



Rules and Regulations for the Management of **Old Catton Cemetery** **St Faiths Road, Old Catton**

Introduction

Old Catton Parish Council respects the rights and needs of the individual, and has prepared these regulations with a balance to enable the Council to manage the Old Catton Cemetery effectively and maintain the highest possible standards, without placing unnecessary restrictions on individual choices.

Old Catton Parish Council aims to provide the highest possible standards of care, choice and dignity to those who suffer bereavement and to create and maintain an environment where the bereaved can pay their respects and remember loved ones in the ways they feel most appropriate.

To assist with this the Parish Council requests that all visitors to our Cemetery follow these regulations.

The Council is responsible for the upkeep of all grassed and planted areas, walls, paths and fences. It is the responsibility of the next-of-kin to ensure that memorials are kept in good order and that mowers and other machinery are not obstructed by incorrectly positioned flower vases and containers.

These regulations are intended to keep the Cemetery in a clean and well-ordered condition. The Parish Council requests that all visitors to our Cemetery follow these regulations to assist the Parish Council in keeping the Cemetery in a clean and well-ordered condition.

Please be aware that the Parish Council reserves the right to change these regulations from time to time and that compliance with any changes is required.

All funerals and cemetery administration will be under the control of the Parish Clerk for the Parish Council as the Parish Council's employee.

Administration

The Cemetery office is situated at Old Catton Parish Council, The Pavilion, Church Street, Old Catton, NR6 7DS.

Telephone: (01603) 423880

Email: clerk@oldcattonparishcouncil.co.uk

The office is open from 9:30am – 3pm Monday to Friday. The office is closed on Saturdays, Sundays and Public holidays.

Cemetery opening

The Cemetery is open to the public at all times with access being by foot, through the lychgate. The Parish Council reserves the right to make closures as may be necessary for repairs, or in the interests of public safety at any time.

Vehicles

Motor vehicles are prohibited from entering the Cemetery other than hearses, maintenance vehicles and vehicles being used to transport memorials. Parking space for two cars is available outside the gate.

Bicycles

The riding of bicycles and motorcycles through the Cemetery is strictly prohibited.

Children

For safety purposes children under 12 years of age are only allowed in the grounds of the Cemetery when accompanied by and under the supervision of a responsible adult.

Dogs

Dogs are to be kept on a lead at all times within the Cemetery.

Scales of fees and charges

Details of the Cemetery fees and charges can be obtained from the Council Office. This document forms part of the Rules and Regulations.

Plans and Registers

Plans of the Cemetery showing the sections of consecrated and un-consecrated graves, together with the registers are available for inspection at the Council office free of charge.

Selection of grave space

The selection of grave spaces, in all cases, is at the sole discretion of the Parish Council.

Exclusive Right of Burial

A purchased grave (sometimes referred to as a private grave) is one where the Exclusive Right of Burial has been purchased for a period of 100 years from the date of purchase, and will be excavated to a depth which will allow the eventual interment of one or two coffins. Cremated remains as well as coffins can be interred in this type of grave but only after the last coffin burial has taken place. The Exclusive Right of Burial entitles the purchaser to determine who else shall be interred in the grave to a maximum of two bodies (the word 'body' refers to either a coffin burial or cremated remains burial) and permits the holder of the rights to erect a memorial. Any additional burial of cremated remains would be at the sole discretion of the Clerk.

Please be aware that when a grave in Old Catton Cemetery is purchased, what the purchaser is actually buying is the Exclusive Right of Burial for a period of 100 years, which may be renewed for a further period on expiry. The purchaser is not buying the grave freehold and will not own the land. The holder has only purchased the right to determine who may be buried

in the grave, and whose cremated remains may also be interred in the grave. Exclusive Right of Burial will only be granted in the case of where there is sufficient burial space.

A deed of Exclusive Right of Burial issued by the Parish Council is an important document and should be kept in a safe place. Purchased graves are subject to Cemetery Regulations.

Change of address for an Exclusive Right of Burial

Please write to Old Catton Parish Council to change your address on your deed of Exclusive Right of Burial giving both your old address and new addresses

Ownership of a Deed of Exclusive Right of Burial

Possession of a Deed does not necessarily give the person in possession ownership of an Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid will. The law concerning this matter can be very complex and it is strongly recommended that a Solicitor be consulted to establish new ownership. Ownership of a Deed of Exclusive Right of Burial can be transferred or assigned using the relevant form (Declaration, Indemnity and Application in respect of transfer or Assignment of an Exclusive Right of Burial) obtainable from the Parish Council. The transfer of ownership of a deed is at the discretion of the Clerk, in many cases change of ownership can be made on the presentation of documentation requested by the Clerk to support such a request for change of ownership.

Unpurchased grave

It is possible to arrange for a burial to take place in an unpurchased grave (sometimes referred to as common or public grave). In this case the Exclusive Right of Burial, as explained above, is not sold, and the rights to the grave are retained by Old Catton Parish Council. It could be that future unrelated burials could take place within the grave. Memorials are not permitted on unpurchased grave spaces.

Child's grave

There is a section within the cemetery which has been reserved for the interment of children. These graves are only excavated to a depth which will allow for one interment but cremated remains may also be interred. An Exclusive Right of Burial is not permitted in the children's section due to lack of space.

Bearers

The Funeral Director is responsible for arranging sufficient bearers to carry and lower the coffin in a dignified manner. We understand that family members and mourners often wish to assist with this, and we respect that decision. We do ask you to be aware, however, that any mourners who do assist with the bearing or lowering of a coffin do so at their own risk.

Lawn Cemetery

Old Catton Cemetery is a lawn Cemetery; the memorials allowed are headstones, table and tablet only. Whilst visitors are welcome to place flowers within headstone integrated flower holders, the planting of shrubs, trees and flowers, including annual plants, in the grave **is not permitted**. The Parish Council reserves the right to remove such planting without notice or payment of compensation.

The Parish Council reserves the right to remove anything which becomes neglected, unsightly, overgrown or encroaches on adjacent graves.

Interment

The cemetery shall be solely used for the interment of human remains.

- 1) A Certificate for Burial or Cremation issued by the Registrar of Births and Deaths, or a Coroner's Order for Burial, must be provided to the Parish Clerk prior to the interment taking place.

For the burial of a stillborn child; the Certificate from the Registrar of Births and Deaths, that he or she has registered the stillbirth, or that he or she has received official notice of the stillbirth, or a Coroner's Order for the Burial, must be delivered to the Parish Clerk or other authorised officer at least 72 hours prior to the interment.

Please be aware that by Section 1 of the Births and Deaths Registration Act 1926, it is both prohibited and an offence punishable on summary conviction by a fine not exceeding level 1 on the standard scale (currently £200) for anyone to dispose of the body of a deceased person without delivery of the Registrar's Certificate or the Coroner's Order for Burial.

Cremated remains, caskets and urns

Please be aware that cremated remains will only be interred in a casket or urn, and cannot be interred directly into a grave space.

Opening grave for interment

Please be aware that a grave for which an Exclusive Right of Burial applies can only be opened with the written permission of the registered owner of the Exclusive Right unless the interment is to be that of the registered owner.

If the registered owner has died, then the Exclusive Right of Burial must be transferred; no excavation will be carried out until a satisfactory written explanation of who is the current owner of the rights has been received at the Council office.

Please note that only the nominated grave digger appointed by the Parish Council can carry out excavations for interments.

Fees

The interment fee is charged every time the grave is opened for an interment and will vary depending on the depth to be opened and the scale of charges applicable at that time. Please be aware that in addition to the fee charged for the Exclusive Right of Burial, an Interment fee for opening and closing the grave is charged.

The Parish Council may charge such fees as it thinks proper for, or in connection with, interments in the cemetery; and for the grant of right to place a memorial in the cemetery; or inscribe an additional inscription thereon.

The Parish Council will review the fees annually.

Grave mounds

All grave mounds will be removed after the expiry of six months from the date of interment.

Length of notice

To ensure that the Parish Council have the necessary time to make the arrangements for an interment of any kind, the length of notice required is 3 clear working days. Weekends and Bank Holidays are excluded from such notice.

In some cases, usually for cultural or religious reasons such as the Jewish faith, or in the case of death from epidemic or endemic disease after medical certification, the burial must be completed within a 24-hour period, and the Parish Council will make every effort to comply with such a request. However, such situations should be viewed as exceptional, and under all normal circumstances, these Rules would be enforced by the Parish Council.

No interment will take place on Sundays, Good Friday, Christmas Day or Bank Holidays except on the Certificate of a Coroner or Registered Medical Practitioner that immediate interment is necessary. Consent may be given for interment on a Saturday at the discretion of the Clerk.

Authorisation

All interments must be authorised by the Parish Council prior to the funeral arrangements being publicly announced by the Funeral Director.

Charge on Grave

Please note that no interment or memorial work will be allowed for which an unpaid charge is outstanding.

Memorials

The permission of the Parish Council is required **before** any memorial may be erected, renovated or removed. Permission is also necessary for additional inscriptions to be inscribed.

All memorials must be fixed or re-fixed compliant and in accordance with the BS8415 as recommended to the standard set out in the BRAMM Code of Working Practice the "Blue Book".

Only masons accredited or trained by BRAMM and guaranteeing their work for 10 years may be used. The work should be completed as soon as possible after approval is given.

Inscriptions and designs, on the front of the memorial only, must be discreet; the Parish Council may refuse to allow a design if considered to be inappropriate. Any question regarding the suitability of any inscription, or the design or material construction of any monument erected or placed on consecrated ground, shall be decided by the Clerk to the Parish Council. Appeal against any decision may be made to the Parish Council. In the case of consecrated land only the final outcome being determined by the Bishop of the Diocese. In the case of non-consecrated land the decision of the Parish Council is final.

If any monument is erected in violation of the Regulations of the Parish Council, it may at any time be removed by the Parish Council, without notice.

A drawing showing the proposed sizes, inscriptions and a description of the memorial to be placed at a grave must be submitted to the Parish Clerk for approval at least 14 days before commencement of the work. The Parish Council accepts no responsibility for any monetary loss incurred for the ordering of a memorial stone, where permission for erection is later refused.

The owner must keep the headstone in good and safe repair. The Parish Council will inspect each memorial periodically to ensure its stability, and the owner will be responsible for any repairs or maintenance. If any required work is not carried out within three months of the owner being notified, the Parish Council reserves the right to remove or repair the stone at the owner's expense.

All memorials erected in the cemetery are erected at the owner's risk. The Parish Council accepts no liability for their loss or damage.

Types of memorial

In order to give the best possible choice we allow most designs of memorials in the cemetery although memorials with surrounding kerbs are not allowed.

All monuments must be inscribed with the grave section, row and number to which they relate. The maximum measurement above ground level for a burial memorial erected within the cemetery is 3 feet high and 2 feet wide.

The only memorials allowed in the area designated for cremated remains are the Parish Council pre-approved styles of desk, tablet or small headstone memorials, details of which will be supplied by the Clerk's office on request. These must be mounted on a 2ft x 2ft concrete base. The base does not form part of the memorial. If ashes are interred in a standard burial plot the rules about memorials apply.

Grave tributes

No shrubs, plants or flowers may be planted within the cemetery or on any grave. The Parish Council reserves the right to prune, cut down or dig up and remove any shrub, plant or flower planted without authorisation or which in their opinion has become unsightly or overgrown.

A flower vase may be incorporated into the base of the memorial if wished. In order to keep the cemetery tidy and attractive other pots or vases will not be allowed. The Parish Council reserves the right to remove and dispose of such items without notice or compensation.

Following interment, floral tributes may be placed on the grave. When these are seen to be decaying the Parish Council reserves the right to remove and dispose of them if the owner fails to do so.

Memorials in the form of the donation of seats may be permitted at the discretion of the Clerk, depending on the memorial schemes being operated by the Parish Council.

Prohibited Items

The Parish Council reserves the right to remove and dispose of any receptacle for flowers, damaged wreaths, mementos etc. that it considers unsuitable, or which are broken, without notice. Containers or ornaments made of breakable materials such as glass, ceramic, plastic etc, solar lights, windmills and burning of candles, incense, Yew twigs or similar items are strictly prohibited. Ornaments and sculptures not incorporated into the memorial will also be removed and disposed of without notice or compensation.

The hanging of bird boxes, chimes or similar decorations from the trees and shrubs is strictly prohibited.

Plastic fencing and stone chippings around the grave will be removed and disposed of without notice being given by the Parish Council.

Holly Wreaths

At Christmas holly wreaths may be left on graves. The Parish Council will remove these 5 or 6 weeks after Christmas. If you wish to remove these yourself, please do so before the 31st January.

Thefts

Expensive fresh and silk flower arrangements are occasionally stolen or removed and placed on other graves. The Parish Council are to be informed of any such incidents and the police will be notified as appropriate. The Parish Council accepts no responsibility for any tributes left on the graves.

Agreed: June 2020

Revised: October 2023

Extracts from Legislation applying to Cemeteries

Attention is drawn to articles 18, 19 and Sections 1,2,3,4 and 7 of Part 1 of Schedule 2 to the Local Authorities Cemeteries Order, 1977

18 (1) No person shall: -

- I. Wilfully create any disturbance in a cemetery
- II. Commit any nuisance in a cemetery
- III. Wilfully interfere with any burial taking place in a cemetery
- IV. Wilfully interfere with any grave, walled grave or vault, any tombstone or any other memorial, or any flowers or plants or any such matter, or
- V. Play any game or sport in a cemetery
- VI. Deposit any litter or rubbish, other than floral tributes, within the cemetery grounds other than into the receptacles provided

(2) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a Cemetery at any hour when it is closed to the public.

19 Every person who contravenes: -

Shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale and (currently £1000), and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after convictions thereof.

Criminal Damage Act 1971 Section 1(1)

“A person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, shall be guilty of an offence.

A person guilty of such an offence on indictment is liable to imprisonment for a term not exceeding ten years. For a similar offence tried summarily with the consent of the accused, the maximum penalty is six months imprisonment and/or a fine of up to £2000.