

## **RULES & REGULATIONS MADE BY LYNG PARISH COUNCIL (THE BURIAL AUTHORITY) FOR THE MANAGEMENT OF LYNG BURIAL GROUND**

These regulations are made under the Local Government Act 1972 & Local Authorities' Cemeteries Order 1977 as amended by Local Authorities' Cemeteries (Amendment) Order 1986 and the burial authority will review and amend these regulations as necessary.

Regulations have always existed in cemeteries and are a necessary requirement for the effective management of a burial facility and to ensure that the cemetery is maintained for quiet contemplation. Lyng Parish Council respects the rights, needs and wishes of friends and relatives of those buried within the Burial Ground, and have prepared these rules and regulations to ensure that the balance between the appropriate management of the space, and the wishes of relatives, is maintained. The Parish Council wishes to provide a Burial Ground that residents of Lyng can be proud of, without placing unnecessary restrictions on individual choice.

These rules and regulations should be read in their entirety. As well as the following rules and regulations, the Local Authority Cemeteries Order applies. In particular, Clause 3(1) of this order states that:

‘Subject to the provisions of this 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’.

Anyone who is unclear on the rules and regulations should contact the Parish Council for advice before placing memorials or tributes. Permission must be sought for anything not covered by these rules.

Lyng Parish Council requests that all visitors to the Burial Ground follow these regulations. All funerals and Burial Ground administration has been delegated to the Parish Clerk as the Parish Council's employee and Proper Officer. No interment or amendment to a memorial may take place without the prior written permission of the Parish Clerk.

### **Administration**

The Clerk can be contacted at White House, Pettywell, Reepham, NR10 4RN. Tel; 01603 879480, Email; [clerk@lyng-pc.gov.uk](mailto:clerk@lyng-pc.gov.uk)

### **Burial Ground Opening and Access**

The Burial Ground is permanently open to the public. Pedestrian access is permitted at all times. The riding of horses, cycles and motorcycles through and within the Burial Ground is strictly prohibited. All dogs to be kept on a lead, please pick up after your dog and use bins provided around the village.

Motor vehicles are prohibited from entering the Burial Ground other than for the purposes of funerals and in connection with the erection and maintenance of monuments, grounds maintenance, otherwise than with the permission of the Parish Clerk.

### **Fees and Charges**

The list of fees and charges is available from the Clerk or on the Parish website. This document forms part of the rules and regulations.

All fees and charges must be settled prior to interment or memorial work taking place. Please note that no interment or memorial work will be allowed to any grave for which an unpaid charge is outstanding.

The Parish Council will review the fees annually and these are set in line with the Church of England Parochial Fees.

## **Plans, Registers and Paperwork**

Plans and registers are available for inspection by arrangement with the Clerk free of charge. A charge will be made for searches and transcription to be made by the Parish Council on behalf of the applicant.

All paperwork must be returned to the Parish Clerk before an interment, or prior to the erection of a memorial. The certificate for the disposal of a body, the Coroner's Order for Burial, or the Certificate of Cremation must be received by the Clerk of the Council prior to interment.

## **Grave Spaces**

The location of each new burial plot will be allocated by the burial authority. Where a new burial plot is required (i.e. the burial will not be in an existing, purchased plot) all reasonably practicable efforts will be made to accommodate the wishes of the deceased and the preferences of the bereaved. The final decision on the allocation and use of any new burial plot rests with the burial authority.

## **Exclusive Right of Burial**

Exclusive Rights of Burial (ERB) must be purchased prior to interment or the erection of a memorial.

The purchase of the Exclusive Rights of Burial allows the grant holder to determine who may be interred in the grave. ERB are normally for a period of 60 years from the date of purchase.

The purchaser is not buying the grave freehold and does not own any land. The burial authority determines the total number of burials and/or cremated remains that may be interred in each grave. More than one grave space may need to be purchased to accommodate oversized coffins.

The ERB may, at the discretion of the burial authority, be renewed for a further period of time on expiry. A charge will be made for renewal.

The deed of grant issued in relation to Exclusive Rights of Burial is an important document and should be kept in a safe place. The burial authority encourages grant holders to ensure that other responsible person/s are aware of the existence of the deed of grant. The ERB can be bequeathed in a will. It can also be transferred to another person by assignment for which a fee may be payable to the burial authority.

Any change of address must be notified to the burial authority in order that up-to-date records are maintained and so that the burial authority is able to contact holders of ERB as and when required. No responsibility can be accepted for information which does not reach a grant holder if the burial authority has not been informed about a change of address.

Graves for which the Exclusive Rights of Burial apply can only be opened with the written consent of the person to whom the Deed of Grant is issued. If the interment is to be that of the grant holder the Exclusive Rights of Burial must be updated with the new grant holder details before a grave may be opened.

An interment fee is payable each time a grave is reopened.

Holder of the ERB has an automatic right to be buried in the grave providing there is space for another interment in the grave space. They can place a new memorial or alter an existing one once they have obtained permission to erect a memorial.

## **Interment**

Only human remains may be interred in the Burial Ground.

Please be aware that an interment fee is charged that covers the opening and closing of a grave, and the fees are set out in the Table of Fees and Charges which accompanies this document.

A grave for which an Exclusive Right of Burial exists can only be opened and closed with the permission of the registered owner of the Exclusive Right unless the interment is to be that of the registered owner. If the registered owner has died, then the Exclusive Right of Burial should be transferred. No excavation will take place unless the Parish Clerk is satisfied that the applicant is permitted to authorise the interment within that grave.

All graves are to be excavated by persons appointed by the Funeral Director or authorised by them. . Soil from graves should be retained within the Burial Ground as it is consecrated soil. All graves should be boarded, covered and (where required) shored to ensure the safety of visitors to the Burial Ground.

Relatives are advised that from time to time, preparation equipment and soil excavated from one grave which is being readied for interment may be laid on the adjacent grave. The Parish Council will endeavour to ensure that this is for as short a period as possible. After the interment the Parish Council will ensure that the grave is clean and tidy.

Graves will be initially mounded and will settle level. .Grave crosses are to be removed once the headstone is installed. .

### **CONDITIONS REGULATING FUNERAL DIRECTORS AND OTHER PERSONS WORKING IN THE CEMETERY**

All funeral directors and persons working in the cemetery are required to obtain the permission of the burial authority and to provide on request the following documentation:

- Full risk assessments and method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. These must cover all aspects of work the funeral director / contractor are likely to undertake and all issues relating to vehicle access and movements within the cemeteries.
- A copy of their health and safety policy and appropriate code of practice
- A copy of their Public and Employee Liability insurance with at least £5 million cover.

### **Grave Tributes**

The council is responsible for the upkeep of the grass hedges and gates. It is the responsibility of the next of kin to ensure that memorials are kept in good and safe order and that mowers and other machinery are not obstructed by incorrectly positioned flower vases and containers. Unapproved materials such lawn edging placed around graves, stone chippings, or any other form of unauthorised grave adornment will be removed without notice.

In the interests of health and safety no breakable items are permitted e.g. (no glass or pottery vases). The burial authority reserves the right to remove any items, without notice, which have been placed on the grave if, in the opinion of the burial authority, they present a health and safety risk (particularly if damaged).

To assist with the maintenance of the cemetery, tributes are permitted on the plinth of the headstone / memorial only, or where there is no plinth, as close to the headstone as possible. Flowers and wreaths are not permitted along the grassed area of the grave except for the period after interment prior to settlement of the grave. Where in the past, a separate vase has been authorised, this must be placed on the plinth or as close to the plinth/ headstone as possible.

The planting of any shrubs, trees, flowers or annual plants is strictly prohibited. The Council reserves the right to remove such planting without notice or payment of compensation. Small non-floral tributes are permitted on the base of the headstone at the discretion of the Council.

All waste materials are to be removed.

## **Seats, Trees and Other Memorials**

The Council is always pleased to receive memorial donations or trees, shrubs or seats from both residents and non-parishioners in memory of loved ones. The Clerk to the Council would be happy to offer advice to those considering a memorial donation of any kind. Where possible, every effort will be made to locate such items within the Burial Ground, however in some cases it may be more appropriate to consider alternative space within the parish on land that is owned by the Council.

## **Memorials**

No memorial shall be erected upon any grave, unless the Exclusive Right of Burial has been purchased and an application for permission to erect a memorial has been made by the grant holder and approved by the burial authority. There is no obligation to erect a memorial on a grave.

A separate memorial application must be completed and will be valid for a period of 60 years. This gives the purchaser the right to erect a memorial which conforms to the Council's regulations, on the grave. Lyng Parish Council operates a 'lawn' Burial Ground. No kerbing is permitted on graves. After six months memorials may be erected. All memorials must have the consent of the Parish Clerk. Headstones and memorial plaques may incorporate a flower vase. No separate grave vases will be permitted.

Before any monument is placed or erected, a drawing of the proposed inscription must be left with the Clerk to obtain the necessary approval. Permission is also necessary for additional inscriptions to be added. The Parish Council reserves the right to refuse any design that is considered inappropriate. In the first instance, decisions regarding memorial design are made by the Parish Clerk. Appeal against any decision may be made to the Parish Council, whose decision will be final.

All memorials must be designed and installed to meet the standard BS8415, the BRAMM (British Register of Accredited Memorial Masons) guidelines (Blue Book) and the NAMM (National Association of Memorial Masons) Code of Practice (current versions). 44. All memorials must be installed using NAMM approved ground anchor system that conforms to BS8415.

Any question regarding the inscription or the design or material construction of a monument erected or placed shall be determined by the Parish Clerk. Permission must be obtained from Parish Clerk before any works to memorials are undertaken either at the Burial Ground or involving the removal of the memorial.

All foundations of monuments, the removal of or re-fixing of monuments and other associated work must be done with permission of the Parish Clerk. After all works have been completed any materials not used must be removed and the site made good. Any damage done in carrying out and completing any of the above works must be reported to the Clerk. .

The Parish Council will inspect each memorial in the Burial Ground at periodic intervals to ensure safety and stability, and the owner will be responsible for any repairs or maintenance. If any required work is not carried out within 3 months of the owner being notified, the Parish Council reserves the right to make the memorial safe. In the first instance, every reasonable effort will be made to find the rightful owner of a grave space before any works are commissioned.

It is the responsibility of the grave owner to keep memorials in a good, safe condition. The Parish Council cannot accept any liability for the making good of any damaged or fallen memorials. In the case of vandalism or damage to a memorial, it is the responsibility of the owner or representative to make any repairs. The burial authority advises owners to take out insurance to cover any damage. Any damage that is caused must be made safe to the standard of NAMM and be carried out, in agreement with the burial authority by a certified memorial mason.

## **Other Regulations**

The scattering of ashes on existing graves or within the boundaries of the Burial Ground is not permitted. Please contact the Parish Clerk for guidance on permitted practices in relation to cremated remains.

Visitors will be expected to observe proper decorum at all times. The playing of any game or sport, or the discharging of firearms (except at a military funeral) in the Burial Ground is prohibited. Any person found to be committing a nuisance at any time, including any disturbance during the proceedings of any funeral, shall be liable for prosecution. The consumption of alcohol within the Burial Ground is strictly prohibited.

## **Non-compliance with the Rules and Regulations**

The Parish Council in exercising its powers under these regulations will adhere to the following procedure where non-compliance with the regulations has occurred.

1. Before any action is taken with regard to any memorial that is considered to be in contravention of these regulations, the Parish Council will notify the grave holder of the Parish Council's intentions at their last known address.
2. In the case of items removed without notice, the Parish Clerk will immediately write to the last known address of the owner of the grave informing them that action has been taken. The removed item will be held in safe keeping for a period of one month for collection.
3. The grave owner will have the right to appeal against any decision made. Any appeal should be made in writing and addressed to the Parish Clerk.
4. If the grave owner is still not satisfied with the outcome, they will be given the opportunity to have the matter considered by the Parish Council. The decision of the Parish Council is final.

The most recent version of the Rules and Regulations will be published on the Council's website and will be considered as the definitive version, superseding all previous versions.