



MULLION PARISH COUNCIL

CEMETERY REGULATIONS

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Cemeteries under the management of Mullion Parish Council are managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986 and such other regulations as may be made by the Secretary of State for the Ministry of Justice.

PART 1

GENERAL

1. General Interpretation

In these Regulations:

“**Burial Authority**” means the Mullion Parish Council;

“**Cemetery**” means all of the cemeteries managed by Mullion Parish Council (authority);

“**Cemeteries Office**” means the administration department of the Burial Authority that is responsible for day-to-day management of the Cemeteries;

“**Approved Contractors**” means those contractors who are employed by the Burial Authority or any other third party who satisfy the criteria as set by the Burial Authority (available for inspection by contacting the Cemeteries Office) from time to time;

“**Exclusive Right of Burial**” means a right that may be purchased from the Burial Authority which grants the purchaser, and his or her successors, the exclusive right of burial in a designated burial plot for a period of 100 years;

“**Grant Holder**” means the owner(s) of an Exclusive Right of Burial;

“**Interment**” includes:

- (a) the interment of cremated human remains;
- (b) the interment of the bodies of still-born children or of the cremated remains thereof; and
- (c) the placing in a vault of human remains, cremated human remains, or the bodies of stillborn children or the cremated remains thereof;

“**Opening Hours**” means the times during which the Cemeteries are open to the public as specified in paragraph 4;

“**Table of Fees and Charges**” means the table maintained by the Burial Authority (available for inspection by contacting the Cemeteries Office) setting out the matters in respect of which fees or other charges are payable to the Burial Authority and the amount of each such fee or charge.

2. Administration

- (1) All enquiries regarding the Cemeteries should be directed to the Cemeteries Office or to the Cemeteries Officer at the Burial Authority.
- (2) The Cemeteries Office is open from:
 - (a) 10:00am to 2:30pm on Tuesday; and
 - (b) 2:00pm to 4:00pm on Thursday,

with the exception of Bank Holidays and other Public Holidays. A telephone answering service is available when the Cemeteries Office is closed and emails are checked on a daily basis.

3. Opening Hours

- (1) The Cemeteries are open to the public from dawn until dusk unless otherwise indicated by notices placed in conspicuous positions at the entrances to the Cemeteries.
- (2) Specified areas in the Cemeteries may be temporarily closed to visitors by placing notices warning of the intention in conspicuous positions at the entrance of the Cemetery and adjacent to the relevant areas.
- (3) No person, other than an officer of the authority shall remain within the any of the authority's cemeteries after a time when it is closed to the public.

PART 2

EXCLUSIVE RIGHT OF BURIAL

4. Purchase and registration of an Exclusive Right of Burial

- (1) An application to purchase an Exclusive Right of Burial shall be made on application forms which are obtainable from the Cemeteries Office. For the purposes of any such application, the applicant shall:
 - (a) deliver to the Burial Authority such documents and other information in writing as the Burial Authority may require; and
 - (b) pay the prescribed fee as set out in the Table of Fees and Charges.
- (2) The purchaser of an Exclusive Right of Burial will:
 - (a) have their details entered into a register that will be maintained for this purpose by the Burial Authority; and
 - (b) be issued with a Grant of Exclusive Right of Burial from the Burial Authority as proof of their ownership of the Exclusive Right of Burial.
- (3) It is the responsibility of the Grant Holder to notify the Burial Authority of any change of name or address.

5. Transfer of an Exclusive Right of Burial

- (1) A Grant Holder may transfer their right subject to the Grant Holder completing a Form of Assignment (obtainable from the Cemeteries Office) notifying the Burial Authority of the transfer.
- (2) Upon receipt of the Form of Assignment and the prescribed fee, the Burial Authority will:
 - (a) provide written confirmation of the transfer to both the transferor and transferee; and
 - (b) update the register.

6. Death of Grant Holder

- (1) If a Grant Holder dies without bequeathing his or her right in their will, the grave may be transferred to the name of the next of kin by submitting to the Burial Authority either:

- (a) Letters of Administration; or
- (b) a Statutory Declaration by the next of kin.

If a valid will has been left and Grant of Probate is issued the ownership will be transferred to executor named in the Grant of Probate. Should the executor be a solicitor employed to administer the estate the ownership will be temporarily registered in the name of the executor following which it will be transferred into the name of the beneficiary(ies) on receipt of a form of assent from the executor.

PART THREE

INTERMENT

7. Notice of Interment and Disposal Certificate

- (1) Notice of a proposed burial must be given to the Burial Authority by completing a Notice of Interment form (obtainable from the Cemeteries Office) as early as possible. In any event not less than two working days, prior to the Interment or five working days where a vault or bricked grave is to be used. The Registrar's certificate for disposal or Coroner's Order for burial must in all cases be delivered to the cemetery office prior to the burial taking place and ideally be submitted at the same time as the Notice of Interment.
- (2) The two working days notice, as stated in paragraph 7 (1) can be reduced on request in order to comply with the customary or religious practice of any community group or for special requests. Details for arranging such burials are available on request from the Cemeteries Office.

8. Burial Authority authorisation

Upon receipt of a completed Notice of Interment form, the Burial Authority must authorise the proposed burial before any funeral arrangements are publicly announced.

9. Grave location

Unless the deceased is to be interred pursuant to an Exclusive Right of Burial, the Burial Authority shall specify the grave location.

10. Proof of Exclusive Right of Burial

If the deceased is to be interred pursuant to an Exclusive Right of Burial, the Grant Holder must prove their identity to the Burial Authority as the Grant Holder of that Exclusive Right of Burial before the interment can take place.

11. Coffin dimensions

The exact size of the coffin, casket or container, including handles, must be given in writing to the Cemeteries Office as soon as possible and no later than two working days before the Interment.

12. Grave dimensions

- (1) The maximum depth of a grave shall not be greater than 2000mm, and no burial shall be made without there being at least 900mm of soil between the ordinary surface of the

ground and the upper side of the coffin. In a grave not exceeding 1800mm in depth, not more than two (2) adult coffins shall be interred.

- (2) To ensure Health and Safety requirements are complied with, the Burial Authority reserves the right to determine the maximum depth of a grave depending upon soil conditions.
- (3) Only Approved Contractors may be used to dig graves.

13. Burial register

The relevant certificate(s) for the Interment of the body issued by the Registrar and/or Coroner shall be produced to an officer of the Burial Authority prior to interment so an entry can be made in the burial register. Failure to produce the relevant certificate(s) will result in the Interment being delayed until such certificate(s) is produced.

14. Bearing of coffin

The Funeral Director is responsible for:

- (1) conducting the coffin to the grave in accordance with standards of safe practice and orderliness acceptable to the Burial Authority; and
- (2) providing enough bearers to lower the coffin.

15. Temporary removal of memorials

The Grant Holder is responsible for the removal and re-fixing of a memorial in connection with a burial and may only use Approved Contractors for this purpose. Memorials re-fixed following interment must be installed in accordance with recognised industry Codes of Practice.

PART FOUR

CREMATION

16. Burial of cremated remains

Designated areas for the burial only of cremated remains are provided in each Cemetery. Plots in the designated area shall be capable of holding two sets of cremated remains.

17. Burial location

Unless the deceased is to be interred pursuant to an Exclusive Right of Burial, the Burial Authority shall specify the burial location.

18. Application for burial

An application for burial of cremated remains must be made in the same manner and providing the same information as in paragraphs 7, 8, 10 and 13.

19. Scattering of cremated remains

Cremated remains may not be scattered in any part of the Cemetery without the written permission of:

- (1) any Grant Holder who's grave would be affected by the scattering; and
- (2) the Burial Authority.

PART FIVE

MEMORIALS

20. Memorial application

- (1) The Grant Holder must complete an application form (obtainable from the Cemeteries Office), and receive written authorisation from the Burial Authority, before any memorial may be erected in a Cemetery or inscription placed on a memorial.
- (2)
 - (a) The Burial Authority reserves the right to remove any memorials not authorised by the Burial Authority. If the burial authority considers the item to be dangerous to cemetery users, under health and safety requirements this will be removed immediately, if not after 21 days notice.
 - (b) Unauthorised memorials that are removed by the burial authority will be kept at the Cemeteries Office for 60 days for collection. If not collected within this time they will be disposed of.

21. Memorial dimensions

Memorials must not exceed the following maximum dimensions:

- (1) Headstone (Grave space):
 - (a) Height – 1220mm
 - (b) Width – 840mm
- (2) Flat memorial Stone (Cremation space):
 - (a) Length – 460mm
 - (b) Width – 460mm

22. Erection of memorials

- (1) The erection of a memorial will be permitted only where:
 - (a) an Exclusive Rights of Burial exists;
 - (b) the written permission of the Burial Authority has been granted; and
 - (c) payment of the prescribed fee as specified in the Table of Fees and Charges has been made to the Burial Authority.
 - (d) An application is received from and signed by the owner of the exclusive right of burial. (Where the owner is deceased a transfer of ownership must be completed before any memorial work is permitted).
- (2) All memorials, including the refixing and refurbishment of memorials, must be:

- (a) constructed and erected:
 - (i) in strict accordance with the size and design approved by the Burial Authority;
 - (ii) by a mason who is an Approved Contractor; and
 - (b) prepared ready for fixing before being taken into the Cemetery;
 - (c) erected using an appropriate and compliant foundation which where possible, must not be visible above the ground and which must be to the satisfaction of the Burial Authority;
 - (d) secured into the ground using a fixing system that has been approved by the burial authority; and
 - (e) fixed in line with adjoining memorials.
- (3) In the case of any departure from the approved design for which permission has been granted, the Grant Holder shall at their own expense, and to the satisfaction of the Burial Authority, carry out any work necessary to make the memorial comply with the approved design.

23. Approved Contractors' conduct in Cemeteries

While carrying out work within a Cemetery all Approved Contractor's shall ensure they:

- (1) take all necessary precautions to protect the grass, trees, plants, walls, paths and adjacent memorials or vaults from damage. Any damage caused shall be made good at the Approved Contractor's expense; and
- (2) completely remove all materials, tools and rubbish from the Cemetery when work is not in progress.

24. Health and Safety in Cemeteries

On a lawn type grave any memorial vase must be incorporated in or securely fixed to the base of the memorial.

25. Memorial construction

All memorials must be able to bear continuous exposure to the weather and must not be made of the following materials:

- (a) artificial stone;
- (b) concrete;
- (c) terra cotta;
- (d) porcelain;
- (e) plastic;
- (f) glass;
- (g) polystyrene; or
- (h) any other material which in the opinion of the Burial Authority is unsuitable or incongruous with its surroundings.

26. Memorial identification

The section, grave number, and the memorial mason's name must be clearly but discreetly inscribed on the memorial base. This includes memorials that are removed for a second inscription or refurbishment.

27. Inscriptions

Where an inscription has been cut without the prior approval of the Burial Authority the Grant Holder must, at their expense, remove the memorial and apply for the Burial Authority's approval.

28. Unsafe and neglected memorials

- (1) The Grant Holder shall maintain their memorial in a safe condition, of which the Burial Authority shall be the sole judge. The authority reserves the right to periodically inspect and test memorials for stability and take actions considered appropriate in order to protect public safety.
- (2) The Burial Authority reserves the right to notify in writing any Grant Holder if in their belief a memorial is considered unsafe. If the Grant Holder does not comply with the notice the Burial Authority shall be entitled, at the Grant Holder's expense, to revert the memorial back to a safe condition. The burial authority reserves the right to remove an unsafe memorial at the expiration of the period of the grant. Renewal of the grant will only be permitted following reinstallation of the memorial in accordance with recognised industry codes of practice and at the expense of the owner.

29. Grave maintenance

The Burial Authority reserves the right to clear and re-instate any grave following the:

- (a) planting of any unsuitable gardens, trees or shrubs;
- (b) placing of any grave furniture that is a risk to public safety; impedes the maintenance of the cemetery or is incongruous with its surroundings
- (c) placing of any unauthorised grave surrounds.

30. Loss or damage

Memorials are placed at the Grant Holder's own risk. The Burial Authority is not responsible for loss or damage done to any grave space or memorial or injury to any person within the Cemetery, except where such damage is directly attributable to the negligence of the Burial Authority or its employees. Grave owners are advised to obtain insurance cover for their memorials.

31. Removal of memorials

- (1) No memorial, or part of a memorial, shall be removed from a grave without written approval of the Burial Authority.
- (2) The Burial Authority's approval of a proposed burial shall be considered consent to temporarily remove a memorial from the grave to be opened.

32. Hours of work

Except with the written consent of the Burial Authority, all works in connection with the erection or restoration of memorials must be carried out between 8:00am to 5:00pm during daylight hours.

33. Memorial wreaths

The Burial Authority, at its sole discretion, reserves the right to remove memorial wreaths placed upon a grave after an appropriate interval following their placement.

PART SIX

CONDUCT WITHIN CEMETERIES

34. Vehicles

- (1) Vehicles are permitted in the Cemetery only during Opening Hours and at the absolute discretion of the Cemetery staff.
- (2) Any vehicles, including bicycles, entering the Cemetery must:
 - (a) keep within any speed limits specified at that Cemetery location;
 - (b) be driven with due care and attention;
 - (c) comply with all directional signs;
 - (d) comply with all Burial Authority employee's directions;
 - (e) not use the Cemetery as a thoroughfare; and
 - (f) not be taken onto grassed areas.
- (3) The Burial Authority shall not be held responsible for any damage to vehicles or other property left within the cemetery.

35. Conduct within Cemetery grounds

- (1) No person while in Cemetery grounds shall:
 - (a) wilfully create any disturbance;
 - (b) commit any nuisance;
 - (c) wilfully interfere with any burial taking place;
 - (d) wilfully interfere with any grave, vault, tombstone or other memorial, or any flowers or plants; or
 - (e) play at any game or sport.
- (2) Anyone who contravenes paragraph 35(1) shall be liable on summary conviction to a fine not exceeding the limit as stated in the Local Authorities' Cemeteries Order 1977 as amended from time to time.
- (3) The Burial Authority, at its absolute discretion, reserves the right to ask any person to leave a Cemetery.

36. Opening Hours

No person shall enter or remain in the Cemeteries except during Opening Hours.

37. Dogs

Dogs are not permitted in the Cemetery, with the exception of Guide Dogs

PART SEVEN

RESERVED RIGHTS OF THE BURIAL AUTHORITY

38. Differences or disputes

Should any difference or dispute arise as to the real intent, meaning or interpretation of these Regulations, or Table of Fees and Charges, the decision of an authorised officer as the designated representative of the Burial Authority shall be final.

39. Alterations to Regulations

The Burial Authority reserves the right to alter these Regulations or any part of them from time to time as they may see fit and may make supplementary regulations specific to named Cemeteries.

October 2010