

024 - This policy was adopted by the Council at their meeting on 20/8/2018 and recorded under minute reference 18/56

This was reviewed at the Full Council Meeting on 17/05/2021 minute ref: 21/355 no amendments made

CEMETERY REGULATIONS

The Cemetery situated on Mountsorrel Lane is managed and operates in accordance with current legislation covering Burial and Cremation in England and Wales. These regulations are a necessary requirement for the management of Rothley Parish Council Cemetery. Every effort has been made to avoid restricting the rights and choices of the individual. These regulations have been prepared with a balance between individual rights and the need to regulate for health and safety.

1. ADMINISTRATION

The Cemeteries office is located at Rothley Parish Council, The Parish Office, The Rothley Centre, 12 Mountsorrel Lane, Rothley, Leicester, LE7 7PR. The office is open Monday – Friday 9.00am – 11.00am (except for public holidays).

2. ADMISSION TO THE CEMETERY

- 2.1 The Cemetery is open daily from 9.00am – 4.30pm (winter) and 9.00am – 7.00pm (summer).
- 2.2 Rothley Parish Council welcomes visitors to its Cemetery and they are asked to respect the peace, dignity and reverence of the facility.
- 2.3 Dogs are welcome in the Cemetery but must be kept on a lead and any mess must be cleared up.
- 2.4 Motor vehicles may enter the Cemetery only if the occupier is on Cemetery business and shall only do so on a carriageway suited to the purpose. Vehicles must not exceed 5 mph and must not obstruct paths or driveways. Blue Badge holders are permitted to drive into the Cemetery when necessary. The Parish Council will not accept responsibility for loss from or damage to any vehicle brought into the Cemetery however caused.

3. CEMETERY AREAS

The Cemetery is divided into three separate areas that have different regulations covering the size of plot and permitted memorials.

a) Cremated Remains

Each new plot can have up to 2 sets of cremated remains.

- b) Lawned Cemetery Area – each new plot can have up to two internments and a maximum of 6 caskets. All cremated remains must be in a bio degradable container.
- c) Memorial Garden
Area for the scattering of cremated remains.

4. APPLICATION FOR INTERNMENT/SCATTERING OF ASHES

- 4.1 Consent to the Council - no burial shall take place; no cremated remains shall be scattered and no monuments nor memorial shall be placed in the Cemetery nor shall any additional inscription be made on a memorial without the prior consent of the Council. Scattering of Ashes is only permitted in the designated Memorial Gardens and must be pre-arranged via the Parish Office after completing the appropriate paperwork.
- 4.2 The hours of internment will be from 9.00am-3.30pm Monday to Friday. Internments will not be allowed to take place on Weekends or Public Holidays. No more than one funeral will be allowed to take place at one time.
- 4.3 Notices and application required prior to interment – all notices of interment, application for grave spaces and scattering of ashes shall be made in the first instance to the Parish Office and subsequently confirmed in writing. The minimum periods required for notice of interments are 5 working days from receipt of completed paperwork.
- 4.4 Notice of Internment – All notices of Internment shall be given in writing and signed by the Owner of the Exclusive Right of Burial. The forms are available from the Parish Office and local funeral directors and shall state the forename, surname, age, place of death, last residence of the deceased person to be buried. The particulars required must be fully completed and received at the Parish Office.
- 4.5 Cremated remains should be in a bio-degradable container.

5. EXCLUSIVE RIGHTS OF BURIAL

- 5.1 Exclusive Right of Burial may be purchased by Rothley Residents in advance but they must be over the age of 65. The Cemetery is now closed to people living outside of the village. Those who have previously lived in the village but have moved away due to failing health to a care home retain the rights to burial in the Cemetery.
- 5.2 The Grant of Exclusive Rights of Burial will be for a period of 100 years for any grave or grave space. The full name and address of the person to be registered as the Owner thereof shall be supplied. It is the responsibility of the purchaser to inform the Council of any change of address.
- 5.3 Certificate of Grant – upon payment of the appropriate fee, the Grantee shall receive a certificate and the particulars thereof shall be entered into a Registry book to be kept for that purpose.
- 5.4 During the period of the Exclusive Rights of Burial the Grantee or Owner will have the right to erect a memorial upon the specified grave that complies with the Parish Council's policy on memorials subject to prior permission of the Parish Council.
- 5.5 The Council will allocate the next available plot at the time of purchase.
- 5.6 Right of Burial – the purchase of an Exclusive Right of Burial entitles the owner the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave.
- 5.7 Transfer of Exclusive Right of Burial – transfer of ownership can take place on the production of the following original documentation at the Parish Office:
 - a) Grant of Probate, normally granted to the executors appointed in the will of the deceased person when the will has been proven in court. Only

the original 'sealed' Grant will be acceptable at the Parish Office and must bear the embossed seal of court.

- b) Grant of Letters of Administration, when a deceased dies intestate (without a valid will) then the next of kin can apply to the Court to be made the Administrator of the Estate. As with Grant of Probate, the original document must be produced to the Parish Office bearing the embossed seal of the Court.
- c) Form of assent, normally completed by the deceased's personal representative or other holder of either Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased's estate.
- d) Statutory Declaration, an original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.
- e) The Grant of Exclusive Right of Burial will be required for the opening of graves.

6. INTERNMENT OF RESIDENTS AND NON-RESIDENTS

Non-Resident fees – where the deceased is not a resident of the Parish, the internment fee will be increased. If the deceased lived in the Parish for the majority of their life but took up residence outside of the Parish to receive full time care within 7 years of their death, resident status will be granted. The executors or other representatives of the deceased must provide the Council with the relevant information for claiming resident status.

7. FEES AND CHARGES

Fees and charges for all cemetery services will be determined by the Council and reviewed annually. Full settlement of all fees and charges in respect of interments must be made before the funeral. Further information on fees is available from the Parish Office.

8. MEMORIALS

- 8.1 Memorials may not be erected until 12 months after the date of interment in the case of a full burial.
- 8.2 Right to Erect Memorials – the right to erect a memorial rests with the Owner of the Exclusive Rights of Burial. No work must be carried out before the Council has granted permission. It is an offence to wilfully interfere with a tombstone or other memorial or to add additional inscriptions on a memorial without the Council's authority.
- 8.3 Owner's Consent – no headstone, monument or memorial will be allowed to be fixed upon any grave without the written authority of the Owner, nor shall any additional lettering be permitted without such authority being first delivered to the Parish Office.
- 8.4 All memorials must be made of hard natural stone or granite of a design approved by the Council and conform with the following dimensions:
 - a) Lawned Graves Area: a maximum of 76cm in height and 61cm wide.
 - b) Cremated Remains Area: a maximum 51cm in height and 51cm wide.
 - c) Memorial Block maximum size 36cm x 36cm x 36cm.

- d) Flat Tablet set in ground maximum size 31cm x 31cm.
 - e) Crosses maximum size 76cm in height and 51cm width, thickness 7.5cm. Crosses must be made of hardwood or a sustainable wood.
- 8.5 The Council reserve the right to lower, alter or remove any gravestone or monument which, in the opinion of the Council, is unstable or unsafe. Prior to such work being undertaken the council will try to contact the owner and will also post a notice in the Cemetery for one month advising of its intentions.

9. HEALTH AND SAFETY

- 9.1 It is the responsibility of all visitors, employees and contractors attending the Cemetery to take reasonable care of both their own and other people's safety.
- 9.2 If the Council deems that any article placed on a grave poses any risk in terms of Health and Safety, it reserves the right to remove it at any time. The Council will endeavour to contact the owner informing them of their action.
- 9.3 Lights, lamps, solar lanterns, wind chimes and windmills are not permitted anywhere within the Cemetery.

10. MAINTENANCE OF GRAVES/MEMORIALS

- 10.1 Only one memento such as a toy, candle or light will be permitted on plots, glass mementos are not allowed. Any other items placed on grave spaces may be removed by the Council and kept for a period of 4 weeks after which they will be disposed of.
- 10.2 No cultivation or planting of plants, shrubs or trees is permitted.
- 10.3 Nothing may be placed on the area of the grave except as provided in these Regulations and on the day of the funeral, when flowers and wreaths may be placed upon the grave in which the burial takes place. Funeral tributes may remain there for 14 days after which they will be removed at the discretion of the Council.
- 10.4 The Council shall be at liberty to remove from graves any moveable article that is broken or has become unsightly. The Council reserves the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.
- 10.5 The Council will sow grass seeds or lay turf over the whole area of the grave when the ground has settled.
- 10.6 The installation of surrounds around Graves or Cremation Plots is not allowed.
- 10.7 All memorials shall be kept in good repair at the expense of the Registered Owner, including repairs necessary due to vandalism. In the event of any memorial falling into disrepair the necessary repairs not being carried out within 12 months after notice from the Council the memorial may be removed. The Parish Council shall make reasonable efforts to communicate with the Owner at his/her last notified address when repairs are needed. The Burial Authority can accept no responsibility for damage to memorials and owners are advised to seek adequate insurance cover.
- 10.8 The Council reserves the right to remove any item it considers may cause offence to other families.
- 10.9 No Vase, Cask or any other item should be placed on the Memorial Garden, Flowers/Wreaths may be placed on the area but will be removed after two weeks.

11. PLANS

Plans of the Cemetery are kept at the Parish Office.

12.DAMAGE OR COMPLAINTS

Any complaints or damage should be notified to Rothley Parish Council.