

# **BREDGAR PARISH COUNCIL**

## **BREDGAR CEMETERY REGULATIONS**

REGULATIONS for the management and control of Bredgar Cemetery made by Bredgar Parish Council under powers conferred by the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977.

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### **SUMMARY**

**a. The Cemetery Regulations apply to everyone. However, an application may be made to the Parish Council if unsure and each application will be looked at. The PC decision will be final. Ref. 2.7, 5.0**

**b. The owner of the grave space is responsible for the upkeep of the grave including any memorial. Ref. 4.0**

**c. The grave is owned for 100 years. Ref. 6.2.**

**d. If a grave falls into disrepair or is overgrown the PC will attempt to contact the owner by using the address given and/or a plea in the Parish magazine as appropriate. Ref. 4.7**

**e. Maintenance regulations will be enforced after notice. Ref. 4.8**

**f. If the PC has to finance any repairs/maintenance the owner of the grave will be invoiced. Ref. 5.11**

**g. Any spoilage/waste to be removed from the cemetery. Ref. 2.4, 4.6.**

## **1.0 INTERPRETATION**

- 1.1 In these Regulations and in the appended Table of Fees the following words and expressions shall have the meanings assigned to them.
- 1.2 “Burial rights” means the exclusive right of the grantee to nominate persons for interment in a grave in respect of which he/she has been granted those rights.
- 1.3 “Cemetery” means the cemetery under the control of the Council.
- 1.4 “Clerk” means the Clerk for the time being to the Council or any other officer to whom the Council has delegated its powers.
- 1.5 “Common grave” means a grave in respect of which the Council has not granted exclusive rights of burial.
- 1.6 “Council” means the Parish Council of Bredgar.
- 1.7 “Fee” means any sum payable to the Council under these Regulations.
- 1.8 “Grantee” means a person to whom burial rights in a grave have been granted by the Council or to whom those rights have been validly passed.
- 1.9 “Grave” means a place of or for interment in the cemetery.
- 1.10 “Inscription” means any characters other than those of the serial number of a grave which are placed upon or cut into the surface of a memorial.
- 1.11 “Etching” means and is limited to a photographic type of human image of the interred person(s) without adornment and of a maximum overall size not exceeding 150mm x 100mm [6” x 4”].
- 1.12 “Memorial” means an object placed upon a grave to commemorate a person deceased.
- 1.13 “Parish” means the civil Parish of Bredgar as from time to time defined.
- 1.14 “Parishioner” means either:
- 1.13.1 a person whose name appears in the Register of Electors of the Parish current at the time of death; or
  - 1.13.2 a person who has taken up permanent residence within the Parish and whose name but for his/her death would have been eligible for inclusion in the Register of Electors of the Parish next succeeding that current at the time of death; or
  - 1.13.3 a patient or inmate of a hospital or other institution, including sheltered accommodation or the home of a friend or relative, for the care of the physically or mentally sick or of the aged, and who at the date of admission thereto was a Parishioner as defined in Regulation 1.13.1 provided that his/her transfer from

one such place to another shall not affect his/her status as a Parishioner: or

1.13.4 a person whose nationality debar's him/her from inclusion in the Register of Electors of the Parish but who would otherwise be eligible for inclusion in the Register; or

1.13.5 a person under the age of 18 years, a parent or legal guardian of whom is a Parishioner as defined in Regulations 1.13.1 to 1.13.4

## **2.0 GRAVES**

2.1 Graves will be selected by the Council, but subject to its approval a grantee may select a grave.

2.2 The dimensions of a grave shall be:

2.2.1 in that part of the cemetery reserved for the interment of cremated remains 1.2 metres long by 0.9 metres wide, and for the first interment therein 1.3 metres deep.

2.2.2 in any other part of the cemetery: 2.1 metres long by 0.9 metres wide and for the first interment therein 2.1 metres deep.

2.3 The person arranging for an interment is responsible for ensuring that the proper grave is opened or re-opened and that it is dug to the proper depth and the Council shall not be responsible for consequences of any error.

2.4 Surplus soil remaining after the refilling of a grave shall be removed entirely from the cemetery to be placed in a Hippo bag supplied by the Parish Council.

2.5 The Council does not undertake the digging or refilling of graves.

2.6 Where graves are intended to be completed without being finished with an approved hard surface, the Council may level and turf the surface area of the grave after an interment when natural settlement has ceased and the cost for this work is payable at the time of giving notice of interment.

2.7 The construction of kerbed, walled or slabbed graves may be permitted at the sole discretion of the council. The height of such kerbing, walling or horizontal slabbing shall not exceed 150mm (6") above the immediately adjoining ground level. The construction of mausolea is not permitted.

## **3.0 INTERMENTS**

3.1 None other than human remains shall be interred within the cemetery.

- 3.2 Notice of a proposed interment shall be given in the form required by the Council at least forty-eight hours before the proposed time of interment and shall be furnished to the Clerk. Notice will not be received on a Sunday or Bank Holiday.
- 3.3 Interments are permitted between the hours of 9 am and 5 pm on any day which is not a Bank Holiday.
- 3.4 Shorter notice than that required by Regulation 3.2 will be accepted where early interment is required on religious grounds or special emotional circumstances or on the direction of a registered medical practitioner and in such circumstances Regulation 3.3 may be waived.
- 3.5 Human remains, whether cremated or not, shall be enclosed for interment within a casket or coffin of wood or other perishable material.

#### **4.0 MAINTENANCE**

- 4.1 The Council does not undertake the maintenance of graves other than by arrangement with the Commonwealth War Graves Commission, but it reserves the right to cut the grass on any grave.
- 4.2 A grave may be cultivated and small plants placed thereon but the Council reserves the right to cut back any growth that encroaches beyond the boundary of the grave and to clear and re-turf any neglected cultivated grave. The planting of trees, shrubs and bushes is not permitted.
- 4.3 The placement of artificial flowers on graves is at the discretion of Bredgar Parish Council.
- 4.4 Bottles, tins, jars and other unsuitable containers of whatever material are not permitted.
- 4.5 The Council reserves the right to remove any growth or article placed upon a grave and which is not permitted under Regulations 4.2 to 4.4.
- 4.6 It is a pre-requisite that any person maintaining a grave shall remove from the cemetery any debris or detritus at the time of the maintenance.
- 4.7 Should a grave fall into disrepair or require maintenance, attempts will be made by the PC to notify the last known owner of the grave.
- 4.8 Maintenance regulations shall be enforced after appropriate notice given, with costs sought from the grave owner.

#### **5.0 MEMORIALS**

- 5.1 Only memorials described hereunder shall be permitted:

- 5.1.1 on a grave in that part of the cemetery reserved for the interment of cremated remains: a flat tablet not exceeding 0.6 metres in length and breadth and with its upper surface level with that of the adjoining ground.
- 5.1.2 on any other grave, a tablet as described in Regulation 5.1.1 but not exceeding 0.9 metres in length and breadth: or a headstone or cross not exceeding 1.5 metres in height above the level of the adjoining ground and not exceeding 0.9 metres in breadth.
- 5.2 A discreet memorial may be permitted at the sole discretion of the Council. Such a memorial shall not exceed 0.3 metres in length, width or height.
- 5.3 Memorials wholly or partly of soft stone, or of wood, glass, china, plastic or other unsuitable materials are not permitted.
- 5.4.1 Full details of the size, design, colour and materials of every proposed memorial and the content of every proposed inscription or etching shall be submitted to the Clerk of the Council for approval such approval shall be at the sole discretion of the Council.
- 5.5 The Council may refuse approval of all or part of any memorial or inscription or etching which it considers to be unsuitable or likely to give offence and the Council shall not be required to state reasons for its decision.
- 5.6 Any work done on a memorial or inscription or etching before approval by the Council shall be at the sole risk of the applicant.
- 5.7 Every memorial shall have the serial number of the grave upon which it is placed engraved upon its surface above ground level in characters not less than 25 mm high nor more than 30 mm high.
- 5.8 A memorial shall be anchored to the ground so that it is securely held and in a manner recommended by NAMM's ground anchoring system details of which are available on request from the Clerk but in such a manner that it may be set aside to permit re-opening of the grave.
- 5.9 The Council may set aside a memorial from a common grave to permit a second burial therein and will reinstate the memorial after natural settlement has ceased following refilling.
- 5.10 A memorial remains at all times the property of the person placing it upon a grave and at his/her sole risk and the Council shall not be held responsible for any damage thereto, however caused.
- 5.11 If a memorial in the opinion of the Council becomes unstable, the Council may give notice to the relevant person to reinstate and/or re-secure the memorial at that person's sole cost. The Council reserves the right to undertake such work and recover all costs reasonably incurred from the relevant person.

- 5.12 No work other than that necessary for assembly or erection of a memorial may be done within the cemetery, provided that a second or subsequent inscription or etching may be placed upon a memorial while insitu.
- 5.13 A memorial may not be conveyed from the highway on any vehicle that is not fitted with pneumatic tyres.

## **6.0 BURIAL RIGHTS**

- 6.1 Every application for a grant of burial rights shall be accompanied by the appropriate fee.
- 6.2 Burial rights shall subsist for a term of one hundred years and shall revert to the Council at the expiry of that term.
- 6.3 If it is desired that a relative of a person interred in a common grave may be interred in that same grave the burial rights in that grave must be applied for.

## **7.0 FEES**

- 7.1 Every notice or application requiring payment of a fee shall be accompanied by the full amount of that fee.
- 7.2 If application is made for a grant of burial rights in a grave in which no interment has hitherto taken place and it is the intention of the applicant to reserve that grave for future interments, a 100% surcharge will be applied if the applicant is not a parishioner.

## **8.0 THE CEMETERY**

- 8.1 The cemetery is open between the hours of 9 am and sunset daily, but the Council may close all or part of it at any time that it deems to be necessary.
- 8.2 Persons within the cemetery shall conduct themselves in a reverent manner.
- 8.3 Children under the age of twelve years are not permitted within the cemetery unless in the charge of an adult who shall be responsible for their behaviour.
- 8.4 Save as permitted under Regulation 5.13 no vehicle may enter the cemetery without the specific consent of the Council, other than a chair whether mechanically or hand propelled for the conveyance of a person unable to walk through infirmity, a perambulator or chair for conveyance of an infant, or a bier.
- 8.5 No person within the cemetery shall distribute any trade literature or business card, nor solicit orders; nor may any person within the cemetery copy, photographically or otherwise, any grave or memorial save with the prior written consent of a relative of the deceased interred therein.

## 9.0 GENERALLY

- 9.1 Nothing in these Regulations shall invalidate anything lawfully done under the Regulations hitherto in force.
- 9.2 The Council shall not be in any way responsible for any distress, inconvenience or expense arising from failure to observe these Regulations.
- 9.3 These Regulations shall come into effect upon the FIRST DAY OF APRIL 2018 whereupon Regulations then in force shall cease to have effect.

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**TABLE OF FEES, PAYMENTS AND SUMS** fixed and settled under Section 34 of the Burial Act, 1852, under powers conferred by the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 by the Parish Council of Bredgar, acting as the Burial Authority for the Parish of Bredgar in the County of Kent.

### **Burial - Coffin**

#### 1<sup>st</sup> Burial

To include as required in a single plot measuring 2.1m x 0.9m (7'x 3')

Exclusive Right of Burial, Interment,

Memorial, inscription and/or etching Permits

£2885

2<sup>nd</sup> Burial

£1150

3<sup>rd</sup> Burial

£960

### **Burial - Un-purchased Grave/Common Burial**

£717

Note: Exclusive Right of Burial is not purchased in this price. It does not include the issue of a Deed, or Memorial or inscription or etching Permit rights.

### **Burial - Child**

Under 12 years of age - Resident of the Parish

Free of charge

Non Resident of the Parish

£360

### **Burial - Cremated Remains**

#### 1<sup>st</sup> Burial

To include as required:-

£780

Exclusive Right of Burial, Interment

Memorial and inscription/etching Permits

2<sup>nd</sup> Burial

£285

3<sup>rd</sup> Burial

£285

4<sup>th</sup> Burial

£285

**Scattering of Cremated Remains**

Under the grassed areas only £100

**Plot Purchase**

PURCHASE of Exclusive rights of burial for 100 years in an earthen grave:

Resident of the Parish at time of purchase	CLASS A	£200
	CLASS B	£150
Non-resident of the Parish at time of purchase		£425

**Opening of Grave:**

Resident of the Parish	£2860
Exhumation of Cremated Remains	£385
Non Resident of the Parish	
AT THE DISCRETION OF BREDGAR PARISH COUNCIL	£2860

The division of the Burial Ground referred to in the foregoing Table as Class A and Class B correspond respectively with the divisions shown on the Plan of the Ground signed by the Chairman and two members of the Parish Council on the 16<sup>th</sup> day of June 1927 and deposited at the Parish Church, Bredgar.

By resolution of the Parish Council of Bredgar, on the 8th day of March 2018, the foregoing fees, payments and sums, payable under Local Authorities' Cemetery Order 1977 – Section 15(1) are hereby fixed and settled by the said Parish Council to take effect from the FIRST DAY OF APRIL 2018.

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CHAIRMAN

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CLERK TO THE COUNCIL.....

MEMBERS OF THE COUNCIL