

Hedge End Town Council Cemetery Regulations and Burial Legislation

Reviewed December 2020

Recreation & Amenities (minute R238)

1. Introduction

The following regulations apply to Albert Road Cemetery, Hedge End which is owned and managed by Hedge End Town Council.

The Council's Cemetery Regulations form the basis for the proper control and management of the cemeteries as described by The Institute of Cemetery and Crematorium Management and are designed to ensure a pleasant and peaceful environment with ease of maintenance.

Visitors are welcome to visit the Cemetery but are requested to respect the dignity of this peaceful and tranquil place. Regulations should be observed at all times and the Council reserves the right at any time to make amendments or variations to them.

A register of burials and cremated remains is kept and may be inspected free of charge and copies of entries obtained, for a fee, by arrangement with the Town Clerk.

Albert Road Cemetery is designated as a Lawn Cemetery from Section 'C' and all sections thereafter, in alphabetical order, and the graves therein will be laid to lawn except for any soil border or bed which the Town Council may provide.

For enquiries regarding the regulations, please contact the Burial Manager at: 2000 Centre, St. Johns Road, Hedge End, Southampton, Hampshire. SO30 4AF. Email: Townclerk@hedgeend-tc.gov.uk Telephone: 01489 780440 during office hours.

2. Interpretation

2.1 In these regulations, unless the context otherwise requires, the following words and expression are defined as below:

- "The Council" refers to Hedge End Town Council being the Burial Authority for Hedge End.
- "The owner of Exclusive Right of Burial" shall mean the person registered by the Council as the grantee of exclusive right of burial.
- "Burial Manager" is the Officer appointed by the Council to carry out the administration of the cemetery.

3. Admission to the Cemetery

- 3.1 All persons entering the cemetery will be subject to these rules and regulations.
- 3.2 Entry to the cemetery is restricted to the hours between sunrise and sunset.

- 3.3 The Council reserves the right to temporarily close public access to the cemetery or any part of a cemetery at any time without notice.
- 3.4 The Council reserves the right to exclude from the cemetery for such period as the Council determines any person offending against these regulations.
- 3.5 Children are permitted in the cemetery but should do so under the care and supervision of an adult (18 years+).
- 3.6 Visitors are asked to park in the car park at the cemetery entrance, however vehicles may enter the cemetery subject to the following conditions:
 - Access is only available during opening hours.
 - Access is subject to absolute right of way being given to any funeral cortege.
 - No vehicle is to be left in a position so as to cause an obstruction to other traffic or pedestrians.
 - A speed of 5 miles per hour is not exceeded
 - Vehicles must only be driven on roads intended for vehicular use.
- 3.7 To the extent permitted by law no liability is accepted by the Council for loss or damage to a vehicle or its content, or injury to its drivers or passengers however arising within the Cemetery grounds.
- 3.8 Dogs are not permitted within the cemetery, except for guide/ assistance dogs.

4. Conduct of visitors

- 4.1 All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of Articles 18(1) of The Local Authorities' Cemeteries Order 1977. These state that no person shall:
 - Wilfully create any disturbance in a cemetery.
 - Commit any nuisance in a cemetery.
 - Wilfully interfere with any burial taking place in a cemetery.
 - Wilfully interfere with any grave, walled grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter or
 - Play at any game or sport in a cemetery.
- 4.2 Any person who contravenes article 18 (1) of the Local Authorities Cemetery Order 1977 will be liable for prosecution by the Council under the provisions of the Local Authorities Cemeteries Order 1977.
- 4.3 Musical instruments may be played only with the prior consent of the Council.
- 4.4 Visitors are requested to deposit litter, spent flowers or any other unwanted items in the bins provided.
- 4.5 No persons shall sell or offer or expose for sale any article, commodity, or thing of any kind whatsoever or solicit orders for the same, within the cemetery.
- 4.6 No person shall be permitted, by himself or any agent, to distribute leaflets, business cards, or any other advertisement within the Cemetery.
- 4.7 Visitors must not prune, dig up or cut any trees, shrubs and flowers.

5. Scattering of Ashes

- 5.1 Ashes must not be scattered in the Cemetery grounds under any circumstances.

6. Allocation of new graves

- 6.1 The allocation of grave spaces in all cases shall be at the discretion of the Council.

7. Exclusive Right of Burial

- 7.1 The Exclusive Right of Burial entitles the registered owner:
- to be interred in a grave subject to space being available in the grave
 - to determine who is buried in the grave and
 - to apply for the Right to erect a memorial on the grave, in accordance with regulations.
- 7.2 The Exclusive Right of Burial must be purchased at the time of interment.
- 7.3 The Exclusive Right of Burial will be granted for a period of 75 years.
- 7.4 Within the last year, but prior to expiry of the Exclusive Right, a request can be made to the Council to extend the period for a maximum of 25 additional years. This will be considered on a case by case basis and is at the discretion of the Council.
- 7.5 The owner of the Exclusive Right of Burial is responsible for informing the Council of any change of address.
- 7.6 The owner of the Exclusive Right of Burial may assign the Right of Burial to another person subject to the appropriate administration fee.
- 7.7 After the death of the owner of the Exclusive Right of Burial, the Council will need to re-establish the new legal owner. In order to transfer ownership, it will be necessary to submit details requested in the transfer of grave ownership and the appropriate transfer fee. Such a transfer will be registered in the Council's records.
- 7.8 Where no interment has taken place in the grave, the owner of the Right of Burial may surrender the same to the Council in return for a payment not exceeding the original purchase price. An administration fee is also payable to the Council, in such instances. No refund will be made where the Exclusive Right period has lapsed.

8. Memorials – General

- 8.1 Memorials must not be erected on any grave space until at least 6 months after the interment. This period is necessary to allow the natural settling of the excavated ground.
- 8.2 A memorial may only be erected on a grave space within the cemetery in accordance with the regulations in force at the time of application.
- 8.3 All memorials shall be constructed out of natural stone, granite, marble or other hard stone, which must be durable and sound.
- 8.4 The period of Right to Erect a Memorial shall not exceed the period of exclusive right of burial.
- 8.5 The right to erect a memorial rests solely with the registered owner of the Exclusive Right of Burial.
- 8.6 Interactive screens, video screens or other multi-media devices are not permitted within the memorial stones.

- 8.7 All gravestones, monuments, memorials, and inscriptions are subject to the approval of the Council. The Council reserves the right to refuse any inscription.
- 8.8 Work on memorials shall not be carried out on Saturdays, Sundays, Bank or other Public Holidays.

9. Tributes, adornments, and fencing

- 9.1 As a Lawn Cemetery, from Section C onwards, all lawn areas should be kept clear of tributes and adornments in order that maintenance can be undertaken safely and unhindered.
- 9.2 As part of our commitment to the environment, from 1st January 2022 plastic adornments of any kind will no longer be allowed within the cemetery, this includes pots, flower wrappers, plastic flowers, decorations etc. This list is given as an example and is not exhaustive.
- 9.3 The erection of any form of enclosure or low-level fencing around the grave space is not permitted
- 9.4 The planting of flowers, trees, or shrubs around or within the grave space is not permitted
- 9.5 The placing of items such as lanterns, solar lighting, wind chimes and ornaments on hooks or spikes are not permitted.
- 9.6 A single Memorial vase is permitted within the memorial headstone only and not permitted on the grassed areas.
- 9.7 Jars, bottles, and any other glass items are not permitted within the grave space. Any glass items will be removed and disposed of without notice.
- 9.8 The Council reserves the right (without prior notice) to remove and dispose of objects, materials, plant, wreaths and flower containers which have become unsightly, died or are not in accordance with of these regulations.

10. Maintenance and Upkeep of the Cemetery

- 10.1 Grounds maintenance operations such as grass cutting, leaf and litter clearing, upkeep of trees, shrubs, flower beds, hedges and memorial borders, will be carried out by the Council or its contractor, at a time and frequency as determined by the Council and subject to suitable weather conditions.
- 10.2 The Council shall endeavour to reinstate all newly excavated graves within 12 months of an interment, subject to grounds conditions and to the season of the year being appropriate for these works to be undertaken. This period is necessary to allow the natural subsidence of the earth used to fill the grave. The reinstatement shall include the levelling and seeding of the grave surface.
- 10.3 The Council reserves the right to disconnect the water supply during the winter months to avoid the freezing and bursting of the pipes, or when the tap(s) are defective, or if the water supply provided is being abused.
- 10.4 The Council reserves the right to change the appearance of the Cemetery, therefore the demeanours of the surround adjacent to a specific grave may change, as may any amenity or feature adjacent to a grave.

11. Booking of interments

- 11.1 Prior telephone booking is required for every interment, and a Notice of Interment on the forms provided by the Council must be submitted to the Burial Manager during normal office hours at least 5 clear working days before the date and time of the interment.
- 11.2 The Notice of Interment is also the confirmation of the telephone booking which is provisional until the Burial Manager checks the Notice of Interment. The Council will not accept any responsibility for consequences arising from the loss or delay of any such notice, order or any other document sent by post nor for the accuracy of the details contained in the Notice of Interment. The Notice of Interment must be signed by one of the following persons:
- The applicant for Exclusive Right of Burial
 - The owner of Exclusive Right of Burial
 - the person authorising the opening or re-opening of the grave for the owner of the exclusive right interment.
- 11.3 The person/s arranging the interment shall be responsible for the attendance of a Minister of Religion to officiate at the burial service (if desired) and for the payment of any fee to which the Minister is entitled.

12. Hours of interments

- 12.1 Interments may only take place in accordance with these regulations and are subject to availability.
- 12.2 Interments can take place between 9:00am and 2:00pm from Monday to Thursday and between 9:00am and 12:30pm on a Friday.
- 12.3 No burials can take place on Saturdays, Sundays or on Bank or other Public Holidays. In special circumstances and entirely at the Councils discretion, interments may take place outside of these hours, however additional charges will be incurred.
- 12.4 The time appointed for an interment is the time that the funeral cortege is expected to arrive at the grave side.

13. Certificates of disposal

- 13.1 No interment will be allowed to take place unless one of the following certificates is delivered to the appropriate representative of the Council before an interment takes place.
- A Coroner's Order for burial or the disposal certificate issued by the Registrar of Births
 - In the case of a stillborn child, the appropriate certificate under the Births and Deaths Registration Act 1953
 - In the case of a non-viable foetus the Medical Practitioner's or Midwife's certificate of delivery will be required
 - In the case of interment of cremated remains, the cremation certificate issued by the Cremation Authority.

14. Coffins/Caskets

- 14.1 Bodies brought into the cemetery for interment shall be contained in a suitable coffin /casket bearing a name plate establishing the identity of the body contained therein.
- 14.2 The exact dimensions of the coffin including adornments shall be entered on the Notice of Interment. Should the coffin be excessive in size an additional charge may be incurred.
- 14.3 The responsibility for providing sufficient bearers to carry the coffin rests with the funeral director or person arranging the funeral.

15. Excavation of graves

- 15.1 Graves can only be prepared by persons employed by the Council, or its contractors.
- 15.2 Every grave shall be dug central to the allocated grave space.
- 15.3 Each full burial plot will permit the interment of two full burials and subsequently, four Ashes interments in each corner of the grave plot. This is subject to sufficient space within the plot.
- 15.4 Cremation plots will allow interment of up to 2 ashes caskets.
- 15.5 When preparing graves, The Council reserves the right to place excess spoil on adjacent grave spaces and will endeavour to clear the spoil and leave the area tidy as soon as possible after the funeral.

16. Re-opening of graves

- 16.1 Graves may be re-opened for further interments subject to space being available.
- 16.2 Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein.
- 16.3 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by a layer of earth not less than 15 cm thick.
- 16.4 The Council reserve the right to stop any interment if upon excavation it is found that a previous burial has not been carried out to an sufficient depth, an alternative plot may be offered at The Councils discretion.

17. Exhumation

- 17.1 After interment, no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or Home Office Licence for exhumation required by law. The original documents will be required for this purpose.

18. The Erecting of Memorials

- 18.1 Please refer to The Council's 'Regulations Concerning Memorials', available by contacting the Town Council for detailed information relating to installation of memorials.
- 18.2 An application for the Right to Erect a new memorial, to place a new memorial, add to any inscription, refurbish or repair, or to replace an existing memorial must be submitted to the Burial Manager on the appropriate Memorial Application Form (available from the Council Office). Details to include the proposed inscription, all dimensions, materials, footings and a photo or diagram of the design. The application form must be approved at least 7 days prior to commencement of works subject to 8.1 above.
- 18.3 It is a requirement to inscribe on the rear of each memorial the plot number and the Stonemason identity in letters not exceeding 40mm in height. All grave markers should remain on site and located to the rear of memorials.
- 18.4 All persons erecting a memorial within the Cemetery must have public liability insurance to a minimum of £5,000,000 (five million pounds) and Risk Assessments must be made available on request.
- 18.5 It is the responsibility of the Memorial Mason to ensure memorials are erected on the grave space, at the appropriate levels to the adjacent ground and at the head of the grave in alignment with other memorials.
- 18.6 All Memorial Masons can only carry out work once it has been approved and must leave the site in good order, ensuring that the ground is level, all waste is removed, and to make good any damage caused in the process of the work.
- 18.7 New memorials erected or memorials re-erected must offer a guarantee in respect of safety and stability including faulty workmanship.
- 18.8 A memorial can only be erected on the condition that it may be periodically inspected by the Council and must be found to be safe. Any necessary repairs required must be carried out by a Memorial Mason as above at the registered owner's expense (if still with the period of exclusivity). If this is not undertaken, then the Council reserves the right to remove the memorial and terminate the right and may seek to recover any costs.
- 18.9 A temporary wooden cross not exceeding 90 cm in height above ground level by 60cm wide may be erected at the head of the grave for the first twelve months following an interment. This temporary memorial shall be removed by the Owner of Exclusive Right of Burial or Memorial Mason when a permanent memorial is erected and before the 12 months has elapsed. The Council reserves the right to remove and dispose of the cross, should it fall in disrepair or if it remains on site at the expiration of the permitted period.
- 18.10 The removal and re-erection of a memorial to facilitate the re-opening of a grave or to level such grave shall be at the expense of the exclusive right owner. Work must only be undertaken by a Memorial Mason approved by Eastleigh Borough Council or members of the British Register of Accredited Memorial Masons and subject to 8.1 above.

19. Responsibility for memorials

- 19.1 Any monument or memorial erected in the Cemetery remains the property and responsibility of the owner of the Exclusive Right of Burial for the duration of the

exclusive right or their personal representative and must be kept in good state of repair by the said owner or personal representative.

19.2 The Council will not accept liability for damage to any grave space or memorial or injury to any person within the cemetery except where such damage is directly attributable to the negligence of the Council or their employees.

19.3 The Council recommends that memorial owners take out insurance to protect their property.

20. Inspection of memorials

20.1 The Council periodically inspects all memorials and if any are found to be in an unsafe condition, the Council will place a notice on the memorial and will then contact the memorial owners in order that they can rectify any problems. Should the Council be unable to establish contact with an owner the Council will make the memorial safe or undertake such other remedial action to remove the danger as necessary.

20.2 Memorial owners shall be responsible for the cost of repairing or re-instating memorials. The Council will endeavour to notify memorial owners of unsafe memorials but if not repaired or contact not made within two months of this action, the memorial may be removed by the Council.

20.3 Where a necessary action has been taken in regard to any unsafe memorials and the costs of repair or removal has been borne by the Council, such costs will be recovered from the owner of the memorial or subsequent claimant to the Exclusive Right of Burial, should they become known to the Council.

20.4 The Council reserves the right to:

- Remove, without notice, any memorial and take any necessary precautions necessary to safeguard the Council's employees or contractors when digging graves adjacent to any memorial.
- To re-fix, move, line-up or otherwise alter the position of any memorial in a cemetery as they may require.
- Remove any monument or memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.
- Remove any monument or memorial where the periods of Exclusive Right of Burial and Right to erect of Memorial have elapsed or when the Right to Erect a Memorial is deemed to be terminated.
- Remove any memorial or other item that is placed upon a grave in contravention of these regulations, without notice.

21. Fees

21.1 Fees for cemetery services will be determined by the Council annually and will take effect from 1 April each year.

21.2 Fees are at all times payable in advance to the Council.