

# Rules and Regulations for Brundall Cemetery

## 1. General

- 1.1. Brundall Parish Council shall be solely responsible for the management and upkeep of the Cemetery.
- 1.2. The Clerk to Brundall Parish Council shall be responsible for the day to day management of the Cemetery and all administration.
- 1.3. Brundall Parish Council shall keep all grassed areas within the Cemetery regularly cut to a reasonable standard and shall maintain and manage all trees, shrubs and flowers growing in the Cemetery.
- 1.4. No person or persons shall plant, fell, cut, lop, top, prune or uproot and tree shrub or flower in the Cemetery without the prior consent of Brundall Parish Council.

## 2 Conduct in the Cemetery

- 2.1. All visitors must conduct themselves in a quiet and orderly manner and no persons showing the effects of excess alcohol or drug abuse will be allowed within the Cemetery.
- 2.2. Brundall Parish Council reserves the right to eject or have ejected from the Cemetery any person or persons who act in a manner deemed by the Council or the Clerk to the Council to constitute improper behaviour.
- 2.3. Under the provisions of the Local Authorities Cemeteries Order 1977, it is an offence for a person to wilfully
  - (a) create any disturbance in a Cemetery;
  - (b) commit any nuisance in a Cemetery;
  - (c) interfere with any burial taking place in a Cemetery;
  - (d) interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any such manner;
  - (e) play at any game or sport in a Cemetery; or
  - (f) enter or remain in a Cemetery when it is closed to the public, unless authorised by the Council to do so.
 Persons who contravene these provisions shall be liable, upon conviction, to a fine not exceeding £100.
- 2.4. (a) With the exception of invalid carriages, motor vehicles are prohibited from entering the Cemetery other than for the purpose of conducting or servicing funerals or in connection with the erection of monuments and attendance to graves otherwise than with the permission of Brundall Parish Council.
- (b) Where undertakers, contractors, etc enter the cemetery with motor vehicles, such vehicles shall not be driven onto the grassed areas, except for the sole purpose of grass cutting and excavating or backfilling graves. However, any such vehicle access over grassed areas for these purposes must be kept to an absolute minimum, and all possible protective measures must be taken by the contractors to avoid damage to the grass surface.
- (b) Any person, persons or company driving a motor vehicle onto a grassed area of the cemetery shall be responsible for the full cost of repairing any damage caused.

- 2.5. Authorised vehicles must not exceed a speed of 10 mph in the Cemetery and must park in the car park or where indicated by the Clerk to the Council who shall have power to exclude any vehicle that is considered unsuitable.
- 2.6. The use of bicycles, skateboards, roller-blades, roller-skates and scooters is prohibited within the Cemetery
- 2.7. The consumption of alcohol within the cemetery is strictly prohibited.
- 2.8. No smoking is allowed in the Cemetery.
- 2.9. No dogs, except Registered Assistance dogs, may be taken into or allowed to enter the Cemetery.
- 2.10. No person shall canvass or solicit orders within the Cemetery.
- 2.11. No demonstrations of any kind nor religious services other than the service at the time of interment or cremation shall be held without the prior consent of the Clerk to the Council.
- 2.12. No musical instrument or other sound producing device shall be used within the Cemetery except as an integral part of a funeral service.
- 2.13. The permission of the Clerk to the Council shall be obtained before photographing any objects in the Cemetery.

## 3. Arrangements for a Burial Service

- 3.1. Except in cases where religious beliefs require otherwise or in cases of death from epidemic or epidemic disease upon medical certification, two clear days notice, excluding Saturdays, Sundays and bank holidays, must be given to the Clerk to Brundall Parish Council for an interment in an earthen grave or the burial of ashes.
- 3.2. Reservations for burial services may be made by telephone during office hours, in writing, or by e-mail, where the current grave owner is the applicant or where the current grave owner is the deceased. Reservations will be regarded as provisional until formal notice required by paragraphs 3.3. or 3.4. has been received.
- 3.3. Notice of burial is given when all forms and certificates required to fulfil statutory requirements, and those required by Brundall Parish Council, are received by the Clerk to the Council no later than two full working days before the proposed date of the funeral.
- 3.4. For the burial of a stillborn child a Certificate in accordance with the Births & Deaths Registration Act 1953 must be delivered to the Clerk to the Council.
- 3.5. Brundall Parish Council shall not accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally or by telephone. Neither will the Council accept responsibility for any documents lost or delayed by the Post Office.
- 3.6. Documents sent by Fax or e-mail will only be accepted as temporary notification(s) and must be confirmed by the submission of originals.
- 3.7. If the Registrar's Certificate for Disposal or the Coroner's Order is mislaid or lost, a declaration to the satisfaction of the Clerk to the Council must be made by the person procuring the disposal of the body. The original certificate

or duplicate copy issued by the Registrar of Births and Deaths or the Coroner must be produced as soon as possible after the signing of the declaration.

- 3.8. The responsibility for making the necessary arrangements for the attendance of priests, ministers, or other persons to officiate at a service rests upon the Funeral Director or the person(s) arranging the burial.
- 3.9. The time fixed for a funeral must be that when the procession is to arrive at the Cemetery and it is requested that the time be strictly adhered to in order to prevent inconvenience and one funeral interfering with another. In the event of a funeral arriving late, the cortege must wait as and where directed by the Clerk to the Council and the service will take place as soon as possible thereafter at the direction of the Clerk to the Council.
- 3.10. In the case of a public or military funeral or one at which an exceptional number of persons may be expected, notice must be given at the time of booking.
- 3.11. The Funeral Director or person(s) arranging the funeral is responsible for arranging the excavation of earthen graves or plots for the interment of ashes.
- 3.12. The Funeral Director or person(s) arranging the funeral is responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the graveside.
- 3.13. Any person acting as a bearer during an interment does so at their own risk and Brundall Parish Council will accept no responsibility for any resulting accident or injury to a bearer howsoever caused.
- 3.14. Only one funeral will be allowed in the Cemetery at any one time unless prior permission for alternative arrangements is obtained from the Clerk to the Council.
- 3.15. The time allowed for a service in the Cemetery shall not exceed 30 minutes unless prior approval for a longer period has been obtained from the Clerk to the Council.
- 3.16. No coffin shall be opened in the Cemetery for any purpose whatsoever.
- 3.17. All fees and charges must be paid to the Clerk to Brundall Parish Council within three days of the interment and upon application in the case of headstones and memorials.
- 3.18. The fees charged by Brundall Parish Council include everything connected with the specified items in respect of which an official receipt is given. No person employed by or on behalf of Brundall Parish Council is allowed to receive any gratuity.
- 3.19. No body shall be buried, or cremated remains interred unless the owner has given express approval in writing or the deceased is the current owner. In the event of the owner being pre-deceased an affidavit must accompany the Notice of Interment and a form of indemnity completed and submitted where a Deed of Grant cannot be provided.
- 3.20. Brundall Parish Council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.
- 3.21. The selection of any grave space shall be subject to the prior approval of the Clerk to the Council and consistent with the general plan of the Cemetery. No person or persons shall be permitted to select a grave space in a particular position within the cemetery but shall accept the next available position.
- 3.22. The location/position of any non-private graves shall be determined by the Clerk to the Council.
- 3.23. Brundall Parish Council reserves the right to retain any grave space(s) for its own purposes.

- 3.24. A plan of the cemetery showing the position and number of each grave space is retained by the Clerk to the Council and may be inspected, without charge, by appointment.

## **4. Grant of Exclusive Right of Burial**

- 4.1. Whilst ownership of an Exclusive Right of Burial for a grave does not give any ownership whatsoever in respect of actual land, it does give the owner of the Deed the right to
  - (a) be buried in that grave;
  - (b) authorise further burial(s) in that grave (where space is available), or the interment or scattering of cremated remains in or over that grave;
  - (c) erect or place a memorial on that grave subject to the Rules and Regulations of Brundall Parish Council relating to memorialisation; or
  - (d) have inscriptions/additional inscriptions placed on a memorial on that grave subject to the Rules and Regulations of Brundall Parish Council relating to this matter.
- 4.2. Possession of a Deed does not necessarily give the person in possession ownership of 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 advised that a Solicitor be consulted to establish new ownership. Ownership of a Deed may also be transferred or assigned by use of a form (Declaration, Indemnity and Application in respect of the transfer or Assignment of an Exclusive Right of Burial) obtainable from the Clerk to the Council.
- 4.3. The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.
- 4.4. On the purchase of the Exclusive Right of Burial in a grave, a Deed of Grant shall be issued to the purchaser whose name shall be registered.
- 4.5. The Exclusive Right of Burial shall extend for 100 years from the date of purchase. Rights may be extended for further periods of 99 years on payment of the fee then applicable.
- 4.6. The transfer or assignment of a Right of Burial in a grave must be notified to the Clerk to the Council who will enter the transfer in the Register of Grants maintained upon the production of the Deed.
- 4.7. Where no interment has taken place in a purchased grave the Council may agree to re-purchase the grave. In such cases the Council will pay the original purchase price.
- 4.8. Notice for the interment of cremated remains must be accompanied by the Certificate issued by the Crematorium where the cremation took place.
- 4.9. The plot size for a grave shall be a maximum of 2500mm x 1500mm.
- 4.10. The plot size for the interment of ashes shall be a maximum of 1100mm x 1100mm.

## **5. Burials**

- 5.1. Interments may take place at the Cemetery upon payment of the ordinary fees on Monday to Friday between the hours of 09:00 and 15:00 and on Saturdays between the hours of 09:00 and 12:00.
- 5.2. Brundall Parish Council reserves the right to charge an additional fee for Saturday interments.

- 5.3. No interment shall take place after noon on Saturdays or at any time on Sundays or bank holidays except in cases where religious beliefs require it or upon receipt of a certificate of a Coroner or registered medical practitioner stating that immediate interment is necessary.
  - 5.4. All graves are to be excavated by persons appointed by the appropriate undertakers or persons authorised by them.
  - 5.5. Any person or persons excavating or filling graves or carrying out any other work within the Cemetery shall use such means as Brundall Parish Council may direct for the protection of the grass and walks during the progress of the work.
  - 5.6. Any person or persons excavating graves within the Cemetery shall deposit surplus soil in a tidy manner in the area specifically allocated for such material.
  - 5.7. With the exception of the work described in Regulation 5.6., any person or persons carrying out work within the Cemetery shall, on completion of the work, remove from the Cemetery all materials not used or any waste materials and shall be responsible for the cost of repairing any damage caused during the execution of those works.
  - 5.8. No body shall be buried in a grave in such a manner that any part of the coffin is less than 1000 mm below the level of the ground adjoining the grave except at the Clerk to the Council's discretion.
  - 5.9. No body shall be buried in a grave unless the coffin is effectively separated from any coffin previously interred in the grave by means of a layer of earth not less than 150 mm in thickness except in the case of a multiple burial.
  - 5.10. Graves will be sufficiently large to admit coffins/caskets to the dimensions specified by the Funeral Director or the person arranging the funeral on the application form. In the event of a grave having to be enlarged, an additional charge could be levied at the discretion of the Clerk to the Council.
  - 5.11. Work, other than excavation, including the construction or re-opening of bricked graves or vaults, the erection or removal and re-fixing of memorials, may be carried out under the direction of the Clerk to the Council by any competent person appointed by the owner of the purchased grave.
  - 5.12. All coffined burials must take place in coffins of a material and design approved by the Clerk to the Council. Metal caskets, caskets which contain glass, or cardboard coffins are permitted at the discretion of the Clerk to the Council. In principle, such types of coffins will be accepted for burial on the proviso that they are used in graves for only one interment or as a last interment in a re-opened grave.
  - 5.13. Coffins manufactured abroad may be accepted for interment at the discretion of the Clerk to the Council.
  - 5.14. Un-coffined burials may take place provided a body is properly shrouded, death has not been due to a notifiable or infectious disease and it is for a single interment or a last interment in a multiple grave.
  - 5.15. Shrouded bodies will only be accepted for direct to grave burials.
  - 5.16. Interment in a grave with the coffin lid removed discreetly at graveside and placed within the grave shall not be permitted.
  - 5.17. No coffin or part of a coffin shall be removed from the Cemetery without the prior and express permission of Brundall Parish Council.
  - 5.18. (a) All coffins and shrouds must be marked with a non-perishable plaque or nameplate or by other means as shall be approved by Brundall Parish Council, showing the name, age and date of death of the deceased.
    - (b) In the case of a stillborn child, no age will be recorded.
    - (c) Where two bodies are interred in one coffin then both names shall be marked.
  - 5.19. No body shall be removed from the Cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.
  - 5.20. No body or cremated remains shall be exhumed without the consent of the Secretary of State for Home Affairs and/or the Faculty of the Bishop of the Diocese.
  - 5.21. For the purpose of determining fees, charges are incurred based on the deceased's last residence and not on the residency of the purchaser of the Exclusive Rights. An inhabitant of Brundall is a person who is listed on the current Register of Electors. Former inhabitants who, at the time of death, were resident in a retirement home outside Brundall will be treated as inhabitants if they are listed on the current or previous four years Register of Electors.
  - 5.22. Requests from a principal or district authority for a burial whereby the deceased has no relatives and/or the estate has no means to pay will be considered on their individual merit by the Land Management Committee.
- ## 6. Memorials
- 6.1. No headstone or tablet of any kind will be allowed in any part of the cemetery without the prior consent of Brundall Parish Council.
  - 6.2. The only permissible memorials will be traditional style headstones or tablets. No vaults, railings, kerb stones or other enclosures shall be permitted.
  - 6.3. **The maximum size for grave memorials shall be 1000mm (39.37 inches) in height and 650mm (25.59 inches) in width with a maximum stone thickness of 100mm (3.94 inches).**
  - 6.4. No headstone or tablet of any kind will be allowed unless Exclusive Right of Burial has been granted and it has the prior approval of Brundall Parish Council.
  - 6.5. Brundall Parish Council shall accept no responsibility for making good and damage caused to any headstone or tablet through ordinary wear and tear, severe weather conditions or any other circumstances over which it has no control.
  - 6.5. No grave burial memorial shall be erected until at least six calendar months after the date of interment.
  - 6.6. At least 14 days prior to the erection of any headstone or tablet, a drawing with any proposed inscription must be submitted to the Clerk to the Council for the approval of Brundall Parish Council. The type(s) of material to be used shall be stated, together with exact dimensions and all associated details.
    - 6.6.1. In the case of a proposed inscription in a language other than English, a full and accurate translation into English shall be included with the application for approval.
    - 6.6.2. Brundall Parish Council reserves the right to have an independent translation made and any costs incurred in so doing shall be met in full by the person or persons seeking approval.
  - 6.7. Any monument, memorial, stone, shrub, plant or item whatsoever erected or placed in the Cemetery in contravention of these Regulations may be removed by Brundall Parish Council at any time without notice.
  - 6.8. All headstones shall be inscribed with the grave section, row and number to which they relate.

- 6.9. All foundations for headstones, the removal or re-fixing of them and any other work connected therewith shall only be carried out with the authority of Brundall Parish Council.
- 6.10. Any person undertaking such work shall use such means as the Clerk to the Council shall direct for the protection of the grass and walks during the progress of the work.
- 6.11. Such persons shall, upon completion of the work, clear away any materials not used, or any other rubbish deposited on the site of the works to the satisfaction of Brundall Parish Council and shall be responsible for the cost of repairing any damage done in carrying out and completing the above works.
- 6.12. The owner of a headstone shall, after erection, keep and maintain it in good repair.
- 6.13. No monument or other memorial shall be altered or interfered with after it has been erected in the Cemetery in accordance with the designs submitted to and approved by Brundall Parish Council.
- 6.14. No inscription may be cut, nor work of any kind undertaken to any monument or memorial within the Cemetery without the prior written consent of the Clerk to the Council.
- 6.15. No memorial shall be removed from a Cemetery for the purpose of cutting an additional inscription until the formal written approval of the Clerk to the Council has been given in respect of the proposed addition(s).
- 6.16. Any person contravening any of the provisions Regulation 6 will not be allowed to carry out any further work within the Cemetery.
- 6.17. All memorials must be fixed or re-fixed in accordance with the National Association of Memorial Masons Recommended Code of Working Practice.
- 6.18. All work shall be subject to the directions of the Clerk to the Council and any person carrying out works must adequately protect grass, borders, and adjoining memorials. On completion of works all surplus materials must be removed and the whole site cleaned and left in a satisfactory condition.
- 6.19. The name of the Stonemason may be discreetly inscribed in an appropriate place on the memorial. The address and/or contact details for the stonemason are not however permitted.
- 6.20. Hardwood Crosses of timber obtained from sustainable forests may be erected in place of a headstone or tablet. Crosses must not exceed 2'6" (750 mm) in height, 20" (500 mm) in width, or 3" (75 mm) in thickness. They must be set in a sufficient stone or concrete plate or base, the surface of which is to be below ground level to enable a mower to pass freely over it.
- 6.21. No memorial stone crosses of any description shall be permitted for any reason.
- 6.22. All monuments and materials must be conveyed into the Cemetery in such a manner as not to cause any damage to roads, walks or turf.
- 6.23. No monuments, memorials or materials may be taken into the Cemetery before 08:30 on any working day nor on Good Friday, Christmas Day, Saturdays, Sundays or Bank Holidays unless the prior consent of the Clerk to the Council has been obtained.
- 6.24. All persons employed in fixing, painting, or restoring memorials, etc., must leave the Cemetery by 17:00.
- 6.25. All dressing or working of stone or other materials to be used in or about any grave shall be undertaken outside the Cemetery, except such work which cannot be carried out elsewhere.
- 6.26. All materials shall be carefully removed from the vehicles conveying them and neatly piled or placed in or near the place where they are to be used, as directed by the Clerk to the Council. No working is permitted on roads, walks, or adjoining graves and all surplus materials must be removed from the Cemetery.
- 6.27. A memorial removed for the purpose of a further interment shall be transported from the Cemetery grounds. Any memorial left in the Cemetery grounds may be disposed of by the Council.
- 6.28. Every grave in respect of which an Exclusive Right of Burial has been granted and any monument or memorial thereon must be kept in good repair by the owner. Notice to have repairs executed will be sent to the owner where contact details are known. In cases where the name and/or address of the owner is not known, a notice shall be deemed to be properly served if placed upon the grave space, monument or memorial.
- 6.29. If necessary repairs described in Regulation 6.28. are not carried out within six months of the date of the notice, then the memorial may be removed and disposed of by the Council.
- 6.30. The construction of new grave mounds and the replacement of existing mounds will not be allowed in any part of the Cemetery other than in those areas set aside for Muslim burials; any neglected mound on an existing grave will be levelled and turfed.
- 6.31. The planting of trees, shrubs or flowers on graves or plots for the interment of ashes in the Cemetery is not permitted.
- 6.32. The Council reserves the right to prune, cut down or remove any tree, shrub, plant or flowers planted in contravention of the provisions of Regulation 6.31.
- 6.33. Cut flowers or a pot containing potted flowers may be placed upon graves but may only be placed within the boundary of the memorial stone plinth on graves and within the boundary of the tablet on plots for the interment of ashes.
- 6.34. No lights or lamps of any description, no bell glasses and no ornaments shall be permitted on or around any plot for any reason.
- 6.35. Memorials in the form of the donation of shrubs, trees, roses, etc shall not be permitted under any circumstances.
- 6.36. Memorials in the form of the donation of memorial seats may be permitted at the discretion of Brundall Parish Council in accordance with the Memorial Benches Policy.
  - 6.36.1. The seat shall comply with the specifications laid down in the Memorial Benches Policy.
  - 6.36.2. The donated seat shall become the sole property of Brundall Parish Council.
  - 6.36.3. Brundall Parish Council shall specify the exact location of the seat within the Cemetery prior to accepting the donation.
  - 6.36.4. Brundall Parish Council shall be solely responsible for the installation and ongoing maintenance of the seat.
  - 6.36.5. Any desired memorial plaque or inscription shall be agreed with Brundall Parish Council prior to the installation of the seat and all associated costs shall be included in the donation sum.
  - 6.36.6. With the exception of the memorial plaque or inscription described in 6.36.5. above, under no circumstances shall anything be planted beside, attached to or laid beside or upon the memorial seat at any time.

- 6.37. Notwithstanding the provisions of Regulation 6.36. above, all other memorials erected in the Cemetery shall remain the property and responsibility of the person or persons who purchased them.
- 6.38. Brundall Parish Council shall remain responsible for Health and Safety within the Cemetery. Regular inspections will be carried out by qualified personnel and any memorial found to be unsafe shall be strapped to a temporary wooden support in order to prevent possible injury. Wherever possible, the owner of the memorial deemed to be unsafe shall be contacted and requested to appoint a stonemason to carry out repairs. Therefore, it is most important that owners of memorials inform the Clerk to the Council of any change of address.