

Rules and Regulations for Stanwick Cemetery, Chelveston Road

Terms and expressions used in the regulations

‘The Council’ means Stanwick Parish Council.

‘The Clerk’ means the Council’s Parish Clerk.

‘Burial’ means interment of human remains or cremated human remains, the interment of the bodies of still-born children or their cremated remains.

‘Cremated remains plot’ means plots specifically used for the interment of cremated human remains

‘Grave’ means the burial place formed in the ground by excavation and without any internal wall, or brickwork, or stonework or any other artificial lining.

‘Memorial’ includes any monument, tablet, head, foot, flat, or kerb stone, and any other construction or thing for remembering the dead, or marking a place of interment.

1. Administration

- 1.1 Notice of any interment shall be given, on the prescribed form and signed by the person giving the same, to the Clerk, two full days before the time of the proposed interment (exclusive of Saturdays, Sundays and public holidays), except in cases of death from infectious disease or other interments requires immediately upon medical or coroner’s certificates.
- 1.2 All times of interment shall be agreed with the Clerk. The latest time a funeral service may start is 2.30 p.m.
- 1.3 The scale of fees will be approved by the Council on a periodic basis and will be available from the Clerk.
- 1.4 All fees and charges due to the Council shall be paid to the Clerk at the time of giving notice of interment.
- 1.5 The Certificate of the Registrar of Deaths, or in cases when an inquest has been held, the certificate of the Coroner, shall be produced, and in the cases of still born children, a certificate from a Surgeon or Registered or certified Midwife will be required in the prescribed form. These certificates shall be handed to the Council’s contractor before the interment takes place.
- 1.6 An interment of any person who is not an inhabitant or parishioner of Stanwick will have an additional cost as determined by the Council

2. Burial Details

- 2.1 The allocation of graves whether for ordinary interment or the purchase of exclusive right of burial will be made by the Clerk.
- 2.2 The Clerk shall identify the burial plots on a plan of the appropriate section of the cemetery.
- 2.3 Cremation caskets can be placed in cremated remains plots or grave plots. If a grave plots is to be used, Exclusive Rights of Burial must be purchased at the appropriate fee.
- 2.4 The Clerk shall arrange for the Council's contractor to excavate and back fill the grave.
- 2.5 The size of the plots shall be as follows.
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|----------------------|-----------|
| a. Burials | 8ft x 4ft |
| b. Cremation caskets | 4ft x 2ft |
| c. Still births | 4ft x 2ft |

Where the burial plot size of 8ft x 4ft is insufficient to accommodate the interment of a coffin, it will be necessary for the Exclusive Right of Burial to be purchased for two adjoining plots at full cost.

The Council will not be responsible or liable where a pre-purchased grave plot of 8ft by 4ft is insufficient to accommodate the interment of the coffin as the Exclusive Right of Burial will have been sold in the good faith that the plot size would be adequate.

- 2.6 All graves shall be dug so that all parts of the coffin shall be at least one metre below ground level.
- 2.7 No grave shall be dug without the authority of the Council
- 2.8 Double depth interments are only permitted where this arrangement was agreed prior to 1st May 2001. Grave spaces are no longer available for double depth burial and therefore interments are restricted to one coffin per grave unless agreed before 1st May 2001.
- 2.9 The interment of cremation caskets in a grave where a coffin has been interred will be allowed subject to the consent of the owner of the Exclusive Right of Burial.
- 2.10 Vaults and bricked lined graves will not be allowed.
- 2.11 Only coffins and ashes caskets constructed using fully bio-degradable materials shall be used.

3. The Interment

- 3.1 Arrangements for the attendance of a minister of Religion (if required) shall be made by the relatives or the funeral director, and the Council accepts no responsibility in connection therein.
- 3.2 The time arranged for an interment shall be the time at which the cortege is to arrive at the cemetery and shall be strictly adhered to.

4. Exclusive Rights of Burial

- 4.1 The Council may grant the Exclusive Right of Burial in any grave space or cremated remains space upon submission of any application to purchase such rights and the payment of the prescribed fee.
- 4.2 Exclusive Right of Burial purchased from Stanwick Parish Council up to and including 30th April 2019 will be for a period of 100 years
- 4.3 From 1st May 2019 an Exclusive Right of Burial purchased for an interment to be held within 4 weeks of the purchase shall be for a term of 100 years.
- 4.4 From 1st May 2019 a pre-purchase of an Exclusive Right of Burial where an interment is not intended within 4 weeks, the term will be for a period of 50 years.

Upon an interment taking place, the term of the Exclusive Right of Burial will be automatically extended to give a maximum overall term of 100 years (from date of original purchase). A fee for extending the term will not be levied in these circumstances

Forty-five years after the Exclusive Right of Burial was purchased, if an interment has not taken place, the owner has the right to apply for an extension to the overall maximum of 100 years (from the original date of purchase). A fee for extending the term will not be levied in these circumstances.

If the Exclusive Right of Burial is not extended before 50 years have elapsed, all rights shall revert to the Council.

- 4.5 Upon expiration of the 100 year term of the Exclusive Right of Burial all rights shall revert to the Council. A new Grant of Right of burial may be purchased at the fee applicable at the time of the new purchase.
- 4.6 An Exclusive Rights of Burial will be vested in no more than two names. However in accordance with Regulation 2.8 joint ownership does not permit a double interment in a single grave.
- 4.7 Where an Exclusive Right of Burial is issued in two names, the Exclusive Right of Burial will be vested jointly and equally with neither party having a controlling interest.
- 4.8 Where an Exclusive Right of Burial is issued in two names, when one party pre-deceases the other, the Exclusive Right of Burial will be vested in the sole name of the living owner.
- 4.9 Owners of Exclusive Rights of Burial cannot transfer such rights to anyone without the consent of the Council and the payment of the prescribed fee. Where the living owner wishes to transfer the Exclusive Right of Burial to another person, this can be achieved where there is a family relationship with the proposed owner only and the Council reserves the right to request documentary evidence to that effect.
- 4.10 No grave in respect of which the Exclusive Right of Burial has been granted shall be opened without the consent, in writing, of the Rights owner or their executor or agent.
- 4.11 Plots for the Exclusive Rights of Burial shall be strictly issued on the basis of the next available.
- 4.12 A written record shall be kept of all plots for the Exclusive Right of Burial and a certificate issued by the Clerk as proof of this right.

- 4.13 In the event of the death of the owner of the Exclusive Right of Burial, the owner may be interred in the grave providing there is sufficient space, without the re-assignment of the Exclusive Right of Burial.
- 4.14 The Exclusive Right of Burial should be re-assigned to the legal beneficiary as soon as practical after the death of the owner.
- 4.15 The owner of an Exclusive Right of Burial must inform the Council of any changes of details such as address or name.
- 4.16 Where a grave remains unused the owner of an Exclusive Right of Burial, the executor or successor in title, may relinquish the Exclusive Right of Burial to the Council for a consideration of no more than the original fee upon surrender of the Exclusive Right of Burial Deed or an appropriate declaration and a sworn Statutory Declaration.

The Council may then allocate the grave space to another person.

5. Cremated remains

- 5.1 Cremation plots may be purchased in accordance with the terms for the Purchase of Exclusive Right of Burial in para 4.2 to 4.5 inclusive above.
- 5.2 Biodegradable receptacles shall be used for cremated remains.
- 5.3 All interments are subject to normal conditions.
- 5.4 The certificate for burial of ashes issued by the Registrar of the Crematorium shall be produced to the Parish Council's contractor before the interment takes place.
- 5.5 Ashes may not be scattered at the cemetery.

6. Memorials

- 6.1 Memorials shall only be allowed where Exclusive Rights of Burial have been purchased and the owner of the Exclusive Rights of Burial applies in writing.
- 6.2 All memorials and inscriptions and the erection thereof shall be with the prior approval of the Council. A 'Grave Memorial Application' shall be submitted to the Clerk with the appropriate fee. The application form is obtainable from the stonemason or the Clerk.
- 6.3 The 'Consent for the Erection of a Memorial' will set out the terms upon which the permission is granted and will be issued to the owner of the Exclusive Right of Burial.
- 6.4 A permit will be issued to the mason where consent is granted.
- 6.5 All memorial masons must install memorials in accordance with BS8415 and the NAMM Code of Practice current at the time of installation. In all cases the mason will be required to carry out a risk assessment and may be required to provide evidence that appropriate levels of public liability insurance are held.

6.6 All lawn memorials will be erected, or in cases of reinstatement following temporary removal, be re-erected, with a ground anchor irrespective of whether a ground anchor was previously in place.

6.7 Each grave shall be allowed a simple headstone which shall conform to the following maximum dimensions:

762mm high x 533mm wide x 76mm thick (2'6" x 1'8" x 3")

The headstone may stand on a small base of similar material, which can incorporate a removable vase.

The maximum overall height, measured from ground level, including both the memorial and the base is 914mm (3'0") and the overall width should be no more than 914mm (3'0").

Each headstone shall contain the number of the grave at the rear of the base. The Mason's name may be discreetly displayed in a similar position.

6.8 A memorial plaque or tablet may be placed on a cremated remains plot where the Exclusive Right of Burial has been purchased and shall conform to the following maximum dimensions:

508mm high by 610mm wide by 78mm deep (1'8" x 2'0" x 3")

6.9 The Council will consider on an individual basis applications to erected kerb stones. Applications must be accompanied by a picture of the selected kerbstones, together with the dimensions and details of which they are made. Details are also required on the material that will be used to fill the area within the kerbstones. The Council reserves the right to refuse applications. The kerbs shall conform to the following maximum dimensions:

2133mm by 914mm (7'0" x 3'0")

6.10 The Council will consider applications for kerbstones that are constructed from blue/black 'rope design' edging pieces. Applications must be accompanied by a picture of the selected kerbstones, together with the dimensions and details of which they are made. Details are also required on the material that will be used to fill the area within the kerbstones. The work must be undertaken by an approved contractor with appropriate experience and insurance.

The Council reserves the right to refuse applications.

6.11 All memorials admitted to the cemetery or permitted to be placed therein, shall remain at the sole risk of the owner, and the Council will not be responsible for any damage or breakage that may occur.

6.12 No memorial or part of a memorial may be removed from the cemetery without the prior approval of the Council. Any memorial removed in the process of opening a grave shall be removed at the risk and expense of the person requiring the grave to be opened.

6.13 The Council reserves the right to remove or prevent the erection of any grave stone, tablet, memorial or vase for which no permit has been issued.

- 6.14 Natural wreaths and flowers may be placed on the graves, but on the owner's responsibility, and suitable receptacles for flowers may be permitted as long as properly in use. Dead or withered flowers shall be removed and placed in a receptacle provided for the purpose.
- 6.15 All memorials or receptacles for floral tributes must be placed within the curtilage of the grave.
- 6.16 It is not permitted to plant trees on graves as they are not in keeping with the layout of the cemetery.
- 6.17 The Council will not be responsible for any accident to monuments or gravestones occasioned by any cause.
- 6.18 Applications to place a 'memorial bench' in the cemetery will be only be considered at a full council meeting. It should not be assumed that consent will be granted and the Council reserves the right to refuse applications.

7. Maintenance of graves and memorials

- 7.1 The owner of the memorial in accordance with 6.1 above, being the person who had it put up, and their successors in title, remain responsible for the memorial.
- 7.2 The owner of the memorial is liable for any injury if a person suffers by way of the unsafe condition of the memorial if the owner does not prevent the memorial from causing such injury.
- 7.3 If the owner of the Exclusive Right of Burial elects not to have a grave surface of turf, which would be maintained by the Council, the owner is responsible for the maintenance of the grave surface.
- 7.4 The Council has the power to put and keep in order any unkempt grave. The Council can require the owner of the Exclusive Right of Burial to meet the costs.
- 7.5 The Council may undertake at any time, with reasonable notice, an inspection of the cemetery to identify potential dangers in accordance with Council policy. A suitably trained person will be appointed to carry out this work.
- 7.6 The Council will exercises its powers under the Local Authorities' Cemeteries Order 1977 (LACO) to make safe any headstones or kerbs. The Council will follow the procedures specified in Schedule 3 of LACO.
- 7.7 Any memorials that are assessed as being a 'priority one fail' will be cordoned off and warnings will be placed until further temporary measures can be arranged.

8. Fees

- 8.1 The Council maintains a schedule of fees and charges applicable to the cemetery.
- 8.2 The Council will levy an additional fee for non-residents. These charges will not be applicable in the case of a person whose residence within the area of Stanwick Parish for a continuous period of not less than seven years can be established.

8.2.1 The determination on whether a resident or non-resident fee should be applied will be based on the residency status of the deceased rather than the owner of the Exclusive Right of Burial

8.3 A separate fee will be levied for each type of memorial permitted.

8.4 The Council reserves the right to make alterations from time to time in the tables of fees and charges

9. Responsibilities of the Council

9.1 The Council will be responsible for the proper running, administration and maintenance of the cemetery.

9.2 A Register of Burials and a Register of Graves will be kept by the Clerk. Searches may be made by prior arrangement.

9.3 These regulations are drawn up by Council for the proper conduct and operation of the cemetery. Any variation or alteration to these regulations and procedures may only be made with the express agreement of the Council.

9.4 The decision of the Council will be final in all cases.

These Rules are effective from 4th May 2023