

ELKESLEY CEMETERY

RULES AND REGULATIONS

INFORMATION

Elkesley Parish Council manages one cemetery, which is located on the High Street, Elkesley.

The Council does not employ its own grave digger; this is the responsibility of the Funeral Directors.

The Council will carry out maintenance of the cemetery grounds, this will include cutting of all grassed areas including grass on lawn section graves, trimming any bushes and emptying litter bins as necessary.

Christmas wreaths will be removed in February, other wreaths and sprays will be removed at the discretion of the Council (usually 2-3 weeks after funeral).

Records will be kept of all interments by the Parish Clerk to Elkesley Parish Council.

The cemetery is open to the general public between dawn and dusk each day.

To ensure the smooth running of the cemetery and to enable staff to effectively maintain the grounds for the benefit of all visitors, we have to impose a number of guidelines. This booklet outlines these guidelines in the form of Regulations.

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1. Introduction

1.1. The Council has made Regulations for Cemeteries under the provision of the Local Authorities Cemeteries Order 1977.

1.2. The Council reserves the right to alter, add to or amend the Regulations when necessary.

1.3. Throughout the regulations the following words and expressions shall have the meaning hereinafter respectively assigned to them.

‘The Council’	Elkesley Parish Council
‘The Cemetery’	Elkesley Cemetery, High Street, Elkesley, Retford
‘The Cemetery Office’	The Parish Clerk to Elkesley, 2 Cornfield Close, Carlton in Lindrick, Worksop, S81 9TF. Tel: 07504850295
‘The Cemetery Officer’	This will usually be the Parish Clerk as above.
‘Purchased Grave’	A grave or vault in which the Exclusive Right of Burial has been granted.
‘Public Grave’	A grave in respect of which no Exclusive Right of Burial has been granted.
‘Vault or walled Grave’	All walled underground burial places.
‘Memorial’	Any monument, tomb, flat stone, headstone, foot stone, kerbstone, border stone, tablet, inscribed vase, railing, or any stone erected or placed upon any purchased grave.

2. Rules and Regulations for the Cemetery

- 2.1 Plots are only available to persons living in the parish, or to those people who have lived in the parish for a substantial period of time and had to move for reasons beyond their control. In the event of there being no living relative then the executor of the will may apply for a plot on behalf of the deceased.
- 2.2 Reservation for burials may be made by telephone or in writing. Reservations will be regarded as provisional until formal notice required by paragraphs 2.3 or 2.3 has been received.
- 2.3 Notice of burial is accepted as confirmation when all forms and certificates required to fulfil statutory requirements, and those required by the Council, are received at the Cemetery Office no later than two clear working days before the proposed date of the funeral. These periods of time are exclusive of Saturdays, Sundays and Bank Holidays. Exceptions will be made to this in case of epidemic diseases.
- 2.4 Forms provided, or approved, by the council must be used.
- 2.5 For the burial of a stillborn child a Certificate in accordance with the Births & Deaths Registration Act 1953 must be delivered to the Cemetery Office. For a Non Viable Foetus (NVF) a form signed by a Medical Practitioner in respect of a NVF must be supplied.
- 2.6 Orders or instructions given by telephone shall be confirmed in writing. 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 Post Office/Courier.

- 2.7 The Council will not accept responsibility for, or loss of any remittances or instructions forwarded by post.
- 2.8 The Registrar's Certificate for Disposal or a Coroner's Order for Burial must be delivered to the Cemetery Office before the Burial. If either document is mislaid or lost, a declaration to the satisfaction of the Cemetery Officer must be made by the person procuring the disposal of the body.
- 2.9 Arrangements for priests, ministers, or other persons to officiate at the service are the responsibility of the Funeral Director or the person arranging the burial.
- 2.10 The Funeral Director or person arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the graveside.
- 2.11 The Deed for the Exclusive Right of Burial must be produced in the case of interments in a purchased grave.
- 2.12 All fees and charges must be paid to the Cemetery Officer. The fees and charges for any burial must be paid at the time of giving notice of booking and all other fees paid before the work to which they relate is started. Charges are in accordance with the Council's scale of fees for the Cemetery.
- 2.13 Burials may take place Monday to Fridays between 9.00 am and 3.00 pm. These times may be amended at the Council's discretion.
- 2.14 The Council reserves the right to retain any grave space for its own purposes.
- 2.15 The grave spaces continue in line from the previous burial – no selection of grave spaces will be permitted.
- 2.16 The sale of grave spaces in advance will not be permitted.
- 2.17 Should any pre-purchased grave spaces become unwanted before being used, they can be sold back to the Council for the price of the deposit paid.
- 2.18 A plan of the Cemetery showing the position and number of each grave is kept at the Cemetery Office and may be seen without charge.
- 2.19 All coffins must be marked with a non perishable plaque/nameplate. This must show the name, age and date of death of the deceased. In the case of a stillborn child no age will be recorded.
- 2.20 Where two bodies are interred in one coffin then both names are marked.
- 2.21 No coffin, or part of a coffin, may be removed from any Cemetery grounds without the prior and expressed permission of the Cemetery Officer.
- 2.22 No body may be removed from a Cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief constable.
- 2.23 No body or cremated remains may be exhumed without the consent of the Secretary of State for Home Affairs and/or the Faculty of the Bishop of the Diocese.
- 2.24 The Council reserves the right to prune, cut down, or remove any shrubs or trees within the Cemetery at any time.

3. Grant of Exclusive Right of Burial

- 3.1 Owning an Exclusive right of Burial for a grave does not give ownership of the actual land, but does give the owner of the Deed the right to:
- Be buried in that grave.
 - Authorise further burials in that grave, where space is available, or the interment of cremated remains in that grave.
 - Place a memorial on that grave, subject to the Council's Regulations relating to memorials.
 - Have inscriptions or additional inscriptions on a memorial on that grave subject to the Council's Regulations on this matter.
- 3.2 Possessing a Deed of Exclusive Right of Burial does not necessarily give the person ownership of Exclusive Right of Burial, when the owner is deceased, subsequent ownership of Exclusive Right of Burial depends upon whether or not the deceased person left a valid will. The law on this can be complex and it is strongly advised you consult a Solicitor to establish new ownership. Only one person can hold the Exclusive Right of Burial, it cannot be held jointly by family members.
- 3.3 Ownership of a Deed may also be transferred or assigned by use of a form – Declaration, Indemnity and Application in respect of the transfer of Assignment of an Exclusive Right of Burial – obtainable from the Cemeteries Officer.
- 3.4 **The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.**
- 3.5 On the purchase of the Exclusive right of burial for a grave, a Deed of Grant shall be issued to the purchaser whose name is registered.
- 3.6 Burial rights can be purchased for a maximum of 30 years.
- 3.7 The Parish Council will contact the next of kin when ownership rights expire and a renewal will be offered.
- 3.8 Notice for the interment of cremated remains must be accompanied by the Certificate issued by the Crematorium where the cremation took place.
- 3.9 People arranging a burial in a non-private grave acquire no rights other than that of making a single interment in a grave.

4. Conduct in Cemeteries

- 4.1 All persons within the Cemeteries must conduct themselves in a quiet and orderly way. The Council reserves the right to exclude anyone showing the effects of excess alcohol or drug abuse from the Cemetery grounds.

Under the Local Authorities Order 1977, it is an offence for anyone to wilfully:

- Create any disturbance in a Cemetery
- Commit any nuisance in a Cemetery
- Interfere with any burial taking place in a Cemetery
- Interfere with any grave, tombstone or any other memorials, or any flowers or plants in any such manner.
- Play any games or sport in a Cemetery.
- Enter or remain in a Cemetery when it is closed to the public, unless authorised by the Council to do so.

People contravening these provisions are liable, if convicted, to a fine not exceeding £100.00.

- 4.2 Smoking shall not take place at or near a funeral service or interment.
- 4.3 Dogs are not allowed in the Cemetery except Assistance dogs.
- 4.4 Only vehicles carrying disable people, motorcars and carriages accompanying funerals and service vehicles will be allowed in the Cemetery, other vehicles are requested to park outside the Cemetery.
- 4.5 Cycling in the Cemetery is prohibited.
- 4.6 Children under the age of 12 years will not be admitted except under the care of adults.
- 4.6.1 No one may canvass or solicit orders within the Cemetery.
- 4.8 There must be no demonstrations of any kind, or religious services other than the service at the time of interment without the consent of the Cemetery Officer beforehand. No music is allowed except as an integral part of a funeral service or an event approved by the Cemetery Officer.
- 4.9 The Council has the discretion to exclude People breaking these Regulations, and will not be allowed to enter the Cemetery together with vehicles under their control.

5. Burials

- 5.1 Graves should be sufficiently large enough to admit coffins or caskets to the dimensions specified on the application form by the Funeral Director or the person arranging the funeral.
- 5.2 All excavations must be done by any qualified grave digger appointed by the Funeral Director.
- 5.3 Work other than excavation, including constructing or reopening bricked graves or vaults, erecting or removing or re-fixing memorials, may be done, with the approval of the Cemetery Officer, by any qualified person appointed by the owner of the purchased grave.

6. Lawn Grave Sections

- 6.1 As soon as practicable after the interment, the Council or owner of the grave with the Council's approval, shall sow grass seed or turf over the whole of the grave. Thereafter no person other than authorised by the Council shall interfere with or alter the grassed area of the grave.
- 6.2 No grave or vault shall be raised by turfing or any other manner, above the level of the ground immediately adjoining.
- 6.3 **No trees, shrubs, plants, jars, vases, stones laid flat, memorials, railings, fencing, gravel or other structures enclosing graves may be placed on the grassed area.**
- 6.4 Unbreakable vessels may be placed on the base of the headstone and spiked flower holders adjacent to the base of the memorial will be allowed. The Council has the right to remove these items whilst maintenance around the memorials is taking place.
- 6.5 Subject to the written consent of the Council and to payment of the prescribed fee a memorial may be placed at the head of the grave. The memorial becomes the Council's property at the expiration date of the period of the Grant of the Exclusive Right of Burial.
- 6.6 The memorial must sit on a base in the position required by the Council, and shall not exceed three feet (915mm) in height measured from the ground, two feet six inches (760mm) in width, nor four inches (100mm) in width.

- 6.7 All memorials shall be kept in good repair at the expense of the owner of the Exclusive Right of Burial. The Council reserves the right to deal with any monument as appropriate, which in their opinion has been become unsafe, dilapidated or unsightly, or not kept in good repair.
- 6.8 The Council will maintain the whole of the grassed area of the Cemetery.
- 6.9 The Council will remove any item placed on or near a grave that does not conform to these Regulations, **without prior notice or right of appeal.**

7. Cremated Remains Section.

- 7.1 All grave spaces shall be two feet by two feet (610mm x 610mm).
- 7.2 All excavations for the interment of cremated remains will only be undertaken by qualified grave diggers appointed by the Funeral Directors. Following the interment of cremated remains, the grave will be back-filled and then covered with a concrete slab measuring two feet square by two inches thick.
- 7.3 All cremated remains shall be interred in urns or caskets of a suitable and approved construction and design.
- 7.4 Subject to the written consent of the Council and to payment of the prescribed fee a memorial plaque may be placed on the grave. The memorial becomes the Council's property at the expiration date of the period of the Grant of the Exclusive Right of Burial.
- 7.5 The only permitted memorials allowed on a base slab section will be a flat plaque, maximum dimensions eighteen inches square and two inches thick, (445mm square and 50mm thick) not exceeding six inches (150mm) at its highest part.
- 7.6 On the Section where plaques are laid into the ground, only memorial tablets of twelve inches square (305mm x 305mm) will be permitted, providing that they are laid flat and do not protrude above ground level. Floral tributes will only be permitted in the special place provided for them.
- 7.7 No shrubs, plants, flower holders, jars, vases, gravel or other may be placed on the concrete slab or grassed area.
- 7.8 The Council will remove any item placed on or near a grave that does not conform to these Regulations, **without prior notice or right of appeal.**

8. Memorial Masons

- 8.1 Only those persons who are on the Council's list of approved monumental masons, and who provide annually evident of Public Liability Insurance cover in the sum of not less than Five Million Pounds, to indemnify Elkesley Parish Council against any claims arising from any acts or omissions, will be allowed to carry out any form of monumental work in the Council's cemetery.
- 8.2 **All memorials fitted after April 2004 must comply with NAMM fixings/Code of Practice.**
- 8.3 Before erection of any monumental or other work, a drawing thereof, on the appropriate form provided for the purpose will be submitted to the Cemetery Officer, together with the fees, no monument may be erected or inscription made unless approved by the Council.
- 8.4 It is required that all memorials have the plot number and stonemasons name on.
- 8.5 A period of 11 (eleven) months should be allowed in preparation of the first anniversary before erecting a memorial to allow time for the soil to settle.

9. Fees

These are the prices as at May 2020.

PURCHASE OF GRANT OF EXCLUSIVE RIGHT OF BURIAL All plots are doubles and can accommodate up to 4 cremated remains.	£100.00
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INTERMENT FEES (all graves are doubles)	
Graves – adult	£200.00
Graves – child (under 18 are now free)	£000.00
People living outside the Parish (in existing plots only)	£400.00

CREMATION FEES – (there is a maximum of 4 in a plot) Interment of cremated remains	£100.00
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MEMORIALS Standard headstone/cross (Second inscription free of charge)	£100.00
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The Council reserve the right to amend these prices.