

FLETCHING PARISH COUNCIL

Clerk: Gabriella Paterson-Griggs

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FLETCHING BURIAL GROUND REGULATIONS

Management

1. The Burial Ground is managed and operated by the Fletching Parish Council (the Council) in accordance with the Local Authorities Cemeteries Order (LACO) 1977 as amended by the Local Authorities Cemeteries (Amendment) Order 1986 and other such regulations that may be made by the Secretary of State for the Home Office from time to time.
2. The Burial Ground is open 24 hours a day; the Council reserves the right to close the Burial Ground and limit entry at any time.
3. All persons shall conduct themselves in a decent, quiet, respectful and orderly manner per the provisions of the LACO article 8(1) viz:
No person shall
 - a. Wilfully create any disturbance in a cemetery/burial ground
 - b. Commit a nuisance in a cemetery/burial ground
 - c. Wilfully interfere with any burial taking place in a cemetery/burial ground
 - d. Wilfully interfere with any grave or vault any tombstone or other memorial or any flowers or plants on any such grave or
 - e. Play at any game or sport in a cemetery/burial ground
4. Visitors to the burial ground shall not unnecessarily interrupt the Council's contractors working therein. All enquiries, complaints and requests by members of the public shall be made to the Clerk to the Council or to a member of the Council.
5. Dogs must be kept on a lead and owners are required to clear up any dog fouling and place it in the dog litter bin provided within the burial ground.
6. Children (under the age of 12) are not permitted in the burial ground except under the care and supervision of a responsible adult; passage via registered footpath number 14C excepted.
7. No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders within the burial ground.
8. No motor vehicle shall be permitted access to the burial ground other than approved mechanical diggers; such diggers shall be unloaded at the field gate at the Cherry Gardens access point and driven with extreme care to the area at which they will operate.
9. All visitors to the burial ground must keep to the designated footpaths, except when visiting a grave, and refrain from touching trees, shrubs or flowers planted therein.
10. No person shall drop, throw or otherwise deposit and leave in the burial ground any waste material of any kind, except in the litter bin provided therein.
11. No person shall operate any sound reproduction equipment or play any musical instrument in the burial ground without the prior written consent of the Council.
12. No burial shall take place and no monument shall be placed in the burial ground nor shall any additional inscription be made on a monument or memorial without the written consent of the Council and the appropriate fee having been paid.
13. Cremated remains shall not be scattered in the burial ground.

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Interments

14. All applications for interments shall be submitted to the Clerk to the Council on the prescribed form at least 48 hours prior to the appointed time of the interment.
15. The application for interment must contain full details of the deceased, the proposed interment date, the grave to be used and the signature of the owner of the exclusive right of burial, if applicable, and be accompanied by the appropriate fee for interment.
16. Interments shall only take place in accordance with these rules and regulations and between the hours of 10.00 am and 3.00 pm unless by prior written agreement with the Council. No interments shall be permitted on Saturdays, Sundays, Good Friday, Christmas Day or on a public holiday.
17. The time appointed for an interment will be that at which the funeral cortege is to arrive at the entrance to the burial ground. The Funeral Director or person in charge of the funeral arriving after the appointed time must act under the direction of the Council or its authorised representative as to when the funeral service may proceed.
18. In cases of emergency, certified by an acceptable medical authority, regulation 17 may be waived in the interest of public health.
19. The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion, if appropriate, to officiate at the burial service and for payment of any fee to which the Minister is entitled.
20. Services are limited to 30 minutes but may be extended with the written agreement of the Council.
21. Any form of religious service may be used; any other ceremony is subject to the approval of the Council. Alternatively, the coffin may be committed without a service.
22. A certificate for disposal issued by the Registrar of Births and Deaths or by a Coroner's Order for Burial or a duplicate copy thereof must be delivered to the Council or its authorised officer no later than when the funeral cortege arrives at the burial ground. Any person procuring interment without the production of such certificate or order will be required to make a written declaration on the prescribed form in accordance with Section (1) of the Births and Deaths Registration Act 1926. In the case of interment of cremated remains a certificate for burial purposes issued by a Cremation Authority will be accepted by the Council. In the case of a non-viable foetus, the Medical Practitioner's or Midwife's certificate of delivery will be required.
23. Each body brought into the burial ground for interment shall be contained in a suitable coffin unless an un-coffined burial has been authorised by the Council. Coffins fabricated from metal or other imperishable material shall not be permitted in any circumstances. No coffin shall be accepted unless it bears adequate particulars of the identity of the deceased person contained therein. A coffin may only contain one body except in the case of a mother and her baby/babies.
24. The responsibility for providing sufficient bearers to carry the coffin reverently from the hearse to the grave whether mourners are present or not rests with the Funeral Director or person arranging the funeral.
25. All graves will be prepared by a contractor appointed by the Funeral Director or person arranging the funeral (in the case of the latter, the approval of the Council must be obtained in writing) who shall ensure that all health and safety guidance that shall exist from time to time is complied with.
26. No body shall be buried in a grave in such a manner that any part of the coffin is less than 900mm (3') below the level of any ground adjoining the grave. The Council may, where it considers the soil to be of suitable texture, permit a coffin to be placed not less than 600mm (2') below the level of any ground adjoining the grave.
27. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in a grave on a previous occasion by means of a layer of earth not less than 150mm (6") thick.

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28. Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein or remove there from any soil which is offensive.
29. After interment no body or cremated remains may be removed from a grave without the production of the Ecclesiastical Faculty and or Home Office licence for exhumation required by law. The original documents will be required for this purpose.
30. In the case of the re-opening of a private grave the written consent of the owner of the burial rights will be required or where the owner is deceased the Council will require to be indemnified against any action arising as a result of it permitting the interment. No consent is required for the interment of the grave owner of the exclusive right of burial.
31. The Council may exclude from the burial ground on the occasion of a funeral any person or persons not being mourners or officially connected with the funeral.

Exclusive Right(s) of Burial

32. The Exclusive Right of Burial in a grave may be purchased at the time of the interment upon payment of the appropriate fee and completion of the relevant application including the signature of the proposed owner.
33. The 'right' is granted for a period of 50 years.
34. The Exclusive Right of Burial entitles the deed holder to determine who may be buried in the grave and whether a memorial can be erected thereon (subject to the payment of the relevant fee and permission being granted by the Council).
35. All such private graves will be initially excavated to the standard depth determined by the Council. The Council will not be held responsible if, due to factors outside its control, the full number of interments cannot be achieved.
36. New graves will be allocated in strict rotation within each section of the burial ground. Plans showing the grave spaces are kept by the Clerk to the Council, where they may be seen on application to the Clerk.
37. At the expiration of the period of the Exclusive Right of Burial, the purchaser, or his/her heir and successors will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at that time. Application should be made for renewal of the Right within 12 months of the expiry of the previous grant. Where the period of the grant of Right of approval has lapsed and no notification of the intention to renew has been received from the person who held the Right of Burial, the Council may grant a renewed Right of Burial to another person, but before doing so, will, if possible, notify the previous owner of the Right, or personal representative and give an option of renewal.
38. Where no interment has taken place in the grave, the owner of the Right of Burial may surrender the same to the Council and receive from the Council payment, as determined by the Council, to purchase such Exclusive Right of Burial (not being less than 75% of the current fee for the Exclusive right of Burial). No refund will be made where the Exclusive Right of Burial has lapsed or will lapse before the expiration of 10 years. Any transfer of ownership of Exclusive Right of Burial will be subject to the production of satisfactory evidence of title and the approval of the Council. Such transfer must be registered in the records of the burial ground and the deed of grant of Right of Burial must be produced for endorsement by the Council and the appropriate transfer fee paid.

Public (common) Graves

39. A public (common) grave is a grave in which no Exclusive Right of Burial has been, or will be, granted by the Council and in which unrelated persons may be interred. Grave spaces numbered 1225 to 1236 have been so designated in the Fletching Burial Ground.

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40. The Council reserves the right to determine the initial depth of a public grave at 2.7m (9'); any subsequent interment in that grave space will be at 2.1m (7') and 1.5m (5').

Memorials

41. A monument may only be erected on a grave space with the burial ground in accordance with these regulations and upon payment of the appropriate fee. The right to erect a monument rests with the Exclusive Right of deed holder or next of kin or executor and will be for the unexpired portion of the grant of Exclusive Right of Burial. The monument can be placed on the grave space approximately six months after the burial has taken place.
42. The erection of a monument on a public (common) grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a headstone on a public (common) grave, it will be subject to the right of the representative of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a monument on a public (common) grave, such monument does not in itself confer any rights and remains at the discretion of the Council.
43. All applications for the approval to place a new monument in the burial ground or add any inscription or replace, add to or remove from the burial ground any monument must be submitted to the Council in writing. Such notice shall be submitted at least 4 weeks in advance of the proposed date of erection or removal and must include:
- The grave number (which must be a minimum of 0.3m (12") above ground level except for cremation plaques).
 - In the case of a new monument, a drawing of the monument and its specification, including the type, colour and finish of the material, (which shall be natural stone), to be used, and showing all dimensions.
 - The text of any inscription to be inscribed on the monument, or any text to be altered or added to any existing monument and the method of lettering i.e. incised (the use of lead and bronze is not permitted).
 - The name, address and signature of the person placing the order for the monumental work to be undertaken (who should be the owner of the Exclusive Right of Burial). If such owner is deceased, the applicant must sign an indemnity and must state the relationship to the deceased owner (in such circumstances the applicant should be the deceased owner's nearest surviving relative or executor). If the owner is alive but is not making the application, the applicant must provide a letter in the owner's handwriting confirming and authorising the application.
 - The name, address and telephone number of the monumental mason.
44. The approval of the Council for any such application will be confirmed by the issue of a permit, valid for a period of 6 months. No work shall be undertaken until the permit is issued. Any such permit is issued on the understanding that the work undertaken will fully comply with the details specified within the application form and the requirement of these regulations. No permit is required for cleaning, up-righting, re-levelling, repair of existing lettering or painting of existing inscriptions unless the monument is to be removed from the burial ground.
45. Any person who erects a monument or who undertakes any monumental work within the burial ground not in compliance with these regulations may be required to remove the said monument and pay all costs involved.
46. All monuments shall be constructed of granite, marble or slate or other hard stone suitable for monuments and shall be durable and sound and be to the approval of the Council.
47. Pink granite, white marble and highly polished finishes so-as to reflect will not be permitted. Likewise, kerbs, railings or any other 'enclosure structures', glass or stone chippings, bird baths and free-standing crosses will not be permitted.

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48. Natural stone, black and grey granite will be permitted.
49. A headstone shall not exceed 900mm (3') in height above ground level; 750mm (2'6") in width or be less than 50mm (2") in thickness. For cremated remains spaces only, a horizontal memorial stone is permitted. This will be 300mm (12") by 300mm (12") and 50mm (2") in thickness.
50. Where the memorial consists of a headstone and base, the headstone must be fixed so that its rear face is set 19mm (3/4") from the rear face of the base or 50mm (2") if the height of the headstone is less than 750mm (2'6"). The base may be drilled to accommodate up to two flower containers
51. Alternatively, a memorial may consist of a natural stone 'open book' 600mm x 450mm x 75mm (24"x 18" x 3") fixed to a foundation of the same material and dimensions and angled so as not to trap rainwater.
52. All memorials shall be constructed and installed per the National Association of Monumental Masons code of Practice January 1998 and any subsequent amendments.
53. No monument constructed from artificial reconstituted material, Bath, Soft Caen, Soft York or other soft stone, or coloured marble will be permitted. Memorials fabricated from metal, pottery, plastic, glass or fibreglass are forbidden and will be removed without notice.
54. Any monument erected in the burial ground shall be inscribed with its grave number on the rear face of the structure, which must be a minimum of 12" above ground level in characters of not less than 25mm (1") in height to match the main inscription.
55. No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone, will be permitted in the burial ground.
56. All materials and equipment shall be conveyed in the burial ground in such a manner as to prevent damage to the paths and turfed areas; all waste material shall be removed to this end.
57. All persons employed on behalf of the owner of Exclusive Rights of Burial or personal representatives of such person, to erect any monument, shall carry out their work under the direction of the Council's appointed representative and shall:
 - a. At the cost of the owner or personal representative remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.
 - b. Perform the work during daylight hours.
 - c. Provide their own tools and equipment and complete the work with reasonable despatch.
58. The Council must be informed of the removal of any monument from the burial ground.
59. The removal of and re-erection of a monument to facilitate the re-opening of a private grave, or to level such grave, shall be at the expense of the grave owner or personal representative of the owner.
60. Any person removing a monument from the burial ground to permit a further interment shall either remove the same from the burial ground, after informing the Council, or place it in a position within the burial ground indicated by the Council.
61. Any monument removed from the burial ground shall be replaced as soon as possible.
62. Any unauthorised monument shall be removed at the expense of the grave owner or the representative of the grave owner.
63. Any monument or memorial erected in the burial ground remains the property and responsibility of the grave owner or the representative of the grave owner and therefore remains in the burial ground at the sole risk of and must be kept in a good state of repair by the said owner or representative of the owner for a period of 75 years.
64. The Fletching Parish Council shall not be responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever.

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65. The Council reserves the right to remove any monument or memorial, which has become, or which is in a derelict or unsightly condition.

Maintenance and Upkeep

66. After an interment has taken place in a private grave and a reasonable time has elapsed for the natural subsidence of the earth used to fill in the grave, the Fletching Parish Council shall, in accordance with the Local Authorities Cemeteries Order 1977, cause the surface of the grave to be levelled and properly covered with turf, except for any area covered by a monument or memorial.
67. It is the responsibility of the grave owner to keep the grave space free from weeds and in a tidy condition. In default the Council reserves the right to level and turf the grave.
68. The placement within the burial ground of glass containers, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic or other synthetic material or mementoes are not permitted and will be removed at the discretion of the Council.
69. Wreaths and cut flowers will be removed when they have withered. Except for Remembrance Day Poppies, which shall be removed no later than the 31st December each year, no artificial flowers or foliage are permitted in the burial ground except those placed in authorised flower containers forming part of an approved memorial.
70. Temporary wooden crosses are permitted subject to approval by the Council.
71. Small annual bedding plants or bulbs may be planted on a grave, as directed by the Council, but the planting of perennials, shrubs and trees is not permitted.
72. Grass cutting will be undertaken by the Fletching Parish Council at a frequency determined by weather conditions and by the Council.

Cremated Remains

73. Cremated remains may be poured into a requisite approved opening in either the section set aside for such purpose or at the foot of existing graves and subject to the completion of the appropriate form of application, the production of the cremation certificate and payment of the appropriate fee.
74. Cremated remains may not be scattered in the Fletching Burial Ground.

Burial of Animals

75. The burial of the remains of animals in the burial ground is not permitted.

Fees

76. Fees for all burial ground services will be determined by the Fletching Parish Council annually to take effect from the 1st April each year.
77. In determining whether fees will be chargeable at the parishioner or non-parishioner rate, the last permanent address of the deceased person will be used. If a resident of Fletching Parish has been accommodated in a residential care/nursing home outside the parish, the parishioner rate will apply so long as the deceased person had a permanent address within the parish within the year immediately prior to the date of death. Non parishioners shall be charged five times the parishioner rate for services connected with the burial ground.
78. All fees are payable in advance to the Council.

General

79. All rubbish and waste material, including wreaths and floral tributes, which have been removed from graves, should be disposed of in the litter bin provided. Household waste or other waste material not generated in the burial ground must not be placed in the litter bin.

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80. The Council is empowered to alter or amend the foregoing regulations at any time; to introduce further regulations at any time, to waive any of the foregoing regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these regulations.
81. All persons entering the burial ground do so at their own risk and the Fletching Parish Council will not accept any liability for injuries or damage sustained howsoever caused.

Memorial Seats

82. The provision within the Burial Ground of memorial seats shall be permitted subject to the availability of adequate space, the prior written approval of the Authority and the following rules:

The provider of an approved memorial seat shall be responsible for:

- a. Its installation and future maintenance
 - b. The provision beneath the seat of a concrete foundation of such dimensions to ensure that the soil is not worn (to prevent ponding); the seat shall be firmly fixed to the foundation – the foundation shall be no less than 75mm (3”) thick concrete laid on a minimum of 100mm (4”) compacted hardcore
 - c. Rule 65 above shall apply in the event of the structure becoming unsafe or neglected.
 - d. The Council shall determine the position of memorial seats having considered the request of the provider
 - e. An inscription may be inscribed on the railing of the seat or by means of a non-reflective plate (e.g. bronze) secured to the seat
 - f. There will be no charge by the Council for granting approval
83. The Authority does not accept liability for the unlawful removal of memorial seats or damage thereto however caused.
84. A schedule of fees, as amended from time to time, shall be determined and published by the Council annually and shall be attached to these rules and regulations.
85. A copy of these regulations will be made available to local funeral directors and monumental masons, to others by request and will be published on the website of the Fletching parish Council www.fletching-pc.org