



# WINSTER PARISH COUNCIL

## CEMETERY REGULATIONS POLICY

Amendments approved by Council .....

Minute Number .....

Signed.....(Chair)

Trisha Dale  
Clerk & Responsible Financial Officer  
Ivy Dene  
Main Street  
Matlock  
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# **Winster Parish Council**

## **Cemetery Regulations**

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## Cemetery Regulations

### Introduction

All Local Authority managed Cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. These are designed to inform all Cemetery users the aspects of the management of the cemeteries and the reasonable requirements applicable to them.

The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 together with any other relevant legislation that governs this service.

The Cemetery covered by these regulations is Winster Cemetery, Elton Road Winster.

Winster Parish Council (hereafter known as the Council) reserves the right to make any alterations in or additions to these Rules and Regulations, Fees and Charges appended to.

All enquiries should be made to the Parish Clerk ([clerk@winsterparishcouncil.gov.uk](mailto:clerk@winsterparishcouncil.gov.uk)) whose other contact details can be found on the village noticeboard or on the Parish Council website at [winsterparishcouncil.gov.uk](http://winsterparishcouncil.gov.uk)

### 1 Opening Hours

1.1 The Cemetery will be open to the public from 8.00am until sunset.

### 2 Times of Burials

2.1 Monday to Friday: 9.30am. to 3.00pm.  
Saturday: 9.30am. to 1.00pm.

The time agreed for the funeral must be strictly adhered to.

### 3 Conduct

3.1 All persons must conduct themselves in a decent, quiet manner and must not:

- Create any disturbance or nuisance.
- Interfere with any burial.
- Interfere with any grave, vault, stone or other memorial or floral tribute.
- Play any game or sport.
- Ride a bicycle or skateboard.
- Enter the cemetery when it is closed to the public.
- Deposit litter or spent floral tributes other than in the receptacles provided for such purposes.

- Bring a dog into the cemetery unless it is on a lead at all times. Dog fouling must be cleaned up and disposed of in the litter bin.
- 3.2 Children under the age of 12 years are not permitted in the cemetery unless accompanied by an adult.
- 3.3 Council staff has the right to exclude the public whose conduct is unsatisfactory.
- 4 Vehicles and Parking**
- 4.1 No vehicles are permitted in the cemetery without the consent of the Council.
- 4.2 Limited parking is available for cemetery visitors only on the turning circle at the entrance of the cemetery.
- 5 Charges and Fees**
- 5.1 Various charges and fees are applicable in relation to cemetery services. The Council reviews charges and fees annually. The list of charges and fees can be obtained from the Clerk to the Council.
- 6 Notice of Interment**
- 6.1 Notice of interment must be given using the appropriate form, which must be returned to the Clerk of the Council at least two full working days prior to the funeral. Telephone bookings remain provisional unless the appropriate form is returned giving the required notice.
- 6.2 Only in exceptional circumstances, and only on the production of a certificate from a coroner or registered medical practitioner, these periods of notice may be waived. If a grave is to be re-opened, a copy of the Exclusive Right of Burial must be produced for inspection.
- 7 Disposal Certificate**
- 7.1 No interment may take place unless a Registrar's Certificate of Disposal or Coroner's Order for Burial is presented, to the Clerk of the Council, two full days prior to the burial.
- 8 Graves**
- 8.1 Grave digging, the preparation of the grave prior to the burial, the back filling of the grave immediately following burial, and the gathering together of and placing floral tributes on the finished grave shall be arranged by the Funeral Director. Tributes must be removed by the next of kin once spent.
- 8.2 Any suitable surplus soil from grave digging may be used to level off existing graves in the cemetery with prior consent from the Clerk to the Council. Otherwise, it must be removed off site.
- 8.3 The maximum permitted sizes of graves are:
- Earthen graves 2.74metres x 1.22metres
  - Cremated remains 600 mm x 600 mm
- 8.4 Ground settlement will invariably occur in the months following the 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 Cremated Remains**

9.1 Cremated remains may be scattered or buried in the cremated remains area or family grave upon application to the Council. A certificate from the crematorium must accompany all applications.

## **10 Exclusive Right of Burial**

10.1 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 a grave or cremated remains plot. 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 scattered or buried in the same grave (space permitting).

10.2 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' Order 1977.

10.3 The exclusive right of burial is normally purchased at the time that a request for interment is made. However, grave spaces for future burials of family members may be reserved using the appropriate application form.

10.4 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 100 years.

10.5 The Council will keep records of any rights granted, together with any assignment or bequest of those rights. These must be notified to the Council as soon as possible after an assignment or bequest is made.

## **11 Temporary Memorials**

11.1 Temporary memorials may be erected on graves during the first six months following interment.

11.2 Temporary memorials are either stone tablets, not exceeding 200mm in height and 200mm in width, or wooden crosses of standard proportion not exceeding 600mm in height. The Council must give prior approval to new temporary memorials.

11.3 Temporary memorials must state the name of the deceased and date of interment. No further details on temporary memorials will be permitted.

11.4 No later than six months from the date of the interment, the deed-holder must have removed the temporary memorial. If a temporary memorial remains in place beyond that time, the Council will attempt to contact the deed-holder and request its removal. If the temporary memorial is not removed within 14 days, or if the deed-holder is not contactable, the Council will remove the item and place it in storage.

## **12 Long-Term Memorials**

- 12.1 Applications for the erection of long term memorials and additional inscriptions must be submitted to, and approved by, the Council, prior to erection. Approvals will remain valid for 30 years, or the unexpired period of Exclusive right of Burial, whichever is the 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.
- 12.2 Memorials are only permitted on graves for which Exclusive Right of Burial has been acquired. A memorial may not be erected on a grave prior to the first interment.
- 12.3 Memorials in the lawned section of the cemetery shall preferably be of local stone and must not exceed 1050mm in height (including plinth) and 750mm wide. Within the cremated remains area a long-term memorial must not exceed 200mm in height and 200mm in width. No kerbs or surrounds will be permitted.
- 12.4 The only persons allowed to erect, repair, or carryout work on long-term memorials are approved monumental masons.
- 12.5 All memorials must be erected using CCA NAMM approved ground securing systems.
- 12.6 When memorials need to be removed to enable a further burial to take place, such arrangements are the responsibility of the deed-holder. In relation to memorials over 200mm in height, removal and subsequent re-installation must be carried out by an approved monumental mason using CCA NAMM approved ground securing systems.
- 12.7 The Council may remove any memorial erected in contravention of these regulations and re-charge the deed-holder for the costs incurred.

### **13 Safety of Memorials**

- 13.1 Fences and railings around graves, glass/pottery objects that may easily shatter, windmills, or similar hazards are not permitted under any circumstances. If any such items are found on a grave, the Council will attempt to contact the deed-holder and request the removal of the items. If the items are not removed within 14 days, or if the deed-holder is not contactable, the Council will remove the items.
- 13.2 The primary responsibility for the safety of ongoing maintenance of a memorial rests with the deed-holder.
- 13.3 The Council has a duty of care to ensure the Cemetery is safe for visitors and its employees. The Council will, therefore, undertake periodic, visual, inspections of all memorials.
- 13.4 Where a memorial is found to be unsafe, the Council reserved the right to make it safe by temporary means.
- 13.5 Reasonable efforts will be made to notify the deed-holder that the memorial is in need of repair to make it safe on a long term basis.
- 13.6 If the deed-holder is not contactable, or fails to make the memorial safe

with a reasonable timescale after notification then, in accordance with the Local Authorities' Cemeteries Order 1977, the 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 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.

#### **14 Gardens on Graves and Floral Tributes**

- 14.1 Gardens are not permitted on graves under any circumstance.
- 14.2 The planting of a rose tree or suitable alternative type of shrub will be permitted in the cremated remains area following approval from the Council.
- 14.3 Simple floral tributes must be placed in a suitable vessel, not exceeding 300mm in height, on the headstone of the grave. These displays shall be maintained at all times in a tidy condition by the deed-holder or next of kin and their nature and extent must not obstruct maintenance procedures.
- 14.4 Christmas wreaths are permitted but must be removed by the deed-holder or next of kin following the Christmas period.
- 14.5 The Council reserves the right to remove any plant, shrub, tree, vase or floral tribute that does not comply with the regulations.