

# Marhamchurch Parish Council

## Conditions and Procedures

### **1 Introduction**

- 1.1 Marhamchurch Parish Council acknowledges the importance of the cemetery as a place commemorating the life of a loved one and acting as a focus for grief. The Council therefore makes every effort to manage its cemetery in a way that enables it to maintain the highest possible standards of care and dignity, whilst at the same time respecting the rights of the individual and not placing undue restriction on individual choices. To assist with this the Council respectfully requests that all visitors to the Cemetery follow these rules and conditions.
- 1.2 Marhamchurch Parish Council as the Burial Authority has in pursuance of the General Powers of Management contained in Article 3 (1) of the Local Authorities' Cemeteries Order 1977 made the following Rules and Regulations to be observed in the Cemetery under its management.
- 1.3 For the purpose of these regulations, 'The Council' means Marhamchurch Parish Council and 'Memorial' means any headstone, monument, cross, flagstone or any other erection placed for the purpose of a memorial over any grave.
- 1.4 Marhamchurch Parish Council appoint the Clerk / RFO as Cemetery Management Officer. The Cemetery Management Officer will assess all plot reservation requests, interments & memorials in accordance with the Councils approved Conditions and Procedures.
- 1.5 In special circumstances, at the discretion of the Cemetery Management Officer, and in consultation with the Chairman of Marhamchurch Parish Council, a person who is not residing in Marhamchurch Parish at the time of the request, may be granted permission for a plot. Plot applications of non-parishioners to include the previous address and date of residency in Marhamchurch and/or any other special circumstances and will only be considered if a clear, strong connection with Marhamchurch can be proved, any decision given by Cemetery Management Officer will be final.

### **2 General Information**

- 2.1 No Dogs except registered guide and assisting dogs are permitted in the Cemetery.
- 2.2 Grave Tributes - Flowers and wreaths may be placed on a grave in which an interment has taken place. These will be removed after 30 days, unless you wish to do so yourself. Visitors are requested to use the bins provided at the Parish Cemetery or Church Lych gate for any garden waste or dead flowers from the Cemetery. Please comply with the note on the bin – plastic and metal are to be separated and properly disposed of.
- 2.3 Water and water bottles are available from the water butts. Please return the bottle after use.
- 2.4 No shrubs, plants, trees, flowers or artificial flowers may be planted within the Cemetery or on any grave or surrounding grass. The Council reserves the right to remove any ornamental fixtures, jars or vases which can get broken and be a potential danger to others, or interferes with the routine grass cutting and grounds maintenance of the site.
- 2.5 No kerbs, ornamental fixtures, jars/vases are permitted unless built into the headstone. The Council reserves the right to remove any ornamental fixtures, jars or vases which can get broken and be a potential danger to others, or interferes with the routine grass cutting and grounds maintenance of the site.
- 2.6 No wind chimes, wind mills, solar lights, soft toys, ornamental stone chippings, picket fences etc are permitted and the Council reserves the right to remove without notice any of these items in order that the routine grass cutting and grounds maintenance work can be carried out.

- 2.7 There is a small Memorial Garden in the Cemetery. Permission to plant shrubs or bulbs in the Memorial Garden must be sought beforehand from Cemetery Management Officer.
- 2.8 It is not possible to arrange for a burial to take place in an unpurchased plot (sometimes referred to as a common or public grave).
- 2.9 Cremated Ashes - It is not possible to scatter ashes in the Cemetery.

### **3 Procedures**

- 3.1 A request for interment must be made in advance to the Clerk of the Council.
- 3.2 The Clerk will respond to the applicant in writing and a plot will be allocated.
- 3.3 No interment or memorial work will be permitted to any grave for which an unpaid charge in outstanding, unless prior agreement has been given by the Cemetery Management Officer.
- 3.4 The Notice of Interment and Certificate for Burial or Cremation/Registrar's Disposal Certificate/Coroner's Order must be provided before the interment.
- 3.5 If the Certificate for Burial or Cremation, Registrar's Disposal Certificate/Coroner's Order is not available, the Funeral Director must complete a declaration that is contained within the Births and Death Registration Act 1926 section 1 (1).
- 3.6 All grave spaces will be allocated by the Cemetery Management Officer.
- 3.7 The Council is prepared to consider the sale of grave space to a resident prior to it being required for burial purpose notwithstanding all grave spaces, and will be allocated by the Cemetery Management Officer.
- 3.8 Following interment, the undertakers will ensure that the spoil is replaced firmly to ground level and the previously removed turf is placed on top.
- 3.9 All unused spoil must be moved to the area allocated or removed from the Cemetery after interment.
- 3.9i Only human remains may be interred in the Cemetery.

### **4 Exclusive Right of Burial Information (EROB)**

- 4.1 The person or persons who purchase a plot own the EROB and will receive an EROB certificate from the Council.
- 4.2 Ownership of an EROB does not imply ownership of the land itself or the right to carry out any particular activity on the grave plot. The ownership of the cemetery land including the grave surface remains with the Council.
- 4.3 A purchased grave (also known as a private grave) is one where the EROB has been purchased for a period of 99 years from the date of the original purchase and will be excavated to a depth which will allow the eventual interment of one or two coffins or one or two cremated remain urns. Except in the case when cremation remains are interred on an existing grave, where there is to be more than one interment per plot – notice of this must be given at the initial purchase time. Cremated remains can only be interred on an existing grave after the last coffin burial has occurred.
- 4.4 If the registered owner has died, the EROB must be transferred. It is advisable that the family/next of kin organise the right to be transferred to avoid potential delay in any ensuing matters – i.e.

memorial/inscription or subsequent burial. Ownership of an EROB may be transferred, or assigned by use of the relevant form which can be obtained from the Council. The law concerning this matter can be very complex and it is strongly recommended that a solicitor be consulted to establish ownership. No excavation or erection of a memorial or memorial inscription will be permitted unless a satisfactory explanation of who is the current owner of the EROB has been provided to the Council.

- 4.5 Possession of an EROB does not give the person, in possession, the ownership of the EROB. A grave for which an EROB applies can only be opened with the permission of the registered owner of the EROB unless the interment is to be that of the registered owner.
- 4.6 It is important to retain the EROB in a secure place as it is the only legal document held by the owner confirming their entitlement to the burial rights.

## **5 Memorials/Headstones**

### **5.1 Memorials Permitted:**

#### **Main Cemetery**

For headstones the maximum permitted height from the ground is 1m/3.28ft and the width is 0.8m/2.62ft.

#### **Area for Cremations**

Only horizontal headstones may be erected in the area set aside for cremated remains. The overall size must not exceed 46 x 38 cm, with the longer length on the side. They must be a minimum of 10 cm high.

- 5.2 Permission will only be granted, to erect a memorial or add an inscription to the owner of the Exclusive Right of Burial (EROB). If the owner of the EROB had died then the EROB must be transferred (see above).
- 5.3 Permission from the Cemetery Management Officer is required in advance for any Design of Headstones, Memorials, and Inscriptions. Permission from the Cemetery Management Officer is required before any memorial may be erected, renovated, or removed. Permission is also necessary for additional inscriptions.
- 5.4 Any work undertaken without the written permission of the Cemetery Management Officer may be removed without notice and all costs charged to the registered owner and if necessary, there will be a charge on the grave space.
- 5.5 A minimum period of 9 months must elapse between the burial of a person to be commemorated and the erection of the headstone.
- 5.6 All memorials must be fixed or re-fixed in accordance with the current code of practice as prepared by the National Association of Memorial Masons. Stonemasons must ensure that Health and Safety Rules and Regulations are adhered to, valid insurance cover is in place and a risk assessment has been undertaken.
- 5.7 Any damage done in connection with the erection of a memorial must be made good by the person erecting the memorial and the site left in a safe and tidy condition.
- 5.8 The responsibility for the safety and upkeep, including repairs to any gravestone or memorial remains solely with the owner(s) of the grave or their successors(s) in title. The Parish Council cannot accept liability for the making good of any damaged or fallen memorials. Owners may wish to insure their memorial against damage.
- 5.9 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 take action to ensure there is no danger to visitors. All costs will be charged to registered owner(s) and if necessary, there will be a charge on the grave space.

## **6 Review and Amendment of Regulations**

- 6.1 The Council reserves the right to amend any of the foregoing regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

## **7 Alternative Format**

- 7.1 Disability Discrimination Act 1955 – copies of this document in larger font size can be made available on request by emailing [clerk.marhamchurchpc@gmail.com](mailto:clerk.marhamchurchpc@gmail.com)

## **8 Freedom of Information**

- 8.1 In accordance with the Freedom of Information Act 2000 this Document will be posted on the Council's website [www.marhamchurch-pc.co.uk](http://www.marhamchurch-pc.co.uk)

Adopted: 20 October 2020.

Ref Mins: 20/185(i) 20/10/2020

Reviewed and adopted: 19 March 2024

Ref Mins: 3.24/71(i)

