



# **PALGAVE PARISH CEMETERY - MILLWAY LANE CEMETERY REGULATIONS, FEES and CHARGES APPLICABLE FROM 1<sup>st</sup> APRIL 2016**

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## **PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016**

As Amended and Approved by Palgrave Parish Council at the Meeting held on 24<sup>th</sup> March 2016

### **Contents**

Cemetery Regulations	1
Transitional Arrangements (for interments and Reservations before 1 <sup>st</sup> April 2016)	5
Appendix 1 - Fees and Charges	6
Appendix 2 - Definition of Terms and Abbreviations	7
Appendix 3 - Laws relating to these Regulations	7

### **Preamble**

When the Parish Council ('the Council') resolved on 27<sup>th</sup> September 1990 to use the land donated for a Cemetery it noted the condition that only those persons who have lived in the Parish of Palgrave (in the County of Suffolk) and their immediate relatives should be buried in it.

It was further resolved on 17<sup>th</sup> October 2007 that the following qualifications must be met for interment in the Cemetery:

- a) A Person who has lived in Palgrave;
- b) The child or children of that Person;
- c) The parents of that Person.

Any other request for interment is subject to the absolute discretion of the Cemetery Committee, whose decision is final and binding.

### **REGULATIONS**

#### **1 Notice of Interment**

Not less than five working days (i.e. excluding Saturdays, Sundays and Public Holidays) notice must be given to the Council prior to the intended date of interment.

This rule will not apply in cases of death from infectious diseases where urgent burial is deemed necessary upon medical certification or on specific religious grounds.

#### **2 Arrangements for Interment**

All interments must be arranged by a Member of a nationally-recognised organisation such as the National Association of Funeral Directors or the British Institute of Funeral Directors.

Prior to an interment in a reserved plot the written consent of the family to the use of that plot must be given to the Council with the Notice of Burial.

#### **3 Certification of Death**

Certification for disposal of a body or, in the case of an inquest the Coroner's Order for Burial, must be produced before interment and delivered to the Council.

For burial of a stillborn child an appropriate certificate issued by the Registrar of Births and Deaths or the Coroner will be required.

#### **4 Payment of Fees and Charges**

All requirements must be notified and fees paid in full by cheque made out to 'Palgrave Parish Council' at the time of application or in the case of monuments before they are erected.

## **PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016**

Fees and Charges are determined by the Council from time to time and are detailed in the Schedule of Fees and Charges in Appendix 1.

### **5 Time of Interment**

No interment will take place on Saturdays, Sundays, Good Friday, Christmas Day or Bank Holidays, except when noted on the certificate of a Coroner or registered Medical Practitioner that immediate interment is necessary or on specific religious grounds. Interments are not permitted before 10 am or after sunset. The Council must be notified of the time of interment. The Council will select the plot in all cases, unless a prior reservation has been approved by the Council and remains valid.

### **6 Digging Graves**

Only persons approved by the Council must excavate graves. Any spoil remaining after closure must be deposited in accordance with the Council's instructions.

Double graves are not permitted in any part of the Cemetery and not more than one body will be permitted in any grave except when two children not exceeding the age of 12 are buried together.

### **7 Re-Opening of Graves**

The owner or executor shall be responsible for arranging the removal of all monuments on the re-opening of graves and the replacement of same within 18 months, and must be carried out according to the NAMM Code of Working Practices and comply with BS8415. The cost of such removal must be borne by the owner, and the Council will not be responsible in the event of a monument or stone becoming broken or damaged, lost or destroyed during the work.

When re-erecting a monument, if it is intended to change or add wording, a copy of the proposed inscription with a drawing in duplicate showing the form and dimensions proposed to be erected, must be delivered to the Council for approval not less than one month prior to installation.

### **8 Construction and Maintenance of Graves**

No grave shall be deeper than 6 feet (1.83m) but the Council if finding it impractical for any reason reserves the right to specify the maximum depth to which the grave can be dug. No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet (0.92m) below the level of any ground adjoining the grave.

Mounds over graves must not exceed 6 feet (1.83 m) in length, 1.5 feet (0.45m) in width and 8 inches (0.2m) in height. The Council reserves the right to level mounds one year after the burial. The owners must maintain graves and any monuments placed on them.

### **9 Site of Graves**

Allocations of rights to plots will be on application to the Council and will be recorded as per plan.

### **10 Reserved Plots**

Plots can be reserved for a period of fifteen years on payment of a fee. A reservation may be renewed for a further fifteen years from the date of expiry on payment of a further fee at the then current charge. Plots are allocated in sequence. The reservation charge includes issue of a certificate and maintenance of the reserved plot for a period of 15 years but not the fees for interment in it.

It is the responsibility of the person holding the reservation to renew it before it lapses.

### **11 Exclusive Right of Burial**

The charge for Grant of Exclusive Right of Burial is payable in addition to the interment and other fees and entitles the person to whom the Grant is made the Exclusive Right of Burial in that grave for 100 years, after which time the Council may permit burials in any unused space. The Council will only permit a monument to be placed over a grave for which Exclusive Right of Burial has been granted, subject also to the Council's regulations and charges relating to monuments.

## **PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016**

When no Grant of Exclusive Right Of Burial has been purchased or the term of that Grant of Exclusive Right of Burial has expired the Council reserves the right to make further burials in the same grave at a later date and therefore is it not possible to permit the erection of any monument.

No assignment of the Grant of Exclusive Right of Burial in a grave will be allowed unless the Deed of Grant has been properly endorsed by the Council and the appropriate fee paid.

### **12 Monuments and Inscriptions**

Monuments are defined as any headstone, plinth, flat stone, tablet or stone vase for which permission to erect or install must first be obtained. Kerbs and footstones are not permitted.

No photographic reproductions will be allowed on monuments under any circumstances.

No monument of any sort will be allowed to be erected or placed on any grave where the Grant of Exclusive Right of Burial has not first been purchased.

The Council reserves the right to approve monuments and inscriptions before erection. Permissible types are:

- a) A headstone not exceeding 2 feet 6 inches (0.76m) high, 2 feet (0.61m) wide and 3 inches (76mm) deep;
- b) A tablet not exceeding 2 feet (0.61m) x 2 feet (0.61m) square;
- c) A stone or metal vase placed at the head of the grave;
- d) Other types of monument may be permitted provided that any such monument can be completely accommodated in a volume of space 2 feet 6 inches (0.76m) high, 2 feet (0.61m) wide and 2 feet (0.61m) deep;
- e) A monument with extended plinth, or an extended plinth between two existing adjacent monuments, to link two adjacent graves of persons with a clear relationship to each other.

In all cases, no monument of any sort will be allowed to be erected or placed on a grave without the consent of the Council. A copy of every monument and inscription proposed with a drawing, in duplicate, showing the form and dimensions proposed to be erected must be delivered to the Council for approval one month prior to installation. The Council reserves the right to remove any monument that has been installed without consent.

Monuments must be erected in strict accordance with the current NAMM Code of Working Practice and comply with any safety regulations current at the time of erection. A Certificate of Compliance must be issued with every installation and a copy provided to the Council.

Monuments and associated material must be conveyed into the Cemetery by hand. Mortar must not be mixed within the grounds. All brick, stone and rubbish must be removed by those responsible at no cost to the Council and to the satisfaction of the Council.

The placement of glass and ceramics in any form (including vases, bottles, trinkets or any item) in the Cemetery is expressly forbidden.

The owner or other representative of the deceased shall after erection keep all monuments in good repair and unless this is done the Council reserves the right to cause them to be repaired or removed at the owner's expense.

The Council reserves the right to periodically test the monuments for safety and to take whatever action is deemed necessary in the event of any deficiency.

No shrubs, plants or flowers may be planted within the Cemetery or on any grave therein nor may any shrubs, plants or flowers be cut or carried away without consent. The Council reserves the right to prune, cut down or dig up and remove any shrub, plant or flower planted without authorisation or which in it's opinion has become unsightly or overgrown.

Any item placed in the Cemetery without the express permission of the Council is done so at the

## **PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016**

owner's risk and the Council does not accept any liability for such items. The Council reserves the right to remove any item which causes an obstruction to grass cutting, tree management, general maintenance work or the excavation, filling and management of plots.

The Council reserves the right to take such action as it reasonably thinks fit at its absolute discretion to maintain the Cemetery in an appropriate manner and condition.

### **13 Garden of Remembrance**

The size of each plot shall not exceed 26 inches (0.66m) x 15 inches (0.38m). After interment the plot must be covered by a concrete or stone slab 26 inches (0.66m) by 15 inches (0.38m).

No other ashes may be interred in the same plot without the written consent of the nearest relative. Resolution of any dispute is subject to the absolute discretion of the Cemetery Committee, whose decision is final and binding.

Each plot is intended for one interment but the ashes of a spouse, civil partner or immediate relative may be interred at a later date under the base slab on payment of the additional fee provided that the person satisfies the conditions in the Preamble.

Allocations of rights to plots will be on application to the Council and will be recorded as per plan.

There is no Grant of Exclusive Right of Burial but plots can be reserved for a period of fifteen years on payment of a fee. A reservation may be renewed for a further fifteen years from the date of expiry on payment of a further fee at the then current charge. Plots are allocated in sequence and the reservation charge includes issue of a certificate and maintenance of the reserved plot for a period of 15 years but not the fees for interment in it.

It is the responsibility of the person holding the reservation to renew it before it lapses.

A monument may be erected on the slab. Dimensions must not exceed 2 feet (0.61m) in height, 1 foot (0.31m) in width if upright and 3 inches (76mm) in thickness and 2 feet (0.61m) in width and 15 inches (0.38m) wide if horizontal. Provision may be made in the base of the monument for a flower container but not one made of glass or ceramics. Freestanding containers or vases are not permitted.

Monument inscriptions may be positioned to allow space for a second inscription. Monuments must be fixed to the slab with 0.5 inch (13mm) non-ferrous metal dowel pins.

The approval procedure for monuments in the Garden of Remembrance is the same as for the main Cemetery, as described in 12 above.

Scattering of Cremated Remains (Ashes) is only legally permitted with the prior approval of the Council and subject to payment of the appropriate fee.

### **14 Plan of the Cemetery**

The approved plan shows the area consecrated for burials according to the rites of the United Church of England and Ireland. The remainder of the ground is unconsecrated. The plan of the Cemetery showing the locations of graves together with the record of interments are kept by the Council and may be inspected, by prior arrangement, without charge.

### **15 Public Access**

The Cemetery will be open to the public on an unrestricted basis. The following rules apply and must be observed at all times:

- a) All visitors will be expected to observe due respect whilst in the Cemetery;
- b) Children under the age of ten years must remain under the care of a responsible person;
- c) Dogs must be kept on a lead, remain under proper control and any waste must be removed;
- d) Riding horses, smoking (including e-cigarettes), consumption of alcohol or drugs are prohibited.

## **PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016**

Motor vehicles, including motorcycles, scooters and pedal cycles, are not allowed in the Cemetery except within the car park, save for those permitted by the Council in connection with maintenance work or grave digging. Exceptions for the elderly or disabled may be permitted by the Council.

### **16 Conduct**

Any person who shall wilfully destroy or damage any building, wall, tree or plant therein shall be liable to prosecution. Any person who shall wilfully destroy, damage or deface any Monument, Tablet, Inscription or Gravestone or do any other wilfully damage, play any game or sport or discharge a firearm (save at a military funeral) in the Cemetery shall be liable to prosecution.

### **17 Variation of Regulations**

The Council reserves the right to make alterations or additions to these Rules and Regulations, consistent with the Burial Acts.

The Regulations of Her Majesty's Secretary of State under the Burial Acts and applicable to the Cemetery must be considered as incorporated herewith.

### **18 Non-Compliance with the Regulations**

The Council in exercising its powers under the Regulations will adhere to the following procedure where non-compliance with the Regulations has occurred:

- a) Before any action is taken with regard to the removal of any memorial that is considered to be in contravention of these Regulations, the Council will notify the grave holder in writing of the Council's intentions at their last known address;
- b) One month's notice of any intended action will be given;
- c) The grave holder will have the right of appeal against any decision made. Any appeal should be in writing and addressed to the Council;
- d) If the grave holder is still not satisfied with the outcome, they will be given the opportunity to have the matter considered by the full Council. The decision of the Council is final.

### **19 Register of Burials**

Within 96 hours of a burial, the Registrar of Births and Deaths must be notified of the details of the date and place of the burial. The detachable portion of the Registrar's certificate ('green form') or Registrar's certificate of non-liability ('white form') or Coroner's order may be used for this purpose.

The Council keeps a register of burials. Searches may be made and certificates obtained on payment of the appropriate fee.

### **20 Cemetery Administration**

The Council may from time to time appoint a person acting under the direction of the Cemetery Committee to assist with the administration and routine operation of the Cemetery.

### **21 Transitional Arrangements (Apply to Interments & Reservations made before 1<sup>st</sup> April 2016)**

For interments in a burial plot (including ashes) before 1<sup>st</sup> April 2016 the Council will Grant without charge Exclusive Right of Burial effective from the date of first interment.

For reservations of burial plots made before 1<sup>st</sup> April 2016 the Council will honour the agreement by not making any further charge for the subsequent interment provided it occurs on or before the date of expiry of the reservation. Following expiry of any prior reservation the applicable terms, fees and charges at the time shall become payable.

**Approved by Palgrave Parish Council on 24<sup>th</sup> March 2016**

**(Signed) Chairman.....M.J. Bootman**

## PALGRAVE PARISH CEMETERY REGULATIONS, FEES & CHARGES - As From 1<sup>st</sup> April 2016

### APPENDIX 1 - CEMETERY FEES AND CHARGES

FEES, PAYMENTS AND SUMS fixed and settled pursuant to the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1974 and 1977. (Fees include VAT where applicable).

NOTE: Earthen graves for burial do not exceed 8 feet (2.44 metres) by 2 feet 6 inches (0.76 metres).

#### PART 1 - RESERVATIONS

Reservation only of a plot for future interment, all other fees become payable on use:		
1	Reservation for a period of 15 years of an earthen grave for interment	£150
2	Reservation for a period of 15 years of a plot in the Garden of Remembrance	£75

#### PART 2 - INTERMENT IN A GRAVE

A - For any interment in an earthen grave to take the body of:		
1	A person whose age at the time of death exceeded 12 years	£130
2	A child whose age at the time of death exceeded 1 year but did not exceed 12 years	£100
3	A still-born child or a child whose age at the time of death did not exceed 1 year	£0
B - For the subsequent interment of cremated remains in a grave		
1	In an existing grave (re-opening) where Exclusive Right of Burial has been granted	£50
2	In an existing grave (re-opening) not subject to Exclusive Right of Burial	£130

#### PART 3 - EXCLUSIVE RIGHT OF BURIAL (In addition to above)

For the Exclusive Right of Burial for a period of 100 years in an earthen grave to take the body of:		
1	A person whose age at the time of death exceeded 12 years	£130
2	A child whose age at the time of death exceeded 1 year but did not exceed 12 years	£100
3	A still-born child or a child whose age at the time of death did not exceed 1 year	£0
4	Re-assignment of a previous Grant of Exclusive Right of Burial	£20

#### PART 4- INTERMENT OF CREMATED REMAINS IN GARDEN OF REMEMBRANCE

NOTE: No Exclusive Right Of Burial may be secured in the Garden of Remembrance		
1	First interment of ashes	£130
2	Interment of ashes of a permitted person under the same base	£50
3	Scattering of Ashes	£25

#### PART 5 MONUMENTS AND INSCRIPTIONS (All subject to Approval)

All charges include the first inscription. Each and every subsequent inscription costs £20.		
1	Headstone or other monument	£75
2	Tablet	£60
3	Stone or Metal Vase	£50
4	Monument with extended plinth	£90
5	Monument in Garden of Remembrance	£55

#### PART 6 BURIAL REGISTERS

1	Search of the Register	£10
2	Issue of Certificate	£15

**APPENDIX 2 - DEFINITION OF TERMS AND ABBREVIATIONS**

Term/Abbreviation	Meaning
Cemetery Committee	A standing Committee of the Council comprising the Chairman, Vice-Chairman and at least two other Councillors and having a quorum of three.
Cemetery Administrator	A person appointed by the Council to carry out routine duties regarding the administration and operation of the Cemetery.
NAMM Code of Working Practice	National Association of Memorial Masons Code of Practice as revised.
BS8415	British Standard specification for monuments within burial grounds and memorial sites.
Exclusive Right Of Burial	<p>The purchase of Exclusive Rights of Burial refers to the right to be buried in the grave space mentioned in the Exclusive Right Certificate <u>but is not the purchase of the land itself.</u></p> <p>It is only the Right Of Burial which expires at the end of the term and present legislation does not normally allow any human remains to be disturbed. When you buy the exclusive Right of Burial you have the right to say who can be buried, or have ashes buried or scattered, in the grave provided that person satisfies the conditions stated in the Preamble.</p> <p>Owners of rights have an automatic right of burial in the grave but are reminded that only one body can be interred.</p>
Certificate of Compliance	Certificate confirming that all work carried out on the installation of the memorial complies with British Standard BS 8415 at the time of installation.

**APPENDIX 3 - LEGISLATION APPLICABLE TO THESE REGULATIONS**

**Statutes**

Burial Act 1853  
 Burial Act 1855  
 Burial Act 1857  
 Burial Act 1859  
 Disused Burial Grounds (Amendment) Act 1981  
 Local Government Act 1972  
 Occupiers' Liability Act 1957  
 Occupiers' Liability Act 1984  
 Open Spaces Act 1906  
 Parochial Registration and Records Measure 1978  
 Pastoral Measure 1983  
 Registration of Burials Act 1864

**Regulations**

Local Authorities' Cemeteries Order 1977  
 Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950