

# DRAYCOTT CEMETERY REGULATIONS



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## **1. Introduction**

The purpose of this Policy Document is to set out the Draycott Parish Council “in-house” rules which apply to the provision of the bereavement services and to provide a useful guide to members of the public who require the said services.

Please note, the explanatory notes set out in this policy document do not form part of the Rules but have been inserted into the Policy Document in italics so as to explain the provisions and reasons for the Rules.

All graves and ashes plots will be sold subject to the Rules set out in this Policy Document (which may be amended from time to time by the Council), together with any statutory legislation relating to 1) the provision of the services and 2) the management, regulation and control of Council owned cemetery, and issued by central government, and any other competent authority under which the Council is bound to comply.

Should anyone have any queries in connection with the Rules and guidance set out in this Policy Document, in the first instance they should contact the Clerk of Draycott Parish Council. Any complaints will be dealt with in accordance with the Council’s Complaints Policy.

## **2. Terms of Reference and Definitions**

In this Policy Document, unless the context otherwise requires the following terms shall have the meanings given to them below:

“the Council” means Draycott and Church Wilne Parish Council

“Cemetery, or Site” means Draycott Cemetery on Hopwell Road, Draycott, Derby

“Exclusive Right of Burial” means an exclusive right of burial granted in accordance with the rules in these regulations

“Traditional Grave” - means a grave which is mainly laid to lawn and which complies with rules in these regulations

“Memorial” means an object serving as a remembrance and for the purposes of these rules include a headstone, cross, kerb, landing, edging, stone chippings, vase, flat memorial tablet, wooden grave markers, temporary grave markers

“Register of Burials” means a register of all burials in a Cemetery kept and maintained by the Council

“Rules” means the Draycott Parish Council “in house” rules set out in this Policy Document.

“Table of Fees” means the list of fees and charges for goods and services provided by Draycott Parish Council

“the Parish Office” means Draycott Parish Council Offices, The Parish Rooms, Elvaston Street, Draycott, DE72 3PY

“Working Day” means between 9.00am and 5.00pm Monday to Friday inclusive but does not include any days which are bank holidays, public holidays or Council statutory days (a copy of the Council’s statutory days can be provided upon request).

### **3. General Rules and Guidance**

- 3.1 Other than as set out to the contrary in this Policy Document or in exceptional circumstances, the Cemetery gates are open to the public 24 hours per day. We ask that visitors visit in daylight hours as there are no lighting facilities at the Cemetery
- 3.2 No person shall trade any goods or services within the Cemetery except with the prior written permission of the Parish Office  
*To help protect visitor’s consumer rights and to ensure that the bereaved can visit the Cemetery without fear of being disturbed.*
- 3.3 Animals are not permitted in the Cemetery other than assistance dogs.  
*Not all of our visitors feel that cemeteries are suitable environments for pets.*
- 3.4 There are no parking facilities within the Cemetery Grounds and very limited parking directly outside.  
*This helps protect the safety of other visitors and our staff.*
- 3.5 The Council reserves the right to exclude from any Site any persons not being mourners or persons directly connected with a funeral at the Cemetery. Such a right may be exercised by the Clerk on behalf of the Council.  
*In some cases, it may be necessary to close the Sites to visitors due to an extremely large funeral or on the request of the police or another authority.*
- 3.6 If any damage is caused to Cemetery land, walls or premises by any cause whatsoever, the person or persons committing such damage will be held responsible by the Council.  
*The Council will always attempt to recover full costs for any damage caused by visitors in order to protect the available budgets for the upkeep, maintenance and improvement of the Cemetery.*
- 3.7 No photography or filming shall be allowed within the Cemetery except with the consent of the Clerk. Families or a representative of a family however may photograph an individual Memorial.  
*Some visitors may be offended by being filmed or photographed within the Cemetery or whilst attending funerals.*
- 3.8 No music (whether live or recorded) shall be played within the Cemetery by any person except with the permission of the Clerk.

*Music can disturb other visitors to the Cemetery. Permission will generally be granted for music to accompany a funeral service.*

- 3.9 Dead flowers, spent wreaths or other articles of waste or litter must be placed in the appropriate receptacles provided at the Cemetery. Any floral items found 'past their best' may be removed without notice by the Parish Council.  
*This allows our staff to keep the Cemetery areas tidy for our visitors.*
- 3.10 All persons in the Cemetery must take all reasonable care in order to protect their own safety
- 3.11 Visitors must conduct themselves in a quiet and orderly manner and must keep to the pathways, except when visiting graves.  
*This ensures that the Cemetery grounds are used in the manner to which is expected from our visitors.*
- 3.12 All persons admitted to the Cemetery will be subject to the Rules set out in this Policy Document. Any person infringing the Regulations may be removed from the Cemetery by a member of staff / Councillor of Draycott Parish Council.
- 3.13 The Council reserves the right to make any alterations to the Rules as and when required  
*As the service changes and improves it may be necessary to amend the current regulations accordingly or at short notice. Wherever possible when this happens the Council will take all reasonable steps to inform those affected by any changes.*

#### **4. Burial Rules and Guidance**

- 4.1 All initial bookings for a burial (including the burial of cremated remains) must first be made to the Parish Office either by telephone or in person and confirmed in writing as soon as possible thereafter using the Council's specified form.  
*This ensures all of our relative processes and procedures can be followed to minimise any problems that may arise.*
- 4.2 For all burials a notice of an interment using the Council's specified form must be delivered to the Parish Office on a Working Day with the associated fees at least four (4) Working Days prior to the interment.  
*This ensures that the staff of Draycott Parish Council have enough notification to review and approve the application form in preparation for the interment.*
- 4.3 A notice of interment shall be given only on the form provided by the Council and such form shall be duly completed in all respects and be signed by the person applying for the interment.  
*It is a statutory requirement that a burial cannot take place without the consent of the burial authority.*

- 4.4 No alteration to a notice of interment is permitted unless 1) a written request for any such alteration has been submitted to the Parish Office and 2) such alteration has been agreed by the Clerk.  
*Only alterations to arrangements can be accepted in writing prior to the burial date, this ensures there can be no misunderstandings if verbal alterations only are given.*
- 4.5 The person responsible for the interment shall make all the necessary arrangements with the minister or other person intended to officiate at the interment, including the payment of the minister's fee.  
*Draycott Parish Council do not provide a minister or officiate as part of its service.*
- 4.6 The person responsible for the interment shall make all the necessary arrangements with the Funeral Director for the grave / ashes plot to be dug including the payment of the sexton's fee.  
*Draycott Parish Council do not provide a Sexton but will specify which sexton can dig graves / ashes plots at the cemetery.*

## **5. Grave Selection & Purchase of Exclusive Rights of Burial**

- 5.1 An Exclusive Right of Burial allows the purchaser of such a right to burial in an agreed grave or ashes space. A grave or ashes plot which is subject to an Exclusive Right of Burial may not be opened and no one may be buried there without the owner's permission.  
*The person purchasing the grave has the right to select a grave / ashes space in advance of the burial subject to making an appointment with the Parish Office.*
- 5.2 An Exclusive right of Burial will be granted for a period of no more than 99 years beginning with the date upon which the grant is made and upon such terms and conditions as the Council deems appropriate. The Council may extend the period of such a grant for up to a further 99 years from the date upon which the extension is granted. The fee for an Exclusive Right of Burial is set out in the Table of Fees.  
*Under the current legislation, an Exclusive Right of Burial may only be granted for a certain length of time.*
- 5.3 An Exclusive Right of Burial does not constitute any ownership of land. It is purely the right to have a burial in a selected grave / ashes plot.  
*The rights are granted on the understanding that the owner of those rights complies with the Rules set out in this Policy Document, in particular any such Rules which are applicable to the particular type of grave / ashes plot to which the Exclusive Right of Burial relates. For example, if an Exclusive Right of Burial is granted in respect of a Grave, then the grant holder will be required to comply with the Rules relating specifically to Graves.*
- 5.4 The purchase of burial rights is not in any way the purchase of the land in which the grave / ashes plot lies, it is essential that the public are aware that the grave is sold on a lease basis and that the only rights

with that lease are the rights to a burial in the grave and to place a subsequent memorial.

5.5 On the purchase of the Exclusive Right of Burial a Deed of Grant shall be issued to the person by whom or on whose behalf the said exclusive Right of Burial is purchased.

5.6 The holder of the Exclusive Right of Burial may surrender his/her right at any time in respect of the grave space / ashes plot where the said right has not been exercised (i.e. where no burial has taken place). In all cases the fee repayable will be that of the original fee paid to purchase the Exclusive Right of Burial.

*Some people purchase a grave in advance but then later decide it is no longer required. As the grave is unused it is permissible for the Council to sell the right of burial to another person.*

## **6. Transfer of Exclusive Right of Burial**

6.1 An Exclusive Right of Burial to a grave / ashes plot space may be transferred by deed or bequeathed by will.

6.2 In cases where the owner of the Exclusive Right or Burial (“the grant holder”) is still alive the transfer may be done by completion of a Deed of Assignment. A Deed of Assignment is available from the Parish Office. This form should be completed and signed by the grant holder and the person taking ownership of the said right and submitted to the Parish Office together with the original Deed of Grant. A new Deed of Grant will be then issued to the new holder of the said right. This service is free of charge

*This is the recognised legal way of transfer of grave rights where the grant holder is alive.*

6.3 Where the grant holder is deceased, and provided that the Exclusive Right of Burial has not been specifically left to another person, then upon production of a will or letters of administration the Exclusive Right of Burial may be legally transferred to the person in possession of the Letters of Administration or the beneficiary of the residue of the estate under the terms of the grant holder’s will.

*The grave rights form part of the estate of the deceased and can thereby be transferred to the appropriate person upon proof being submitted to the Parish Office.*

6.4 In cases where the grant holder is deceased and there is no will or Letters of Administration available then the Exclusive Right of Burial may not be transferred to another person however a further burial in the grave space may be permissible (if there is available depth) subject to the applicant for the burial completing a Statutory Declaration and ensuring that any other person equally entitled counter signs the Statutory Declaration. A statutory declaration must be witnessed by a Solicitor or a Commissioner for Oaths.

*This is a legally recognised way of dealing with this issue.*

## **7. Plan of Cemetery**

- 7.1 In accordance with current legislation the Council keeps and maintains plans showing all used grave spaces and those graves or grave spaces to which special rights appertain (i.e. an Exclusive Right of Burial). Such plans are kept at the Parish Office and are available for inspection, free of charge on any day that the Parish Rooms are open. *This is a legal requirement as well as an operational requirement of the service.*

## **8. Register of Burials**

- 8.1 All burials carried out in the Cemetery are recorded in a Register of Burial. The Registers of Burials are kept in the Parish Office and are available for inspection by appointment on any one working day at the Parish Office by any person free of charge.
- 8.2 If requested, searches of the Register of Burials can be made by the Clerk and a certified copy of an entry or entries relating to any grave space or interment in the Register of Burials will be provided. A fee is payable for this service in accordance with the Table of Fees. *This is a legal obligation of the Burial Authority to keep and maintain records of burials in the Cemetery and the current legislation permits the Council to charge a fee for a search of the Register of Burials and to provide certified copies of entries of the said register.*

## **9. Burial Procedure**

- 9.1 In cases where the person intended to be interred was the owner of the Exclusive Right of Burial immediately before his death, the Council if requested by the person giving notice of the interment, has the power to order that the grave space be re-opened for the interment of the deceased owner without obtaining the consent of his or her executor or other representative. *The registered grave owner has a legal right to be buried in any grave space they own the rights to.*
- 9.2 All bodies brought to the Cemetery for burial shall be contained in a suitable coffin. All cremated remains must also be held in a suitable container. The coffin or suitable container must be clearly marked for identification purposes and include the full name and age of the deceased. *To properly respect the deceased and also prevent distress that may be caused to other visitors or staff is essential that the body of the deceased person is properly covered. Cremated remains will only be accepted in a suitable container prior to burial or scattering within the grounds.*
- 9.3 The date and time of an Interment shall be approved by the Clerk *It is essential that times for burials are approved in order to ensure the smooth operation of the service.*



- 9.4 Prior to the burial being undertaken, the Registrar's Certificate for Disposal or Coroner's Order for Burial must be handed to the clerk with the application for interment at least 4 working days prior to the interment.

*These are legal documents that must be submitted prior to the burial being allowed to take place.*

- 9.5 The person arranging the funeral or his/her representative shall ensure that they have sufficient persons to transfer the coffin from the vehicle to the grave side and lower the coffin into the grave. In all cases this should be a minimum of 4 persons for a burial of an adult.

*It is the responsibility of the funeral director or the person making the funeral arrangements to ensure enough people are present to transfer the coffin from the hearse/vehicle to the grave side and lower the coffin to the base of the grave.*

## **10. Grave Preparation and Backfilling**

- 10.1 All excavation works and backfilling of graves will only be undertaken by the Council's approved sexton, who is trained to a recognised and accredited standard and is the Council's appointed contractor.

*Draycott Parish Council will only allow competent and qualified sexton's to excavate graves / ashes plots. As a Health and Safety issue it is not possible to allow any other person to excavate any grave space within the Cemetery.*

- 10.2 Grave spaces in the Cemetery shall be in accordance with the following measurements:-

Full Adult grave space - Maximum of 10ft long by 4ft wide.

*In order to effectively lay out and plan the Cemetery it is necessary to provide a maximum dimension to each grave space. Should a larger grave space than this be required a request to the Clerk should be submitted.*

- 10.3 Graves shall be excavated to a maximum depth of:

8'6" for 3 interments

6'6" for 2 interments

4'6" for 1 interment.

*This is so that the Council can comply with the current legislation in this regard.*

- 10.4 The positions of the head and the feet of a grave space in the Cemetery shall be as designated by the Council.

*In order to manage the layout of the cemetery, the Council will decide on the location of sections and graves within those sections.*

- 10.5 A grave shall be of sufficient width and length to admit a coffin to the size specified on the notice of interment.

*It is the responsibility of the person making the funeral arrangements to provide accurate measurements of the coffin size to ensure the correct size grave is prepared.*

- 10.6 The sexton will attend each internment to ensure that the grave / ashes plot is safe and will fill in the grave / ashes plot immediately after the internment has taken place to ensure the safety of visitors to the cemetery.

## **11. Infectious Diseases**

- 11.1 The body of a person who has died of a dangerous infectious disease shall require a certificate which sets out details such as confirmation that the coffin containing the body has been thoroughly sprayed with disinfectant after having been screwed down and that adequate precautions have been taken to his satisfaction against the spread of the disease.

*This is to protect the Health and Safety of visitors and staff*

- 11.2 For the purpose of this Rule the term “dangerous infectious disease” includes plague, cholera, smallpox, typhus fever, enteric fever (including typhoid and paratyphoid fevers), scarlet fever and diphtheria, and such other infectious diseases as the Area Health Officer may determine from time to time to require such precautions.

*These are the current list of dangerous infectious diseases; this may be added to by the Chief Medical Officer at any point.*

## **12. Grave Aftercare**

- 12.1 The Council will manage the aftercare and maintenance of the Cemetery grounds as they see fit. This includes levelling, turfing or seeding areas within the Cemetery as required.

*Under Article 4 of the Local Authorities' Cemeteries Order 1977 the burial authority has a duty to keep a cemetery in good order and repair*

- 12.2 Families may choose to tend their own graves, it is strongly advised that any major works required are requested through the Parish Office.

## **13. Graves**

- 13.1 Traditional Graves allows the bereaved to choose the correct type of grave to meet their needs.

- 13.2 Traditional Graves are laid out to allow for full kerbs, edgings and landings to be placed upon the graves. Planting of suitable bedding plants within the kerbs is permitted. Kerbs and edgings must be no bigger than 7' x 3'. The full grave space within the kerbs or edgings may be planted with suitable bedding plants or chippings may be placed within the edgings on top of a landing slab. *The grave spaces are 10' long x 4' wide at the maximum. All memorialisation must be contained within these dimensions. The area within the kerb edgings is the responsibility of the grave owner who may place any suitable and approved material within the edgings or plant the area with suitable bedding plants. Shrubs and trees will not be permitted.*

- 13.3 It is the responsibility of the family/next of kin of the deceased buried in a Traditional Grave to properly maintain any planted area of a Traditional Grave.

*The registered grave owner holds the responsibility for maintaining the grave including its planting and condition of the memorial.*

13.4 Any Memorial placed on a Traditional Grave is subject to the Memorial Rules.

13.5 The maintenance of the internal area is the responsibility of the family/next of kin of the deceased who is buried in the grave. Should any Traditional Grave become untidy or neglected in the view of the council where possible, the Clerk will notify the registered grave owner that the Traditional Grave has become untidy or neglected and that the Council staff will remove any planting/layer of bark, mulch or similar ground covering within the next 14 days unless notified by the family/next of kin within that 14 day timescale that they will tidy up the grave within the next 5 days. Prior to any works commencing by Council, the area will be photographed and kept on file.

#### **14. Cremated Remains interred into Graves**

14.1 Cremated remains may also be interred in any other full size grave where an Exclusive Rights of Burial has been granted provided that the owner of the Exclusive Right of Burial has given the necessary permission to inter in that grave.

*Burials of cremated remains are available in any grave or a full size adult grave if required.*

14.2 Cremated remains must be held in a container suitable for burial. The container must have the full name of the deceased clearly visible.

*Suitable identification of the deceased person is essential to ensure the correct remains are interred in the correct grave.*

14.3 No burial of cremated remains will be permitted unless a copy of the Certificate of Cremation from the crematorium where the cremation took place, is delivered to the Council Office, together with the necessary completed notice of interment and the prescribed fee.

*This is to comply with current legislation.*

#### **15. Application of the Rules to certain graves in existence prior to the coming into force of the Policy Document.**

15.1 Draycott Parish Council acknowledge that there may be some graves within the Sites which were already in existence prior to the coming into force of this Policy Document and which will not comply with the Rules set out in this Policy Document. In some circumstances the Council reserves the right to use its discretion to waive some or all of these Rules with respect to such graves on the condition that such graves are well kept and maintained by the owners of the graves and/or their families/heirs.

15.2 The following rules will also apply to any such graves:-

Any such grave will be regularly inspected by the Council;

Should any grave become untidy or neglected in the view of the staff of the Council, where possible, we will notify the registered grave owner that the grave has become untidy or neglected and/or contains any unauthorised memorials, and if following 14 days of such notification the grave has not been properly maintained/repared or made tidy or within the said 14 day timescale the grave owner, family or next of kin have not notified the Council that they will maintain/repair and/or make tidy the grave within the next 5 days, then the necessary works will be carried out by the Council.

*This ensures that neglected graves are restored to a neat and tidy appearance for the benefit of all of our visitors and the grounds staff who maintain the areas.*

- 15.3 Once any items are removed and any works carried out on the grave the future management/maintenance of the grave space will fall under the Rules set out in this Policy Document and no further discretion on the part of the Council as to waiving such Rules will be applied..

*This ensures that the problems of unauthorised memorials do not reoccur in the future and ensures the grounds are kept in a neat and tidy condition.*

- 15.4 The Rules extend to cremated remains and traditional graves where any unauthorised memorialisation becomes neglected.

*This allows for the Authority to deal with any grave space regardless of its type should it become neglected.*

## **16. Memorial Rules and Guidance**

- 16.1 No Memorial is to be installed in the Cemetery unless authorised by the Council.

*It is essential for the Council to manage Memorials placed within the Cemetery.*

- 16.2 An application for a permit to carry out Memorial works may be made by the owner of the Exclusive Right of Burial in respect of a grave or ashes plot; if the owner of the Exclusive Right of Burial is deceased, the transfer of rights must occur prior to the Memorial being permitted

- 16.3 The permit application form must be completed fully and include a detailed plan of the proposed Memorial including the dimensions of the same, and details of the proposed fixing method. An application will only be processed upon receipt of the correct fee where applicable.

*This ensures our staff can ensure the proposed memorial is within the regulations and will be fixed to an approved industry standard.*

- 16.4 All such permit applications are to be submitted to the Council Office. Once checked, and, if authorised, a scanned copy of the form will be returned to the stonemason which will act as the permit to carry out works. The permit must be kept in the possession of the person carrying out the works authorised under the permit at all times whilst

they are carrying out the said works within the Cemetery. The clerk should be notified when the works are complete.

*This allows for Bereavement Services staff to undertake checks on site to ensure the person fixing the memorial is authorised to do so.*

## **17. Fixing of Memorials**

17.1 No works are permitted to be carried out on any grave space except by:  
a Monumental Mason who is accredited to the British Registration of Approved Monumental Masons Scheme (“BRAMM”) or an equivalent scheme or;  
by contractors employed by the Council (such works may include any works associated with memorial safety inspections and the subsequent temporary making safe of any Memorial)

17.2 Basic cleaning/washing down and non specialist cleaning of a Memorial may be undertaken by any person.  
*To promote high standards and protect consumers we only allow those registered to the approved national scheme to undertake any works on memorials in our Cemetery. Approved masons have the necessary skills to ensure that any memorial they fix or repair will be able to pass a future stability test.*

17.3 All Memorials (including Memorials being re-fixed after a burial has taken place and those found to be unsafe after Memorial testing has taken place) are to be fixed in line with the National Association of Memorial Masons (“NAMM”) approved standard and code of safe working practice. This states the minimum requirements for the fixing of Memorials. On occasion it may be appropriate to include additional foundations or bearer slabs and these cannot exceed 4’ in width x 18” deep.

17.4 All costs for this work must be met by the person to whom a permit to place the Memorial was given on his or her heir.  
*To ensure all Memorials are safe they must be fixed to the recognised approved standards of the day.*

17.5 The upkeep and maintenance of any Memorial within the Cemetery remains the responsibility of the person to whom a permit to place the Memorial was given or his or her heir.  
*All Memorials remain in the ownership and are the responsibility of the grave owner or his/her family.*

## **18. Operational Times for Memorial Works**

18.1 The erection of, cutting of inscriptions on, or professional cleaning of, Memorials shall be carried out between the hours of 9.00am and 4.00pm Monday to Friday.  
*Works can only be undertaken during normal operational hours to ensure safety within the site.*

## **19. Stability Guarantee Period**

19.1 All Memorials from the date of installation must be subject to a 'Guarantee of Conformity' granted by the mason who installed the Memorial. Such a guarantee is given to confirm that the Memorial has been fixed to the best standard set by NAMM at the date of fixing and should last for a minimum of 6 years. If at any point during the life of the Memorial it becomes loose or unstable and this cannot be attributed to ground conditions or disturbance, the mason should, under the terms of the said guarantee, refix the Memorial to the original standard at no cost to the grave owner or the Council. *This is a standard guarantee that must be given to any person arranging a Memorial in any site.*

## **20. Memorial Safety Testing**

20.1 All Memorials erected within the Cemetery will be subject to periodic testing. This is currently carried out every 5 years as recommended by the Health and Safety Executive. Any Memorials failing a safety test will be made safe by the Council. This may include being sunk into the ground vertically, laid flat, cordoned off, or stake and banded. The grave owner or his/her representatives are responsible for authorising suitable repairs to be undertaken by an approved BRAMM accredited mason.

20.2 Should it be necessary for any Memorial to be removed from a Site due to it being a danger or where no person has come forward to arrange repairs after a reasonable time period, the Council may carry out any such removal in accordance with the provisions of Section 3 (1) of the Local Authorities' Cemeteries Order 1977. Such provisions include the requirement for the Council to display a notice in conspicuous positions at the entrances to the Cemetery, publish the notice in two successive weeks in a local newspaper and consider any objections made to the proposals.

*The Council has a legal obligation to ensure all of its Sites are safe to both visit and work in. In order to be satisfied that this is the case it is essential that Draycott Parish Council carry out regular inspections of Memorials in the Sites in a bid to avoid injury or death to any of its staff or visitors.*

## **21. Memorial Types**

The following types of Memorials are permitted in the Cemetery subject to compliance with any associated rules, as a minimum must show the name of the deceased, the date of death and on the back the plot number and the stonemason's name;

- Headstone or Cross
- Kerbs, landings, edgings & stone chippings
- Vase
- Flat Memorial Tablet
- Cremated Remains Plaque
- Baby Memorials
- Wooden Grave Marker

- Wooden Cross
- Temporary Grave Marker

21.1 Any memorials covering multiple grave spaces may be to a maximum width of 7' per double grave. Wider memorials may be considered in consultation with the Council.

*This allows for families wishing to have a larger Memorial over a number of family owned graves to do so.*

21.2 Ashes plaques are permissible on any ashes plot and are subject to the following restrictions; Plaques; maximum 16 inch x 16 inch terrazzo base With a maximum 14 inch x 14 inch by three-quarters of an inch green slate or light grey granite.

21.3 Temporary grave markers are permissible on any grave space for a period of no more than 12 months

## **22. Memorial Materials**

22.1 Memorials made of any type of natural material is permissible in the Cemetery provided that it complies with the approved NAMM standard and is fixed to the grave by a registered BRAMM fixer

22.2 Wooden crosses must be fitted securely into the ground but do not have to be secured a national approved method.

*Wooden Crosses do not pose the same sort of danger as other traditional memorials.*

## **23. Unauthorised Memorials**

23.1 Should any unauthorised items be placed on or around any grave or any Memorial put in place contravene the Rules the grave will be photographed, the unauthorised items shall be removed and placed into storage by the Council for a period of up to 1 month, after which they may be destroyed. No notice will be given to the owner of the Exclusive Right of Burial.

*Pursuant to the Local Authorities' Cemeteries Order 1977 no tombstone or other memorial may be placed in a cemetery without the permission of the officer appointed for that purpose by the burial authority. If permission has not been granted the burial authority is permitted to remove the memorialisation from the site.*

23.2 It is essential that the burial sections are maintained to the agreed standard for the benefit of all of our visitors. It is unfair for one or two families to furnish their graves with articles outside of the Rules which can cause distress to others when alternative options are available. It is not always possible to notify the grave owner of the need to remove unauthorised memorialisation, particularly if the grave owner has moved and not informed the Council. It is for this reason; we hold any items that are removed and destroy them after 1 month without necessarily giving notice.

- 23.3 The Council, in its capacity as a burial authority, is legally entitled to recover the cost it may incur in removing any unauthorised tombstone or other Memorial from the person to whose order the tombstone or Memorial was placed or within two years from the placing of the tombstone or memorial, from the personal representative of such a person.

*All memorials installed within the Cemetery must be approved by the Council by the granting of a permit. If any memorials are erected outside of the Rules or without proper permission, they may be removed and destroyed.*

#### **24. Floral Tributes, Waste and Recycling**

- 24.1 It is common for there to be a regular amount of floral tributes left within the cemetery. The council are not responsible for the type or condition of any floral tributes left by visitors.
- 24.2 Floral tributes are expected to be removed from graves where a burial has taken place between 14 and 21 days after the burial date by the family.
- 24.3 Any waste removed including floral tributes may be composted where possible and visitors are asked to properly utilise the compost bins in the cemetery.
- 24.4 Articles such as windchimes, cards, pictures, flags etc are not permitted to be placed on any tree, bench or other similar feature within the cemetery.

#### **25. Agreement of the Owner of Exclusive Rights of Burial for burial plots and memorial regulations**

Each funeral director will be responsible for providing the applicant with a copy of these regulations and the appendix regulations that must be returned signed with the application fees and relevant certificates



## Appendix 1

Extract of the Rules and Regulations - Draycott Cemetery, Hopwell Road, Draycott (The LA Cemeteries Order 1977 The LG Act 1972 - Sec 214 and Schedule 26.) from the Draycott Cemetery Regulations – Exclusive Rights Owner to agree and sign

**The Regulations are imposed to try and ensure the Cemetery remains a safe, pleasant and well maintained place for bereaved to visit.**

1. The Cemetery will be open to the public every day during daylight hours.
1. Animals are not permitted in the Cemetery other than assistance dogs
2. All enquiries should be addressed to the Parish Clerk.
3. Notice of interment on the prescribed forms must be made by the Funeral Director.
4. All interment fees are to be paid via the Funeral Directors. In the reservation only of a plot, fees should be made payable to Draycott Parish Council and paid to the Parish Clerk.
5. No interment can take place without proof of a Certificate of Disposal.
6. Interments will only take place at times agreed by the Parish Council.
7. Only biodegradable coffins shall be used. All graves must be dug by a person appointed by the Parish Council or the Funeral Director for which there is a charge payable via the Funeral Director. The gravedigger will be responsible for any damage he may cause in the Cemetery.
8. The parties must arrange for their own Minister.
9. Wooden cross 'markers' are permitted for a temporary period of no longer than 12 months, after which time they should either be replaced by a headstone or removed.
10. Headstones, kerbs and vases are permitted. All materials, designs and inscriptions are subject to the approval of the Parish Council. A drawing showing the form and dimensions of the memorial must be submitted for approval. Permission must be given before proceeding. Memorials can only be placed on graves for which exclusive right has been purchased.
11. No works are permitted to be carried out on any grave space except by a Monumental Mason who is accredited to the British Registration of Approved Monumental Masons Scheme ("BRAMM") or an equivalent scheme
12. Any headstones removed for additional inscription must be replaced to the same standard.
13. Headstones and kerbs will be inspected on a regular basis and, if found to be unsafe, appropriate action will be taken. Any costs incurred by Draycott

Parish Council in making safe the memorials will be the responsibility of the owner.

14. No trees or shrubs shall be planted in any part of the ground or grave space. Ornamental items and other memorabilia are not permitted. The Parish Council reserves the right to dig up and remove any unauthorised items at any time without notice being given.
15. Ashes Plots - i) Each plot may be dug to a depth and width to accommodate one standard size ashes container. ii) the plaque, vase and base must be of a design and material approved by the Parish Council. Shrubs and trees must not be planted. Ornamental items and other memorabilia are not permitted.

I agree to abide by the above regulations and have received, read and agree to abide to the Draycott Cemetery Regulations

Signed.....(Can only be signed by the owner of the Exclusive Rights of Burial)

Date.....

Document to be signed in duplicate – 1 for retention of next of kin and 1 to be returned to Draycott Parish Council