



COUNTSTHORPE PARISH COUNCIL

**Countesthorpe Village Hall
Station Road
Countesthorpe
Leicester.
LE8 5TB**

Telephone: 0116 277 9518

Miss J Leech, Parish Council Manager and Clerk of the Burial Board

Email: manager@countesthorpeparishcouncil.co.uk

Website: www.countesthorpeparishcouncil.co.uk

Exclusive Right of Burial

The Exclusive Right of Burial entitles the registered owner the right to:

- Be interred in a specific plot
- Determine who is buried in the plot
- Apply for the right to erect a memorial, in accordance with the regulations

Fees/Charges

The fees for the Exclusive Right of Burial in a burial/cremation plot are dependent on residency of the first person to be interred.

If a resident purchases the Exclusive Right of Burial of a burial/cremation plot to inter the body or cremated remains of a relative, friend etc, who was not a resident of Countesthorpe at the time of death, non-resident fees will apply.

If the Exclusive Right of Burial of a burial/cremation plot are purchased by a resident, but the body or cremated remains of a non-resident is to be interred within 5 years, the resident will be charged the difference between the resident and non-resident price for the Exclusive Right of Burial, together with non-resident interment fees.

If the Exclusive Right of Burial of a burial/cremation plot is bought whilst a resident of Countesthorpe, but at the time of death residency is outside Countesthorpe the cost of interment will be as a resident.

If a Countesthorpe resident has resided in a place of care outside of the village prior to death, he/she will be classed as a resident in respect of purchasing a plot and interment.

Ownership of the Exclusive Right of Burial does not imply ownership of the plot of land itself as ownership of all cemetery land remains the property of the Parish Council.

Double interment of cremated remains in the same casket will incur one interment fee for residents only. Non-residents will be required to pay a double interment fee.

Cremated remains placed in a coffin with a full burial, will incur burial and casket interment fee.

For cremated remains in a burial plot but not in a casket, the interment fee for a casket will be required.

A coffin/casket over 36 inches in width will necessitate the purchase of an additional burial plot

A schedule of the fees and charges is available on request or on the website

http://www.countesthorpeparishcouncil.co.uk/documents/countesthorpe_burial_board.pdf

Interment

Notice of Interment forms, supplied by the Parish Council, must be completed and delivered to the Parish Office two working days prior to the interment, excluding weekends and Bank Holidays.

The two working days' notice can be reduced on request to comply with the customary or religious practice of any community group. Please contact the Parish Office directly.

All interments must take place between 9 am and 4.30 pm on weekdays and Saturdays, interments will not be allowed on Sunday, Christmas Day, Boxing Day, Good Friday or Public Holidays. In cases of emergency where the burial must take place on one of these days, documentation must be produced to confirm that the immediate burial is necessary.

Before interment, the following documentation must be delivered with the Notice of Interment:

Cremated remains - a Cremation Certificate from the appropriate officer of the Crematorium, which carried out the Cremation

Burial – a Certificate for Burial (green form) or a Coroner's Order for Burial (or a duplicate)

The Notice of Interment must be signed by the owner of the Exclusive Right of Burial. If the owner is being buried, then a relative may sign the notice.

In the case of a stillborn child, the above applies if the birth does not come within the definition of "Stillborn" or "Stillbirth", as mentioned in the Stillbirth (Definition) Act 1992. If within the definitions of the Stillbirth (Definitions) Act 1992, a certificate from a Medical Practitioner or other responsible person at the birth, stating that it took place before the twenty fourth week of pregnancy, must be produced.

Failure to produce the relevant certificate(s) will result in the Interment being delayed until such certificate(s) is produced.

When a grave is re-opened to make another burial, no person shall disturb any human remains interred therein.

Wooden crosses are regarded as a temporary grave marker following the first interment and will be removed when a memorial is installed.

The Parish Council will not be responsible for any misunderstandings, which may arise due to a telephone instruction.

Undertakers are responsible for engaging grave diggers and for ensuring that such agents work in a responsible and safe manner and observe all Health and Safety legislation. The grave digger needs to ensure:

- The adjacent plots are protected, with a suitable material, from soil removed from the grave.
- They have considered the range of hazards that may exist around the excavation before excavation begins
- That there is safe and easy access for operatives and equipment during site preparation
- The health and safety of operatives during the excavation process
- That the grave is dug as centrally as possible
- The grave/cremation plot is excavated to the correct depth and level at the bottom
- That the walk boards are used where appropriate
- That the sides and ends of the grave are vertical and that the bottom of the grave is level on completion of each excavation. Shoring units must be level
- That the grass matting, walk boards and webbing are correctly placed and safe to use
- That there is safe access for persons attending and officiating at the burial service
- The health and safety of Cemetery visitors

Any grave or cremation plot excavation that is left unattended for whatever reason must be completely boarded over in such a manner as to prevent any person falling into the grave. No matter the depth or size of excavation.

The ICCM recommends that a second person is in attendance whenever work is being carried out in an excavation of a depth greater than 3' (0.91m) in order to comply with the requirements of the Confined Spaces Regulations 1997. The second person will be in a position to give warning to the gravedigger, raise the alarm in an emergency and commence emergency procedures.

Scattering of Cremated Remains

Where cremated remains are to be scattered on the designated area, adjacent to the Chapel, arrangements must be made with the Parish Council. You are not permitted to carry out this function without the prior permission of the Parish Council and payment of the relevant fee.

Before the scattering of cremated remains is undertaken, a certificate must be produced from the appropriate officer of the Crematorium which carried out the Cremation. Cemetery regulations must be observed, and records completed relating to the scattering of the cremated remains.

It is not permitted for cremated remains to be strewn on any grave or landscaped area including at the base of trees or at the base of the memorial walls.

Flowers and wreaths etc will be allowed to remain on the scattering section for up to one week provided that another scattering is not required, in which case the flowers and wreaths will be removed whilst the scattering takes place and then put back. All flowers and wreaths will be removed after one week. No vases, ornaments, figures or other additions are permitted in this area.

Temporary removal of a memorial in connection with an interment

The Parish Council's approval of a proposed interment shall be sought to temporarily remove a memorial from the grave/cremation plot to be opened.

The owner of the Exclusive Right of Burial is responsible for arranging for the removal and re-fixing of a memorial in connection with an interment and may only use a Registered Memorial Mason for this purpose. If the owner of the Exclusive Right of Burial is the deceased the memorial can be removed and re-fixed, however no additional inscription or replacement stone can be undertaken without the transfer of the Exclusive Right of Burial. Memorials re-fixed following interment must be installed in accordance with the current version of the National Association of Memorial Mason's Recommended Code of Working Practice

Graves/Cremation Plots

Graves are intended for the interment of two coffins; however, caskets of ashes can also be interred in a grave space.

Once a casket of ashes has been interred in a grave, a coffin will not be allowed to be interred in the same grave space. If the first interment is a coffin at full burial depth, then caskets of ashes can be interred subsequently. A maximum of four caskets of ashes will be allowed in a burial plot, which will be dug to single depth.

When a grave is dug single depth for a coffin, no further interments are allowed in the grave.

Cremation plots are intended for two caskets of ashes.

When a cremation plot is reserved for an interment, or for the future, the current plot purchase fee will apply.

No human remains, including cremated remains, can be removed from a grave/cremation plot without an exhumation licence, which can be applied for from the Secretary of State.

The purchaser of the Exclusive Right of Burial will be issued with a Grant of Exclusive Right of Burial as proof of their ownership of the Exclusive Right of Burial. The owner's details will be entered into the relevant registers and it is the responsibility of the owner to notify the Parish Council of any change of name or address.

The Exclusive Right of Burial will be granted for not more than 100 years but may be renewed after 100 years for periods not exceeding a further 100 years, not necessarily upon the same terms.

The Parish Council shall specify the grave/cremation plot location; however, the applicant is able to select a grave/cremation plot in the specific area where interments are taking place, subject to the Parish Council's approval.

The Parish Council will maintain the grave in the most cost-effective manner, which will be returning it to a grassed condition. The Parish Council, at its sole discretion, reserves the right to remove memorial wreaths/flowers placed upon a grave after an appropriate interval following their placement. The removed flowers and wreaths will be destroyed by the Parish Council, therefore, anything to be kept for sentimental or financial reasons should be reclaimed from the grave within four weeks of an interment.

Wreaths etc placed on graves/cremation plots or at the base of the memorial trees at Christmas time will be left until the first week of February; these will then be removed by the Parish Council with the same conditions as in the above paragraph.

The planting of trees, shrubs, bushes or rooted plants in the cemetery or within the confines of any burial/cremation plot is forbidden. The Parish Council reserves the right to clear and re-instate anything from a grave/cremation plot, including when items that are a risk to public safety, impedes maintenance or is incongruous with its surroundings. Artificial grass is forbidden in the cemetery.

Please ensure that no glass items are left on plots as these can cause a safety hazard if broken. In the interests of safety for visitors and cemetery staff these items will be immediately removed by cemetery staff without notice.

Stones, chippings and paving can present a safety issue and damage maintenance machinery: these must not be placed on any grave. The placing of any surrounding items ie railings, palisading or chains, is not permitted as it prevents the operational management of the cemetery and causes a trip hazard. Kerb sets are not allowed on new or existing graves where not already part of the grave.

No artificial lighting e.g. solar or any other form of battery lighting is permitted on a grave or cremation plot.

The Parish Council reserves the right to remove any unauthorised items from a grave/cremation plot, and to maintain the plots to a reasonable standard.

The Groundstaff shall be at liberty to remove from graves any prohibited articles, or those which are broken or have become unsightly. The Parish Council reserves the right to remove deteriorated or withered wreaths and flowers without notice.

The Parish Council reserves the right to maintain graves to a reasonable standard which may include the removal of any items causing overcrowding and encroachment onto neighbouring plots.

The owners of plots are responsible for ensuring that their plot is maintained in a manner that is in keeping with the sensitivity of the cemetery and with neighbouring plots, and the Parish Council reserves the right to remove any items that it considers are not in keeping, preferably contacting the plot owner first if they can be identified.

Any person who purchases the Exclusive Right of Burial in any space shall not convey, assign or transfer such right without the consent of the Parish Council.

On request, the Parish Council may take back unwanted or unused reserved plots which would be at the original purchase price of the plot.

The Parish Council should be notified upon the death of the grave holder to arrange for the transfer of Exclusive Rights of Burial to a living owner.

Memorial Trees and Memorial Benches

Once a memorial tree or bench is purchased, it and the plaque become the property of the Parish Council. No items are allowed to be left on or around the tree or bench, except as previously mentioned.

General

No vehicles, other than those used by Parish Council staff, are allowed in the cemetery at any time. Disabled person's buggy or similar are allowed.

The Parish Council is not responsible for loss or damage to any grave space or memorial or injury to any person within the Cemetery, except where such damage is directly attributable to the negligence of the Parish Council or its employees or contractors.

The Parish Council shall not be held responsible for any damage to property left within the cemetery.

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of Articles 18(1) of The Local Authorities' Cemeteries Order 1977. These state that no person shall:

- Willfully create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Willfully interfere with any burial taking place in a cemetery
- Willfully interfere with any grave, walled grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter
- Play any game or sport in a cemetery

Musical instruments or appropriate sound reproducing equipment shall be permitted in the Cemetery with the permission of the Parish Council.

Visitors shall not interfere with Parish Council employees working in the cemetery, nor employ them to execute any private work whatsoever.

All enquiries, requests and complaints by members of the public should be made to the Parish Council.

Visitors are requested to deposit litter, spent flowers or any other unwanted items in the bins provided. The Parish Council reserve the right to remove flowers/floral tributes/wreaths after a reasonable time or once they are past their life span.

No persons shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders for the same, within the cemetery.

All visitors must refrain from interfering with trees, shrubs and flowers.

The Parish Council at its absolute discretion, reserves the right to ask any person to leave the Cemetery.

Certain items are temporarily allowed to mark a special occasion or anniversary. Please contact the Parish Office to discuss your requirements.

Dog owners must ensure that:

- Their dog(s) is/are kept on a lead and restrained from straying off paths and drives
- Their dog(s) does not/do not interfere with, or disturb, any other person in the Cemetery

- Clear up after their dog. Failure to do so will lead to prosecution under the Dog (Fouling of Land) Act 1996

Memorials

An application, together with payment of the appropriate fee, must be submitted to the Parish Council for approval, at least seven working days before the erection of a memorial or works to an existing memorial take place. The application must be completed by a registered memorial mason and signed by the owner of the Exclusive Right of Burial. A full description, including materials, dimensions, inscriptions and fixing methods, must be submitted with the application.

Erection of a memorial or works to an existing memorial cannot take place without the approval of the Parish Council.

Where the owner of the Exclusive Right of Burial is deceased, the ownership must be transferred before the application can be approved.

All work carried out must meet with the current version of NAMM's Code of Working Practice and BS 8415. NAMM can be contacted on 01788 542264 or at their website www.namm.org.uk

The cost of erecting and maintaining the memorial is the responsibility of the owner of the Exclusive Right of Burial. If, following an inspection, defects are reported with regard to stability of the memorial these must be corrected by the owner of the Exclusive Right of Burial.

The owner of the Exclusive Right of Burial must ensure that the memorial is in a stable condition and is not a danger to any person visiting the cemetery. The Parish Council reserves the right to periodically inspect and test memorials for stability and take actions considered appropriate in order to protect public safety. Should the memorial fall into a state of disrepair, or become a hazard to Health & Safety, the Parish Council has the right to remove the memorial from the grave and the owner of the Exclusive Right of Burial will be responsible for any expense incurred: such work may have to be carried out without prior notice. The Parish Council will have sole judgement as to the safety/condition of a memorial.

If memorials do not comply with the current NAMM standards the memorial mason will be contacted to rectify the matter. Failure to bring the memorial in line with current codes of practice will result in the Parish Council instructing another mason to undertake the work and will re-charge the original stone mason.

All memorials, including the reaffixing and refurbishment of memorials, must be constructed and erected:

- In strict accordance with the size and design approved by the Countesthorpe Parish Council
- By a Memorial Mason who is Registered
- In strict accordance with the National Association of Memorial Masons Code of Working Practice
- Fully prepared ready for fixing before being taken into the Cemetery
- Erected using an appropriate foundation which, where possible, must not be visible above the ground and which must be to the satisfaction of the Parish Council
- Secured into the ground using a fixing system that has been approved by the Countesthorpe Parish Council
- Fixed in line with adjoining memorials.

Memorials may be fixed or erected on any working day during normal working hours, except for Saturdays, Sundays and Bank Holidays or when an interment is taking place. In the case of any departure from the approved design for which permission has been granted, the owner of the

Exclusive Right of Burial shall, at their own expense, and to the satisfaction of the Parish Council, carry out any work necessary to make the memorial comply with the approved design.

The memorial mason shall ensure they:

- Take all necessary precautions to protect the grass, trees, plants, walls, paths and adjacent memorials from damage. Any damage caused must be made good at the memorial mason's expense
- Completely remove all materials, tools and rubbish from the Cemetery when work is not in progress
- On completion of the fixing of the memorial or other work thereto, all surplus earth, mortar etc must be removed by the person carrying out the work and the memorial and surrounding ground left tidy and in good condition to the satisfaction of the Parish Council.

Where an inscription has been cut without the prior approval of the Parish Council the owner of the Exclusive Right of Burial must, at their expense, remove the memorial and apply for the Parish Council's approval.

The Parish Council reserves the right to remove any memorials not authorised by the Parish Council.

Removed unauthorised memorials will be kept for 28 days for collection. If not collected within this time they will be disposed of.

The responsibility for any injury or damage caused in the cemetery as a result of work done in erecting, repairing, altering or removing any memorial will be borne by the person carrying out the work or on whose behalf the work is done.

No memorial, or part of a memorial, shall be removed from a grave/cremation plot without written approval of the Parish Council.

All works in connection with the erection or restoration of memorials must be carried out between 8:00am and 4:00pm during daylight hours, unless prior written consent from the Parish Council is obtained.

Memorials must NOT exceed the following maximum dimensions:

Full Burial Memorial:

Memorial Height – 762 mm (30") Width – 610 mm (24") Depth – 100 mm (4")

Base (plinth) Height – 102 mm (4") Width – 762 mm (30") Depth – 457 mm (18")

Memorial maximum overall height including base – 864 mm (34")

A memorial in the form of a portable iron or stone vase must not exceed 30 cm (12") in height and occupy a space not exceeding 30 cm (12") x 30 cm (12")

Cremation Memorial / combined portable table, vase and base:

Memorial Height – 356 mm (14")

Width – 356 mm (14")

Memorial to occupy a space not exceeding 356 mm (14") by 356 mm (14")

Memorial Trees

Donations for trees, to be planted in the Cemetery, are subject to the following rules:

- Two trees allowed per family

- Trees must be in memory of a deceased person
- Only one tree per deceased person, however a tree may be in memory of more than one deceased person
- Trees cannot be reserved
- Only one plaque per tree. if there is a request in the future, for an additional deceased person to be added to the dedication, a replacement plaque would need to be purchased by the donator of the tree.

Trees and plaques, once installed, become the property of the Parish Council.

Reserved Rights of Countesthorpe Parish Council

Countesthorpe Parish Council as the Burial Authority has, in pursuance of their General Powers of Management contained in Article 3 (1) of the Local Authorities' Cemeteries Order 1977, made the Cemetery Rules and Regulations.

These rules and regulations replace all previous rules and regulations and must be observed at all times.

Should any difference or dispute arise as to the real intent, meaning or interpretation of these Regulations, or Table of Fees and Charges, the decision of the Parish Council as the Burial Authority shall be final.

The Parish Council reserves the right from time to time to make alterations or additions to the foregoing regulations. Questions arising for which no provision is made in the Regulations shall be referred to the Parish Council, whose decision shall be final.