

HIGHAM FERRERS TOWN COUNCIL

CEMETERY RULES AND REGULATIONS

August 2019

**Town Hall
Market Square
Higham Ferrers
NN10 8BT**

Tel: 01933 312075

Email: info@highamferrers-tc.gov.uk



1. INTRODUCTION.

- 1.1. These regulations refer to the cemetery located at Vine Hill Drive, Higham Ferrers.
- 1.2. In these regulations, unless the contract requires otherwise:-
'Council' means Higham Ferrers Town Council.
Grave means a burial place formed in the ground by excavation without any internal wall.
Parishioner/Resident means any person residing in the boundary of Higham Ferrers Town Council.
Public or Common Grave means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated person might be interred.
- 1.3. All enquires concerning the use of the Cemetery should be made to the Town Clerk, at the office at the Town Hall, Market Square, Higham Ferrers, Northants NN10 8BT. Tel: 01933 312075. Email: info@highamferrers-tc.gov.uk.
- 1.4. The cemetery is managed and operated in accordance with Local Authorities' Order 1977, as amended by the Local Authorities (Amendment Order) 1986 and any other such regulations as may be made by the Secretary of State for the Ministry of Justice.

2. OPENING HOURS.

- 2.1. The Cemetery will be open to the public during the hours of daylight.

- 2.2. The key to the vehicle gate can be obtained from the Town Hall by prior arrangement.

3. TIMES OF BURIALS.

- 3.1. Interments shall take place between the following times:
Mondays to Thursdays – 9.00am to 3pm. (Autumn/Winter 2pm)
Fridays – 9.00am to 2.30pm. (Autumn/Winter 2pm)
- 3.2. No interment may take place on a Saturday, Sunday or Bank Holidays, except by the direction of the Medical Officer of Health or on religious grounds. Interments on these days may incur an additional charge.

4. FEES

- 4.1. Fees for all cemetery services will be determined by the Council annually to take effect from 1st April each year. Anyone intending to use the cemeteries services is advised to obtain an up-to-date copy of the fees and charges which will be supplied on request. All fees are payable prior to the interment taking place.
- 4.2. Non Parishioners/Non Residents fees will be charged as specified in the Council's scale of fees and charges.
- 4.3. All fees and charges must be paid to the Town Hall.

5. PARISHIONERS AND RESIDENTS

- 5.1. Parishioners/ Residents shall include a person who at the time of purchasing a grave was a resident within Higham Ferrers.
- 5.2. If the deceased lived out of the town for two years or less at the time of death, Parishioner / Resident status is applied. If longer than two years, initially non parishioner / non-resident fees will be applied; however, a written appeal may be submitted to the Council to alter this status. The appeal decision is at the sole discretion of the Council.
- 5.3. Where the exclusive right of burial of a grave space is owned by a Parishioner/ Resident, only the spouse, civil partner or sons and daughters of such owners, if residing outside the borough, may be interred in the grave at the same rate of charge as a Parishioner/Resident. The fees shall be those prescribed in the Council's scale of charges.
- 5.4. Where a Parishioner/ Resident purchases an exclusive right of burial after 1st August 2013, the resident fee for exclusive right of burial will only be applied if the grave is to be used for their spouse, civil partner, son or daughter. The exclusive right of burial can be purchased for other relatives but will be charged at Non Resident fees.
- 5.5. The personal representative of a deceased resident may purchase the

exclusive right of burial for the interment of such resident. The fees for which those charged to Parishioners/ Residents, for a new grave for one person.

6. NOTICE OF INTERMENT.

- 6.1. The form of notification of interment, together with all fees, must be delivered to the Town Hall not later than three working days prior to the date of interment. Telephone reservations remain provisional unless the appropriate form is returned giving the notice required.
- 6.2. The Council reserve the right to refuse to accept a notice of interment in special circumstances.
- 6.3. The Town Clerk may require notice in excess of the period stated. In calculating the notice period Saturdays, Sundays, Christmas Day, Good Friday and public holidays are to be excluded. There are special arrangements over the Christmas and New Period and these must be checked before a booking is made.
- 6.4. On every opening of a grave or vault in which the Exclusive Right of Burial has been purchased, the Deed of Grant and Certificate of Ownership must be produced to the Town Hall when the notice of interment is given.
- 6.5. The Council shall not be responsible for:
 - Any discrepancies, errors or omissions in any notice of

interment or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors or omissions.

- The late receipt of any notice of interment or other documents required to be given or served on the Council or for liability arising from such late receipt.

- 6.6. Any form of religious service may be used, but any other ceremony is subject to the approval of the Council. Alternatively, the coffin may be committed without a service. An extra fee is incurred where no undertaker is used for interment of cremated remains (ashes)
- 6.7. The box containing the body of a still born child must bear an indelible description, including the name of the parent. The interment shall take place by arrangement with the Town Hall

7. DISPOSAL CERTIFICATES.

- 7.1. A Certificate from the Registrar of Births, Deaths and Marriages of the registration of death, or in cases where a Coroner's Inquest has been held the Coroner's Warrant, must be produced to the Town Hall prior to the Interment.
- 7.2. In the case of a still born child a certificate in accordance with the Births and Deaths Registration Acts 1926 will be required.

8. GRAVES

- 8.1. The maximum permitted size of graves are:
Burial Plots – 2.44m by 1.22m
Child Plot – 1.83m by 910mm
Cremation Plots – 1.2m by 610mm
- 8.2. Graves are to be a minimum of 1350mm (4'6") deep with a 1350mm (4'6") centre. Double depth graves only are allowed.
- 8.3. With the exception of purchased graves, interments shall take place in consecutive order, if the soil permits, until the whole area has been buried or appropriated. The selection of purchased grave space is, in all cases, subject to the approval of the Council or of a Committee or Officers appointed by them. The wishes of the persons applying will be met as far as deemed practicable.
- 8.4. The Town Council reserves to itself the right of placing a mark of reference to all graves.
- 8.5. No interment shall be allowed in an earthen grave unless the body is in a properly constructed coffin. Metal caskets and coffins are not permitted. Cremated remains (ashes) may be interred in caskets or other approved biodegradable containers.
- 8.6. Cremated remains (ashes) can be scattered on the rose bed set aside for this purpose. Application to be made with the appropriate fee to the Town Hall, where a record will be kept. No memorials will be allowed at the cemetery to indicate

that cremated remains have been scattered. There is no facility for scattering of cremated remains (ashes) anywhere else in the cemetery.

- 8.7. Every coffin must bear a nameplate with details of the deceased person therein and may only contain one body except in the case of a mother and her baby or babies.
- 8.8. No body or cremated remains (ashes) may be removed from a grave without the production of the ecclesiastical faculty and/or Ministry of Justice licence for exhumation required by law. Original documents will be required for this purpose.
- 8.9. Undertakers shall at all times provide sufficient bearers for carrying and lowering of coffins into the grave.
- 8.10. The undertaker, or any other person having charge of the funeral, must arrange with a minister to conduct any religious service.
- 8.10. Preparation of graves is undertaken by contractors employed by the Town Council. Graves will be backfilled immediately after the mourners have left the graveside. Floral tributes will be gathered together and placed on the finished grave. Tributes will be removed once spent (normally after two weeks).
- 8.11. The Town Clerk has authority to remove any Headstone which, in their opinion, should be removed to facilitate the opening of any

adjoining grave. Any headstone removed will be replaced at the earliest opportunity.

- 8.12. Ground settlement will invariably occur in the months following a burial. For six months, the Council will regularly inspect the grave and, as ground settlement occurs, will re-level the surface of the grave and sow grass seed where required.

9. EXCLUSIVE RIGHT OF BURIAL

- 9.1. The person to whom the Exclusive Right of Burial is granted (referred to as the deed holder from this point on) has the sole right to determine who is buried in the grave or cremated remains space. It does not confer ownership in respect of the land concerned. In any grave, a maximum of two coffins is allowed. Cremated remains may also be buried in the same grave (space permitting).
- 9.2. The Exclusive Right may be assigned by deed or bequeathed by will to a relative or nominated person. If the right has not been assigned, it is conferred on a relative as interpreted in the Local Authorities' Cemeteries Order 1977.
- 9.3. The Exclusive Right of Burial is purchased at the time that a request for interment is made.
- 9.4. On purchasing the Exclusive Right of Burial for a grave or cremated remains plot, a deed will be issued

to the purchaser valid for a period of 99 years.

- 9.5. The Council will keep records of any rights granted, together with any assignment or bequest of those rights. These must be notified to the Town Council as soon as possible after an assignment or bequest is made.
- 9.6. After interment the burial will be recorded in the Council's Register of Deaths.
- 9.7. Funeral Directors, Monumental Masons or any member of their staff will not be permitted to acquire the Exclusive Right of Burial in any grave space, except to bury a member of their family.

10. TRANSFER OF THE EXCLUSIVE RIGHT OF BURIAL

- 10.1. The Grantee or his legal personal representative may transfer the exclusive right of burial, subject to the proper notice of such transfer being given to the Council on the appropriate form. The Council will then register the transfer and endorse a note thereof on the grant.
- 10.2. In order for parishioner / resident status to be applied, the applicant must be resident in Higham Ferrers at the time of transfer application. Proof of residence will be required.
- 10.3. Following the death of the grantee the exclusive right of burial in any grave space must be transferred and re-registered before the grave can be further reopened

or any stone or monument erected thereon.

- 10.4. In respect of an owner's burial, the funeral applicant or executor may make arrangements and sign the memorial permit form to allow the deceased owner's name to be added to the memorial without transferring the exclusive right of burial.
- 10.5. If minor cleaning/ renovation [including safety fixing] of a memorial is required and the owner of exclusive right of burial is deceased, providing none of the original wording or material is altered, permission will be given to next of kin without the need to transfer the exclusive right of burial.
- 10.6. At the time of imminent interment, it is not possible to transfer exclusive right of burial in order to alter residency status.

11. VEHICLES.

- 11.1. No vehicles are allowed in the cemetery except funeral corteges and maintenance vehicles which must proceed within the cemetery by the main driveway.

12. CONDUCT.

- 12.1. Children under the age of 12 shall not be permitted in the Cemetery unless in the charge of some responsible person.
- 12.2. All persons must conduct themselves in a decent, quiet and orderly manner and must not:

- (i) Create and disturbance or nuisance.
 - (ii) Interfere with any burial
 - (iii) Interfere with any grave, stone or other memorial or floral tribute
 - (iv) Play any game or sport
 - (v) Ride a bicycle or use any other recreational equipment
 - (vi) Enter the cemetery when it is closed to the public
 - (vii) Deposit litter or spent floral tributes other than in the receptacles provided for such purposes.
- 12.3. Any person who contravenes article 18 (1) of the Local Authorities Cemetery Order 1977 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 12.4. Any person found vandalising any part of the cemetery or desecrating any grave; will be liable for prosecution by the Council under the provisions of
- 12.5. Visitors to the cemeteries shall not unreasonably interrupt the Council's employees at their duties or employ them to execute private works within the cemetery or extend to them any gratuity
- 12.6. Any person soliciting orders within the cemetery will be removed.
- 12.7. No dogs are allowed on the Cemetery. This rule does not apply to Disability Assistance Dogs.
- 12.8. Any person detected picking or damaging shrubs, trees or flowers in the Cemetery may be prosecuted.

12.9. No person shall consume alcohol within the cemeteries.

12.10. When circumstances render it desirable to deviate from any of the above Regulations a special application must be made to the Town Hall.

13. REGULATIONS RELATING TO GRAVESTONES AND MEMORIALS.

13.1. Memorials are only permitted on graves for which the exclusive Right of Burial has been acquired and on the application of the deed-holder. A memorial may not be erected on grave prior to the first interment.

13.2 Extra fees shall be chargeable for erection of Memorials. Only inscribed memorials will be permitted. Application to erect or alter and application must be made to the Town Hall for approval.

13.3 Before erecting a memorial, a Right to Erect a Memorial is required. Such a right will remain valid for twenty years, or the unexpired period of the Exclusive Right of Burial, whichever is shorter. Following the expiry of a Right to Erect a Memorial, the deed-holder will have the option of renewing it for further five year periods.

13.4. Details including a sketch drawing of any memorial together with the proposed wording on any inspection shall be submitted for approval at the time of the application for the Right to Erect a Memorial.

13.5 Memorials shall be of good quality quarried material of a type to be specified at the time of making application for consent to erect on the grave. Soft Limestone or other stone and reconstituted materials are prohibited. The application for approval should include details of material, design, size and fixing method and proposed inscription. This should be forwarded to the Town Hall for the Council's approval.

13.6. No part of any memorial shall be contrasted of timber, plastic or other synthetic material excepting that this condition shall not preclude the use of an encapsulated photograph properly affixed to a memorial.

13.7. Memorials shall not incorporate any projecting or other details which in the opinion of the Town Council would be susceptible to mechanical or weather damage.

13.8. No Memorials may be removed from the Cemetery unless the consent of the owner of the Memorial has been obtained and approval given by the Town Clerk.

13.9. No responsibility will be accepted by the Council for the safe keeping of or damage to any, memorial in the Cemetery.

13.10 The only persons allowed to erect, repair or carry out work on long-term memorials over 200mm in height are qualified memorial masons.

13.11. Memorials must be prepared ready for fixing before being taken into

the Cemetery. Masons and other workmen must provide and afterwards remove all tools, planks, blocks etc required in the work of erecting headstones. Work in the Cemetery will not be permitted on Saturdays, Sundays, Christmas Day, Good Friday or outside normal working hours.

13.12. Masons or other persons engaged in the erection, renovation or repainting of any stone monument must perform their work expeditiously and in all respects in accordance with these regulations. The work must be carried out at the sole risk and liability of the person executing it, and any damage caused by or in the execution thereof must be made good to the satisfaction of the Council or the person whose property is so damaged.

13.13. Cut flowers, wreaths and mourning cards may be placed on graves, but must be taken away when damaged, faded or decayed or the same will be removed by the Cemetery Groundsman after 2 weeks. Candles if left alight whilst unattended will be removed.

13.14. All memorials shall be erected to conform to the most recent edition of the National Association of Memorials Mason's Recommended Code of Working Practice and BS 8415.

13.15. Kerb sets and chippings are permitted on burial plots only. Kerbs shall be constructed of a

single piece of stone not less than 101mm (4") x 101mm (4") x 101mm (4"). Corner posts may be incorporated in the kerb set but shall be constructed of a single piece of natural stone not less than 101mm (4") square. All memorials or kerb sets shall be constructed of granite, marble, slate or other hard natural stone of durable and sound quality.

- 13.16. No memorial shall exceed 2.075m x 1.015m (7'3" x 3'9") overall size for a single plot or 2.075m x 2.075m ((7'3" x 7'3") for a double plot.
- 12.16. No memorial in Section C and D shall exceed 1.067m x 1.067m (3'6" x 3'6") overall size for a single plot or 1.067m x 2.075m ((3'6" x 7'3") for a double plot. No memorial stone, slab or headstone shall have a thickness of less than 50mm (2"), nor shall have any concrete foundation have a thickness of less than 75mm (3")
- 13.17. The headstone should be fixed using a steel threaded rod fixed/ground anchors (non-ferrous) in accordance with current NAMM specifications.
- 13.18. A Guarantee of Conformity should be issued to the Town Council once works are complete.
- 13.19. The new Headstone is to be erected in line with existing headstones and cannot span two graves.
- 13.20. The Town Council may remove any memorial erected in contravention of these regulations

and recharge the deed-holder for the costs incurred.

- 13.21. Except where incorporated within the memorial, vases shall be limited to three per grave space, shall not be comprised of glass and pottery ware and shall not exceed 300mm (1'0") high x 275mm x 275mm (12" x9" x9"). Ornaments will be limited to one per grave space, shall not be comprised of glass and pottery ware and shall not exceed 300mm (1'0") high x 300mm x 300mm (1'0"). All vases and ornaments must be kept central to the plot.
- 13.22. The Town Council is in no way responsible for the care of the Headstones, which shall be kept neat and in good order by the owners or their representatives. The Town Council instruct outside contractors on the care and maintenance of the turf.
- 13.23. Only one memorial is permitted per plot. This will consist of a headstone. Memorials must not encroach upon adjacent plots or other areas of the cemetery.
- 13.24. Masons or other persons engaged on the erection, renovation or reappointing of any Headstone are prohibited from exhibiting their names or addresses on Headstones erected in the Cemetery.
- 13.25 Planting of spring bulbs or bedding plants is permitted provided planting is kept to the centre of the plot. No claims will be entertained for damage to such plants which

have been planted other than as stipulated.

13.26. Every memorial (excepting a vase having inscription) shall be inscribed with the Grave Space Number in numerals not less than 20mm (3/4") in height in an approved location.

13.27. Items **not permitted** on graves:-

- Rose Bushes
- Conifers
- Shrubs
- Trees
- Railings
- Fences
- Chains
- Wind Chimes
- Loose stones or chippings except within a kerb set
- Unattended lit candles
- Log roll
- Glass
- Timber
- Plastic
- Ferrous Metals
- Tin
- Pottery and tiles
- Wire Mesh
- Windmills
- Solar Lights

This list is not exhaustive. If you have any doubt please contact the Town Hall. Exemptions will be made for some items within the first 12 months of an interment. Please contact the Town Hall for clarification.

14. REGULATIONS FOR CREMATION PLOTS

14.1 Memorials shall be either a single vertical stone or a stone slab. Kerbs or other memorials will not be permitted. No planting will be permitted on these plots.

14.2 Within the ashes section only one stone vase or tablet is permitted per plot. Memorials must not encroach upon adjacent plots or other areas of the cemetery.

14.3 Vertical stones shall not be less than 50mm. (2 inches) nor more than 65mm (2.5 inches) in thickness, shall have a height of not more than 610mm (2 feet) and a width of not more than 375mm (1'3").

14.4 Vertical stones shall be set in a concrete foundation having a size such as will give a minimum thickness surrounding the stone of not less than 110mm (4.5") and having a depth of not less than 300mm (12") below ground level. Finished surface level of concrete to be 50mm (2") below ground level to allow replacement of turf. Stone plinths will not be permitted.

14.5 Stone slabs/tablets shall not be greater than 375mm (15") square and shall have a minimum thickness of 50mm (2"). They shall be set in the ground so as to be flush with ground level.

14.6 Either type of stone shall be set centrally on the width of the plot and with the westernmost edge 150mm (6") from the Western boundary of the plot.

- 14.7 All stones shall be inscribed with the plot number in numerals not less than 12mm (1/2") height at the lower right hand side of the face of the stone.
- 14.8 Vertical stones may have a single vase projecting not more than 150mm (6") in front of the face of the stone. This vase may not be more than 150mm (6") square.
- 14.9 Planting of spring bulbs or bedding plants is permitted provided planting is kept to the centre of the plot. No claims will be entertained for damage to such plants which have been planted other than as stipulated.

15. SAFETY OF MEMORIALS.

- 15.1 The primary responsibility for safety and ongoing maintenance of a memorial rests with the deed-holder.
- 15.2 The Town Council has a general duty of care to ensure its cemeteries are safe for visitors and its employees, In view of this the Council will undertake regular inspections of all memorials.
- 15.3. Where a memorial is found to be unsafe, the Town Council reserves the right to make it safe by temporary means.
- 15.4. Reasonable efforts will be made to notify the deed-holder that the memorials are in need of attention to make it safe on a long term basis.
- 15.5. If the deed-holder is not contactable, or the deed holder fails to make the memorial safe with a

reasonable period after notification then, in accordance with the Local Authorities' Cemeteries order 1977, the Town Council reserves the right to make the memorial safe on a long-term basis, including the repair, repositioning, removal or destruction of the memorial, The Town Council may attempt to recover the costs of making the memorial safe from the deed-holder should the opportunity arise at any time in the future.

16. MICELLANEOUS

- 16.1** Undertakers shall give notice to the Town Hall office when they are conducting a funeral that is likely to be numerously attended or there are any other special requirements.
- 16.2** The registers of burials are kept at the Town Hall. Searches may be requested and extracts obtained upon payment of a fee as prescribed in the scale of charges.
- 16.3** Questions arising for which no provision is made in these Regulations shall be referred to the Town Council. Their decision will be final.
- 16.3** The Council reserves to itself the right to revise the regulations at any time.
- 16.4** Any complaint relating to any aspect of the cemeteries service should be made in writing to the Town Clerk.

Although regulations are a necessary requirement for the management of the cemetery every effort has been made to

avoid restricting the rights and choices of the individual. Therefore these regulations have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

Adopted by Higham Ferrers, Town Council 12th July 2016.

Last amended 28th August 2019.

Signed:

SJ Mitcham, Town Clerk.

Date: