



FAIR OAK & HORTON HEATH PARISH COUNCIL

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REGULATIONS IN RESPECT OF BURIALS, INTERMENT OF ASHES AND ERECTION OF MEMORIALS IN FAIR OAK CEMETERY

'A place for quiet reflection'

The Cemetery is laid to grass as far as possible and should be kept free of anything that impedes the cutting of the grass. The Council reserves the right to remove any such unauthorised items and hold them for collection by the owner for a period of 14 days, if not collected within this time they will be disposed of.

The Parish Council has a statutory duty to ensure risks within the Council's cemetery are properly managed and these regulations are in place to ensure the safety of all those working at and visiting the cemetery.

Contractors will be asked to provide:

- a) Health & Safety Policy and Risk Assessments relating to work in the cemetery to include risk assessments for:
 - safe working with vehicles in public areas
 - working in confined spaces
 - winter weather awareness
 - dealing with bodily fluids and contaminants
 - working underground
 - safe fixing of structures
- b) Safe method of working statement for the specific task.
- c) Public Liability insurance and, if applicable, Employers Liability insurance.
- d) A certificate confirming membership of BRAMM/NAMM (or recognised equivalent)

These regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate laws or statutes currently in force.

1. Applications – Applications for burials and interment of cremated remains must be received at the Parish Office at least seven clear working days in advance of the day of interment, except for medical or religious reasons, together with a legal certificate or the Registry of Death, or in the case of an inquest the Coroner's order.

Application forms and copies of all cemetery and memorial regulations are available on our website www.fairoak-pc.gov.uk.

All interments shall take place on Mondays to Fridays (during school term time) between the hours of 0900 and 1400 and (outside school term time) between the hours of 0900 and 1600 and on Saturdays between the hours of 0900 and 12 noon.

The pre-purchase of a grave or cremation plot is not permitted. Graves and Cremated remains plots will be allocated in sequence by the Parish Council.

Existing memorials must not be removed without prior agreement with the owner of the Exclusive Right of Burial and written permission of the Parish Council.

Where an existing burial plot is to be re-opened the Funeral Director must make arrangements for the depth of the existing burial to be checked at least five working days before the proposed date of the re-

opening to ensure there is sufficient legal depth for a second burial. The Parish Council does not accept any responsibility for historic insufficient grave depth.

2. Fees and Charges – The fees and charges payable to the Parish Council contribute towards the upkeep and maintenance of the cemetery and for regular inspections. These are available to view on the Fair Oak & Horton Heath Parish Council website: www.fairoak-pc.gov.uk. The Table of Fees and Charges applies to all inhabitants of the Parish boundary or those persons residing outside the Parish at the time of death, in sheltered, care or nursing homes and hospitals, if within 24 months prior to their removal thereto. Double fees apply to all other persons. Those who come from outside the Parish pay higher fees as they are not contributing to the Parish Council precept for the upkeep of the Cemetery.

All fees must be paid by **bank transfer** and received at least five clear working days in advance of the day of interment.

3. Private Work - No private work shall be undertaken by visitors to the Cemetery other than general grave or plot tidying. Employees of the Parish Council are not to be engaged to execute any private work in the Cemetery.

5. Exclusive Right of Burial - The Exclusive Right of Burial in any grave or cremation plot shall be entered in the Register kept by the Parish Council. After the interment of the owner of the grave or plot, the personal representative shall produce to the authorised Officer the Grant of Probate or Letters of Administration so that proof of change in ownership may be duly registered. A fee outlined in our Fees and Charges is required to cover administration costs. Until satisfactory proof of ownership is given, the grave or plot cannot be opened or interfered with, and no memorial or tablet or other article may be installed, or work carried out on the existing memorial, including additional inscriptions. The Exclusive Right shall last for a period of **30 years**. This period may be extended, at the appropriate fee at the expiry, or ownership shall revert to the Parish Council. The owner will be responsible for contacting the Parish Council to renew the grant.

No grave in which the Exclusive Right of Burial has been purchased can be re-opened without the production of the Grant and the written consent of the owner or their personal representative.

Due to limited space remaining at the cemetery, the Council reserves the right to permit further burials in a grave where the Exclusive Right of Burial has not been purchased or has expired. This will be carried out with the agreement of the persons arranging the interment and the body to be buried will not be connected in any way with the previous interment.

6. Digging of Graves & Cremation Plots - The Parish Council does not arrange for graves to be dug. Grave diggers must not carry out any works until a date and time has been agreed with the Parish Council and proof necessary Health & Safety documents required by contractors are provided in advance.

Grave diggers must always use shoring and make the grave safe overnight using a metal cover securely staked into the ground. No spoil must be deposited on an adjacent grave or plot at any time.

At the conclusion of the interment graves are to be re-turfed and any paving slab originally present on a cremation plot must be replaced in its original position.

7a. Interment in Graves – for all graves:

- The maximum burials permitted is double depth.
- A maximum of 4 loose ashes or 2 cremated remains in a biodegradable container.
- The minimum depth for plots are to be 1.5 m single and 2 m for double.
- There must be at least 0.92 m of earth between the surface of the surrounding ground and the top of the last coffin.
- No coffin shall be buried in a grave in which an interment has already taken place unless the coffin containing the body is effectually separated from any coffin already placed and remaining in the grave by a layer of earth not less than 15.3 cm in thickness.
- No human remains interred therein shall be disturbed.

- All bodies should be respectfully covered with the name of the deceased indelibly fixed. In the case of still-born children, the names of the parents may also be indelibly fixed to the covering or coffin.
- No contaminated soil will be removed from a grave.
- Coffins shall be made of suitable biodegradable materials and no metal or other non-biodegradable coffins/caskets will be allowed.

7b. Interment of Cremated Remains

- It is preferred that cremated remains are interred free of any casket or urns. Should a container be used it must be made of suitable biodegradable materials and no metal or other non-biodegradable caskets will be allowed.
- There shall be at least 0.31 m of earth between the surface of the ground and the cremated remains or top of the container.
- The specific position of the cremated remains within the plot must be as approved by the Parish Office.
- A maximum of 4 cremated remains free of any casket or urn are permitted, or 2 cremated remains in a biodegradable casket/urn.
- The scattering of ashes is not permitted anywhere at the Cemetery.

8. Carrying of Coffin at the Cemetery - If persons other than the staff of the Funeral Director wish to carry the coffin then they must complete a necessary disclaimer **prior** to the burial. It is the responsibility of the Funeral Director to ensure that this information is delivered to the Parish Office at the time of the application.

9. Backfilling by mourners - Backfilling is expected to be carried out by the staff of the Funeral Director. If the Funeral Director allows mourners to backfill the grave, all necessary health and safety precautions should be taken, and only one mourner allowed to backfill at any time.

10. Release of Balloons, Lanterns or Doves. These are not permitted in the Cemetery.

11. Death from Infectious diseases - In all cases of death from infectious diseases the body shall be taken direct from the hearse to the grave.

12. Admission of Dogs - The admission of dogs, unless on a lead, is prohibited. Dogs must not be allowed to foul within the Cemetery.

13. State of Repair - Exclusive Right of Burial holders have a duty to ensure the grave and memorial are kept in good repair and safe. Notice of an issue will be sent in writing to the registered owner at the address held in our records. If the necessary remedial action is not taken, the Council reserves the right to take over the maintenance of the grave or plot and have it, and any memorial on it, put in good and safe order, at the expense of the grave owner.

14. Graves Enclosures - Memorials must be placed in the position determined by the Parish Council. No form of grave/cremation enclosure is allowed. This includes railings, chains, wooden edging of any description, earth edging and glass wreath cases. The Council reserves the right to remove any unauthorised items and hold them for collection by the owner within 14 days before being disposed of.

15. Trees, Shrubs, Plants and Flowers - The planting of trees, shrubs and bushes is not permitted at the cemetery as it is laid to lawn and these can undermine memorials and make them unsafe. If any tree, plant or shrub is planted in any part of the Cemetery including in the burial plot, it will be removed.

16. Personal Effects - The Cemetery is an area for quiet reflection for many people and unusual adornments such as balloons, plastic novelties or personal effects may cause upset or offence. Such items are prohibited and, after a period of three months from the date of burial, will be removed. Similarly, lighted candles and any breakable objects particularly glass items, are not permitted due to safety risks to visitors, wildlife, and staff. Such items will be removed by the Parish Council and held for collection for 14 days before being disposed of. The staff responsible for the maintenance of the cemetery may remove flowers that appear withered. Christmas decorations will be removed at the end of January.

17. Seats - Families may apply to the Parish Council for the erection of a seat in memory of a deceased. The Council has four design to choose along with a Bench & Seats Policy. These can be found on our website www.fairoak-pc.go.uk. The location of the seat/bench shall be determined by the Council. Once installed, ownership of the seat shall pass to the Parish Council for maintenance.

18. Memorials - Only registered stone masons who have provided a copy of the required documents relating to Health and Safety, adequate public liability insurance and membership of BRAMM/NAMM (or recognised equivalent) can carry out works in the cemetery. All memorials are subject to the Parish Council's Memorial Regulations (Appendix 1). Memorials must be made from natural materials.

Memorials will be inspected after installation and any memorial that does not comply with the regulations, or the approved application has been misrepresented must be removed immediately by the Stonemason at their own cost and may result in further sanctions by the Parish Council.

Some older existing graves and cremated remains plots may have larger and different style memorials. This is due to historical practice or regulations and does not set a precedent for new memorial application.

Exclusive Right of Burial must be purchased for a burial or cremated remains plot before a memorial can be installed or replaced. This also applies to existing plots where Exclusive Right of Burial may not have been purchased at the time of the original interment.

Written permission of the holder of the Exclusive Right of Burial must be obtained before any memorial application can be approved by the Council. Existing memorials must not be removed without prior written permission from the Parish Council.

19. Clauses - In cases where any question or controversy arises, or anything omitted there from, the decision of the Council shall be final and binding.

The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations, as necessary.

Updated: March 2021

Review Date: March 2023

ADDENDUM TO THE CURRENT RULES & REGULATIONS RELATING TO FAIR OAK CEMETERY (agreed at Full Council on Monday 20 September 2021)

RESOLVED:

That the following addendum be made to the current rules and regulations with effect from 30 September 2021:

"Burial plots can only be used for the purpose of interring a maximum of two bodies. In addition two sets of ashes, if inside a biodegradable container, or four sets of loose ashes can also be interred. Strictly no burial plots are to be used solely for cremated remains."

ADDENDUM TO THE CURRETN RULES & REGULATIONS RELATING TO FAIR OAK CEMETERY (agreed at Full Council on Monday 17 October 2022)

RESOLVED:

- a) That the erection of marques or any form of outdoor enclosure prior to a committal is not permitted. A small canopy covering just the burial plot may be allowed, subject to the prior approval of the Council;
- b) That no American-style size caskets be permitted in any pre-purchased or future re-openings with the exception of burial plot number 560, subject to a Health & Safety risk assessment; and
- c) That if an American style casket was requested for an interment, next in row, a charge for two interments including two Exclusive Rights fees would be levied.

(Annex A) REGULATIONS FOR MEMORIALS AND TABLETS AT FAIR OAK CEMETERY

All memorials shall be fixed according to BS8415 and the relevant Codes of Practice or Guidance that are fully compliant with this standard.

All memorial masons undertaking work at Fair Oak Cemetery shall be suitable qualified, registered with BRAMM/NAMM (or recognised equivalent) and provide proof of public liability, and if applicable, employer's liability insurance and provide: -

a. Health & Safety policy and Risk Assessment relating to work in the cemetery including assessments for:

- Safe working with vehicles in public areas
- Safe fixing of structures

b. Safe method of working statement specific to the job

c. Public insurance and if applicable employer's liability insurance

1. Application forms including detailed sketch of each proposed memorial, giving full details and dimensions in metres, together with the grave owner's consent must be submitted to the parish office for approval. Forms are available on www.fairoak-pc.gov.uk.

2. Memorials may not be erected or removed from the cemetery without the written consent of the Council's Officer and the written permission of the owner of the Grant of Exclusive Right of Burial. At least seven working days' notice must be given.

3. Additional inscriptions – only additional inscriptions of people interred in the cemetery are permitted on existing memorials. Historically where a Grant of Exclusive Right of Burial has not been purchased, the Council will not give permission for a new memorial to be erected, or for an existing memorial to be amended and replaced (an example of an amendment is to add an additional inscription). Permission will only be given to replace an existing memorial if no changes have been made to the memorial before it is replaced. Alternatively, the grant of Exclusive Right of Burial can be purchased from the Council when submitting the application to erect/amend a memorial on a grave for which the Grant has not previously been purchased.

5. All memorials are to be of natural stone. No Bath, Caen, or other soft stone shall be allowed in the construction of any memorial. A temporary wooden crossed may be installed pending erection of a stone memorial. The Parish Council reserves the right to reject applications for memorials with stones of uneven thickness.

The maximum outside measurements, above ground level, for memorials erected within the Fair Oak Cemetery are shown below:

The width dimension is from side to side and not back to front of the memorial

	Height (mm)	Width (mm) Side to side	Length (mm) Front to Back
Adult Grave	1 metre	760 mm	600 mm
Cremation Circle	600 mm	460 mm	460 mm
Cremation Line	600 mm	585 mm	585 mm
Child's grave	600 mm	600 mm	500 mm

6. All memorials are to be laid firm, level and square with accredited ground anchors. Foundation slabs must be laid below ground level in accordance with BRAMM and NAMM lawn memorial fixing guidelines and memorials must not be mounted on multiple bases. No rails, wooden edging, chains of any description or glass wreath cases are allowed.

7. The memorial mason must mark the reverse of the memorial in the lower right corner with the plot number in letters no higher than 15 mm. The mason's name may be inscribed on the reverse in unpainted and unleaded letter no larger than 15 mm in height.

8. A copy of Certificate of Compliance must be delivered to the Parish Council within 14 working days of installation.

9. No advertising boards, tablets or cards can be placed on or around a memorial. No form of advertisement may be displayed in any part of the cemetery.

10. Memorial masons are to remove all spare soil and leave the ground clean after completing their work and each grave is to be re-turfed to an acceptable standard. In the weeks following a burial the soil will compress and the mound will reduce. Once the soil has settled the Parish Council will ensure that the grave is levelled. Memorial masons will be held responsible for any damage caused by them.

11. All work on memorials to be completed during the hours of 0800 and 1700 on weekdays excepting Saturdays when work must cease at 1200 noon. No work shall be undertaken during an interment or on Public Holidays.

12. The erection of memorials will not be allowed during unsuitable weather or whilst the ground is in an unfit state.

The Parish Council reserve the right to:

- Lay flat or make safe any memorial headstone that has been identified as being unsafe.
- Remove any unauthorised memorial from a grave
- Remove any memorial which they deem objectionable or of unauthorised type or size.

Some older existing graves and ashes plots may have larger and different style memorials. This is due to historical practice or regulations and does not set a precedent for new memorial application.

The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations, as necessary. The decision of the Burial Authority shall be final and binding.

Application forms and copies of all cemetery and memorial regulations are available on the Council's website www.fairoak-pc.gov.uk

If you have any queries or need further information please don't hesitate to contact the Parish Office on 023 8069 2403 or email deputyclerk@fairoak-pc.gov.uk

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