

OLD BASING & LYCHPIT PARISH COUNCIL



CEMETERY RULES

Contents

	Page Number
1. Powers of Management	3
2. Setting Apart	3
3. Exclusive Right of Burial	3
4. Fees and Other Charges	4
5. Offences in Cemeteries	4
6. Penalties	4
7. Exercise of Rights	5
8. Fees for Search of Register	5
9. Burial Authority	6
10. Notice of Interment and Days Performed	6
11. Certificate of Registration of Death	6
12. Selection of Grave Space	7
13. Sharing of Graves by Bodies of Members of the Same Family	7
14. Coffins and Grave Digging	8
15. Approval of and Restrictions Applicable To Memorials	8
16. Fixing of Memorials	9
17. Number of Graves or Memorials	9
18. Enclosure of Graves	9
19. Maintenance of Memorials	9
20. Rights Reserved by the Parish Council	10
21. Register of Burials	10
22. Cemetery Open to the Public	10
23. Regulations Relating to Headstones	11
24. Garden of Remembrance	12
25. Revocation of Previous Regulations	12

Old Basing & Lychpit Cemetery Rules and Regulations

GENERAL PROVISIONS OF ORDER

The Local Authorities Cemeteries Order 1977 was laid before Parliament on 18 January 1977 and came into operation as a Statutory Instrument 1977 No. 204 on 10 March 1977. The following Rules and Regulations are derived from those issued by Borough of Basingstoke in so far as they can apply to the Old Basing Cemetery.

1. POWERS OF MANAGEMENT

Subject to the provisions of the Order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation, and control of a cemetery.

2. SETTING APART

A burial authority may, at the request of a particular denomination or religious body, prohibit the interring or scattering of cremated human remains in or over a part of the cemetery set apart for their use.

3. EXCLUSIVE RIGHT OF BURIAL

No body shall be buried or cremated human remains interred or scattered in or over any grave or vault 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 rights. This paragraph shall not extend to the body of the remains of:-

- a) The person who immediately before his death was the owner of the right;
- b) Any person specified in the Deed of Grant or in an endorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the burial authority.

4. FEES AND OTHER CHARGES

- 4.1 Subject to the provision of this Article a burial authority may charge such fees as they think proper.
- 4.2 A burial authority shall keep a special table showing the matters in respect of which fees or other charges are payable to them and the amount of each fee or charge, and the table shall be available for inspection by the public at all reasonable times by arrangement.

5. OFFENCES IN CEMETERIES

- 5.1 No person shall:-
- a) willfully create any disturbance in a cemetery;
 - b) commit any nuisance in a cemetery;
 - c) willfully interfere with any burial taking place in a cemetery;
 - d) willfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or
 - e) play any game or sport in a cemetery.
- 5.2 No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

6. PENALTIES

Every person who contravenes:-

- a) Paragraph 2 (Setting Apart);
- b) Paragraph 3(Exclusive Right of Burial);
- c) Paragraph 5 (Offences in Cemeteries);
- d) Paragraph 7.1 (Exercise of Rights)

shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction.

7. EXERCISE OF RIGHTS

- 7.1 No burial shall take place, no cremated human remains shall be scattered and no tombstone or other memorial shall be placed in a cemetery, and no additional inscription shall be made on a tombstone or other memorial without the permission of the officer appointed for that purpose by the burial authority.
- 7.2 No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave.
- 7.3 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than 15 cm (six inches) thick.
- 7.4 When any grave is opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove there from any soil which is offensive.
- 7.5 Where the burial authority permit un-coffined burials, any reference in this Part to a coffin includes a reference to the wrappings of an un-coffined burial.

8. FEES FOR SEARCH OF REGISTER

A burial authority may charge such fees as they think proper for the making by them of searches in, and the provision of certified copies of entries in, a register under paragraph 2.

PARISH COUNCIL RULES AND REGULATIONS

The following rules and regulations are made by the Old Basing and Lychpit Parish Council in accordance with the general powers of management as provided for in Local Authorities Cemeteries Order 1977. These regulations shall apply to the Old Basing Cemetery.

9. BURIAL AUTHORITY

The Burial Authority shall be Old Basing and Lychpit Parish Council and the Authorised Officer shall be the Parish Clerk of the Council at the time. The Deputy Parish Clerk may act on the Parish Clerk's behalf as appropriate. In their absence, the Parish Office will be notified and will contact a member of the Facilities Management Committee.

10. NOTICE OF INTERMENT AND DAYS PERFORMED

- 10.1 At least two clear days' notice of interment (excluding Saturdays and Sundays) is to be given to the Clerk on the prescribed form.
- 10.2 Any notice received on Saturdays, Sundays or public holidays will, for the purposes of regulation 10.1 above, be deemed to be given on the next working day after the date of receipt.
- 10.3 The time of giving notice is from 10am to 4pm.
- 10.4 All interments shall take place between the hours of 10am and 4pm on Mondays to Fridays (inclusive) unless a Coroner or registered medical practitioner certifies that immediate interment is necessary.
- 10.5 No interments will be allowed to take place on Saturdays, Sundays or Bank Holidays.
- 10.6 If it is necessary, at any time, to deviate from the provision of the regulations, written application must be made to the Parish Council through the Clerk.

11. CERTIFICATE OF REGISTRATION OF DEATH

The Certificate of Registration of the death of the person to be buried or the Coroner's order for the burial of the body where an inquest has been held

must be produced before the interment takes place. In cases requiring immediate burial, the authorised officer is empowered to take such steps as they may deem necessary.

12. SELECTION OF GRAVE SPACE

The selection of a grave space is in all cases in the hands of the authorised officer or Parish Council, except in the case of a second or third burial in a family grave space.

13. SHARING OF GRAVES BY BODIES OF MEMBERS OF THE SAME FAMILY

13.1 One body only shall be buried in a grave at one time, unless the bodies be those of members of the same family, save where in exceptional circumstances the Parish Council otherwise agree.

13.2 No grave in respect of which the exclusive right of burial has not been granted shall be unlawfully reopened within 14 years after the burial of a person above 12 years of age or within 8 years after the burial of a child under 12 years of age, unless to bury another member of the same family.

13.3 Where the grave is used for the reception of more than one coffin, a layer of earth not less than 15cm (six inches) thick shall be left undisturbed above the previously buried coffin; but if, on reopening the grave, the soil is found to be offensive, such soil shall not be disturbed, and in no case shall human remains be removed from the grave.

13.4 Where an existing plot contains cremated remains this plot may not subsequently be used for the interment of a body.

13.5 A full burial plot may be used for the interment of up to 8 sets of cremated remains.

13.6 A half burial plot may be used for the interment of up to 4 sets of cremated remains.

13.7 A cremated remains plot may have 2 sets of cremated remains interred.

14. COFFINS AND GRAVE-DIGGING

- 14.1 Coffins of wood or suitable natural materials only shall be used in all graves where the exclusive right of burial is not purchased.
- 14.2 All grave-digging to be organised by the undertaker. Removal and disposal of soil and the replacement of soil after the interment shall be as directed by the Authorised Officer or his staff.
- 14.3 The undertaker will be responsible for the provision of 'greens' and complying with all safety regulations.

15. APPROVAL OF AND RESTRICTIONS APPLICABLE TO MEMORIALS

- 15.1 All memorials and the inscriptions thereon are subject to the approval of the Parish Council and a copy of every inscription proposed and a drawing showing the design and dimensions of every memorial proposed to be erected must be submitted for approval to the authorised officer with the application on the required form. No memorial shall be placed within the burial ground, nor shall any erection be removed or replaced, or work carried out to any memorial, without the written consent of the authorised officer.
- 15.2 In case any question should arise as to the fitness of any memorial or inscription proposed for the consecrated part of the cemetery, it will be referred to and determined by the Church Authorities concerned. In all cases, expressions fairly recording the faith of the deceased will be admitted provided the feeling of others is not offended.
- 15.3 No memorial will be allowed to be placed on any grave other than where an exclusive right of burial for 75 years is granted.
- 15.4 The position of memorials shall be subject to the approval of the Authorised Officer and the foundation thereof shall be executed to his satisfaction.
- 15.5 A name may only be inscribed on a headstone or plaque if a full interment or burial/scattering of ashes for each named person has occurred in that location.

16. FIXING OF MEMORIALS

- 16.1 If any damage is caused by the bringing in of any materials or memorials the person or persons causing the damage will be required to make it good.
- 16.2 All memorials shall be finished before they are admitted to the cemetery and no work of any kind thereon, beyond that of fixing, will be allowed within the cemetery except an inscription which cannot be made prior to the erection of such memorial within the cemetery.

17. NUMBERING OF GRAVES OR MEMORIALS

The Parish Council's reference letter and/or number of the grave shall appear on the right-hand side at the head of the grave, or any memorial thereon in letters one inch in height and not more than 15cm (six inches) above the ground level. Such letters shall be formed of lead and let into the memorial. With the owners consent, the mason's name may, in like manner appear on the memorial but no address or other particulars shall be given.

18. ENCLOSURE OF GRAVES

- 18.1 Any form of enclosure around graves is prohibited.
- 18.2 No wood or iron crosses shall be erected on graves.

19. MAINTENANCE OF MEMORIALS

- 19.1 All memorials are to be kept in good order at the expense and sole risk of the owners thereof. The Parish Council reserves the right to exclude remove or renew any memorial which shall, in its opinion, be in such a state as to be dangerous.
- 19.2 The Parish Council may, without notice to the owner, remove or repair, at the owner's risk and expense, any memorial which is a source of immediate danger.
- 19.3 The Parish Council reserves the right to reverse, refix, move, line up or place in any such positions as may be required any memorials in the cemetery.

19.4 The above maintenance will be carried out within the guidelines laid down by and with the appropriate authorization of the Diocese of Winchester.

20. RIGHTS RESERVED BY THE PARISH COUNCIL

20.1 The Parish Council reserves the right to pass over and temporarily cover any grave for the purpose of performing any work in connection with interments or the maintenance of graves.

20.2 Owners of exclusive rights of burial shall not transfer their rights without prior written consent of the Parish Council. The consent in writing of the owners to any interment in a purchased grave or the original grant must be submitted to the authorised officer with the notice of interment.

21. REGISTER OF BURIALS

A register of burials in the ground will be kept, and searches may be made and certified extracts obtained, without charge on application to the Parish Clerk during office hours.

22. CEMETERY OPEN TO THE PUBLIC

The cemetery is open to the public daily from 9.00am until sunset, but the Parish Council reserves the right to close the cemetery to the public at any time before and while a burial is taking place. Children will not be admitted except under the care of a responsible person. All visitors should keep to the paths as far as possible, refrain from damaging shrubs and flowers, and always observe perfect decorum in all respects. No dogs will be allowed in the cemetery.

23. REGULATIONS RELATING TO HEADSTONES

- 23.1 The Parish Council will not permit the erection or placing of any headstone, flower container or any other thing whatsoever, except a headstone or memorial which must:
- i) be erected at the head of a grave (so that all headstones or memorials are at the same end of all graves);
 - ii) be on a rectangular base, and measuring 76cm (two feet six inches) by 38cm (one foot three inches) save as hereinafter mentioned;
 - iii) be 76cm (two feet six inches) high from ground level plus the thickness of the base subject to an overall limit of 91 cm (three feet);
 - iv) whether or not it includes vases, flower containers or other projections have no part of it projecting beyond the edges of the base;
 - v) where a base is other than rectangular a concrete base be set under flush with the ground so that mowing of the surrounding grass is simplified, the size of such base not to exceed 76cm (two feet six inches) by 38cm (one foot three inches).
- 23.2 No planting of any description or removal of any turf from any part of a grave will be permitted and no objects of any description will be allowed to be placed on any part of the grave other than the headstone or memorial referred to.
- 23.3 The ruling in item 23.2 above does not apply to new graves where a settlement period of 12 months is recommended prior to a headstone being erected. In this instance, flowers and acceptable tributes may be placed on the grave itself. One month after the date of burial one tribute, such as a potted plant or a container (not glass) of artificial flowers may be left at the head of the grave until a headstone is erected. All other items with the exception of fresh flowers should be removed.
- 23.4 No flammable or hazardous items e.g. glass, candles (this list is not exhaustive) may be placed on graves and the Parish Council reserves the right to remove such items.

23.5 With the exception of hazardous items, the placing of additional tributes i.e. wreaths, small Christmas trees or other items may be placed on the grave for a period of 4 weeks immediately after the burial, on special anniversaries and at Christmas and Easter, after which they should be removed or will be removed by the Parish Council and retained for a period of 6 months.

24. GARDEN OF REMEMBRANCE

The Garden of Remembrance is solely for the interment of ashes and the following regulations apply specifically to this area:

- 24.1 The garden is divided into areas by pathways and relatives may select a preferred area for the interment.
- 24.2 No headstones are permitted. Graves may be marked with a commemorative plaque measuring 30 x 25cms (twelve x ten inches) lying flush with the ground.
- 24.3 No tributes are permitted other than one spray of fresh or imitation flowers. Dead flowers will be removed.
- 24.4 No vase or other container other than one simple flower spike similar to those shown below and placed immediately above the plaque will be permitted.
- 24.5 As stated in paragraph 13.7 above, two sets of ashes may be interred in a plot.

25. REVOCATION OF PREVIOUS REGULATIONS

These regulations supersede all previous regulations.