

Cemetery Regulations

THE LOCAL AUTHORITIES CEMETERIES ORDER 1977

INTERPRETATION

For the purpose of the following extracts from the above Order:

“burial authority” means Lydiard Millicent Parish Council.

“cemetery” means the cemetery which has been provided and belongs to the said Council, located behind the Parish Hall.

“burial” within the cemetery identified above is a coffin within an earthen grave the term will also include (a) and (b) of the order (listed below); there is no provision within Lydiard Millicent Cemetery for the placing of vaults.

- (a) the interment of cremated remains
- (b) the interment of the bodies of stillborn children or the cremated remains thereof.

“Walled grave” means a grave the sides of which are lined with walls,

“Tombstone” includes kerbs

ARTICLE 3 (1)

Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.

ARTICLE 4 (1)

A burial authority may enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and repair, together with all buildings, walls and fences thereon and other buildings provided for use therewith.

ARTICLE 5 (6)

A burial authority may at the request of a particular denomination or religious body, prohibit the interring or scattering of cremated human remains in or over a part of the cemetery set apart for their use.

ARTICLE 11 (2)

Where the register of burials is maintained in a book:

- (a) The book shall be of good and durable paper and be strongly bound and if it is the second or any subsequent book to be provided it shall be numbered accordingly; and
- (b) The pages in which entries are to be made in any book provided after the coming into operation of this order shall be numbered and shall be printed in columns headed:

Number / Date of Burial / Names in Full / Age / Address / Grave Number / Other Particulars / Signature of person directing or making entry.

And in entry spaces of such uniform depth as the burial authority shall consider sufficient: provided that in a book provided within 12 months following the coming into operation of this order:

- i. The headings of any column of a page may be altered in manuscript so as to comply with this sub-paragraph; and
- ii. The column headed "other Particulars" may be omitted.

ARTICLE 15 (1)

Subject to the provisions of this article a burial authority may charge such fees as they think proper:

- (a) For or in connection with burials in a cemetery;
- (b) For any grant of a right to place and maintain a tombstone or other memorial in a cemetery otherwise than in a chapel provided as mentioned in article 6(1)(b); or
- (c) For any grant of right to put an additional inscription on such a tombstone or other memorial.

In determining the fees to be charged the burial authority shall take into account the effect of any resolution under section 150 of, or under paragraph 6 of Schedule 26 to, the Local Government Act 1972.

ARTICLE 15 (3)

A burial authority shall keep a table showing the matters in respect of which fees or other charges are payable to them, and the amount of each such fee or charge, and the table shall be available for inspection by the public at all reasonable times.

ARTICLE 18 (1)

No person shall;

- (a) Wilfully create any disturbance in a cemetery.
- (b) Commit any nuisance in a cemetery
- (c) Wilfully interfere with any burial taking place in a cemetery
- (d) Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter
- (e) Play at any game or sport in a cemetery

ARTICLE 19. PENALTIES

Every person who contravenes: -

- (a) Any prohibition under article 5 (6) above.
 - (b) Article 10 (6).
 - (c) Article 18 above.
 - (d) Part 1 of Schedule 2.
- Shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence, to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.

SCHEDULE 2. Part 1. EXERCISE OF RIGHTS

1. No burial shall take place, no cremated remains be scattered and no tombstone or other memorial shall be placed in the Cemetery and no additional inscription shall be made on a tombstone or other memorial without the permission of the officer appointed for that purpose by Lydiard Millicent Parish Council.
2. No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet (91cm) below the level of any ground adjoining the grave.
3. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than 6 inches (16cm) thick.
4. 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 any soil therefrom which is offensive.
7. Permission must be sought prior to erecting any memorial. It is recommended not to plant, or erect tombstones, on graves for six months to allow settlement of the ground.

RULES AND REGULATIONS APPLYING TO LYDIARD MILLICENT CEMETERY

1. Ownership, Contact and General Administration

- 1.1. These Rules and Regulations apply to the Cemetery, The Butts, Lydiard Millicent SN5 3LR; it is situated to the rear of the Parish Hall.
- 1.2. Lydiard Millicent Parish Council manage the open cemetery. The closed cemetery (adjacent) is the responsibility of Wiltshire Council.
- 1.3. A Register of Burials shall be kept at the Parish Council Office.
- 1.4. All communications should be directed to the Parish Clerk, who is delegated to act on behalf of the Council.
- 1.5. It is usual for a Funeral Director to liaise with the clerk on behalf of the deceased and their family.
 - 1.5.a. Notice of interment will be accepted by telephone but must be confirmed by submission of a printed interment form obtained from the Clerk, If the documents are not received the burial or cremation may be delayed. Responsibility for any error or omission shall rest upon the person signing the notice.
 - 1.5.b. All fees must be paid at time of submitting applications.
 - 1.5.c. Account details for the Council are given at the bottom of interment forms. Cheques are accepted, but payment via internet banking is preferred.
- 1.6. The charge for interment in a public grave does not include any right of privilege other than the right to make a single interment in a grave selected by the Clerk.
- 1.7. The fees shown exclude the charge for grave digging which will be arranged by the Funeral Director separately.
 - 1.7.a. Responsibility for the safety of the Grave Digger is with the Funeral Director, including use of equipment, adequate shuttering and personal protective clothing.
- 1.8. Burial services will usually take place between 10.00am and 4.00pm Monday to Friday, burials requested for weekends or national holidays are at the discretion of the clerk.
- 1.9. Funerals will be permitted in strict rotation, with this usually being only one interment a day. In exceptional circumstances one burial can take place prior to 12noon with a second being arranged for after 2.00pm. at the discretion of the Clerk.
- 1.10. All plots are of the same dimensions.
 - 1.10.a. Grave spaces are to be no larger than 7ft x 3ft 6in (approx. 210cm x 105cm)

- 1.10.b. A cremated remains plot being no larger than 1.5 feet square
- 1.10.c. Depth is dependent on number of caskets to be interred. This cemetery will allow two coffins (or cremated remains) per plot (one on top of the other).
- 1.10.d. A grave plot can contain cremated remains in addition to coffins.
- 1.10.e. No American Style caskets are permitted
- 1.11. No person shall canvas or solicit "orders" in the Cemetery.
- 1.12. No person employed by the Council is allowed to receive a gratuity.
- 1.13. All persons visiting the Cemetery must conduct themselves in a quiet and orderly manner and no inebriated person will be allowed within the Cemetery.

2. Purchase of Exclusive Rights to Burial

- 2.1. A Grant for Exclusive Right of Burial in a purchased grave for a period of seventy-five years will be issued to the purchaser and such person will be registered in the records of the Cemetery as the owner of the right of burial in that grave space. The full name and address of the purchaser must be supplied to the Clerk at the time of purchase.
- 2.2. A purchaser or owner for the time being of the Exclusive Right of Burial in a grave shall not dispose of such right without the consent of the Council, and every transfer of such right shall be prepared by the Council at the expense of the applicant.
- 2.3. A certificate of Exclusive Right to Burial can only be issued to one person.
 - 2.3.a. Children's graves must be registered in parents'/guardians' names.
The Clerk will add two names when a child has two parents/guardians.
- 2.4. Authority to exercise exclusive rights of burial must be with the consent in writing of the owner and must include their signature.
- 2.5. In the case of a purchased grave to be re-opened, the Grant of Right of Burial must be produced, or other authority of the owner to open given.
- 2.6. The owner of a grave space shall not set out and plant the grave space, but this prohibition shall not apply where permission was granted prior to the coming into operation of these Regulations.
- 2.7. The Council reserve the right to cut back or remove any tree, plant or shrub or other form of decoration planted in or placed on the grave space.

- 2.8. The Council do not permit artificial trees, plants or shrubs, flowers or other forms of decoration to be placed on any grave space except at the discretion of the Clerk.

2.8.a. Such items are placed on graves at the discretion of each individual and the Council will not accept any liability for any theft or damage of any such items.

3. Interments / Burials

- 3.1. New burial or cremated remains plots are reserved for residents only.
- 3.2. A person moving out of the parish due to ill health within the past three years will be considered "a resident" for these regulations. (The deceased's name must appear on the Electoral Roll within the last three years).
- 3.3. Non residents can be interred, provided there is sufficient space within a plot already occupied by family members. Details of the Grant of Right to Burial will be needed in these circumstances.
- 3.4. Burial of a spouse/partner of previous parishioners (who have not appeared on the electoral roll within the last three years) is at the Clerks discretion.
- 3.5. Where it is necessary to remove a headstone or memorial on a purchased grave where such a grave is to be re-opened, arrangements shall be made with a monumental mason who shall remove it from the Cemetery. The Grant of Right Holder will be liable for the expense incurred and will also be responsible for the replacement of the memorial at their own expense.
- 3.6. Five clear days' notice, exclusive of weekends and bank holidays, is required for an Interment, this will allow for:
- 3.6.a. Identification and marking of the plot by the Council
 - 3.6.b. Funeral Directors to source suitable grave diggers
 - 3.6.c. Clerk, or representative, to be available at the time of interment.
- 3.7. In exceptional circumstances 3.6 above can be modified at the discretion of the Clerk. Exceptional circumstances will include, but not limited to:
- 3.7.a. Religious beliefs;
 - 3.7.b. Family, usually residing abroad, visiting at the time of demise;
 - 3.7.c. Other illness within the immediate family.
- 3.8. The Clerk (or representative) will attend the cemetery to collect the certificate of disposal issued by a Registrar (or Deputy registrar) of Births and Deaths, a Coroners order for burial or certificate issued by the appropriate cremation authority just prior to the interment taking place, when details on the form will be compared to the nameplate establishing the identity of the body contained within the casket.

- 3.9. In the case of an interment in a public grave a form of notice must be properly completed and signed by a near relative of the deceased or other duly qualified person; otherwise the order will not be accepted.
- 3.10. All interments must be contained within a suitable casket. It is not permitted to scatter ashes.

4. Memorials

4.1. Permission to Erect

- 4.1.a. No memorial shall be erected or placed on a grave until the owner of the grave space has been granted permission to do so. Such permission shall not be granted until the requisite fees and charges have been paid.
- 4.1.b. Application for permission to erect or place a memorial on a grave shall be made in writing to the Clerk, accompanied by the requisite fee. Drawings and specifications of all memorials or alterations shall be submitted at the time of application.
- 4.1.c. Details of any desired wording must also accompany the application. The Council takes no responsibility for errors or omissions; wording is submitted to confirm appropriateness for this cemetery.
- 4.1.d. No memorial can be erected within 6 months of a burial taking place, to allow settlement of the ground.
- 4.1.e. Monumental Masons will be admitted into the cemetery during normal working hours. Twenty-four hours' notice must be given to the Clerk before attendance at the Cemetery.
- 4.1.f. Memorials can only be erected within this cemetery by BRAMM certified masons.

4.2. Permitted Maximum Sizes

- 4.2.a. Maximum height of 3 feet (91cm), on a plinth of 3 feet 5 inches by, 1 foot 6 inches (106.68cm x 46cm). Total size of memorial and plot not to exceed 7 feet by 3 feet 6 inches (approx. 210cm x 105cm).
- 4.2.b. No separate kerb stones shall be more than 1 inch (2.5cms) above ground level and not outside the curtilage of the grave space.
- 4.2.c. Plaques only are permitted within the Cremated Remains area; their size being 12 inches square (300mm x 300mm).
- 4.2.d. Applications for permission to place photographs on headstones must be made to the Clerk together with a copy of the intended photograph. Two photographs only are allowed on a headstone. The sizing of each plaque shall remain universal at 5 inches by 3 inches (12cm x 8cm). Surrounds are not permitted.

4.3. Materials and on-going placement

- 4.3.a. Flowers are permitted on individual spaces only in vases specified by the Council.
- 4.3.b. Memorials, any vases and bases associated with them, must be of reasonable material; in keeping with the surroundings. Memorials may not be of wood, metal, concrete or synthetic material and shall not be painted.
- 4.3.c. The Council must be notified of any repairs to be carried out to memorials.
- 4.3.d. All memorials shall be kept in repair by the owner and if not so kept may be repaired or removed by the Council at its discretion and at the expense of the owner.
- 4.3.e. No hewing or dressing of memorials will be permitted within the Cemetery; all materials shall be conveyed in such a manner as will avoid annoyance to persons or damage to the grounds, walkways or surrounding memorials. Monumental masons must remove to a place directed by the Clerk, all surplus earth, refuse and materials after fixing a memorial leaving everything in a clean and tidy condition.
- 4.3.f. All dead flowers and wreaths, garden refuse and litter must be conveyed to the nearest waste disposal bin. all Christmas decorations will be cleared by 31 January.

5. Extra Ordinary Considerations

- 5.1. Lydiard Millicent Parish Council considers all interments in the cemetery to be extra ordinary, each being unique to that family and set of friends. There are very occasionally requests that may not be considered as typical for a burial in this cemetery.
- 5.2. The Clerk must be notified as soon as possible if a large number of persons are expected to attend a funeral.
- 5.3. The arrangement for any ceremonies of a special or unusual nature shall be subject to the prior approval in writing from the Clerk.
- 5.4. The person making funeral arrangements shall notify the Clerk in all cases where the deceased suffered from an infectious disease or was exposed to radiation.
- 5.5. If, in the interest of public health, the Clerk so decides and directs, a body shall be taken direct to the grave.
- 5.6. The conduct of any funeral in a Cemetery shall be subject to the control and supervision of the Clerk.
- 5.7. It shall remain the responsibility of the Funeral Director to ensure adequate provision is made to carry and lower the coffin to the said grave. Should the family decide to carry the coffin the Funeral Director must lower the coffin.

The Council shall not accept any liability of injury whilst carrying out that duty.

- 5.8. The permission of the Clerk must be obtained before photographing a funeral procession or graveside proceedings in the Cemetery. No photographs for commercial purposes may be carried out.
- 5.9. Any exhumation of (part of) a body, or ashes must first have permission from the Ministry of Justice.
6. The above regulations form part of Lydiard Millicent Parish Council's Corporate Governance portfolio and as such were adopted at a meeting held on **Thursday XX XXX 2021; minute reference xxx/21.**
 - 6.1. A signed copy of these regulations are to be kept in the main Corporate Governance File, located in the parish council office.
 - 6.2. A copy will be placed in the Noticeboard located at the entrance to the Cemetery.
 - 6.3. These regulations, together with the agreed charges and interment forms, will be circulated to each Funeral Director in the area.

Signed:
Chairman

Signed:
Clerk