

Barton under Needwood Parish Council	
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Burial Ground Rules and Regulations Last Updated 2021	

Introduction

Barton Parish Council is the Burial Authority for the Burial Ground off Bell Lane, Barton-under-Needwood. The Clerk to Barton Parish Council represents the Council for administration of the Burial Ground. All enquiries should be made to the Clerk in the first instance.

To enable operations in the Burial Ground to be effectively managed and the grounds to be Council maintained for the benefit of all who visit, it is necessary to impose a number of restrictions. This document outlines those restrictions in the form of Rules and Regulations.

Burial Ground Rules and Regulations

These Regulations have been made by the Council in relation to the village Burial Ground off Bell Lane and has no association with the churchyard of St James Church on Church Lane.

Fees

All fees and charges must be paid in advance of any service for which a charge is payable under the Rules. The fees may be amended or revised at any time and are detailed in a separate document.

Residency Conditions

The Council will allow interments in new spaces or the scattering of ashes for deceased parishioners only (defined as those living in Barton at the time of death, or those living outside the Parish but having lived in Barton for at least 15 consecutive years *during the last 30 years*). Reservation of grave spaces is not permitted.

Discretion may be exercised in special circumstances, but only as it relates to the Memorial Wall. Due to lack of space no consideration will be given to those who do not meet the residency criteria for burial or interment of ashes.

Register

A register of burials and use of the memorial wall will be kept at the office of the Clerk where searches may be made by appointment and certified extracts obtained on payment of the appropriate fee.

Change of Address

In order for the Parish to maintain accurate records and be able to contact individuals in relation to burial ground issues, all changes of address relating to owners of Exclusive Rights or Plaques must be notified to the Clerk.

Allocation

The Clerk shall maintain a list of available plots and will allocate these in strict rotation.

Undertaker

The Council advises that for all interments, whether for full body or ashes, an Undertaker should be retained. The Undertaker will liaise with the gravedigger.

Amendment of Rules and Regulations

The Council reserves the right to make alterations, additions or amendments to the Rules and Regulations from time to time as necessary or desirable.

Arrangements for a Burial or Interment of Ashes

Reservations for a burial may be made by telephone during office hours or in writing to the Clerk for a new grave or for a grave where an Exclusive Right of Burial exists. Reservations will be regarded as provisional until all forms and certificates required to fulfil statutory requirements, and those required by the Council, are received. These must be at the Council Office no later than two full working days before the proposed date of the funeral.

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

The Council will not accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally or by telephone. Neither will the Council accept responsibility for any documents lost or delayed by the Royal Mail.

The responsibility for making the necessary arrangements for the attendance of priests, ministers, or other persons to officiate at the burial rests upon the Funeral Director or the person arranging the burial.

Only one funeral will be allowed in the Burial Ground at any one time unless prior permission is obtained from the Clerk.

All fees and charges shall be paid to the Council. The fees and charges for any burial shall be paid at the time of giving notice of booking and all other fees shall be paid before the work to which it relates is started.

Grants of Exclusive Right of Burial

Plots that are provided for burial require an Exclusive Right to be purchased, and a fee is payable for each interment.

Exclusive Right of Burial

An Exclusive Right of Burial will be issued for a period of one hundred years at the same time as an application is made for the burial of a deceased person. The right will normally be given for the next available space in the Burial Ground, as directed by the Council although consideration may be given to applications for other spaces in exceptional circumstances. An Exclusive Right of burial is also an Exclusive Right for the erection of monuments, subject to the approval of the Council, payment of fees and compliance with the Rules.

A grant of Exclusive Right will be issued by the Council to the owner thereof (the Registered Owner) in the form of a Deed which must be retained. For avoidance of doubt, ownership of an Exclusive Right of Burial for a grave does not give any ownership whatsoever in respect of actual land. Given the restrictions in certain parts of the Burial Ground, where a double plot is required, exclusive right of burial for two plots may be allocated.

Once the Rights have expired, the ownership reverts to the Council. The Rights can be renewed subject to payment of fees. No further burials can take place unless the Rights are purchased again.

Transfer of Exclusive Right of Burial

The owner of the Exclusive Right of burial in any grave may not transfer that right to anyone other than a relative or next of kin by blood or marriage without the consent of the Council. Any person claiming to be the owner of an Exclusive Right of burial will, upon the production of satisfactory evidence of title and upon payment of the appropriate fee, be provided with a certificate of ownership.

Interment in a Grave of Anyone Other than the Owner

The Council will require the written consent of the Registered Owner (or his or her heirs or assigns) prior to the interment in a grave of anyone other than the owner.

Identification Mark

The Council reserves the right to place and maintain their private mark of reference (which shall not be removed by the owner) upon any grave.

Coffins

Any environmentally acceptable material will be allowed.

Grants of Exclusive Right of Interment in Dedicated Ashes Plots

Plots that are provided for the interment of ashes require an Exclusive Right is to be purchased, and a fee payable for each interment.

Exclusive Right of Interment

An Exclusive Right of Interment will be issued for a period of one hundred years at the same time as application is made for the interment of the ashes of a deceased person. The right will normally be given for the next available space in the Burial Ground, as directed by the Council although consideration may be given to applications for other spaces in exceptional circumstances. An Exclusive Right of Interment is also an Exclusive Right for the erection of a tablet, subject to the approval of the Council, payment of fees and compliance with the Rules.

A grant of Exclusive Right will be issued by the Council to the owner thereof (the Registered Owner) in the form of a Deed which must be retained. For avoidance of doubt, ownership of an Exclusive Right of Interment for a grave does not give any ownership whatsoever in respect of actual land. An interment is limited to 2 cremated remains in one plot.

Once the Rights have expired, the ownership reverts to the Council. The Rights can be renewed subject to payment of fees. No further interments can take place unless the Rights are purchased again.

Transfer of Exclusive Right of Interment

The owner of the Exclusive Right of interment may not transfer that right to anyone other than a relative or next of kin by blood or marriage without the consent of the Council. Any person claiming to be the owner of an Exclusive Right of Interment will, upon the production of satisfactory evidence of title and upon payment of the appropriate fee, be provided with a certificate of ownership.

Caskets

The use of a casket is not necessarily required.

Common Graves

A grave shall be considered common where no exclusive right has been purchased.

Marking of Common Graves

The only ornament allowed on a common grave will be, subject to the approval of the Council, one plaque in respect of any one person buried in that grave. Such a plaque may be inscribed with the name and age of that person and of a size no greater than 0.45m x 0.45m (18" square). Such approval does not infer any Exclusive Right to that grave.

Erection of Monuments

Application to Erect or Replace a Monument

No memorial may be admitted into the Burial Ground without approval of the Parish Council. All applications to erect a memorial must be made on the appropriate form, which is available from the Parish Council Office. On approval, the Parish Council will issue a permit to erect a memorial. A copy of the approved Application will be filed in the Parish Council Office. The memorial shall be installed as indicated on the Application to Erect a Memorial. No variation to the details on the application will be permitted.

The right to erect a memorial is subject to a fee and is issued subject to a workmanship guarantee of 10 years being produced by the memorial mason used to erect the memorial. This guarantee shall be issued to the grave owner. All memorial work within the Burial Ground must be carried out by an approved stonemason.

No memorial is to be erected on a grave space in which the exclusive Right of Burial has NOT been granted.

Any subsequent removal and replacement of the memorial for whatever reason will require separate approval with the same conditions as the original right.

Materials and Design

All gravestones and monuments must be made of natural stone and fixed with steel pins. They shall be positioned as directed by the Council. The Council will give preference to monuments made from Portland stone, Nabresina, Cornish granite or Balmoral granite and to non-reflecting surfaces.

The number of the grave corresponding to the Grave Plan must be clearly inscribed on each memorial.

No glass is permitted in the Burial Ground. Any glass items will be removed.

No design or inscription will be allowed on the back of a memorial.

No form of boundary markers, such as fencing or stone edgings, is allowed around any plot.

The Applicant is deemed to have taken responsibility of the memorial stone and if necessary, at a later date, will be contacted to arrange any maintenance at their own expense.

Note: Temporary wooden crosses or grave markers may be placed on the grave for a maximum of two years. The temporary markers should not exceed 60cm in height. Temporary markers must be removed when a permanent memorial is erected on the grave, or within two years, whichever is the sooner.

Size and Positioning

The size of the memorials must not exceed:

	<u>Full Size Grave</u>	<u>Cremated Remains</u>
Height	135cm/53"	15cm/6" (maximum of 10cm/4" above ground level) Note: if interred in a burial plot this should be 0cm/0" i.e. flush with ground level
Width	90cm/36"	45cm/18"
Front to Back	45cm/18"	45cm/18"

Fitting a Monument

No memorial may be installed unless the memorial mason has first agreed with the Parish Council an appointment time for erecting the memorial (Intention to Fix Form). The memorial mason must notify the Parish Council when the work has been completed (Notification of Completion of Fixing).

Burial Ground staff may inspect any work carried out by memorial masons. Where work is considered to be unacceptable, for whatever reason, the Parish Council will instruct the memorial mason to return to bring the memorial up to the required standard at the applicant's expense.

Note: All memorials must be erected or re-erected to a minimum National Association of Memorial Masons (NAMM) standard.

Repairs to Monuments

Unless special agreement has been reached with the Council, all monuments, headstones etc. must be kept in good order and repair by and at the expense of the owner of the monument. In the event of any monument becoming dilapidated, or unsafe the Council shall be entitled to make it safe and charge the owner accordingly. The owners will be expected to regularly inspect the monument.

If a monument is replaced or altered, a fee shall be charged as if a new monument was erected. Should a monument be damaged, it may be repaired using the original materials without payment of any fee to the Council.

Replacement of Monuments

Any monument, gravestone or other erection taken down upon the opening of a grave or upon any other occasion shall be replaced as soon as possible, except by special permission. The grave is to be left in a neat state whilst the monument is being repaired.

Advertising

No advertisement by stone masons will be permitted.

Planting

Burial Plots

Cultivation must not encroach upon adjacent plots (in any direction) or impede regular maintenance of the footways by the Parish Council.

If the appearance of a plot gives rise to the impression it is being neglected or does not meet the rules, the Parish Council reserves the right to take remedial action and to return the plot to its original state.

The planting of trees or shrubs on a grave is not permitted and the Parish Council reserves the right to take remedial action and to return the plot to its original state.

Flowers should be planted immediately adjoining the headstone as the remaining area of the grave will be grassed over. This will be kept mown by the Council.

The planting or ornamentation of any grave space must be subject to the approval of the Council who reserve the right to remove any plants, flowers or artificial tributes at any time that the Council consider to be overgrown or unsightly. Any Christmas decorations are to be removed by no later than the end of February after Christmas.

Cremation Plots

No cultivation of any description is permitted on a cremation plot. Floral tributes should not extend beyond the limits of the foundation slab.

Memorial Wall

General

The Council has installed a Memorial Wall. Application to install a plaque is to be made to the Clerk. A plaque can be put on the memorial wall only where ashes are to be scattered in the special area assigned in the Burial Ground and where the deceased met the residency conditions and died within the *last 5 years from the date of application*.

Plaques

Plaques are of black marble construction with the option of either gold or silver lettering over 4 lines with 20 characters on each line. The Clerk will obtain a plaque, bearing an inscription as requested by the applicant, subject to the appropriate fees being paid to the Clerk at the time the order is placed. Plaques are installed by the Council and will be insured against damage by vandals. The Clerk will inform the applicant in writing when the plaque has been installed.

Fees and Duration

A fee is payable for the right to have a plaque for a period of twenty-five years. That right is renewable for a further twenty five year period on payment of the appropriate fee at that time. The Clerk will inform the owner of the plaque when renewal is due.

Register

A register of plaques will be kept at the office of the Clerk where searches may be made by appointment and on payment of the appropriate fee.

Burials and Ash Scattering

Burials or Ash Scattering shall normally take place between 9am-3pm from Monday to Friday. Burials are not permitted on Saturdays, Sundays or Bank Holidays except by the prior permission of the Council.

Burial of Coffin

The excavation for all graves and vaults shall be carried out by staff employed by or on behalf of the Council, including sub-contractors, and no grave shall be excavated beyond such a depth as the Council may determine.

No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet (915mm) below the ground except at the Council's discretion.

No body shall be buried in a 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 6 inches (150mm) in thickness.

Depending on the location of the grave, no more than 1 body or 2 bodies shall be interred in any one grave. Where a double plot is required, whether the plot is a vertical double plot, or a horizontal double plot will be decided by the Council.

Graves will be sufficiently large to admit coffins/caskets to the dimensions specified by the Funeral Director or the person arranging the funeral on the application form. In the event of a grave having to be enlarged, an additional charge could be levied at the discretion of the Council.

All coffined burials must take place in coffins of a material and design approved by the Council.

All coffins must be marked with a non-perishable plaque, nameplate, or 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 will be recorded.

No coffin or part of a coffin shall be removed from the Burial Ground grounds without the permission of the Council.

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

Burial of Cremated Remains

The excavation for all graves and vaults shall be carried out by staff employed by or on behalf of the Council, including sub-contractors, and no grave shall be excavated beyond such a depth as the Council may determine.

No more than 2 cremated remains shall be interred in one plot.

Cremated remains may be added to an existing full burial grave with the permission of the owner and the Council.

Scattering of Ashes

Ashes can only be scattered in the designated area in the burial ground at a time approved by the Council.

The Council have an Ash Scattering device available for use.

Exhumation

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.

Conduct in the Burial Ground

All visitors must conduct themselves in a quiet and orderly manner, and no persons showing the effects of excess alcohol or drug abuse will be allowed within the Burial Ground grounds. The Clerk has full power to exclude or remove any member of the public at his/her discretion.

Under the provisions of the Local Authorities Cemeteries Order (1977), it is an offence for a person to wilfully:

- (a) create any disturbance in a Burial Ground
- (b) commit any nuisance in a Burial Ground
- (c) interfere with any burial taking place in a Burial Ground
- (d) interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any such manner
- (e) play any game or sport in a Burial Ground
- (f) enter or remain in a Burial Ground when it is closed to the public, unless authorised by the Council to do so.

Persons who contravene these provisions shall be liable, upon conviction, to a fine not exceeding £100.00.

All Dogs must be kept on a lead.

No person shall canvas or solicit for orders within the Burial Ground unless the prior approval of the Council is obtained.

The permission of the Clerk shall be obtained before photographing any objects in the Burial Ground grounds.

General

On the day of a funeral, flowers and wreaths may be placed on the grave in which the burial takes place and left there for 7 days, after which the Clerk may have them removed.

Where ashes are scattered, flowers and wreaths may only be placed in front of the memorial wall and left there for 7 days, after which the Clerk may have them removed.

Any item which interferes with the maintenance of the Burial Ground will be removed.

As soon as practicable after the interment of a body, the grave area will be turfed, or grass seed sown.

The Council will maintain the whole of the grassed area of the grave.

All visitors to the Burial Ground must abide by these regulations and respect the nature of this area.

The Parish Council reserves the right to remove any item which in its opinion detracts from the Burial Ground setting as a whole or is considered to be a health and safety hazard.