

Helsby Parish Council Cemetery Regulations

Agreed at Helsby Parish Council meeting held 8th July 2013

Last Committee review 25th July 2016 approved by Helsby Parish Council 8th August 2016

1. Introduction

Helsby Cemetery at Old Chester Road is owned and administered by Helsby Parish Council as the Burial Authority, in accordance with the Local Authorities Cemetery Order 1977.

2. Opening Times

2.1. The Cemetery is open to the public at any time. Visitors are asked to respect the peace, dignity and reverence of the facilities. The Council reserves the right to close the Cemetery or to limit the entry of persons thereto without notice.

2.2. The Council Office is open Mon to Thurs 8am to 2pm. The office is closed on Friday, Saturday, Sunday and Public Holidays.

3. Authority for Activity in the Cemetery

None of the following may take place without permission of the Parish Council:

- a) Burials or exhumations
- b) Scattering or burial of ashes
- c) Erection or fixing of a memorial
- d) Inscription on a memorial
- e) Renovation of a memorial
- f) Removal and/or replacement of a memorial

4. Right of Interment

4.1. The persons entitled to be interred or have ashes buried in Helsby Cemetery are:

- a) those whose home address, at the time of their death, was in Helsby
- b) those whose home address, at the time of their death, was not in Helsby but who have proof of residency in Helsby of 10 years or more, or have a close relative already interred or ashes buried in Helsby Cemetery. Different fees apply, with those described in b) being considered as non-resident.

4.2. At the discretion of the Parish Council, other non-residents may be interred or have ashes buried in Helsby Cemetery subject to payment of the appropriate fee.

5. Notice of Interment

5.1. Notice of interment shall be given to the Clerk a minimum of five days prior to the date of interment.

5.2. All notices must be given to the Clerk stating:

- a) The full name, age and sex of the deceased
- b) Normal residence of the deceased during the three months prior to death
- c) The date and place of death
- d) The dimensions of the coffin or casket if this may affect compliance with regulations in Section 7.
- e) The day, date and time of the funeral
- f) The name and contact details of the funeral director
- g) The name and address of the grave owner (Lessee)*, and their permission to open the grave for the interment.
- h) If the deceased was the grave owner (Lessee)*, the name, contact details and relationship to the deceased of the applicant for the burial. The applicant should be made aware of section 6.7 regarding transfer of ownership.

i) For a new grave, the name and address of the person purchasing the Exclusive Right of Burial.

* If the name of the Lessee does not match that in the Council's records, evidence that the Exclusive Right of Burial has been transferred must be provided (refer to section 6.7).

5.3. Any order or instruction given by telephone will be received at the sole risk of the person giving such orders or instructions. The Council will not be responsible for any delays which may occur, or misunderstandings which may arise with regard to orders or instructions given by telephone unless immediately confirmed in writing.

5.4. A Registrar's Certificate for Burial or Cremation or a Coroner's Order for burial must be produced before burial or interment of ashes takes place.

6. Exclusive Right of Burial

6.1. No interment can take place in any private grave unless a prior grant of Exclusive Right of Burial in that grave has been made. The name and address of the owner of this right, known as the Lessee, must be given to the Clerk at the time of giving notice of the interment.

6.2. The Lessee of the Exclusive Right of Burial will be furnished with a Certificate of the same. The Lessee is entitled to determine who is buried in the grave and to place and maintain a memorial on the grave for the period granted.

6.3. Exclusive Right of Burial for a new plot cannot be purchased in advance of a death occurring.

6.4. Exclusive Rights will not be sold to undertakers, their agents or other persons for re-sale.

6.5. The individual plot will be assigned by the Clerk and is subject to the approval of the Council.

6.6. An Exclusive Right of Burial shall be granted for a period of 75 years. At the expiry of the fixed period for which the right has been granted, the current owner of the right may apply to the Council for the opportunity to re-purchase the right for a further 75 years at the current fee. The right will cease unless the Lessee notifies the Clerk in writing of his/her wish to retain it for a further period. Where the right has lapsed, the Council reserves the right to permit further interments (see section 7.7)

6.7. The rights to the grave can only be transferred using the legal process currently in force e.g. assigned by deed when the Lessee is alive or bequeathed by will when the grave owner is deceased. Until satisfactory evidence of such transfer is provided to the Council and recorded by the Clerk, the assignee will not be able to exercise any rights under the grant.

6.8. The charge for interments in a public grave does not include any rights or privileges relating to the grave. The burial will take place in a grave to be selected by the Council. The Council reserve the right to allow other, unrelated burials in that grave after a period of five years from the date of the burial (see section 7.7).

7. Plots and Graves

7.1. Any plot or gravespace will be assigned by the Clerk consistent with the Council's general plan and is subject to the approval of the Council. Plots in the Traditional section of the cemetery will be assigned first and the Lawn Section opened up when the Council considers suitable plots in the Traditional section have been used up.

7.2. The Council will determine the position of public graves. No underground or stonework will be allowed in any grave space for which the exclusive right of burial has not been leased and any memorial erected over such grave space may be removed by direction of the Council.

7.3. Nobody will be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave. Provided that the burial authority may, where it considers the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground

adjoining the grave and the Council reserves the right to make such investigations as it thinks fit.

- 7.4. Nobody will be buried in a grave unless the coffin is effectively separate from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than six inches thick.
- 7.5. When any grave is re-opened for the purpose of making another burial therein, no person will disturb any human remains interred therein or remove therefrom any soil which is offensive.
- 7.6. If re-use of graves becomes a lawful option, the Council reserves the right to allow graves to be deepened and remains re-interred, subject to any relevant laws, regulations, guidance and industry best practice in place at the time.
- 7.7. In respect of any grave for which no exclusive rights of burial has been granted, or in which the right has lapsed, the Council may re-open graves to permit further interments, where these can be accommodated, after 5 years have elapsed from the date of the last interment.
- 7.8. Digging and mounding of graves, and excavations to receive cremation caskets, are only to be dug by personnel approved for this purpose via the Council or funeral director and are undertaken at the expense of the person making the request. The work must be carried out to the reasonable satisfaction of the Parish Council.
- 7.9. The area allowed for a grave plot for cremated remains, in both the gravelled area and the main cemetery, is 2' x 2'.
- 7.10. The area allowed for a grave plot in the Traditional section is 9' x 4'. The same area will be allowed in the Lawn section when opened. All new graves will be dug for at least two burial interments. Cremated remains may only be buried once it is full, or unless the grave owner signs to accept that no further full burials will be allowed in the grave if they wish to bury ashes in the remaining depth.
- 7.11. No pets or animals may be buried in the cemetery.

8. Interments and Funeral Arrangements

- 8.1. The standard hours of interment are between the hours of 9 am and 4 pm, Monday to Friday. No burials will be allowed on a Saturday, a Sunday or a public holiday.
- 8.2. Only one funeral will be allowed in the Cemetery at any one time except with the consent of the parties concerned.
- 8.3. The time fixed for a funeral is that at which the procession is due at the Cemetery and such times must be strictly observed. In the event of a funeral arriving late, it must wait until it is convenient for it to proceed.
- 8.4. When a Notice of Interment has been given, any alteration of arrangements will only be permitted at the discretion of the Council in respect of any work that may have already been executed and any expenses that may have been incurred.
- 8.5. All bodies and ashes for interment are to be contained within a suitable biodegradable container. Such containers are to bear the identity of the person contained therein.
- 8.6. The Lessee or his/her representative or appointed funeral director should advise the Clerk if the deceased to be buried has died of an infectious disease which may require special arrangements.

9. Memorials

- 9.1. Details and drawings of any proposed memorial and inscription thereon must be submitted to the Clerk for prior approval. The information provided must incorporate a drawing of any proposed memorial, inscription, dimensions and method of fixing. The form must state the stonemason who will undertake the work and must be signed by the registered Lessee of the Right of Burial as described in section 6.
- 9.2. Only stonemasons listed on the British Register of Accredited Memorial Masons (BRAMM) are permitted to undertake monumental work within the Cemetery. All memorials will be

erected in accordance with the British Standard 8415 (industry standard for the safe fixing of cemetery memorials) and use suitably approved solid ground anchor fixings.

9.3. The materials used in the construction of memorials must be of durable natural stone, marble, granite or other similar materials. Permanent wooden memorials will only be permitted in special circumstances on written application to the Council.

9.4. Temporary wooden memorials may be erected provided they do not exceed 3'0" in height above the ground. These must be replaced with a non-temporary memorial within 12 months of first installation.

9.5. Every memorial must have inscribed upon it the relevant section and number of the grave or plot on which it is to be erected.

9.6. The dimensions, locations and requirements of memorials must comply with the following:

9.6.1. Traditional Section plot

a) The maximum dimension that may be used for any memorial and/or planting is 7' length and 3' width. The Lessee may seek permission to erect a memorial and may plant the grave with suitable flowers and bulbs once the earth on the grave has settled and at least 6 months have elapsed since the interment.

b) No shrubs or bushes are allowed with the exception of War Graves or within memorials with a kerb surround. Any shrub or bush must not exceed three feet in height or width when fully mature.

c) The headstone must be located at the head of the grave on a secure base with an approved ground anchor system. The headstone and base must total no more than 3'6" in height and 3' in width. The headstone must not be more than 6" in depth. Any kerb or ledger slab must not exceed 6" in height.

d) Vases may be incorporated in the stonework of the memorial. If no memorial has been erected or a separate vase is erected on the grave, it must be marked with the relevant section and grave number.

9.6.2. Lawn Section plot (when area opened)

a) The headstone must be fixed securely to the plinth (will be provided by the Council) on a secure base with an approved ground anchor system. The memorial must be positioned in line with adjacent memorials or in accordance with the directions of the Council.

b) The headstone and base must total no more than 3'6" in height and 3' in width. The headstone must not exceed 6" in depth and the base must not exceed 1' 6" in depth. Any vase must be incorporated within the base or located in front of the headstone such that no part of the memorial protrudes beyond the plinth provided by the Council (maximum 1' 6").

c) As soon as convenient, turf will be laid over the whole grave.

d) For grounds maintenance and health and safety reasons, nothing whatsoever will be planted or erected in the grassed area in front of the memorial.

9.6.3. Cremated remains plot

For an assigned plot in **either the gravelled area or main cemetery**, the memorial must be no more than 18" x 18" and 6" high located centrally within the 2' x 2' plot area.

No planting will be allowed and any vase must be incorporated within the plot area.

9.7. The fixing of memorials is not allowed on Saturdays or Sundays. Work of every description must proceed continuously and be completed without unnecessary delay. This applies, in particular, to memorials awaiting re-erection. The reinstatement of a grave after such work is the responsibility of the monumental mason concerned.

9.8. All memorials must be conveyed into the Cemetery, erected and removed at the expense of the Lessee of the Right of Burial.

9.9. No memorial will be admitted into the Cemetery or permitted to be erected except on condition that such memorials be so erected, and remain, at the Lessees' sole risk, and

that the Council will not be held responsible for any damage or breakage, which may occur thereto.

- 9.10. If any monument or other work be erected or made in violation of these Regulations, the Council may remove the monument or work at any time, without notice, at the expense of the person responsible therefore.
- 9.11. All plots and memorials must be kept in good repair. A program of memorial testing is carried out ensuring every memorial is tested at least once every four years. When memorials fail the test or are found to be loose or otherwise defective and, in the opinion of the Council, may be unsafe, they will be laid flat. Notice will be sent to the registered Lessee and if no response has been received after one month, the Council will remove the memorial.
- 9.12. The Council reserves the right to prune, cut down or remove any shrubs or plants whenever, in their opinion, they have become overgrown or dangerous.
- 9.13. The Council reserves the right to remove memorabilia of a temporary nature such as soft toys when appearing unsightly, or after 12 months of placement.

10. Conveyance and Removal of Materials

- 10.1. Care must be taken to avoid cutting up or injuring paths or grassed areas in the Cemetery.
- 10.2. At no expense to the Parish Council, all equipment, tools and other materials shall be removed from the Cemetery immediately on completion of the erection of a memorial and at the end of the day while the work remains unfinished.
- 10.3. All work in connection with memorials and any necessary reinstatement arising therefore shall be done to the reasonable satisfaction of the Parish Council.

11. Removal of Rubbish and Surplus Materials

- 11.1. No hewing or dressing of stone or other operation of that kind will be permitted in the Cemetery.
- 11.2. Every person engaged in any work or labour in or upon any grave or memorial shall, immediately upon completion thereof, clear up and remove from the Cemetery any rubbish and/or surplus materials remaining after completion. If any person, after receiving one day's notice from the Parish Council neglects or fails to comply with this requirement, the rubbish or surplus materials will be removed by the Parish Council and the person so neglecting or failing to comply, shall, on demand, pay to the Parish Council the cost incurred in the removal.
- 11.3. Any turf should be placed in the grave or re-used to cover the grave surface. Surplus soil may be placed in the spoil bay by the garage.

12. General

- 12.1. Dogs are not allowed within the Cemetery unless on a lead.
- 12.2. Children under the age of twelve years must be in the care of a responsible adult.
- 12.3. No person will:
 - a) Wilfully create any disturbance in the Cemetery
 - b) Commit any nuisance in the Cemetery
 - c) Wilfully interfere with any burial taking place in the Cemetery
 - d) Wilfully interfere with any grave or plot, tombstone or other memorial or any flowers, plants or any such matter
 - e) Play at any game or sport in the Cemetery
- 12.4. The Council reserves the right to make, from time-to-time, alterations, additions or amendments to these Regulations consistent with the Burial Acts.