

# SMALLEY PARISH COUNCIL

## Cemetery Guidelines

19<sup>th</sup> June 2023

## INTRODUCTION

Smalley Parish Council (“Council”) maintains the new burial ground in St John the Baptist Churchyard. For information contact:

Kay Richardson – Clerk

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Email: [clerk@smalleyparishcouncil.co.uk](mailto:clerk@smalleyparishcouncil.co.uk)

This booklet contains the guidelines relating to that burial ground.

The Council reserves the right to amend or add to any of the guidelines at any time.

## **GENERAL:**

In the interests of maintaining the burial ground in a tidy and respectful order for all, the following conditions must be adhered to.

All grave and garden of remembrance plots must be purchased prior to installation of a memorial.

All permanent memorials must be in accordance with these Guidelines and must be approved by the Council prior to fixing.

All floral decorations should be removed within one month.

Please note the erection of seating or structures or the planting of trees or shrubs is not permitted.

These Guidelines will govern all burials or internment of ashes from 16 November 2015; for the avoidance of doubt, the presence of memorials, headstones, edges, benches and other structures which pre-date these Guidelines shall not be taken as setting any precedent as to what will be accepted by the Council from the date of these Guidelines going forward.

**Please note: The Council cannot accept any responsibility or liability for damage, loss or theft of memorials from the burial ground.**

## **BURIALS**

### **Deed of Exclusive Rights**

A deed of exclusive rights for the period of 99 years will be issued by the Council for all new burials. This is a legal document and must be kept safe, as an original deed cannot be re-issued. The deed gives the owner the inclusive use of the grave for burials and also the right to erect a memorial on the grave subject to these Guidelines. It is necessary, if the deed has been lost, to sign and complete a Statutory Declaration form before a solicitor or commissioner for oaths if a grave has to be re-opened.

The Grant of exclusive rights is a legal document that refers to the purchasing of the grave rights. The ownership of a Grant of Exclusive Rights of Burial within a grave plot not only conveys certain rights upon the owner, but also imposes a number of responsibilities. The ownership of exclusive right of burial does not convey any ownership of the land itself, the land is owned and remains the responsibility of the Council.

At the time of arranging the burial the family will be asked, usually by the funeral director, if they wish to purchase the grave, the Exclusive Right of Burial for a set period of time. The Grant will be registered with the Council in the name of the one person given on the application form.

The ownership of the grave means that only the owner has the rights to:

- Be buried in the grave if a space is available
- Authorise further burials in the grave if space is available
- Place a permanent inscribed memorial on the grave.

In accordance with the Local Authorities Cemeteries Order, the law stipulates that graves cannot be sold for more than 100 years. The Council offers burial rights for a period of 99 years.

The Grant of Exclusive Right of Burial is an important document and should be kept in a safe place. However if the deed is lost the Council will refer to the records and data of registered owners and ensure that they only take instructions from the owner of the grave. It is important that the Council be informed of any change of address in order to keep records up to date.

The original owner has automatic rights to be buried in the grave. After death the rights become part of their will or assigned by their executors to someone else. Procedures are in place to transfer ownership rights to the 'next of kin' through completion of a declaration form witnessed and signed in the presence of a solicitor/commissioner for oaths. The Council will at this time update their records with the new owner details. Instruction and further internments within the grave and memorials will only then be taken from the new owner.

Only the owner has the rights to request the re-opening of the grave or to put a memorial on the grave.

### **Arrangements, Headstones and Memorials**

The Disposal Certificate for the burial to be given to the Clerk prior to burial or at burial.

No pre-payment of burial arrangements can be made

After an interment the ground has to settle down naturally and should allow at least 6 months before a memorial can be erected.

All headstones, memorials and inscriptions are subject to written approval from the Council. Measurements of the memorial and a drawing of the proposed monument to be erected should be submitted to the Clerk.

All headstones must have the appropriate grave number engraved into the base.

Headstones must not exceed 1 metre in height from ground level and must not be greater in width than 920mm.

If a headstone is erected on the grave only 1 vase maximum 300mm x 300mm can be placed on the memorial. This must be immediately in front of the headstone and not placed in the middle or end of the grave. In addition, items including but not limited to solar lights, additional crosses and decorations are not permitted and the Parish Council reserves the right to remove such items to allow ongoing maintenance to maintain the general aesthetic.

It should be noted that the erection of a small upright tablet is permitted.

No edging, fencing, stone or log surrounds, kerb sets or gravel, glass slate, chippings, trees or large shrubs will be allowed on the graves or surrounding area, apart from the re-fixing of existing fixtures. The Council reserves the right to remove any of the above if, in their opinion, it is necessary to do so. The Council will maintain the overall condition of the cemetery with mowing and strimming only.

Headstones/memorials shall be erected by an approved stone mason. Arrangements for placing of headstones/memorials should be made through the Clerk.

## **Maintenance**

The Council has a 'duty of care' to ensure the burial ground is safe for all users. Risk assessments are carried out within the burial ground. If a memorial is found to be unstable it will be made safe immediately, this may include staking, removing or laying down unstable headstones. The Council will contact the owner of any memorial which is found to be unsafe; it is the responsibility of the owner to have the memorial repaired. Headstones and memorials must be installed and repaired by a registered mason.

It is strongly recommended that the owner should have the stability and condition of the memorial checked at least annually to avoid the possibility of such action.

The internment of ashes will be not allowed to be placed in the cemetery burial ground; ashes are to be laid in the Remembrance Garden.

## **INTERMENT OF ASHES**

Plots are available for the interment of ashes within the Remembrance Garden. Ashes are to be either poured directly into the grave or a biodegradable casket can be used.

A record of burials and position of grave will be kept by the Clerk.

### **Deed of Exclusive Rights**

A deed of exclusive rights for the period of 50 years will be issued for all new burials. This is a legal document and must be kept safe, as an original deed cannot be re-issued. The deed gives the owner the inclusive use of the grave for burials and also the right to erect a memorial on the grave subject to the Cemetery Guidelines.

### **Arrangements and Memorials**

The cremation certificate for the interment of ashes shall be given to the Clerk.

No pre-payments of interment of ashes can be made.

A plaque may be placed on the ground. Plaques should be 8" x 8" and made of stone, marble or granite.

The Sexton will place the plaque in position following approval by the Council.

A vase can be placed along the base of the stone wall

All memorials and inscriptions are subject to written approval by the Council. Details of proposed inscriptions should be submitted to the Clerk.



## Smalley Parish Council

### New Remembrance Garden Charges – 19<sup>th</sup> June 2023

Grant of Exclusive Right (to new grave space including interment of ashes) £169.00  
Must be a resident of Smalley Parish at the time of death.

Grant of Exclusive Right (to new grave space without  
Smalley Parish Connections) Price on  
Application  
to the  
Clerk

#### Interments

- i) For all interments, there is an additional fee of £51.00 payable to the Clerk.
- ii) For interments of cremated remains there is an additional fee of £47.00 currently payable to Mr A James
- iii) No pre-payment of burial arrangements can be made.

#### Placing of Memorials

Placing of plaque on ground 8" x 8" Sexton to place plaque in position	
Text to be plain	No charge
Placing of vase along the base of the stone wall	No charge
Additional inscription on existing plaque	No charge

**NB** - All details regarding memorials as abovementioned must first be approved by the Council, whose consent will be given in writing.

#### All charges will be reviewed each year

All charges are rounded up to the full £.

## Smalley Parish Council

### New Burial Ground Charges – 19<sup>th</sup> June 2023

<b>Grant of Exclusive Right</b> (to new grave space) Must be a resident of Smalley Parish at the time of death.	£274.00
<b>Grant of Exclusive Right</b> (to new grave space without Smalley Parish Connections)	Price on application to the Clerk
Grant of Exclusive Right (to plot un-consecrated ground)	£67.00

#### Interments

Interment of adult in new grave	£359.00
Interment of adult in existing grave	£359.00
Interment of child under 17 years	£351.00
Interment of child under 17 in existing grave	£72.00
Interment of still born infant	No charge
Interment of infant dying with 12 months of birth	No charge
Interment of cremated remains	£100.00
Interment of cremated remains (un-consecrated ground)	£100.00

- i) There is no extra charge for Saturday grave burial or Saturday interment of cremated ashes
- ii) For all interments and that of cremated remains, there is an additional fee of £51.00 payable to the Parish Clerk.
- iii) For interments of cremated remains there is an additional fee of £47.00 currently payable to Sexton
- iv) There is no fee for the burial of cremated remains if the existing grave plot belonging to a close friend or relative is used.
- v) No pre-payment of burial arrangements can be made.

#### Placing of Memorials

Placing of headstone	£91.00
Placing of vase	£46.00
Additional inscription on existing headstone	No charge
Permission to erect small tablet set horizontally to commemorate person cremated	£50.00

**NB** - All details regarding memorials as abovementioned must first be approved by the Parish Council, whose consent will be given in writing.

#### All charges will be reviewed each year

All charges are rounded up to the full £.