



## **Rules and Regulations for the Management of Old Catton Cemetery St Faiths Road, Old Catton**

### ***Introduction***

Old Catton Parish Council has prepared these regulations to enable the Council to manage the cemetery effectively and maintain the highest possible standards, without placing unnecessary restrictions on individual choices.

Old Catton Parish Council aims to provide the highest possible standards of care, choice and dignity to those who suffer bereavement and to create and maintain an environment where the bereaved can pay their respects and remember loved ones in the ways they feel most appropriate.

The Council is responsible for the upkeep of all grassed and planted areas, walls, paths and fences. It is the responsibility of the next-of-kin to ensure that memorials are kept in good order and that mowers and other machinery are not obstructed by incorrectly positioned flower vases and containers.

These regulations are intended to keep the cemetery in a clean and well-ordered condition. The Parish Council requests that all visitors to our cemetery follow these regulations to assist the Parish Council in keeping the cemetery in a clean and well-ordered condition.

Please be aware that the Parish Council reserves the right to change these regulations from time to time and that compliance with any changes is required.

All funerals and cemetery administration will be under the control of the Parish Clerk.

### ***Administration***

The cemetery office is situated at Old Catton Parish Council, The Pavilion, Church Street, Old Catton, NR6 7DS.

Telephone: (01603) 423880

Email: [clerk@oldcattonparishcouncil.co.uk](mailto:clerk@oldcattonparishcouncil.co.uk)

The office is open from 9:30am – 4pm Monday to Friday. The office is closed on Saturdays, Sundays and Public holidays.

If you require any further information or help with locating a specific grave please contact the Clerk's office, whose contact details are shown overleaf.

### ***Cemetery opening***

The cemetery is open to the public at all times with access being through the front gate. The Parish Council reserves the right to make temporary closures at any time, as may be necessary for repairs, or in the interests of public safety.

### ***Vehicles***

Motor vehicles are prohibited from entering the cemetery other than hearses, maintenance vehicles and vehicles being used to transport memorials. Parking space for two cars is available outside the gate.

### ***Bicycles***

The riding of bicycles and motorcycles through the cemetery is strictly prohibited.

### ***Children***

For safety purposes children under 12 years of age are only allowed in the grounds of the cemetery when accompanied by and under the supervision of a responsible adult.

### ***Dogs***

Dogs are to be kept on a lead at all times within the cemetery.

### ***Scales of fees and charges***

Details of the cemetery fees and charges can be obtained from the Council office or is available to view/download on the Parish Council website. This document forms part of the Rules and Regulations.

### ***Plans and Registers***

Plans of the cemetery showing the sections of consecrated and un-consecrated graves, together with the registers are available for viewing at the Council office free of charge.

### ***Selection of grave space***

The selection of grave spaces, in all cases, is at the sole discretion of the Parish Council.

### ***Exclusive Right of Burial***

A purchased grave (sometimes referred to as a private grave) is one where the Exclusive Right of Burial has been purchased for a period of 100 years from the date of purchase, and will be excavated to a depth which will allow the eventual interment of one or two coffins. Cremated remains as well as coffins can be interred in this type of grave but only after the last coffin burial has taken place. The Exclusive Right of Burial entitles the purchaser to determine who else shall be interred in the grave to a maximum of two bodies (the word 'body' refers to either a coffin burial or cremated remains burial) and permits the holder of the rights to erect a memorial. Any additional burial of cremated remains would be at the sole discretion of the Parish Council.

Please be aware that when a grave in Old Catton Cemetery is purchased, what the purchaser is actually buying is the Exclusive Right of Burial for a period of 100 years, which may be renewed for a further period on expiry. The purchaser is not buying the grave freehold and will not own the land. The holder has only purchased the right to determine who may be buried in the grave, and whose cremated remains may also be interred in the grave.

A deed of Exclusive Right of Burial issued by the Parish Council is an important document and should be kept in a safe place. Purchased graves are subject to Cemetery Regulations.

### ***Change of address for an Exclusive Right of Burial***

Please write to Old Catton Parish Council to change your address on your deed of Exclusive Right of Burial giving both your old and new addresses

### ***Ownership of a Deed of Exclusive Right of Burial***

Possession of a Deed does not necessarily give the person in possession ownership of an Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid will. The law concerning this matter can be very complex and it is strongly recommended that a Solicitor be consulted to establish new ownership. Ownership of a Deed of Exclusive Right of Burial can be transferred or assigned using the relevant form obtainable from the Parish Council.

### ***Unpurchased grave***

It is possible to arrange for a burial to take place in an unpurchased grave (sometimes referred to as common or public grave). In this case the Exclusive Right of Burial, as explained above, is not sold, and the rights to the grave are retained by Old Catton Parish Council. It could be that future unrelated burials could take place within the grave. Memorials are not permitted on unpurchased grave spaces.

### ***Child's grave***

There is a section within the cemetery which has been reserved for the burial of children. These graves are only excavated to a depth which will allow for one interment. An Exclusive Right of Burial is not available for purchase in the children's section.

### ***Arrangements for interment***

The cemetery shall be solely used for the interment of human remains.

- 1) A Certificate for Burial or Cremation issued by the Registrar of Births and Deaths, or a Coroner's Order for Burial, must be provided to the Parish Clerk prior to the interment taking place.

For the burial of a stillborn child; the Certificate from the Registrar of Births and Deaths, that he or she has registered the stillbirth, or that he or she has received official notice of the stillbirth, or a Coroner's Order for the Burial, must be delivered to the Parish Clerk or other authorised officer at least 72 hours prior to the interment.

*Please be aware that by Section 1 of the Births and Deaths Registration Act 1926, it is both prohibited and an offence punishable on summary conviction by a fine not exceeding level 1 on the standard scale (currently £200) for anyone to dispose of the body of a deceased person without delivery of the Registrar's Certificate or the Coroner's Order for Burial.*

### ***Cremated remains, caskets and urns***

Please be aware that cremated remains will only be interred in a casket or urn, and cannot be interred directly into a grave space.

### ***Opening grave for interment***

Please be aware that a grave for which an Exclusive Right of Burial applies can only be opened with the written 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 must be transferred; no excavation will be carried out until a satisfactory written explanation of who is the current owner of the rights has been received at the Council office.

### ***Interment fee***

Please be aware that in addition to the fee charged for the Exclusive Right of Burial, an Interment fee for opening and closing the grave is charged. The interment fee is charged every time the grave is opened for an interment and will vary depending on the depth to be opened and the scale of charges applicable at that time.

Please note that only the nominated grave digger appointed by the Parish Council can carry out excavations for interments.

### ***Bearers***

The Funeral Director is responsible for arranging sufficient bearers to carry and lower the coffin in a dignified manner. The Parish Council understand that family members and mourners often wish to assist with this, and we respect that decision. We do ask you to be aware, however, that any mourners who do assist with the bearing or lowering of a coffin do so at their own risk.

### ***Grave mounds***

All grave mounds will be removed after the expiry of six months from the date of interment.

### ***Length of notice***

To ensure that the Parish Council have the necessary time to make the arrangements for an interment of any kind, the length of notice required is 3 clear working days.

In some cases, usually for cultural or religious reasons such as the Jewish faith, or in the case of death from epidemic or endemic disease after medical certification, the burial must be completed within a 24-hour period, and the Parish Council will make every effort to comply with such a request. However, such situations should be viewed as exceptional, and under all normal circumstances, these Rules would be enforced by the Parish Council.

No interment will take place on Sundays, Good Friday, Christmas Day or Bank Holidays except on the Certificate of a Coroner or Registered Medical Practitioner that immediate interment is necessary.

### ***Authorisation***

All interments must be authorised by the Parish Council prior to the funeral arrangements being publicly announced by the Funeral Director. Please note that no interment or memorial work will be allowed for which an unpaid charge is outstanding.

### ***Memorials***

The permission of the Parish Council is required **before** any memorial may be erected, renovated or removed. Permission is also necessary for additional inscriptions to be inscribed.

All memorials must be fixed or re-fixed compliant and in accordance with the BS8415 as recommended to the standard set out in the BRAMM Code of Working Practice the "Blue Book".

Only masons accredited or trained by BRAMM and guaranteeing their work for 10 years may be used. The work should be completed as soon as possible after approval is given.

Inscriptions and designs, on the front of the memorial only, must be discreet; the Parish Council may refuse to allow a design if considered to be inappropriate. Any question regarding the suitability of any inscription, or the design or material construction of any monument erected or placed on consecrated ground, shall be decided by the Clerk to the Parish Council. Appeal against any decision may be made to the Parish Council. In the case of consecrated land only the final outcome being determined by the Bishop of the Diocese. In the case of non-consecrated land the decision of the Parish Council is final.

A drawing showing the proposed sizes, inscriptions and a description of the memorial to be placed at a grave must be submitted to the Parish Clerk for approval at least 14 days before commencement of the work. The Parish Council accepts no responsibility for any monetary loss incurred for the ordering of a memorial stone, where permission for erection is later refused.

If any monument is erected in violation of the Regulations of the Parish Council, it may at any time be removed by the Parish Council, without notice.

The owner must keep the headstone in good and safe repair. The Parish Council will inspect each memorial periodically to ensure its stability, and the owner will be responsible for any repairs or maintenance. If any required work is not carried out within three months of the owner being notified, the Parish Council reserves the right to remove or repair the stone at the owner's expense.

All memorials erected in the cemetery are erected at the owner's risk. The Parish Council accepts no liability for their loss or damage.

### ***Types of memorial***

In order to give the best possible choice we allow most designs of memorials in the cemetery although memorials with surrounding kerbs are not allowed.

All monuments shall be inscribed with the grave section, row and number to which they relate. The maximum measurement above ground level for a burial memorial erected within the cemetery is 3 feet high and 2 feet wide.

The only memorials allowed in the area designated for cremated remains are the Parish Council pre-approved styles of desk, tablet or small headstone memorials, details of which will be supplied by the Clerk's office on request. These must be mounted on a 2ft x 2ft concrete base. If ashes are interred in a standard burial plot the rules about memorials apply.

### ***Grave tributes***

No shrubs, plants or flowers may be planted within the cemetery or on any grave, except those incorporated into or situated on the base of the headstone. The Parish Council reserves the right to prune, cut down or dig up and remove any shrub, plant or flower planted without authorisation or which in their opinion has become unsightly or overgrown.

A flower vase may be incorporated into the base if wished. In order to keep the cemetery tidy and attractive other pots or vases will not be allowed.

Floral tributes may be placed on the grave. The Parish Council generally removes tributes from graves after three weeks or when they become unsightly.

At Christmas holly wreaths may be left on graves. The Parish Council will remove these 5 or 6 weeks after Christmas. If you wish to remove these yourself, please do so before the 31<sup>st</sup> January.

The Parish Council reserves the right to remove any receptacle for flowers, damaged wreaths, mementos etc. that it considers unsuitable, or which are broken, without notice. Glass containers, solar lights, windmills and burning of candles, incense, yew twigs or similar items are strictly prohibited.

Plastic fencing and stone chippings around the grave will be removed without notice being given by the Parish Council.

Expensive fresh and silk flower arrangements are occasionally stolen or removed and placed on other graves. The Parish Council are to be informed of any such incidents and the police will be notified as appropriate. The Parish Council accepts no responsibility for any tributes left on the graves.

### ***Fees***

The Parish Council may charge such fees as it thinks proper for, or in connection with, interments in the cemetery; and for the grant of right to place a memorial in the cemetery; or inscribe an additional inscription thereon.

The Parish Council will review the fees annually.

***Non- Compliance with the 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 regards to the removal of any memorial or object that is considered to be in contravention of these regulations, the Parish Council will notify the grave holder in writing of the Parish Council's intentions at their last known address.
2. One month's notice of any intended action will be given.
3. The grave holder will have the right to appeal against any decision made. Any appeal should be in writing and addressed to the Parish Clerk.
4. If the grave holder 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.

Revised: September 2019

Next Review Date: September 2020

***Extracts from Legislation applying to Cemeteries***

*Attention is drawn to articles 18, 19 and Sections 1,2,3,4 and 7 of Part 1 of Schedule 2 to the Local Authorities Cemeteries Order, 1977*

18 (1) No person shall: -

- I. Wilfully create any disturbance in a cemetery
- II. Commit any nuisance in a cemetery
- III. Wilfully interfere with any burial taking place in a cemetery
- IV. Wilfully interfere with any grave, walled grave or vault, any tombstone or any other memorial, or any flowers or plants or any such matter, or
- V. Play any game or sport in a cemetery
- VI. Deposit any litter or rubbish, other than floral tributes, within the cemetery grounds other than into the receptacles provided

(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.

19 Every person who contravenes: -

Shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale and (currently £1000), and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after convictions thereof.

***Criminal Damage Act 1971 Section 1(1)***

“A person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, shall be guilty of an offence.

A person guilty of such an offence on indictment is liable to imprisonment for a term not exceeding ten years. For a similar offence tried summarily with the consent of the accused, the maximum penalty is six months imprisonment and/or a fine of up to £2000.