



CEMETERY POLICY – RULES AND REGULATIONS

Frolesworth Road Cemetery, Frolesworth Road, Broughton Astley – Open All Year

The Cemetery Office is located at Broughton Astley Parish Council, The Parish Office, 40 Station Road, Broughton Astley and is open Monday, Tuesday, Thursday and Friday between the hours of 9.00am - 1.00pm (closed on Wednesdays). For further information please contact the Parish Office on 01455 285655.

Broughton Astley Parish Council welcomes visitors to its Cemetery and ask that you to respect the peace, dignity and reverence of the facility.

1. Layout

The Cemetery which is consecrated is divided into Burial and Cremation sections, with each plot numbered accordingly.

No burial shall take place, no cremated remains shall be interred or scattered and no memorials or added inscriptions shall be permitted in the Cemetery without the prior consent of the Council.

Burial Plot (single 5ft – double 7ft):

- No more than two coffins may be interred in one grave. If the intention is to have two burials in one plot then the first must be interred at double depth 7ft, second at single depth 5ft and this would constitute a fully occupied grave.
- A full burial plot measures 108” (274cm) x 48” (122cm). For interments of coffins or caskets larger than 78” (198cm) x 28” (71cm) – two single graves side by side
- The Parish Council will permit the interment of ashes prior to a burial if the casket is interred at double depth. The Parish Council will mark their records to show where in the grave they are positioned (i.e., head of grave, left- or right-hand side) once signed documentation is received from the Gravedigger.
- If the ashes interment is to be followed by a full coffin burial, the ashes must not be disturbed without lawful authority and an exhumation licence from the Ministry of Justice. It is for this reason we will only allow the interment of ashes in a burial plot if they are buried at double depth as all burials, whether full body or ashes, are protected against disturbance under Section 25 of the Burial Act 1857.
- It is also permitted to allow up to two cremated remains per grave space but only after a burial plot is fully occupied. So dependent on the order of interment the Parish Council will allow two burials in a double depth grave and two cremated interments or one interment of ashes at double depth followed by one burial and two cremated interments.
- Funeral Directors are responsible for engaging gravediggers for burial plots only and for ensuring that such agents work in a responsible and safe manner and observe all Health & Safety Regulations. The gravedigger needs to ensure:
 - The adjacent plots are protected from soil removed from the grave with suitable materials.
 - They have considered the range of hazards that may exist around the excavation before commencing.



- Safe and easy access for operatives and equipment during site preparation
- The health and safety of operatives during the excavation process
- That the grave is dug as centrally as possible
- The grave/cremation plot is excavated to correct depth and level at the bottom
- That walk boards are used where appropriate
- That the sides and ends of the grave are vertical and that the bottom of the grave is level on completion of each excavation. Shoring units must be level.
- That the grass matting, walk boards and webbing are correctly placed and safe to use.
- Safe access for persons attending and officiating at the burial service
- The health and safety of Cemetery visitors.

Any grave excavation that is left unattended for whatever reason must be completely boarded over in such a manner as to prevent any person falling into the grave no matter the depth or size of excavation.

The ICCM (Institute of Cemetery and Crematorium Management) recommends that a second person is in attendance whenever work is being carried out in an excavation of a depth greater than 3' (91 cm) in order to comply with the requirements of the Confined Spaces Regulations 1997. The second person will be in a position to give warning to the gravedigger, raise the alarm in an emergency and commence emergency procedures.

No mechanical diggers are permitted at Frolesworth Road Cemetery for the excavation of graves.

Cremation Plot:

- Up to four cremated remains per plot may be interred within the Cremation Section of the cemetery. The number of ashes interred may be affected by the size of the caskets – please see our permitted size.
- Scattering of ashes is permitted along the perimeter of the Cremation Section upon request to the Parish Office.
- Please see burial plot details if a request is received to inter ashes into a burial plot.

2. Purchase of Exclusive Right of Burial

In all sections, the Exclusive Right of Burial in a grave space or cremation plot may be purchased on payment of the charges in operation at the time of purchase. Such rights may be granted for a period not exceeding 100 years but remain the ownership of the Parish Council. A right of burial gives only a right to inter a body and no control over the surface of the grave. A Deed of Grant will be issued by the Burial Authority (the Parish Council) in respect of each right purchased. If the owner of the Exclusive Rights dies, it is assumed that they gave permission to have themselves interred in the grave. After this the Rights become part of their estate and may be left in a will or assigned by their executors to 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.

Any person(s) who purchases the exclusive right of burial in any space shall not convey, assign or transfer such right without the consent of the Burial Authority. A request for a transfer will carry an administration fee but will not alter the expiry date of the deed.

Transfer of Exclusive Right of Burial – documents required – can take place on production of any of the following relevant original documentation at the Parish Office on payment of the relevant fee:

- a) Grant of Probate – normally granted to the executors appointed in the will of the deceased person when the will has been proven in Court. Only the original 'sealed' Grant will be acceptable at the Parish Office, ie., must bear the embossed seal of the Court.



- b) Grant of Letters of Administration: when a deceased dies intestate (i.e., without making a valid will) then the next of kin (or some other person with a sufficient interest) can apply to the Court to be made the Administrator of the Estate. As with Grant of Probate the original document must be produced to the Parish Office bearing the embossed seal of the Court.
- c) Form of Assent: normally completed by the deceased's personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased's estate
- d) Statutory Declaration: an original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

Possession of a Deed does not necessarily give the person in possession ownership of the Exclusive Right of Burial. Where the recorded owner is deceased, the Exclusive Right of Burial will be dealt with as part of their estate. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership.

Exclusive Rights may be surrendered at any time, without refund of the purchase fee, on return of the Deed to the Parish Office. If the owner of the Exclusive Rights fails to notify the Parish Council Office of a change of address and cannot be contacted subsequently, the deed will be deemed to have been surrendered.

It is the responsibility of the purchaser to inform the Council of any change of address.

The purchase of burial or cremation spaces will be permitted to non-residents but will incur a payment of triple fees at the time of purchase.

Any previous resident of the Parish who subsequently resided in a retirement or care home not exceeding a maximum of five years prior to their death will not be subjected to the triple fee charge. The executors or other representatives of the deceased must provide the Council with relevant information for claiming resident status.

The Purchase of Exclusive Right for the Babies and Childrens Section is reserved for the burial of babies under the age of 1 years and for cremations up to 10 years of age.

Burials for children over 1 years of age will be in the main cemetery.

3. Interments

No later than 48 hours prior to any interment, the Parish Council requires the following:

- Signed Notice of Burial Form
- Certificate for Burial or Cremation issued by a Coroner or Registrar of Births and Deaths (original only)
- Correct payment
- Copy of Deed of Grant

Interments may take place on weekdays (Monday to Friday excluding Public Holidays) between the hours of 9am and 2.30pm. Any request for an interment beyond these times can be submitted to the Parish Manager for consideration. No interments will be allowed on Saturdays, Sundays or Public Holidays unless by special arrangement.



It shall be the responsibility of Council Employees, Funeral Directors, Stone Masons, Grave Diggers, their sub-contractors and any other person carrying out works in the cemetery to ensure that they do so in a manner which accords with all current Health and Safety legislation.

Where an exclusive Right of Burial has already been granted in respect of a grave space to be used for an interment, the original Deed must be produced to the Funeral Director who will sign the Burial Notification Form to this effect that it has been produced. A copy must accompany the Burial Notification form but if for any reason the Deed is not available please contact Broughton Astley Parish Council.

Interment of pets ashes is not permitted

4. Digging of Graves and Cremation Plots

The person responsible for the funeral must arrange for the relevant grave to be dug by an appropriately qualified and fully insured person, and for the spoil to be removed from the Cemetery. The Parish Council must be provided with a copy of the gravediggers risk assessment and method statement before any work can commence at the Cemetery. Graves for two people (double graves) must be dug to a depth of a minimum of 7 feet (2.1 metres). Single graves must be dug to a depth of 5 feet (1.5 metres). Burial width is a maximum 3 feet (0.9 metres). Width sizes larger than this need to be brought to the attention of the Parish Manager.

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 means of a layer of earth not less than six inches thick and there is three feet of earth between the top of the upper coffin and the ordinary level of the ground.

Where any grave is opened for the purpose of another burial, no person shall disturb any human remains interred therein or remove them from the soil.

By separate arrangement and payment of the appropriate fee the Parish Council Groundsmen will dig a cremation space. Cremation plots for one interment of ashes must be dug no more than 12" (36cms) square and to a depth of 16 inches (41cms) as this will affect the number of interments permitted.

5. Walled Graves

The construction of walled graves or vaults is not permitted, and no burial or cremation space will be enclosed by kerbs.

6. Memorials

Any person to whom the exclusive right of burial has been granted in respect of a burial space or cremation plot who wishes to erect or place a memorial shall first submit to the Parish Manager details of the design and materials of the proposed memorial. New headstones, bases, tablets and other monuments cannot be erected until they and any inscription to be included have been approved by the Parish Manager. A copy of the Deed of Grant and proof of ownership must be submitted at the time of application. The right to erect a memorial rests with the owner of the Exclusive Rights of Burial. No work must be carried out before the Council has granted permission. Where the Grant of Exclusive Rights has expired, the grave space will revert to the Council and the memorial may be removed. It is an offence to wilfully interfere with a tombstone



or other memorial, or to add an additional inscription of a memorial without the Council's authority.

The application form can be obtained from the Parish Office or from our website www.broughton-astley.gov.uk

Temporary memorials (wooden crosses or plaques) placed on a grave by funeral directors may remain for a period not exceeding six months, after which time a written notice will be sent to the deed holder to remove it. If this is not done, it will be removed if an application for a permanent memorial has not been made.

All headstones, memorials and vases are to be installed by a professional body to current NAMM Standards. They must be securely fixed to the concrete bases where provided, otherwise placed on a foundation satisfactory to the Burial Authority and must comply with the Code of Working Practice and BS8415 guidance current at the time of fixing. If a memorial is dismantled for any reason, then it must be re-fixed to the latest specification.

Memorials remain the property of the deed holder and must be kept in good repair by the owner. If not maintained or repaired, after due notice, the memorial may be removed by order of the Burial Authority subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. All memorials shall be kept in good repair at the expense of the registered owner, including repairs necessary due to vandalism and is responsible for maintaining the grave space.

All headstones must be placed at the head of each grave space and will not be permitted to extend over two adjoining spaces.

To enable the ground to settle sufficiently approved headstones cannot be erected within 7 months of the burial, except in the case of infant burials for which headstones can be erected as soon as deemed appropriate by the Parish Manager, in liaison with the Grounds Maintenance Supervisor.

- **Dimensions of monuments:**

Burial Plots: monuments must be no more than 3 feet (0.9 metres) in height, including the base when fixed. The base must be no more than 3 feet (0.9 metres) by 2 feet (0.6 metres).

Cremation plots: memorial tablets must be no more than 1.5 feet (0.6 metres) in height. The base must not exceed 2 feet (0.6 metres) by 2 feet (0.6 metres). Flower containers must be contained within these dimensions.

Should any disagreement arise following a decision made by the Parish Manager on a memorial or inscription, the Broughton Astley Parish Council's Complaints Procedure will be followed. A copy can be obtained from the parish website www.broughton-astley.gov.uk or by contacting the office on 01455 285655



7. Maintenance of monuments and memorials

A periodic assessment takes place each year of all headstones, vases, tablets, and other monuments at the Cemetery. The condition of each headstone, vase, tablet, or other monument will be categorised as:

- Unstable - liable to collapse
- Very poor - considerable movement, but not yet liable to collapse
- Poor - some movement and/or considerably out of alignment
- Average - no movement, but some degradation and some misalignment
- Good - no degradation, movement, or misalignment

Should during inspection a memorial is found to be unstable due to non-compliant installation within 6 years of installation the memorial mason must rectify the matter free of charge. If a dispute should ensue on this matter it should be taken to the local Trading Standards Office.

Monuments remain the property of the deed holder or their heir/s and therefore are responsible for the upkeep of that memorial. The Parish shall make reasonable efforts to communicate with the Owner by giving written notice by post to the owner at his / her last notified address when repairs are needed. If it is not possible to trace these then the authority will allow any person who satisfies them that they are a relative of the person buried in the grave or vault, or who is acting at the request of such relative and that it is impractical for them, or such relative, to trace the owner of the right so described, the right to place and maintain, or to put any additional inscription on a tombstone or other memorial on the grave space in respect of which the right so described subsists. This would not imply any other rights and should an owner come forward and object to the work it may have to be undone at the expense of the person who paid for it.

The Council reserves the right to lower, alter or remove any gravestone or monument which, in the opinion of the Council, is unstable or unsafe.

Inscription: if inscriptions are to include names of people buried elsewhere this must be made clear within the chosen wording.

The Burial Authority can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.

Unstable: Unstable – laid down immediately and cordoned off. A stake will be placed on the plot advising relatives to contact the Parish Office. The Parish Office will write to the owners last known address if they are unable to obtain contact details such as a telephone number or email. After this point the Parish Council reserves the right to remove the monument/memorial.

Very poor: The Parish Office will contact the person responsible for the monument/memorial and seek repair/restoration within three months of the completion of the periodic assessment which first identified its condition as 'very poor'. After this point the Parish Council reserves the right to remove the monument/memorial.

Poor: The Parish Council Office will contact the person responsible for the monument and seek repair/restoration within twelve months of the completion of the periodic assessment which first identified its condition as 'poor'. If the person responsible for the monument does not complete



the work required within twelve months the Parish Council reserves the right to remove the monument/memorial.

Average: The condition of the monument will be monitored by the Parish Council's qualified Topple Tester. If it deteriorates action will be taken as set out above.

Good: no action.

8. Plaques

Commemorative plaques may be affixed to the memorial wall in the Garden of Rest at the discretion of the Parish Manager and provided they do not exceed 4 7" (17.5 cms) x 4" (10 cms) in size.

9. Grounds Maintenance

The Parish Council is responsible for grounds maintenance at the Cemetery, but new graves will be allowed to settle for six months before being levelled and re-seeded with grass.

There is a water tap near to the entrance to allow water for any flowers though this is switched off during frosty months

Bins are provided for dead flowers and wreaths.

Advance notice will be provided in relation of any major works to be undertaken in the Cemetery by means of the Public Noticeboard at the entrance of the Cemetery.

10. Fees

A table of fees, payments and sums due to the Burial Authority in respect of the purchase of exclusive rights of burial, interments and memorials can be obtained from the Parish Office. Full settlement of all fees and charges in -respect of interments must be made at least 48 hours before the funeral. These will be reviewed annually and take effect from 1 April each year.

Current fees and charges are published on the Parish Council's website at [www.broughton-astley.gov.uk/Parish Services/Cemetery](http://www.broughton-astley.gov.uk/Parish%20Services/Cemetery).

11. Floral and Other Tributes

Christmas Wreaths, Flowers, Plants and Cut flowers shall be placed in a suitable container at the head of the grave. The planting of any root bearing tree, shrub or bush on a grave space is not permitted and such material will be removed.

The Parish Council, as Burial Authority, reserves the right to remove dead flowers and wreaths; however, Christmas wreaths will be removed after **31 January** of each year.

The Council also reserves the right to remove unauthorised items including removal of items causing overcrowding and encroachment onto neighbouring plots. These would be kept for a period of 4 weeks after which they will be disposed of.

Items will also be removed from the maintenance border around each burial and cremation space.



No glass tributes, to include vases, are permitted at Frolesworth Road Cemetery. The Council shall be at liberty to remove from graves any moveable article that is broken or has become unsightly. The Council reserve the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.

12. Cemetery Opening Hours

Subject to the direction of the Burial Authority, the cemetery will be open to the public throughout the year. The Cemetery is a place of peace and quiet reflection. It is also a workplace. Visitors are welcome but please respect the special nature of the site and the needs of other users and keep to the paths at all time unless visiting a grave.

Vehicles must not exceed 5 mph and must not obstruct paths or driveways. The Council will not accept any responsibility for loss from or damage to any vehicle brought into the cemetery.

If signs are placed outside the gates to inform members of the public that a funeral is to take place please refrain from parking inside the Cemetery.

The Burial Authority reserves the right to exclude the public from the cemetery on such occasions they deem necessary.

13. Offences in the cemetery

In accordance with Article 18 of the Local Authorities' Cemeteries Order 1977 no person shall:

- (a) wilfully create any disturbance in the cemetery;
- (b) commit any nuisance in the cemetery;
- (c) wilfully interfere with any burial taking place in the cemetery;
- (d) wilfully interfere with any grave or memorial, or any flowers or plants on any such grave or;
- (e) play any game or sport in the cemetery.

Children are welcome in the cemetery but must be supervised by a responsible adult at all times. It is particularly important that children are not allowed to climb on any monuments or furniture within the Cemetery.

Dogs are permitted in the Cemetery but must be on a lead at all times and all fouling must be removed immediately.

14. Scattering of Ashes

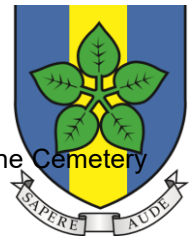
Please contact the Parish Office for further information.

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The Parish Council is responsible for grounds maintenance at the Cemetery, but new graves will be allowed to settle for six months before being levelled and re-seeded with grass.



Advance notice will be provided in relation of any major works to be undertaken in the Cemetery by means of the Public Noticeboard at the entrance of the Cemetery.

16. **Damage or Complaints**

Any complaints or damage should be notified to the Clerk to the Council at 40 Station Road, Broughton Astley. Telephone: 01455 285655 or by emailing parishmanager@broughton-astley.gov.uk

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