

Holton Le Clay Parish Council

Holton le Clay Cemetery Regulation Handbook
Reviewed April 2023

For the management,
regulation and control of
Holton le Clay Cemetery

HOLTON LE CLAY PARISH COUNCIL
CEMETERY REGULATION HANDBOOK

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FOREWORD

Holton le Clay Parish Council welcomes all visitors to our cemetery and asks that visitors respect the peace and dignity of these facilities.

The regulations in the following pages have been drawn up by Holton Le Clay Parish Council to ensure that the Cemeteries and Wall of Remembrance are managed and used in a sensitive, safe and appropriate way for everybody. These are communal spaces for quiet reflection and remembering loved ones.

Although these regulations are a requirement for the management of the Cemetery, every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these regulations have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

Holton Le Clay Parish Council under the Local Authorities Cemeteries Order 1977 is responsible for regulating the Cemetery. It is required by that Order to set out regulations to provide a safe and dignified environment for all visitors and can do anything that is necessary for the proper management of the Cemetery.

SECTION 1: LEGISLATION

There are a number of Acts of Parliament and Government Regulations which apply to burials and cremations and also to the way cemeteries are maintained. The following regulations apply:

Cremations Act 1902 and 1952

Health and Safety at Work Act 1974 1977 (as amended)

The Local Authorities Cemeteries Order 192841

Cremations Regulations 2008/Environmental Protection Act 1990

SECTION 2: CONTACT DETAILS

Parish Clerk

Holton Le Clay Parish Council, Village Hall, Pinfold Lane, DN36 5DL

Tel: 01472 234566 or 07521 467524

Email: hlc.pc@btconnect.com

SECTION 3: OPENING HOURS

(a) Cemetery

The Cemetery is open to the public every day during daylight hours

(b) Council Office

Monday, Wednesday, Friday – 10am -12pm

Tuesday, Thursday – 12.30pm – 2pm

(c) Burials

Burials can take place at any time during the week at the discretion of the Parish Clerk and subject to any maintenance work that be in progress in the Cemetery.

SECTION 4: GRAVES

(a) Types of Graves

Holton Le Clay Cemetery is a lawn Cemetery and so there are only two types of grave available – burial or ashes plots. All burial plots are single depth. The graves are all marked on the Cemetery plans which are available at the Parish Clerks office. The Exclusive Right of Burial is purchased through the office. Memorial stones must be purchased through a registered stonemason.

(b) Lawn Grave

A Lawn Grave is a grave with a headstone, a small area for planting annual flowers immediately in front of the headstone and a grassed area level with the ground. The grass area provides access for neighbouring graves and must be kept clear of all obstructions at all times. The following applies to Lawn Graves:

- Graves are 9ft x 4ft (2740mm x 1220mm)
- Graves will usually be turfed or seeded level with the ground usually in either March/April or September/October and this is included in the interment fee.
- No memorial may exceed 3ft.
- Personal planting (seasonal or annual flowers only) or items of memorabilia are permitted at the head of the grave. This must be no wider than the grave and no more than 2ft deep. Any memorial must be within this area. **No fences, kerbs or loose**

stones or gravel are permitted. Flowers/wreaths may be placed at the headstone border but these will be removed after a reasonable time. Any flower holders must be of a non-breakable material. No glass or ceramic vases or ornaments to be placed on graves. No glass beads, windmills, wind chimes or lanterns to be placed on any grave. No article of pottery, glass or metal ware, unless manufactured expressly as a receptacle for flowers shall be placed upon any grave. No hewing or dressing of a stone will be permitted. No wooden or iron railings or fencing shall be allowed around any grave. No widening of borders of grave plots. It is desirable that after 12 months temporary crosses are replaced with a headstone.

The Council shall be at liberty to remove from the graves any article not complying with the Cemetery Regulations.

- If the defined memorial area is not tended, Holton Le Clay Parish Council reserves the right to clear and then seed or turf the area.
- All grass areas will be kept cut by Holton Le Clay Parish Council's contractor. No one else is authorised or permitted to use any mechanical or powered cutters or mowers in the Cemetery.
- Occasionally it may be necessary to place spoil on a grave whilst a neighbouring grave is dug. When this happens a soil catcher is used to protect the ground and a memorial sleeve will be used to protect any memorial that is present.

(c) Cremated Remains Grave

A cremated remains grave is a small grave (2ft x 2ft) and can hold up to 2 caskets.

The following applies to a cremated remains grave:

- Provision is made for the interment of two standard sized caskets of cremated remains. If larger caskets are used there may only be room for one interment.
- No memorial may exceed 2ft. If a memorial is laid prior to a second interment it may be necessary to remove the headstone by a registered memorial mason prior to the interment taking place.
- No stones, kerbs or fences are permitted.
- Items of memorabilia are permitted to be left in a small defined memorial area measuring no wider than the grave and no more than 1ft deep, so as not to overhang or encroach on any path.

- Items other than the approved memorial placed within the defined memorial area may not exceed a height of 12 inches (300mm).

SECTION 5: GRAVE ALLOCATION AND OWNERSHIP

(a) Choice

Some choice of grave may be possible within defined areas that have been opened for burial. This may be within certain rows and is controlled so that grave digging and maintenance can be undertaken in the most efficient and safe way.

(b) Exclusive Rights of Burial

Any person 18 years and older may purchase Exclusive Rights of Burial. Legally you can purchase these for a period not exceeding 75 years. Purchasing the Exclusive Rights of Burial means that the grave may not be reopened and no one may be buried there or install a memorial without your permission.

After the Rights have lapsed the grave rights ownership reverts to Holton Le Clay Parish Council who may reuse or resell any unused grave. The fee for purchasing the Exclusive Right of Burial must be paid to the Council at the time the arrangements are made. If purchase is made through a Funeral Director at the time of a funeral, then payments are made by the Funeral Director. Once payment has been received, a Deed confirming the grave details and rights will be issued. Purchasing these rights **does not** give any land ownership rights and the land remains in the ownership of Holton Le Clay Parish Council. These rights also **do not** include any permission to install or alter a memorial and separate permits and licenses must be obtained for which a fee is payable.

(c) What happens if the owner of these rights dies?

If the owner of the Exclusive Right dies, it is assumed that they give permission to have themselves interred in the grave. After this time, the Rights become part of their estate and may be left in a will for someone else. If the Rights are not specifically mentioned in the will, they will form part of the 'residue' of the will, usually willed as 'and all my other worldly goods' at the end of the will. Whoever inherits the Rights will need to contact our office and arrange a transfer of ownership before the grave can be opened again or any memorial placed. As paperwork can go missing it is best to do this as soon as possible after inheriting the Rights.

(d) Can I transfer ownership to someone else?

Yes, simply contact us and we will send you a form. There will be a charge.

(e) The owner of the rights died years ago and the family want to use the grave.

Contact us and we will work out how we may transfer ownership to you. You may need to show us copies of Wills and/or Grants of Probate. This process may take some considerable time so don't wait until you need to arrange a funeral. You may need to make a formal declaration in front of a Magistrate or Solicitor. Ownership is the families' responsibility, we **will not** open a grave for burial or allow a memorial to be installed unless ownership has been sorted out. If the person it is transferred to lives outside Holton Le Clay there are likely to be considerable extra fees to pay.

(f) Can two people own these rights?

Ordinarily we will only grant Exclusive Rights of Burial to an individual, as ownership by more than one person can cause legal problems that may result in considerable delays. Occasionally Rights may be left to two or more people in a will. In this case, one person will have to be chosen as the owner and the others must renounce their ownership.

(g) Can I reserve a grave ahead of time?

Yes, you may purchase Exclusive Rights of Burial for a grave at any time, not just prior to a funeral. We may have to restrict your choice to certain graves depending on availability within sections that are classed as open at the time of purchase.

(h) What if the deed to the rights goes missing?

If you are the registered owner of the Rights we will send you an official letter to confirm this. If you are entitled to be the owner through inheritance, we will guide you through the correct transfer procedure and then issue a letter stating your position. If you lose the deed we will usually be able to check ownership against our records on production of identification.

(i) What if I inherit the rights to a grave that I do not wish to maintain?

You may surrender the Rights to the Council at any time. Simply put this in writing and return the deed(s) to us if you have them. If the grave is empty we will refund the original purchase price.

(j) Change of Address

As owner of the Exclusive Rights **you are responsible** for informing the Council of any change of address. If a problem occurs with the grave or the monument and we cannot contact you, we have the right to take whatever action is necessary to rectify the problem. If this involves a cost to the Council, this may be levied as a charge against the grave, and must be paid before any interments can take place.

SECTION 6: COFFINS

The body must be placed in a suitable coffin, casket or shroud. The Funeral Director is responsible for compliance with any regulations relating to the coffin and for the health and safety considerations relating to the carrying of the coffin to graveside and lowering into the grave.

SECTION 7: EXHUMATION

Once a body or cremated remains have been buried, they can only be removed with permission of the Parish Clerk and a licence granted by the Ministry of Justice. Additionally, a further consent will be required from the Church of England. Considerable fees will be incurred when an exhumation occurs.

Any disturbance of remains will be deemed an exhumation.

SECTION 8: ERECTION AND REPAIR OF MEMORIALS

(a) What are monumental rights?

These are **not** included with the purchase of Exclusive Rights of Burial and you will still need to apply for the right and permission to erect a monument and this will attract a further fee. Rules apply as to the type, size, style, material and wording that can be used. Please see the Council's Memorial Specification (below).

You can place a memorial within the constraints of regulations in force or leave the grave unmarked. You have the responsibility to pay for the maintenance of the memorial upon the grave during the period of grave rights granted to you, or any extension made to this period. The memorial cannot be moved or disturbed during this period without your express permission, unless it poses a safety hazard. The safe erection and maintenance of the memorial is your responsibility during the period of rights.

Only Memorial Masons registered through BRAMM or NAMM and approved by Holton Le Clay Parish Council are permitted to erect memorials in our cemetery. This also applies to memorials that are being repaired, moved or reinstalled after repair or additional inscriptions.

(b) What is a monument?

A monument is anything above ground level that is placed on the grave as a tribute to those buried there. It could take many forms but may include a headstone, cross, or stone vase. The Council has in place restrictions on what is allowed.

(c) Can I have a monument?

To place a monument on a grave you must first purchase the grave and then apply for permission to erect a memorial.

(d) When can I erect it?

After a funeral, we will mound the earth on the grave and put the flowers and wreaths on top. After 28 days (or less if the weather is bad) we will remove all floral tributes and dispose of them. Please do not plant anything directly into the mound as this can damage the ground and impede maintenance. Flowers may be left in a container (not glass, ceramic or thin plastic) and you may put a wooden cross up to 500mm (18") high on the grave temporarily, to be sited usually at the western side of the grave or in line with other memorials on some ashes graves. When twelve months has passed a permanent monument may be erected, although occasionally ground conditions mean that a longer period is required for the ground to stabilise.

(e) Must I use a stonemason?

Yes. We only permit BRAMM/NAMM registered stone masons to install memorials in the cemetery in accordance with the BRAMM Blue Book or NAMM (National Association of Memorial Mason) code of practice.

(f) Can I apply to put a monument there myself?

No. In order to protect the health and safety of the public in the cemetery we only permit registered stone masons to install memorials in the cemetery.

(g) Can I keep a mound of earth on all or part of the grave?

No. In the interest of affordable maintenance and safety, 12-24 months after the funeral we will remove the mound and seed it with grass seed or lay turf. Occasionally it may be necessary to top up ground that sinks for a longer period.

SECTION 9: FLOWERS AND FLORAL TRIBUTES

Perished flowers and any associated wrappings will be removed and disposed of. Holton le Clay Cemetery is an exposed site and it is not unusual for floral tributes to be blown away or to be eaten or scattered by

wildlife. Holton le Clay Parish Council cannot be held responsible for any loss or damage of tributes howsoever caused. Everything left in the cemetery is done so at the family's own risk.

- (a) Fresh flowers, with wrappings removed, may be left on designated area of the grave at any time. The Council reserves the right to remove any perished flowers and dispose of them.
- (b) Plastic flowers pose a problem for the local environment. They break down in sunlight and bad weather into small pieces that can then be consumed by wildlife. They can be blown into the grass and then shredded by mowers. The sensible and responsible course of action is therefore not to have plastic flowers. Where these are placed in the designated area, the Council reserves the right to remove them if it appears they are likely to break down or be blown about.

SECTION 10: OTHER ITEMS OF MEMORABILIA AND CHRISTMAS WREATHS

Items placed within the designated area must not exceed a height of 12 inches (300mm).

The following are not permitted:

- Breakable glass objects/vases
- Chippings, pebbles, stones, glass beads, slate or similar
- Fences, edging, kerb sets
- Any item deemed by the Council to be offensive, unseemly or dangerous.
- Food, drink and associated wrappers must not be left anywhere in the cemetery as they attract vermin.

Many of the above items often end up on the surrounding grass and either thrown up by mowers and cause personal injury or cause damage to machinery or neighbouring memorials. Glass is a major hazard to people, animals, machinery and other memorials.

It is not permitted to plant shrubs, trees or perennial plants on any part of a grave. The roots from such plants can become extensive and cause damage to headstones and neighbouring graves.

If an item in breach of the regulations causes injury or damages equipment, then the owner of the Exclusive Rights may be liable to pay damages.

Nothing may be hung from any tree in the cemetery.

Christmas wreaths may be placed within the designated memorial area. They will be removed by the Council when it is deemed appropriate. Any Christmas decorations must be removed on or before the 6th January. Any left after this date will be removed and disposed of. The Council reserves the right to remove immediately any item it deems to be offensive, unseemly or dangerous.

The Council reserves the right to remove other items that contravene the rules and will, wherever possible, give the owner the opportunity to do so themselves beforehand.

SECTION 11: GENERAL

Official plans of the cemetery showing the position of every grave are held at the Council Offices and may be accessed free of charge during opening hours. It is advisable to make an appointment.

All persons entering the cemetery do so at their own risk and the Council shall not be liable (except in respect of personal injury or death of any person caused by the Council's negligence) for any injury or damage sustained, regardless of the form of action, whether in contract, tort (including negligence or breach of statutory duty), strict liability or otherwise.

As above, the Council shall not be liable for personal property brought on to the site or for any damage or loss of memorials or memorabilia.

Damage to Land and Premises: Holton le Clay Parish Council will hold people responsible for any damage they cause to the land or property in the cemetery. Any costs of repairing the damage may be passed on to those people. This may include where people have exceeded what regulations permit in terms of memorials and memorabilia and by doing so, have for example damaged lawn areas.

SECTION 12: WALL OF REMEMBRANCE

Holton Le Clay Cemetery has a Wall of Remembrance where it is possible to purchase a small, engraved, stainless steel panel (152 x 115mm x 1.5mm) to be fitted to the wall. The Wall of Remembrance is a peaceful area of the cemetery where visitors are welcome to use the vases that are installed at either end – to place flowers and take some time for reflection.

An application form is available either from the Parish Council website or from the Clerks's office.

SECTION 13: FEES AND CHARGES

Fees and charges are determined by Council each year. Current rates are available from the Council Offices or on the Council's website

<http://parishes.lincolnshire.gov.uk/HoltonleClay/>

SECTION 14: CHANGES

The Council may at any time and at its sole discretion vary, alter or revoke any of the foregoing regulations and procedures.