

# Terrington Parish Council

## Terrington Cemetery Regulations

### Table of Contents

<a href="#">1. Introduction</a> .....	1
<a href="#">2. Grave and ashes plots</a> .....	2
<a href="#">3. Exclusive Right of Burial</a> .....	3
<a href="#">4. Arranging a burial in a grave or ashes plot</a> .....	4
<a href="#">5. Erecting a memorial stone or plaque</a> .....	5
<a href="#">6. Maintaining the Cemetery in good order</a> .....	6
<a href="#">7. Conduct of visitors</a> .....	8
<a href="#">8. Complaints and comments</a> .....	8

### Terms used

'Burial' refers to both coffins and ashes.

#### 1. Introduction

- 1.1. Terrington Cemetery, located in Mowthorpe Lane, was opened in 1905 as a burial ground for the parishes of Terrington with Wiganthorpe and Ganthorpe, later amalgamated as Terrington Parish.
- 1.2. The Cemetery is owned and operated by Terrington Parish Council which is the Burial Authority.
- 1.3. These Regulations are made in accordance with the Local Government Act 1972 section 214 and with the Local Authorities Cemeteries Order 1977 as amended by the Local Authorities' Cemeteries (Amendment) Order 1986 and will be reviewed and amended as necessary.
- 1.4. Terrington Parish Council appoints a Burial Authority Officer to manage the Cemetery in accordance with the Cemetery Regulations and to ensure that all applicable legal requirements are observed, including giving permissions for burials and for the erection of memorials.
- 1.5. The contact details for the Burial Authority Officer can be found on Terrington Parish Council website ([terringtonpc.co.uk](http://terringtonpc.co.uk)).
- 1.6. Terrington Parish Council will determine all matters not covered by these Regulations.

1.7. Given that there is limited space in the Cemetery, the first burial in a grave or ashes plot will be limited to:

- i. residents of Terrington Parish at the time of death;
- ii. those who have been at any time resident in Terrington Parish for at least 10 years.

In exceptional circumstances, the Burial Authority Officer may grant the right to be buried to someone not fitting into one of these categories but with a close connection to the parish. Any permissions for burials under the 'exceptional circumstances' provision must be reported to the Burial Authority at the next Parish Council meeting with the reasons for granting the permission.

The residency condition will not be applied to the second burial in the same plot but the non-resident charge for burial will be applicable.

1.8. Before a new grave or ashes plot in the Cemetery is opened, Exclusive Right of Burial (see section 3) in that plot must be purchased. There is then a charge for permission for each burial in that plot and a charge for permission to erect a memorial on the plot.

1.9. The charges for Exclusive Right of Burial, for permission for each burial, and for permission to erect a headstone, memorial tablet or wall plaque are based on the residence of the person buried, not on that of the holder of Exclusive Right of Burial.

1.10. The table of all charges is available on Terrington Parish Council website ([terringtonpc.co.uk](http://terringtonpc.co.uk)) or from the Burial Authority Officer.

1.11. Plans and all Cemetery records are held by the Burial Authority Officer and may be seen by individuals with an established interest by appointment. Searches of the records can be made at a charge and requests for searches should be addressed to the Burial Authority Officer.

1.12. The Burial Authority may appoint a Deputy Burial Authority Officer to support the Burial Authority Officer. In the absence of the Burial Authority Officer, the Deputy is authorised to assume the same duties and responsibilities as the Burial Authority Officer.

## **2. Grave and ashes plots**

2.1. The Cemetery has an area exclusively for ashes plots (for the burial of cremated remains) along the inside of the Mowthorpe Lane wall. The remaining area of the Cemetery is primarily for grave plots (for coffin burials), although one burial of ashes is permitted in graves in this area where it is the declared intention for a second burial to be a coffin burial or after a first coffin burial.

2.2. Grave plots measure 2.44 metres by 1.22 metres and ashes plots 0.8 metres by 0.6 metres.

2.3. When a new grave or ashes plot is to be opened the next space in line at that time will be allocated. However, the Burial Authority is sensitive to the wishes of

the deceased and the preferences of the bereaved who wish to be buried in side-by-side plots and, on first use of a plot, may allow the reservation of the next plot for a period of 10 years initially, on payment of the appropriate charge, with the possibility of extension. The final decision on the allocation of any new plots remains with the Burial Authority Officer.

- 2.4. A maximum of two burials is permitted in one grave or ashes plot. A grave containing one coffin or burial of ashes, may have a second coffin or one burial of ashes added above. In each case the appropriate allowance for the required depth must be made at the time of the first burial.
- 2.5. At first use of a grave or ashes plot, Exclusive Right of Burial (see section 3) must be purchased and a Deed of Grant obtained. This gives the holder the right, for a period of 50 years, to specify who shall be buried there, subject to the restrictions in paragraph 1.7, and subject to approval, to erect a headstone on a grave or a memorial tablet or wall plaque on an ashes plot.

### **3. Exclusive Right of Burial**

- 3.1. The purchase of Exclusive Right of Burial and allocation of a plot occur on first use of the plot and give the holder the right to specify who is buried in the grave or ashes plot, subject to paragraph 1.7, and the right, subject to approval, to erect a memorial on it. The purchase of Exclusive Right of Burial does not confer ownership of the grave/ashes plot which remains property of Terrington Parish Council.
- 3.2. Exclusive Right of Burial may be held by one or two people. If held by two people, both must give their agreement to any burial or memorial erected. In the following, the term 'holder' refers to all those who hold Exclusive Right of Burial.
- 3.3. The Burial Authority Officer will issue to the purchaser a Deed of Grant of Exclusive Right of Burial for the allocated grave/ashes plot. This Grant of Exclusive Right of Burial is for a period of 50 years from the date the grant is made and is subject to the payment of the appropriate charge applicable at the time of allocation.
- 3.4. The period of the Exclusive Right of Burial may be extended by the holder, at the discretion of the Burial Authority Officer, for the period allowed and payment applicable at the time of the extension.
- 3.5. A burial may only take place with the written permission of the holder of Exclusive Right of Burial. Where a second burial is requested in a grave or ashes plot and the person to be buried held Exclusive Right of Burial from the time of the first burial, that person will be deemed to have permission.
- 3.6. In all cases permission for burial is subject to paragraph 1.7.
- 3.7. The Deed of Grant is an important document which should be preserved and kept in a safe place as it is the only legal document held by the owner confirming their entitlement to the burial right.

- 3.8. The Burial Authority Officer must be notified of any change of address of the holder of Exclusive Right of Burial. No responsibility can be accepted for information which does not reach grant holders if the Burial Authority Officer has not been informed of a change of address.
- 3.9. Ownership of Exclusive Right of Burial may, with good reason such as the incapacity of an existing holder, be transferred during the lifetime of the holder with the permission of the Burial Authority Officer, on production of the Deed of Grant, the reason for the transfer, and payment of the appropriate charge.
- 3.10. On the death of a holder of Exclusive Right of Burial ownership passes as part of their estate. The Deed of Grant and grant of probate or letter of administration must be produced as proof of ownership. This can be a complicated process and the assistance of a solicitor may be needed.

#### **4. Arranging a burial in a grave or ashes plot**

- 4.1. Requests for a burial in a grave or ashes plot must be on the form provided by the Burial Authority Officer and must contain a full and true statement of the particulars required and be signed by the applicant(s).
- 4.2. No burial is allowed without the prior written permission of the Burial Authority Officer and of the holder of a Deed of Exclusive Right of Burial. Burials must be authorised by the Burial Authority Officer prior to the funeral arrangements being publicly announced by the funeral director or applicant arranging burial.
- 4.3. No burial will be allowed to take place in any grave for which any charges remain unpaid unless an 'account' arrangement has been agreed by the Burial Authority Officer or is on the basis of an approved established business relationship with the funeral director. The Burial Authority will not accept responsibility for loss of any remittances or instructions forwarded by post.
- 4.4. The Registrar's Certificate ('Green Form') or Coroner's Certificate ('White Form') for the disposal must be made available prior to a burial taking place. A Certificate of Cremation should be provided where possible before or immediately following a burial of ashes.
- 4.5. A second burial in an existing grave or ashes plot where the first use predates the issuing of a Deed of Grant of Exclusive Right of Burial is permitted provided that the first burial was at sufficient depth and subject to permission of the family, estate or representatives of the first person buried in the plot.
- 4.6. All excavations for burials may be undertaken only by persons approved by the Burial Authority Officer.
- 4.7. All coffins must be labelled with the legal name of the person being buried and must be biodegradable.
- 4.8. Ashes may be interred 'loose', or in urns and caskets of a suitable design and construction which must be biodegradable.

- 4.9. Only human remains may be buried in the Cemetery, plus any small articles that can be reasonably contained in a standard coffin or casket.
- 4.10. Funeral directors or those arranging a burial of ashes must arrange, where necessary, for memorials to be removed from the grave or ashes plot to allow it to be reopened. Responsibility for any memorial removed remains with the holder of the grant of Exclusive Right of Burial.
- 4.11. All those proposing to work in the Cemetery must obtain the permission of the Burial Authority Officer and provide, if requested, the following: a full risk assessment and method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury and damage to property and how waste soil and other materials are to be disposed of, a copy of their Health and Safety policy, and copy of their Public and Employee Liability Insurance policy document.
- 4.12. Funeral directors or those arranging a burial of ashes are responsible for any levelling that the surface of a grave or ashes plot may require and for any other remedial work needed for up to one year after burial.

## **5. Erecting a memorial stone or plaque**

- 5.1. The holder of Exclusive Right of Burial has the right, after allowing sufficient time for the ground to settle after a burial, to erect a memorial on the grave or ashes plot. The memorial remains the property of the holder who is responsible for maintaining it in good and safe order.
- 5.2. Before the erection of any gravestone, memorial stone or wall plaque an application must be made to the Burial Authority Officer on the appropriate form (available on [terringtonpc.co.uk](http://terringtonpc.co.uk) or from the Burial Authority Officer). This application must include a drawing with all measurements and nature of the proposed memorial including materials to be used, along with full details of the proposed inscription. Photographs and other images are not allowed on memorials. Subject to approval and on payment of the appropriate charge, authorisation will be granted.
- 5.3. All memorials must be constructed of good quality natural stone and be of an appropriate approved size, style and material to blend with the existing memorials in the Cemetery.
- 5.4. Only one memorial stone is permitted on any plot.
- 5.5. Permission is required and a charge applicable for changes or additions to any inscription.
- 5.6. For grave plots, headstones must be erected vertically on the outer edge of the plot at the head of the grave, within the grave space, on the established line for the row of graves, and not exceed 1000mm in height measured from the ground, 660mm in width, and 100mm in thickness, on an appropriate plinth.

5.7. For ashes plots, one of the following may be erected:

a wall plaque mounted on the Cemetery wall using appropriate fixings with a maximum width of 430mm and a maximum height of 300mm, or

a memorial tablet which must not exceed 700mm in height measured from the ground, 560mm in width, and 100mm in thickness, on an appropriate plinth which is a maximum 600mm wide. A flower holder may be incorporated in the plinth. If a concrete raft is installed it must be no wider than 750mm and should be below ground level. The memorial, including the raft, must be positioned within the ashes space to align with neighbouring memorial tablets and project no more than 600mm from the Cemetery wall.

5.8. Memorials should bear, on the side close to the base, the mason's name, the plot number and, where a ground anchor has been fitted, an anchor symbol.

5.9. All gravestones, memorial tablets and plaques must be safely erected taking all necessary due care, ensuring them to be fully and safely bedded in a satisfactory manner, able to withstand significant pressure without yielding or presenting a hazard. They should be designed and installed in accordance with BS8415, the BRAMM (British Register of Accredited Memorial Masons) guidelines (the 'Blue Book') and the NAMM (National Association of Memorial Masons) Code of Practice.

5.10. All materials must be transported within the Cemetery by hand or on carts or trucks with wheels of not less than 100mm in width.

5.11. No vases (other than those incorporated within a memorial), shrubs, trees, artificial wreaths, railings, fencing, kerbstones or other structures, or surface chippings are permitted on the grave/ashes plot.

5.12. All persons erecting headstones or memorials must use such means to protect adjacent plots and the grass and walks as directed by the Burial Authority Officer and shall be responsible for the clearing of the site following erection of the same including surplus materials. After erection the memorial will be inspected for conformity to the specification in the approved application and if found not to be compliant in terms of materials, size, inscription, position, or safety the owner will be notified and must make the necessary changes within 4 weeks.

5.13. The provisions of paragraph 4.11 and 4.12 apply to those erecting or working on memorials.

## **6. Maintaining the Cemetery in good order**

6.1. The Burial Authority respects the wishes of mourners, the bereaved and other visitors to the Cemetery and these rules are intended to allow the effective management and maintenance of the Cemetery while allowing for individual choice.

6.2. The Burial Authority undertakes to maintain the Cemetery in good order. In addition to grass cutting around graves and memorials, it will prune, cut back or

remove shrubs or trees within the Cemetery at any time for the purpose of improvement or maintenance.

- 6.3. The holder of Exclusive Right of Burial (or presumed owner where this does not exist), and not the Burial Authority, is responsible for the maintenance of a memorial and its foundation.
- 6.4. The Burial Authority has a duty under law to carry out regular checks to see that the memorials in the Cemetery are safe. Any that are unstable or unsecured will be laid flat immediately. The holder of Exclusive Right (or presumed owner where Exclusive Right does not exist) will be informed provided that a current address is held by the Burial Authority and a list of names on any memorials laid flat will be recorded by the Burial Authority Officer and will appear in the minutes of the following Parish Council meeting. An owner should inform the Burial Authority Officer of their intention to have the memorial safely restored.
- 6.5. In the event of neglect of any memorial making it a public hazard or of damage to a memorial making it unsightly, after 3 months' notice to the last known address of the owner, the Burial Authority shall have the right to remove or otherwise dispose of any such memorial. The cost of such action will be charged to the holder of Exclusive Right of Burial (or presumed owner).
- 6.6. No grave or ashes plot may be raised by the use of turf, or other means, above the level of the ground in the immediate vicinity.
- 6.7. Trees, shrubs and other plants must not be planted on a grave or ashes plot or anywhere within the Cemetery and the Burial Authority reserves the right to remove such planting without notice or payment of compensation.
- 6.8. The Burial Authority is sensitive to the desire of relatives and friends to express their grief but requests that if tributes are placed on graves, this is done with due consideration for the feelings of other users of the Cemetery and does not interfere with the proper and effective maintenance of the Cemetery.
- 6.9. Containers made of breakable materials such as glass, solar lights, windmills, and burning of candles, incense, yews twigs or similar items are prohibited. The Burial Authority encourages natural and biodegradable tributes wherever possible for environmental reasons.
- 6.10. Any tributes must be placed within 600mm from the rear face of the headstone of a grave or from the boundary wall in the case of ashes plots.
- 6.11. All tributes should be regarded as temporary and should be removed within 6 weeks. Worn or damaged items, along with decaying wreaths or flowers should also be removed. Bins are provided at the entrance to the Cemetery for this purpose.
- 6.12. At Christmas tributes such as holly wreaths and similar are often left on graves but must be removed by 31 January.

- 6.13. Enclosures around tributes are discouraged but if considered essential, they should be of a temporary nature, not exceeding 450mm in height, and be removed within 4 weeks of a burial.
- 6.14. The erection of a wooden cross or plaque is not allowed other than for a temporary period not exceeding six months following burial.
- 6.15. The Burial Authority reserves the right to remove any items in breach of these regulations, and anything which becomes neglected, unsightly, overgrown or encroaches on adjacent plots, and to recover any costs of doing so from the holder of Exclusive Right of Burial (or presumed owner).

**7. Conduct of visitors**

- 7.1. Access to the Cemetery is permitted between 7am and dusk.
- 7.2. All visitors are requested to behave with dignity and respect at all times in and around the Cemetery.
- 7.3. Children under the age of 12 are not admitted except under the supervision of a responsible adult.
- 7.4. Dogs are permitted in the Cemetery only if on a short lead. Dog owners must remove any fouling; there is a bin provided beside the entrance to the Village Hall in Mowthorpe Lane.
- 7.5. Cycling, running and playing games within the Cemetery are prohibited.
- 7.6. Visitors must not damage any part of the Cemetery, the memorials or any other property, and must not remove anything from the Cemetery. Any damage should be reported to the Burial Authority Officer.

**8. Complaints and comments**

- 8.1. Any complaints or comments regarding the operation or maintenance of the Cemetery should be addressed to the Burial Authority Officer. Any complaints regarding the actions of the Burial Authority Officer should be addressed to the Clerk to Terrington Parish Council whose contact details are on Terrington Parish Council website ([terringtonpc.co.uk](http://terringtonpc.co.uk)).

These Regulations were approved and adopted by Terrington Parish Council on 16 January 2023.



Signed

Date 20<sup>th</sup> January 2023.....

Cllr. W. McA. Winning (Chairman, Terrington Parish Council)