



Hedon Town Council

RULES AND REGULATIONS FOR THE MANAGEMENT OF THE CEMETERY, IVY LANE, HEDON

**TOWN CLERK
NOVEMBER 2017
Minute No
Property Committee Meeting dated 9 November 2017**

INTRODUCTION

These rules and regulations are made pursuant to the Local Authorities Cemeteries Order 1977 and the Local Government Act 1972 and shall be known as the Hedon Town Council Cemetery Regulations.

HEDON CEMETERY

These rules and regulations shall apply to the Cemetery, Ivy Lane, Hedon and any future cemeteries which the Council may establish.

ALL ENQUIRIES REGARDING THE CEMETERY SHOULD BE DIRECTED TO:-

**TOWN CLERK
HEDON TOWN COUNCIL
TOWN HALL
ST AUGUSTINE'S GATE
HEDON
HU12 8EX**

**TEL: 01482 898428
FAX: 01482 898428
Email: townclerk@hedon.gov.uk**

OPENING HOURS

Access to the Cemetery is available every day of the year during daylight hours only.

THE RULES AND REGULATIONS

The Exclusive Right of Burial

Period of Exclusive Right

The Hedon Town Council will grant an Exclusive Right of Burial in a specific numbered grave to the purchaser which will be evidenced in the form of a Grave Deed. The Right will subsist for the benefit of the Deed owner and his/her successors for a period of up to 99 years.

If no burial takes place within 30 years of the date of the original Grave Deed then the burial rights cease unless an application to renew is submitted to the Council by the Deed owner in writing. The council will endeavour to contact the Grave Deed owner at his/her last known address around the time of the end of the first 30 year period, however, whether successful or not in contacting him/her the onus will be on the Deed owner to apply for renewal otherwise the Right will revert to the Town Council.

It is essential therefore, that the Deed owner notifies the Council in writing of any change of address.

Formalities/Procedure prior to opening the Grave

No grave in respect of which the Council has granted an Exclusive Right of Burial shall be opened without production of the Grave Deed, written consent of the Deed owner or other documentation acceptable to the Town Clerk.

According to the Local Authorities Cemetery Order 1977 (10.6), no body shall be buried or cremated remains interred or scattered in or over any grave in which an Exclusive Right of Burial for the time being subsists except by, or with the consent in writing, of the owner of the Right.

Grave Deed

The Town Clerk will provide the purchaser with a Grave Deed as proof of ownership of Exclusive Right of Burial. A copy of the Grave Deed will be held by the Council at the Town Hall.

Where the Deed owner has misplaced/lost the Grave Deed he/she may apply in writing to the Town Clerk for a duplicate. Included in the application must be relevant documentation that provides proof of identity and also any necessary fee applicable at the time. The Town Clerk will instruct the provision of a duplicate Grave Deed once satisfied with the information submitted.

Ownership Registration and Transfer

All right of burials will be registered by the Council who shall own exclusive rights permitting the grave to be opened upon the production of the Grave Deed. One person only shall be registered as holder of the Grave Deed. No Deed owner shall be entitled to transfer any Right of Burial without written permission from the Town Clerk. It is the responsibility of the Deed owner to notify the Town Clerk of any change of address. Any correspondence will be sent to the last known address.

Any application for transfer of ownership of a Grave Deed must be made in writing to the Town Clerk. **Any application to sell a plot back to the Town Council must be made in writing to the Town Clerk who has the authority to determine such requests. Any application for transfer or sale back of a Grave Deed** must be accompanied by the original Deed, any relevant documentation, including formal identification, and the appropriate fee. Where a Deed holder requests to transfer a Grave Deed ownership to a non-resident of the town, the Council will levy additional charges for the transfer applicable at the time. The Town Clerk will have authority to determine such requests. These additional charges will be payable prior to issue of a new Deed.

Where the owner of the Grave Deed has died and is to be buried within that grave and no other person wishes to be assigned the rights and responsibilities of the Exclusive Right of Burial then the Executor or other properly authorised person may surrender the Deed to the Council. Where the actual document is not available the Executor or other properly authorised person will certify that all rights revert to the Council.

On all transfers Hedon Town Council reserves the overriding right of pre-emption. Deed owners or representatives must give two clear months notice of any intention to transfer.

Grave Allocation

Where a Right of Burial has been previously purchased the Grave Deed must be produced by the Funeral Director to the Cemetery Supervisor before the grave can be excavated. If the Deed is not available then the Cemetery Supervisor must clarify the situation with the Town Clerk's Office. Bearing this in mind, neither Hedon Town Council, or any Officer or Councillor will accept any liability for loss of the Deed.

Graves will be allocated generally in numerical order but all allocations are at the discretion of the Council. Only graves shown on the cemetery plans will be allocated.

All graves will be treated as 'Lawn Section'.

Except for any memorial and its base the grave space will be maintained by the Council. The grave surface will be levelled and grassed.

Death of the Burial Right Owner

If a Deed owner dies intestate or without bequeathing the Right of Burial in his/her Will it does not automatically transfer to the next of kin. Where the owner is deceased transfer of the right of burial **MUST** be applied for in writing to the Town Clerk within one year of the date of death.

A fee, applicable at the time, will be charged for the provision of a new Grave Deed. Only one individual may be named as a Deed Owner.

Unused Graves

Failing burial in, or the formal transfer of a Grave Deed by the end of the first thirty years, the Council may withdraw the right of burial therein provided that the intention to withdraw shall be notified in writing to the last known address of the Deed owner, advertised locally and a period of six months allowed to elapse. Following this and failing the renewal of the Right of Burial, the Council may declare such right of burial to be withdrawn and may offer the grave to another person.

Burial Procedures

All burials shall be carried out in accordance with the requirements of the Confederation of Burial Authorities and the Local Authorities Cemeteries Order 1977 and/or other legislation.

Notice of Burial

Notice of burial must be given to the Town Clerk not less than three working days prior to the burial using the documents provided by the Council for this purpose and must be accompanied by all other relevant documents specified including a copy of the Grave Deed to the Town Clerk's satisfaction.

Where the Deed confirming the Exclusive Right of Burial is not available the registered Deed owner must provide in writing his/her permission to open/reopen the grave and formal identification is requested. The notice of burial must state the name and address, age and date of death of the deceased, the relationship to the Deed owner, the residence at the time of death and the day and hour of the burial and any other such information deemed necessary by the Town Clerk.

The completed form "Acknowledgement of Receipt, Acceptance and Understanding of the Rules and Regulations Relating to the Hedon Town Council Cemetery, Ivy Lane Hedon" **MUST** be submitted to the Hedon Town Council prior to a Grave Deed being issued.

Burials may take place Monday to Friday except public and Bank Holidays. Burials may take place on Saturday mornings in special circumstances and by prior arrangement but will be subject to additional costs. Where the deceased's religious denomination stipulates that the time of burial must be carried out within a designated time after death urgent out-of-hours arrangements may be able to be made. The Council will make an additional charge for this service as applicable at the time.

New Grave Dimensions

No new grave owner shall be entitled to have the ground opened to a greater depth than 2m (6ft 6in) and each grave will be restricted to two coffins only. Where a grave is reopened for a second burial a layer of soil not less than 150mm (6in) depth shall be left undisturbed above the existing coffin.

There must be between the ordinary surface of the ground and the upper side of the higher coffin a layer of soil no less than 900mm (3ft).

The digging of graves and the creation of foundations and erection of memorials shall be undertaken only by persons authorised by the Council.

Grave and Burial Registers

The Council shall keep registers in which shall be entered every burial, specifying the number of the grave, the date of burial, the name and age of the person buried and all other requisite particulars.

Cemetery Plans and Registers

Plans and registers for the cemetery will be kept by the Hedon Town Council at the Town Hall, St. Augustine's Gate, Hedon.

Coffins

All coffins for burial must be marked with the name of the deceased. Burial may only take place in a biodegradable coffin, casket or shroud. Standard coffins used by funeral directors (chipboard or similar material) are acceptable.

Bearing of Coffin

The funeral director is normally responsible for conducting the coffin to the grave ensuring it is placed correctly on the grave boards or putlogs and lowered in accordance with standards of safe practice and orderliness acceptable to the Council. Funeral Directors are required to bring to the cemetery enough bearers to lower the coffin. Any mourner who assists with the bearing or lowering of a coffin does so at his/her own risk.

Temporary removal of Memorials

The Deed Owner is responsible for the removal and re-fixing of a memorial in connection with a second burial. Only monumental masons who comply with Hedon Town Council's regulations may undertake such work. The Town Council will accept no responsibility or liability for any damage or injury caused by such actions.

Flowers

Only funeral wreaths, sprays and fresh cut flowers may be laid on the grave on regular occasions for a period not exceeding 6 months following the funeral. It is important that faded flowers are removed.

Internment/strewing of cremated remains

The internment or strewing of cremated remains may be carried out on any day of the week, excluding public and Bank Holidays, provided appointment times are available with the Cemetery Supervisor.

The strewing or interment of cremated remains is not permitted in any part of the cemetery other than within the confines of a specific grave and can only be carried out using a vessel purchased for that purpose in accordance with the Council's procedures and current Health and Safety at Work Regulations.

The Local Authorities Cemetery Order 1977, schedule 2, article 10, 'exercise of rights' – specifies that it is not permissible for a burial to take place, nor for cremated remains to be scattered, no tombstone or other memorial to be placed and no additional inscription to be made on a tombstone or other memorial without the permission of the officer appointed for that purpose by the burial authority.

Exhumations

No cadaver or cremated remains may be disturbed or removed without producing to the Council the faculty or license authorising exhumation. The Council will charge a fee for administration in connection with considering and/or providing approval for such matters applicable at the time.

Fees and charges

The fees and charges prescribed for the use of the cemetery and the Council's administration costs shall be those specified, and will be amended from time to time. All fees and charges are payable in advance to the Hedon Town Council. The Council reserves the right to make different charges for the burial of residents and non-residents.

All fees and charges paid in connection with services will be acknowledged by official receipt forms.

Memorials

Memorial Erection

- A small wooden cross or similar may be used for a period of up to 6 months following the funeral but must be removed if a headstone is positioned within the 6 month period.
- Permission must be obtained from the Town Clerk prior to the erection of any headstone, memorial or cutting of any inscription. The Town Clerk reserves the right to refuse the erection of any headstone if the base or headstone is not of the specified type or dimensions.
- No operation of any kind shall be permitted inside the cemetery ground without the prior written consent of the Deed owner and the written permission of the Town Clerk.
- All work carried out on memorials must be done by a monumental mason who is registered and approved by Hedon Town Council.
- The Council shall have the power to remove any memorial placed or planted in the cemetery which has been erected without the necessary written authority and will charge the Deed owner for any costs incurred.

- Headstones and Memorials may be of natural stone only and as approved by the Town Clerk.
- Memorials and Headstones shall not exceed 3ft in height inclusive of base, 3ft in width and 4in in thickness. If any headstone erected exceeds this size the Council reserves the right to notify the Deed owner and remove such headstones at the expense of the Deed owner.
- Headstones and Memorials shall be fixed in an approved manner. All headstones shall be fixed with NAMM-type fixing and secured with bonding.
- Monumental masons shall be required to take all necessary precautions to protect the grass, trees, plants, walls, paths and adjacent memorials and graves from damage and the area shall be completely cleared of materials, tools and rubbish when work is not in progress. Any damage caused shall be made good at the mason's expense.
- The grave plot number must be inscribed on the base of the Headstone/Memorial.
- Memorials and Headstones must be prepared ready for fixing before being taken into the cemetery. Materials or tools may not be stored or left within the cemetery on completion of the work.
- Garden of Remembrance Memorials must be of an upright design and not exceed 21" in height x 20" in Width (including base).

Loss or Damage

Memorials are placed at the owner's risk. The Council, members or employees are not responsible for loss or damage done to any grave space or memorial or injury to any person within the cemetery.

The Deed Holder is advised to insure the headstone against damage or vandalism.

Removal of Memorials

No memorial or part of a memorial shall be removed from the cemetery without written approval of the Town Clerk being first obtained. Acceptance of a booking for burial shall be considered consent to remove a memorial from the grave to be opened.

Temporary removal of memorials

The Deed owner is responsible for the removal and re-fixing of a memorial before and after a second burial. Only monumental masons who comply with Hedon Town Council's regulations may undertake such work. The Town Council, members and employees will accept no responsibility or liability for any damage or injury to any person caused by such actions.

Unsafe and Neglected Memorials

The Deed Owner shall maintain the memorial in a safe condition. The Council reserves the right to lay down, stake, repair or remove any memorials which they consider unsafe and to pass any costs on the Deed owner.

Memorabilia

The planting of any type of tree, shrubs or plants in the cemetery grounds is totally prohibited by the Council.

The deed holder shall not position any mementos or memorabilia upon the grave or within the cemetery grounds. If this occurs the Council will remove and dispose of all such items. This includes ornamental fencing, kerb sets, pebbles and gravel, religious symbols of any type or material, glass flower vases/containers or any other container deemed inappropriate to the cemetery situation (jam jars, milk bottles etc). Any alcoholic beverage shall be immediately removed by the Council.

Conduct within the Cemetery

General Conduct

Visitors to cemetery grounds are required to abide by the codes of personal conduct specified in the Local Authorities Cemeteries Order 1977. Under Article 18 no person shall:

- Wilfully create any disturbance within the cemetery
- Commit any nuisance within the cemetery
- Wilfully interfere with any burial taking place in the cemetery
- Wilfully interfere with any grave, any tombstone or other memorial or any flowers or plants or
- Play any game or sport in the cemetery

Anyone who commits any offence within the cemetery grounds will incur liability upon conviction to applicable penalties under legislation.

Additionally any persons entering the cemetery must not:

- Wilfully obstruct, disturb or interrupt any Councillor or Council Officer or member of the Council staff during the exercise of his/her duties
- Behave in any manner likely to cause harm to themselves or others
- Damage, vandalise, retain or remove any article, structure or planting within the cemetery which is not their own property without written authorisation.

Dogs

Only dogs on a lead are allowed in the cemetery grounds.

Reserved Rights of the Council

Differences or Disputes

Should any difference or dispute arise as to the real intent, meaning or interpretation of these Rules and Regulations or Table of Fees and Charges the decision of the Hedon Town Council shall be final.

Alterations to Rules and Regulations

The Council reserves the right to alter these Rules and Regulations or any part of them from time to time as they may see fit.

GENERAL NOTICE

NEITHER THE HEDON TOWN COUNCIL NOR ANY COUNCILLOR OR MEMBER OF THE COUNCIL STAFF WILL ACCEPT ANY LIABILITY FOR LOSS OR DAMAGE TO PROPERTY OR FOR DEATH OR INJURY TO ANY PERSON CAUSED DURING THE APPLICATION OF THESE RULES AND REGULATIONS OR WHILST CARRYING OUT THEIR DUTIES AND RESPONSIBILITIES IN RESPECT OF THE CEMETERY.

Town Clerk
November 2017