**Cemetery Regulations Approved 17th January 2019**

There are a number of Acts of Parliament and Government Regulations which apply to burials

and cremations and also to the way cemeteries are maintained. If there is any conflict between any of the undermentioned and the Cemetery Regulations then the undermentioned shall apply.

The legislation that some of the rules are based upon includes the following:

* Cremation Acts 1902 and 1952
* Health and Safety at Work etc Act 1974
* The Local Authorities Cemeteries Order 1977 SI 1977/204 (as amended)
* Cremation Regulations 2008 SI 2008/2841
* Environmental Protection Act 1990

The following regulations will be applied by the Parish Council but the Council will accept requests for exemptions which can be made to their monthly meeting.

**A Exclusive Right to Burial Ownership**

1) The Exclusive Right of Burial is purchased through the Parish Council Office. Memorial stones shall be purchased and installed by a registered Monumental Mason.

Any person over the age of eighteen may purchase the Exclusive Right of Burial for a period of one hundred years. The fee for the Exclusive Right of Burial must be paid at the time that the arrangements are made at the Parish Council office and a Grave Deed will be issued to the Grave Owner. The Deed does not mean that the grave owner owns the land, he owns the Right to Bury only, for the one hundred year term. The land always belongs to Willersey Parish Council.

It is the Grave Owner’s responsibility to let the Parish Council office know of any change of address.

2) It is advisable that once the grave owner has been interred within the grave, arrangements be made for the transfer of ownership. No further burials, interments of cremated remains, scattering of cremated remains, additional inscriptions on memorials or installation of new memorials will be permitted until entitled ownership has been established.

3) In cases where the original purchaser is deceased, the new owner must demonstrate ownership of the grave by producing a) A valid Will, b) Grant of Probate, c) Letters of Administration or d) if these are not available then a written request from the surviving spouse or all the surviving children. A completed Statutory Declaration witnessed by a Commissioner of Oaths e.g. Solicitor is also accepted.

4) Purchasers or owners of exclusive rights of burial shall not dispose of their rights without the consent of the Council, and every transfer is to be at the expense of the applicant.

A fee is charged for accepting this documentation which must be paid at the time the form is presented at the office. The form will be retained at the office as a permanent record of the instruction to authorize the grave to be opened.

**B General**

1) It is the Parish Council’s duty to ensure that the cemetery is kept neat and tidy and that the monuments are in keeping with the rest of the churchyard in a respectful manner.

2) Willersey Parish Council, subject to weather and seasonal changes, will keep all grassed areas tidy. However, the memorials will not be cleaned or maintained and remain the property and responsibility of the owner.

3) Funeral Directors are responsible for leaving graves in a manageable condition to allow routine maintenance such as grass cutting. Therefore large mounds that may become permanent are not permitted and the funeral director is responsible for remedying subsidence within the first 12 months. If the ground is uneven then the Council will remove or add soil as required to maintain a level and the level of graves will not be allowed to fall below the level of the surrounding area.

4) Personal planting of trees and shrubs is not permitted without express permission of the Council. These can grow to a large size, produce roots which unbalance headstones and cause additional maintenance and cost.

5) Small plants and bulbs may be planted within a traditional plot but must not extend beyond the plot edge.

6) Floral tributes that have been placed on a grave following an internment will be removed once they have decayed unless a specific request is made to the Council for the tributes to be removed by the family.

7) Apart from the items specified in 5, nothing shall be planted over any grave without the consent of the Council, and not withstanding such consent, the Council reserve the right to remove anything so planted, at any time at its discretion

8) The following items are not permitted anywhere within the Cemetery or Garden of Remembrance and will be removed.

Any item overlapping or outside the defined plot.

Food and drink.

Chippings, pebbles and stones.

Fencing, edging or borders of any kind around or within a defined plot.

Balloons, wind chimes photographs or decorations of any kind.

Any item deemed to be offensive, unseemly or dangerous.

Christmas wreaths may be placed on graves during the Christmas period. They will be removed from 1st March.

Many of the above items often end up on the surrounding grass and either get thrown up by mowers and cause personal injury, or cause damage to the machinery or neighboring memorials. Glass is a major hazard to people, animals, machinery and other memorials. Food and drink are not permitted as they attract vermin.

9) All persons entering the cemetery do so at their own risk and the Council shall not be liable (except in respect of personal injury or the death of any person caused by the Council’s negligence) for any injury or damage sustained, regardless of the form of action, whether in contract, tort (including negligence or breach of statutory duty), strict liability or otherwise.

As above, the Council shall not be liable for personal property brought on to the site or for any damage or loss of memorials or memorabilia.

**C Damage to land and premises**

Willersey Parish Council will hold people responsible for any damage they cause to the land or property at the cemetery. Any costs of repairing the damage may be passed on to those people.

**D Internments**

1*)* All internments of ashes or coffins must be arranged through a registered funeral director.

2) Notice of internment together with burial fees must be received by the Clerk to the Parish Council at least 2 days before internment. No notice can be given on a Sunday except in the case of emergency. The persons giving notice of an internment are required previously to have arranged with the Officiating Minister the time of the funeral. The only exception to the provisions of this regulation shall be in cases of emergency certified by a medical person. The funeral director will provide evidence of ownership of the plot if required by the Parish Council.

No internment is permitted without the written (or email) permission of the Parish Council.

3) The time fixed for a funeral is to be that at which the procession is to arrive at the Church Gates.

No burial shall take place before 11a.m. or after 5pm from Lady Day to Michaelmas or before 9a.m. or after 4p.m. from Michaelmas to Lady Day, except with special permission.

No burial shall take place on Sundays without a medical certificate of necessity except in specified cases and by arrangement with the Officiating Minister.

4*)* The Registrar’s or Coroners Certificate of disposal of the person to be interred (including still born children) must be produced to the Parish Council before the time of the internment.

5) A register of graves shall be kept by the Parish Council, in which the name, age and date of burial shall be recorded.

6) The selection of the burial plot is, in all cases, both of General Internment and of Purchase, to be subject to the approval of the Council, or its clerk and the depth of all graves shall be subject to the like approval.

7) All graves shall be dug, excavated and filled up; and all other works in and about any grave shall be subject to the approval of the Council.

8) One internment only shall be made in a plot.

9 No coffin shall be buried in a grave within four feet of the ordinary level of the ground, unless the body interred be that of a child under 12 years of age, when it shall not be less than three feet below the level.

10) The construction of walled graves and vaults shall not be permitted.

11) All the spoil generated from grave digging in Willersey Cemetery should be placed in the designated area of the cemetery by the grave diggers.

12) Where the burial is to be in an earth grave, the body must be placed in a wooden, cardboard or wicker coffin, or casket. American style caskets are not permitted.

13) Coffins used for cremation must comply with the requirements of the Federation of British Cremation Authorities.

14) The Funeral Director in charge of the funeral should arrange for at least four people to carry the coffin to the chapel and graveside. It is the responsibility of the Funeral Director to increase the number of bearers subject to Health and Safety considerations.

**E Cremations**

1) Up to three sets of cremated remains in urns can be interred in a burial plot.

2) A flat memorial tablet may be installed level with the ground level. The tablet should have maximum dimensions of:

*Flat tablet length 18 inches; Flat tablet width 12 inches.*

**F Exhumation**

1) Once a body or ashes remains have been buried, they can only be removed with permission from the Parish Council and a license granted by the Ministry of Justice. Since the cemetery is consecrated ground, consent from the Church of England (called a faculty) will also be required.

Any disturbance of remains is deemed to be an exhumation.

2) A fee is charged for accepting this documentation which must be paid at the time the form is presented at the office. The form will be retained at the office as a permanent record of the instruction to authorize the grave to be opened.

**G Erection and Maintenance of Memorials**

1) Work can only be carried out in the cemetery Monday to Friday between 9.00am and 4.00pm. No work is to be carried out on weekends or Bank Holidays.

2) If a memorial needs to be removed from the cemetery to allow a burial to take place, this should be done by a stonemason who should ensure that it is re-fixed within 12 months.

3) Following the burial the grave is usually marked with a temporary wooden cross until arrangements are made for a permanent headstone to be put in place. This is usually between six and twelve months after the interment. All headstones, memorials and monuments, along with the wording for the inscriptions, have to come before the Parish Council for approval. When there are additional inscriptions added to an existing grave stone, it still has to come before the Parish Council for the formality of approval. The wooden cross must be removed from the cemetery by the stonemason on completion of the work.

4) Usually it is the monumental masons who apply to the Parish Council. They inform the Parish Council of the size, style and material proposed for the headstone and provide a sketch of the proposed design. The headstones should be in Cotswold, Portland or Nabresine stone or similar.

5) All headstones must be installed by a suitably qualified Mason. Kerbs, chippings and use of marble are not permitted.

6) Monuments on Traditional graves must be within the following dimensions:

Memorial slabs are not permitted.

Headstone/memorial height 3 feet from ground

Headstone/memorial depth/thickness 6 inches

Headstone/memorial width 2feet and 6 inches

7) The plot number of each grave must be included at the rear foot of all monuments and gravestones together with the identification mark of the monumental mason company. The inscription should be limited to the name of the mason only and plot number, the letters should be no more than ½ an inch in height and the inscription should be on the base of the memorial or monument at a maximum height of 6 inches above ground level.

8) It is the responsibility of the Mason to ensure the memorial is fixed to adequate foundations as recommended by the NAMM Code of Working Practice.

9) As part of the application for approval of the headstone design the Mason will include an acknowledgement signed by the client confirming that they are aware that responsibility for maintenance of the headstone remains with them.

10) Only Memorial and Stonemasons registered with and fixing to the standards of BRAMM Register of Accredited Memorial Masons) or NAMM (National Association of Memorial Masons) are permitted to erect memorials within the cemetery. This also applies to memorials being re-instated after their removal to permit an interment or additional works to be carried out. Work may only be carried out by masons with a valid Memorial Fixers licence.

11) All materials and things used by Masons or others in the construction or repair of headstones or vases must be conveyed into or from the Cemetery by hand and or in such a manner as will avoid any damage to grass, ground, roads or walks, and any damage by them or their workmen must be made good at their expense.

No hewing or dressing of stone shall be permitted in the Cemetery.

12*)* All memorials shall be subject to testing to ensure stability. Tests will be carried out every five years or sooner and a record kept by the Parish Council*.*

13) Should a memorial fail a safety test the Parish Council, in accordance with health and safety requirements, will make the memorial safe. The Council will use its best endeavors to contact the family who will be requested to make permanent repairs. If the family declines responsibility or cannot be contacted, then the Council will take any measures it regards as appropriate including laying the memorial flat or removing it.

**H Regulations**

The Council reserves the right, from time to time, to make alterations in the foregoing Regulations, and all plots and rights of internment will be sold subject to these Regulations and any others that may from time to time be made by the Council.

By Order of Willersey Parish Council 16 January 2019

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