grave except at the Council's discretion.

5.16 Save in the case of a multiple burial no body shall be buried in a coffin grave unless the coffin is effectively separated from any coffin previously interred in the grave by means of a layer of earth not less than 15cm (6 inches) thick.

5.17 In the event of a grave having to be enlarged, an additional charge may be levied at the discretion of the Council.

5.18 All coffined burials shall be in coffins of a material and design approved by the Council. Metal caskets or caskets which contain glass are not permitted. Any request to use a biodegradable coffin shall be notified to the Council.

5.19 With the exception of an Exclusive Right of Burial, interments shall take place in consecutive order or as agreed with the Council

5.20 No coffin or casket shall be opened in the cemetery for any purpose whatsoever except on the order of a Coroner, a Court of Summary Jurisdiction or a Chief Constable.

5.21 No coffin or casket or part of a coffin or casket shall be removed from the cemetery without the prior and express permission of the Council except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.

5.22 All coffins and caskets shall be marked with a non-perishable plaque or nameplate or by other means as shall be approved by the Council, showing the name, age and date of death of the deceased. In the case of a stillborn child, no age shall be recorded, but it shall include the name of the parent(s). Where the bodies of two or more persons are interred in one coffin the names, ages and dates of death of all of them shall be marked

5.23 No body or cremated remains shall be exhumed without the consent of the Secretary of State for Home Affairs and/or the Faculty of the Bishop of the Diocese.

5.24 No body shall be removed from the cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.

5.25 On the day of the funeral, flowers and wreaths may be placed upon the grave in which the burial takes place and may remain there for 14 days

## **6. Memorials**

6.1 No memorial shall be erected on a full burial plot until at least six calendar months after the date of interment. Thereafter a memorial may be erected subject to the provisions of these Regulations and the prior payment of the fee due to the Council. It is intended that the Cemetery shall be maintained as a Country Churchyard Cemetery

6.2 No memorial of any kind shall be allowed in any part of the cemetery without the prior consent of the Council. Prior to the erection of any headstone or tablet, a drawing of the proposed memorial shall be submitted to the Council for approval, together with the appropriate form and current fee which can be found on the Council's website. The drawing shall indicate the exact dimensions of the proposed memorial, the material to be used, the means of fixing and all associated details including the terms of any proposed inscription. All materials shall be of solid construction, and no material may be covered in any way.

6.3 No permanent memorial of any kind shall be permitted in any part of the cemetery other than a headstone to a coffin grave or a headstone or a tablet to a casket grave or memorials in the general areas of the cemetery pursuant to Regulation 6.28 below. For the avoidance of doubt no vaults, railings, kerb stones or other enclosures shall be permitted. Nothing which adversely affects grass cutting shall be permitted. Any items causing risk or increasing the size of the plot (including decorative stones) will be removed by the Council

- (i) A simple recessed wooden surround measuring a maximum of 8cm in depth may be incorporated within the grave space providing this is set just below ground level. Permission for this must be agreed in writing from the Burials Officer to the Parish Council and must be installed by a funeral director or approved contractor.

- (ii) No glass chippings shall be permitted. Decorative stones shall only be permitted if they are contained in a recessed wooden surround at a minimum depth of 5cm from the top edge (see 6.3(i)). Permission must be obtained in writing from the Burials Officer to the Parish Council.

6.4 No temporary memorial shall be permitted in any part of the cemetery other than a small wooden cross placed upon a grave by a funeral director or other person arranging a funeral.

6.5 No headstone in the form of angels or statues of any description shall be permitted. Memorials in the form of religious symbols shall be considered by the Council on a case- by-case basis.

6.6 One vase not exceeding 30cm (1 foot) in height and 20cm (8 inches) in width and containing cut or potted flowers may be placed upon a grave or cremated remains plot.

6.7 One solar light no more than 10cm (4 inches) in diameter and a maximum of 30cm (1 foot) in height from the ground may be placed on a grave. Naked flames or candles shall not be left unattended.

6.8 In the case of a standard coffin plot the dimensions of the headstone shall be as follows:

- (i) No part of the headstone shall be higher than 91cm (3 feet) above ground level.
- (ii) The maximum width of the headstone shall be 61cm (2 feet).
- (iii) The maximum width of the headstone base shall be 76cm (2 feet 6 inches).
- (iv) The maximum depth of the headstone shall be 10cm (4 inches).
- (v) The position and alignment of the headstone shall be in accordance with the provisions of Regulations 5.6 and 5.87

6.9 In the case of a casket plot the dimensions of the cremation tablet shall be 46x46cm (18x18 inches) in area and 5cms (2 inches) in depth. It shall be positioned and aligned in accordance with Regulation 5.8.

6.10 Tablets shall be laid flush with the ground.

6.11 No grave may be raised above ground level.

6.12 No monument or other memorial shall be altered or interfered with within the cemetery save in accordance with a design submitted to and previously approved by the Council.

6.13 The provision of all foundations for headstones, the removal or re-fixing of them and any other work connected therewith shall only be carried out with the authority of the Council.

6.14 No inscription shall be cut, nor work of any kind undertaken to any monument or memorial within the cemetery without the prior written consent of the Council.

6.15 All memorials shall be fixed or re-fixed in accordance with the British Register of Accredited Memorial Masons (BRAMM) recommended Code of Working Practice and all work shall be undertaken by memorial masons who are registered with BRAMM in accordance with BS8415

and the Institute of Cemetery and Crematorium Management (ICCM). All upright memorials must be fixed with a ground anchor system.

6.16 The name of the stonemason may be discreetly inscribed in an appropriate place on the memorial. The address and/or contact details for the stonemason shall not be inscribed on any part of the memorial.

6.17(i) All requests for changes to Memorials, including additional inscriptions must be received from the Grave Owner who must sign the request

(ii) All requests for changes to Memorials, including additional inscriptions, must be approved by the Council before any changes can be made and

(iii) No memorial shall be removed from the cemetery for the purpose of cutting an additional inscription until the formal written approval of the Council to its removal has been given in respect of the proposed addition(s) as a fee is chargeable.

6.18 All dressing or working of stone or other materials to be used in or about any grave shall be undertaken outside the cemetery, except such work which cannot be carried out elsewhere.

6.19 Any memorial removed for the purpose of a further interment shall be removed from the cemetery grounds and reinstated after the interment has taken place in accordance with these Regulations.

6.20 The Council shall not accept any responsibility for damage caused to any headstone or tablet through ordinary wear and tear, severe weather conditions or any other circumstances over which it has no control and shall be under no liability to make good any damage so caused.

6.21 All memorials erected in the cemetery shall remain the property and responsibility of the person or persons who arranged for their original erection and after their death shall remain the responsibility of their heirs and successors.

6.22 Owners of memorials shall inform the Clerk to the Council of any change of address.

6.23 Topple Testing and unsafe Memorials

(i) All memorials are the responsibility of and should be kept in good repair by their owners

(ii) The Council will on a regular basis carry out Memorial Safety Testing (Topple Testing), and will keep a record of such testing

(iii) If there is a risk due to an unsafe memorial, notice to have repairs executed shall be sent to the owner where contact details are known.

(iv) In cases where the name and/or address of the owner is not known, a notice shall be deemed to be properly served if placed upon the grave plot or memorial, giving contact details for the Council

(v) If the necessary repairs are not carried out within six months of the date of the notice, or if the memorial is so unsafe that it cannot be left in its current position, then the memorial may be made safe by lying flat, or removed and disposed of by the Council

6.24 Plants:

(i) No planting shall be permitted on a casket grave or cremated remains plot.

- (ii) In the case of a coffin grave no plants other than annual bedding plants shall be planted. Any planting shall be within the area originally excavated for the grave and shall be carried out in such a way that sufficient space for the proper care of the grass between adjoining grave plots is maintained at all times.
- (iii) The Council reserves the right to remove any planting in contravention of the provisions of Regulations 6.24 and 6.25

6.25 In the case of any shrub or perennial plant planted within a plot before such planting was prohibited, it shall be kept pruned so that it is no larger than the width or height of the headstone on the plot, and if not so pruned may be removed by the Council.

6.26 Any monument, memorial, stone, shrub, plant or other item erected, placed or planted in the cemetery in contravention of these Regulations may be removed by the Council at any time without notice.

6.27 Every grave plot in respect of which an Exclusive Right of Burial has been granted shall be kept in good order by the owner. If a grave plot appears to have been neglected for 12 months or more the Council reserves the right to level it and grass over, and to seek to recover the cost thereby incurred from the responsible person if known. The Council reserves the right to remove any artificial flowers, soft toys and other temporary decorations placed on a grave in the event of their becoming faded or soiled.

6.28 If any person wishes to place a memorial in the form of a seat, shrub, tree, rose, bird box or other appropriate item in the cemetery they may apply to the Council for permission to do so, subject to the proposed memorial being in conformity with any memorial scheme adopted by the Council. Applications to the Council for determination will be reviewed on a case-by-case basis. Any costs associated with the maintenance of any such memorials, shrubs, trees, etc, are the responsibility of the person or their heirs, and they will refund the Council for any costs that they may incur with such maintenance.

6.29 All works shall be subject to the directions of the Council and any person carrying out works must adequately protect grass, borders, and adjoining memorials. On completion of works all surplus materials shall be removed and the whole site cleaned and left in a satisfactory condition. If any damage is caused to the cemetery in the course of works being carried out or the site is not left in a clean and satisfactory condition the Council shall be entitled to remedy the same and recover the cost of doing so from the person causing the damage or any person employing them to carry out the works.

6.30 All memorials and materials shall be conveyed into the cemetery in such a manner as not to cause any damage to roads, walks or turf. All materials shall be carefully removed from the vehicles conveying them and neatly piled or placed in or near the place where they are to be used, as directed by the Clerk to the Council. No working is permitted on roads, walks, or adjoining graves and all surplus materials shall be removed on completion of works.

6.31 Any person contravening any of the provisions of Regulations 6.1 - 6.30 shall not be allowed to carry out any further work within the cemetery.

Adopted by Ashdon Parish Council; 16<sup>th</sup> March 2026