

## **KIRTON IN LINDSEY TOWN COUNCIL**

Kirton in Lindsey Town Council (KLTC), acting as the Burial Authority of Kirton in Lindsey Cemetery, has produced the following regulations using the powers of Local Authorities' Cemeteries Order 1977.

### **CEMETERY REGULATIONS**

#### **INTERPRETATION**

The following regulations shall apply to the Kirton in Lindsey Cemetery:

In these rules and regulations, unless the context otherwise requires, the following words and expressions shall have these meanings assigned to them:

<b>'Additional Inscription'</b>	an inscription, after the first, referring to <b>one</b> other deceased person whether that person is interred in the grave or not.
<b>'Cemetery'</b>	any place provided by the Council for the interment of human remains and any reference to 'the Cemeteries' shall refer to any or all of the cemeteries to which these regulations apply.
<b>'Clear Working Day'</b>	a whole work day which does not include the day of instruction/notice or the day of the burial.
<b>'Contractor'</b>	any person other than an employee of the Council, employed (whether paid or unpaid) to work in the Cemetery, whether or not they have been engaged by the Council. This does not include a member of the public carrying out work to maintain a grave of their own family.
<b>'Council'</b>	Kirton in Lindsey Town Council and any authorised officer in its employ.
<b>'Exclusive Right of Burial' (ERB)</b>	the Exclusive Right, granted to a person and only they may determine who may be interred in, or commemorated on, the grave in question. Such Exclusive Right to be for a limited period as determined by the Council.
<b>'Garden Border'</b>	the ungrassed area at the head of some 'lawn graves' (but not all) from where the memorial is, or would be, placed to a maximum of 24" wide by 12" depth (i.e. front to back).
<b>'Grave'</b>	a burial place formed in the ground by excavation and without any internal brickwork, stone, or any other lining
<b>'Grave Space'</b>	the area allowed by the Council for the establishment of a grave. Positions and alignments will be determined solely by the Council.
<b>'Inscription'</b>	a reference on a memorial to one deceased person, whether that person is interred in the grave or not.
<b>'Lawn Grave'</b>	a grave where only a memorial at the designated head end of the grave is permitted. Graves may be in single rows.
<b>'Local Authority Owned Grave'</b>	a grave for which no ERB will be granted by the Council and in which unrelated persons will be interred: formerly known as a Common, or Public Grave. There will be no option to purchase these, whether at the time of the burial or in the future.

<b>'Memorial'</b>	any stone, vase, tablet, kerbing, or other object placed on a grave space (excluding wreaths and flowers), all of which require prior authorization using the appropriate form.
<b>'Office'</b>	Kirton in Lindsey Town Council Office.
<b>'Private Grave or Vault'</b>	a grave or vault in respect of which the ERB is granted.
<b>'Public'</b>	visitors, other than Contractors (see above), to the Cemetery
<b>'Cemetery Clerk'</b>	that person, for the time being holding the office of Cemetery Clerk, as appointed by the Council, or any person who shall be acting for them, on their behalf, or in their absence.
<b>'Traditional Grave'</b>	a grave where a memorial and/or kerbing has been permitted to be placed on the grave.
<b>'Uninscribed Vase'</b>	refers to a vase on a grave the epitaph of which does not include personal details of the deceased.
<b>'Vault'</b>	includes an underground burial place of any description except a grave to which the word 'grave', as interpreted above, applies.
<b>'Working Days'</b>	the days on which the office is open, please clarify with the Council.

## MANAGEMENT OF THE CEMETERY

1. The Cemetery will be open to the public on such days and during such hours as the Council may, from time to time, determine. Currently these are: the hours between Sunrise and Sunset.
2. Any unauthorised entry when the cemeteries are closed to the public, even if the gates are not locked, contravenes Section 18(2) of The Local Authorities' Cemeteries Order 1977.
3. All persons entering the Cemetery will be subject to the orders and control of the Council.
4. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of Section 18(1) of The Local Authorities' Cemeteries Order 1977, which states that:  
  
*"No person shall:*
  - i. *Willfully create any disturbance in a cemetery;*
  - ii. *Commit any nuisance in a cemetery;*
  - iii. *Willfully interfere with any burial taking place in a cemetery.*
  - iv. *Willfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants or any such similar matter; or*
  - v. *play at any game or sport or discharge a firearm (save at a military funeral) in a cemetery."*
5. Visitors to the Cemetery shall not unreasonably interrupt the Council's employees, or their contractors, at their duties, or employ them to execute private work within the Cemetery, or extend to them any gratuity. (See 13)
6. All complaints and requests by members of the public must be made to the Cemetery Clerk and not to the workers employed in the Cemetery.
7. No dogs are allowed in the Cemetery, except assistance dogs.

8. Children who are, or appear to be, under the age of 14 years will not be permitted in the Cemetery except under the care of a responsible adult.
9. No person (other than the Council) shall sell, or expose for sale, any article, commodity, or other thing of any kind whatsoever, or solicit orders for the same, within the Cemetery.
10. No vehicles, including digging machines, are allowed in the Cemetery, except with the consent of the Cemetery Clerk. If permission is given and any damage does occur it must be immediately rectified to the satisfaction of the Cemetery Clerk.
11. Visitors to the Cemetery must not interfere with trees, shrubs and flowers, with the exception of those on a grave which they own the ERB.
12. No person shall drop, throw, or otherwise deposit and leave, in the Cemetery any refuse of any kind, except in the receptacles provided for the purpose.
13. No employee of the Council, or a contractor, is to demand or receive any gratuity. (See 5)

### **EXCLUSIVE RIGHTS OF BURIAL**

14. Exclusive Rights of Burial can be purchased in respect of available grave space, in accordance with these Regulations and the Scale of Fees and Charges applicable to such purchases at that time.
15. The issue of an ERB will be upon receipt of a signed copy of the current Cemetery Regulations, indicating the applicants agreement to the Regulations.
16. No person may hold, at any one time, the ERB to more than two unused graves.
17. Graves will normally be allocated by the Cemetery Clerk in strict rotation within each section. Plans showing the grave spaces available are kept at the Council office where they may be seen during normal office hours.
18. Whilst every effort will be made to achieve the full number of intended interments in a grave, the Council cannot be held responsible if this cannot be achieved due to factors outside their control, e.g. ground conditions; weather.
19. A grant of ERB confers no other right, (e.g. right to erect a memorial; ownership of land), other than that of burial and each applicant for ERB must confirm receipt, in writing, of the Deed of Grant.
20. All grants of ERB will be made for a period of **50 years** and, thereafter, for a period not exceeding **30 years**.
21. At the expiration of that period, the purchaser and his/her heir or successors, may have the option to renew the ERB, subject to such restrictions and regulations as may be in force at that time. Application should be made for the renewal of the ERB in the three months before the expiry of the previous grant.
22. Where the period of grant of ERB has elapsed, and no notification of an intention to renew has been received from the person who was granted the ERB or his/her successors, the Council may grant a renewed ERB to any other person, but before doing so will, where possible, attempt to notify the previous owner of the ERB, or their heir or successor (if known) and give the option of renewal.
23. Any transfer of ownership of ERB will be subject to the production of satisfactory evidence and title and the approval of the Council. Such transfer will be registered in the records of the Cemetery and the Deed of Grant of ERB must be produced for endorsement at the Council office.

## INTERMENTS & MEMORIALS

24. Enquiries about sections of the Cemetery reserved for different religions should be made to the Cemetery Clerk.
25. In sections of the Cemetery consecrated in accordance with the rites of the Established Church, burials will only be permitted in accordance with the rites of a Christian denomination, or without any religious service, provided that any other rites are performed in a proper manner.
26. The time appointed for an interment will relate to when the funeral cortege is to arrive at the graveside where the interment is to take place. The Funeral Director, or person in charge, of the funeral arriving after the appointed time must act under the direction of the Cemetery Clerk as to when the service may proceed.
27. Prior booking is required for every interment. A completed Notice of Interment (on a form approved by the Cemetery Clerk) and Coroner's Order for burial or a Registrar of Births and Deaths Certificate for Disposal shall be delivered to the Cemetery Clerk so as to allow a minimum of **2 clear working** days between the date of delivery of such Notice and the date of interment. Any booking is provisional until the Clerk has received and checked the Notice of Interment.
28. A Certificate for Disposal issued by a Registrar of Births and Deaths, or a Coroner's Order for Burial, must be delivered to the Cemetery Clerk **before** the burial takes place.
29. **The Council will accept no responsibility whatsoever for verbal arrangements where such arrangements have not been confirmed in writing on the prescribed form(s).**
30. The Notice of Interment must contain full details of the deceased: the proposed interment; the grave to be used if already owned (an existing one being used by family), the size of coffin, and the signature of the owner of the ERB or the Applicant for ERB for a new grave.
31. **The Council will not accept 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.**
32. The person arranging the interment shall be responsible for the attendance of any Minister of Religion to officiate at the burial service, and for the payment of any fee to which the gravedigger and Minister is entitled.
33. Any person procuring an interment without production of such Certificate or Order will be required to make written declaration on the prescribed form in accordance with Section 1(1) of the Births and Deaths Registration Act 1926.
34. In the case of interment of cremated remains, a certificate for burial purposes, issued by the crematorium which carried out the cremation will be required.
35. In the case of foetuses, the Medical Practitioner's Confirmation of Delivery of a non-viable foetus will be required.
36. If a coffin is not used for interment the body must be enclosed in a shroud or winding sheet (the body is to be totally wrapped in this). Underneath will need to be incorporated a wooden board to provide rigidity for handling purposes. A temporary, removable 'outer shell' may be needed if the wrapped body may be visible to members of the public.
37. Excavation of a grave shall only take place when the Cemetery is open (see Reg. 1) and only during weekdays. However, rare exceptions may be made to this but this must be with prior approval from the Council on each and every occasion. A clear, logical, reason must be given when seeking that approval. The decision of the Council will be provided in writing (including e-mail) and will be final.

38. The soil from an excavated grave will usually be put to one side or the other of that grave (this is temporary and avoids the extra cost to a family of having all the soil removed from the cemetery). Boards must be used to protect the surrounding grass, and memorials, from the excavated soil. If an excavated grave is to be left unguarded it must be entirely covered over with boarding of sufficient strength to prevent accidental entry by any person.
39. After an interment the grave digger must backfill the grave immediately after the mourners have left the Cemetery. The backfill of a grave should be left slightly mounded to approximately 6 inches in height. After 6 months the surface of the grave must be restored to the surrounding ground level. Any soil that is surplus after either of these actions must be deposited in a place in the Cemetery that has been officially designated by the Council for this purpose.
40. After interment, no body or cremated remains may be removed from a grave or vault without the production of the ecclesiastical faculty and/or licence for exhumation as required by law. The original documents will be required for this purpose.
41. Ceremonies of a special nature are subject to approval at a meeting of the Council.
42. In the case of the re-opening of a private grave or vault, where written consent of the legal owner of the burial rights is required, Kirton in Lindsey Town Council will require to be indemnified against any action arising as a result of permitting the re-opening in such circumstances as the Deed of Grant of ERB being said to be lost or the death of the owner of the Deed of ERB. The Council should be contacted for the appropriate form.
43. Only accredited memorial fixers are permitted to erect memorials. All memorials must be installed in accordance with the current National Association of Memorial Masons (NAMM) Code of Working Practice and BS8415. Memorial masons will provide a certificate for each memorial installed to confirm it meets these standards together with a photograph post installation to show the completed works.
44. Masons undertaking the installation of memorials must be appropriately qualified and insured, this can be evidenced individually or through their registration with a nationally recognised memorial fixers accreditation scheme.
45. Memorial masons are reminded that in case law the liability for defective work rests with the relevant mason and that, ...*“stonework properly erected ought to stand for at least 30 years without repair”* (See: Brown v Cotterill, 1934)
46. In all cases, an application for a memorial must be made by the holder of the ERB, and where the owner is deceased, the transfer of ownership must have taken place and the Right held by a 'living' owner(s). An application fee is payable in advance.
47. Applications for permission for the right to install a new memorial, replace or add inscriptions to existing memorials, can only be made by the registered grave owner. An application fee is payable in advance.
48. A memorial may only be erected on a grave space within the Cemetery in accordance with these Regulations, with the approval of the Council, and upon payment of the appropriate fee. The Right to erect a memorial will be for the unexpired portion of the ERB.
49. Application for approval to place any memorial in the Cemetery, to alter or to add to any inscription, or to replace, add to, or remove from, the Cemetery, any memorial, must be submitted to the Council for approval. No work shall be carried out until approval has been received in writing.
50. Prior approval is required before any work is undertaken. Any approval is issued on the understanding that the work undertaken will fully comply with the details on the Application Form and the requirements of these Regulations. Any work that does not comply will not be permitted to remain in the Cemetery and may be removed without notice. The cost of this will

be charged to the person who carried out the unauthorised work, or to the owner of the grave (whichever the Council feels is more appropriate).

51. Headstones shall be placed at the end of a grave designated as that for headstones by the Council. Inscriptions may only be on one side of the headstone and shall face the length of the grave.

52. All memorials shall comply with the following, as appropriate:

A headstone or similar shall have a based fixed on a foundation of solid stone or concrete. The foundation should be no greater than **2" less than** the width of the grave on the plan. Such base may incorporate one or two flower containers and include up to two vases, tablets or figures so long as they shall comply with the following Regulations and shall not extend beyond the perimeter of the base.

**Full sized graves:** Memorials may be no more than **36"** above ground level (inclusive of base), up to **24"** wide, and **2"- 4"** thick, fixed at the designated head end of the grave, **one** memorial per grave: vase, or vases, (up to **two**) no greater than **9"** in any dimensions fixed, securely, **on an appropriate base which must not overlap the foundation.**

**Kerbing:** This is permitted only on those graves still designated as 'Traditional' graves only, please check with the Cemetery Clerk.

**Cremation plots:** Memorials may be no more than **24" above ground level** (inclusive of base), not more than **18" wide** and **1" to 2" thick**, fixed at the designated head end of the grave (only **one** per grave); or vase no greater than **9"** in any dimension, fixed at the head of the grave (**one** per grave).

53. Each memorial shall be set on a foundation of natural hard-wearing stone, or concrete suitably reinforced, in one piece, of the same dimensions as the base of the memorial and not less than **2" thick** and situated so that the top surface of the foundation or sub-base **is flush to the adjoining ground level.**

54. All joints must be properly cemented and cramped, joggled or doweled. Cramps or dowels, for this purpose, must be of solid copper or heavily galvanised steel not less than 3/8" in diameter and 4" in length. There must be at least **2** dowels to each doweled joint.

55. Headstones shall be constructed from a single piece of stone, although they may be inlaid with natural stone, lead, or bronze as part of the design or inscription. Such inlay shall not reduce the thickness of the main body of the headstone to less than **2"**.

56. A memorial of concrete, sandstone, Bath or soft Caen stone, pottery, plastic or fibreglass is not permitted and will be removed and disposed of without notice. The cost of removal and disposal will be charged to the person(s) who erected the memorial.

57. The base of all memorials shall be constructed of a single piece of stone, which may be drilled to accommodate up to **two** flower containers.

58. Photographic plaques, not exceeding dimensions of **5"**, may be affixed to headstones or vases only.

59. The name of the memorial mason, section and grave numbers must be incised, or incised and inlaid, to match the main inscription, in figures up to 3/4" high on the rear of the memorial and also, if present, on the corner of kerbing at the foot of the grave.

60. Only the memorial masons name, section, and grave number shall be permitted on the rear face of the memorial.

61. No hewing or dressing of stone, other than cutting of an inscription, will be permitted in the Cemetery.

62. All materials and equipment shall be conveyed in the Cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all surplus soil or waste material arising from memorial work shall be removed from the Cemetery immediately in a professional manner. Mats, boards, or canvass shall be used, as directed by the Council, to achieve this end.
63. All work people employed on behalf of the owner of the ERB to erect any memorial, or to perform work on an existing vault, memorial, etc, shall carry out their work strictly under the direction of the Council and shall:
  - a. At the cost of the owner fill up and LEVEL the ground, remove off site all waste and unwanted material and make good any damage or injury occasioned in the process of the work
  - b. Perform the work during normal opening hours of the Cemetery.
  - c. Provide their own tools and equipment, bring mortar ready made and complete the work with due dispatch.
64. The removal of any memorial from the Cemetery is only permitted after approval in writing has been given to the Council using the appropriate forms (See 28), unless the removal is to facilitate a further burial in the same grave, in which case written approval must be obtained from the current legal owner and must be submitted to the Burial Authority prior to any removal.
65. The removal and re-erection of a memorial to facilitate the re-opening of a private grave or vault, or to level such a grave or vault, shall be at the expense of the grave owner.
66. Any person removing a memorial to permit further interment shall either remove the same from the Cemetery, after informing the Council, or place it in a position indicated by the Council.
67. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as possible after the first anniversary of the last interment, if not before.
68. The Council has overall responsibility for the health and safety of all visitors to our cemeteries. This includes testing the stability of the headstone and in certain circumstances, it will be necessary to lay the headstone down or alternatively, make safe with a support. We will endeavour to contact you. However, if your contact details are out of date, a sign will be left by the memorial.
69. Any memorial erected in the Cemetery remains there at the sole risk of, and **must be kept in good state of repair by, the owner of the ERB and at their expense. The Council reserves the right to remove, and dispose of without notice, any memorial in it's opinion not kept in a good state of repair or which has become unsightly.**  
**(Local Authorities Cemeteries Order 1977)**
70. The Council reserves the right to exclude, remove, and dispose of without notice, from the Cemetery, any memorial not executed in a workmanlike manner, or made from unsound materials, or which would, in the Council's opinion, disfigure the Cemetery, or offend public decency or which is considered unsafe.
71. The Council reserves the right to remove, without notice, any memorial and take any precautions necessary to safeguard the Council's employees or contractors when digging graves adjacent to any memorial and to safeguard any visitors to the Cemetery.

## **MAINTENANCE AND UPKEEP**

72. The surface of every grave or vault shall be at **ground level**, except for an approved memorial permitted in accordance with these Regulations and in the 6 months after a burial (during which time there may be a slight mound left on the grave).

73. **The Council reserves the right to remove , without notice, from any vault or grave, flowers, plants or wreaths that, in it's opinion, have become unsightly, and to dispose of the same in such a manner as deemed fit by the Council.**
- **Festive displays and festival wreaths are to be removed by those who have placed them by 1<sup>st</sup> February**
  - **For all other notable events (Valentine's Day, Mothering Sunday, Easter Sunday, and Father's Day etc), displays are to be removed by those who have placed them approximately four weeks after the date of the event.**
74. Plants or shrubs may only be placed in a permitted 'garden border' or inside kerbing (if allowed) or where kerbing is permitted to be placed. (See 47)
- HOWEVER, PLEASE NOTE:**
- a) Plants must be of a low growing and non-spreading type.
  - b) Shrubs must be of miniature or dwarf variety.
75. Any plants or shrubs which encroach on to grass areas or other grave areas will be cut back or removed by the Council, without prior notice or recompense.
76. The repair of memorials, or any other item permitted on a grave, is the responsibility, and at the cost of, the grave owner.
77. The Council will remove any unauthorised memorials and other items, without prior notice, and the cost will be recovered from the grave owner.
78. Such of the above Regulations, as the Council feels applicable, will apply to any official Garden of Remembrance in the Cemetery.
79. The placing in the Cemetery of glass jars, tins, plastic or wire mesh fences or other items of wood, metal, plastic or any other material is forbidden and any item so placed in contravention of these regulations will be removed and disposed of by the Council without notice.

### **FEES AND CHARGES**

80. The fees and charges prescribed for the use of the Cemetery and any Garden of Remembrance shall be those specified in the scale of fees & charges, as amended from time to time.
81. All fees and charges are payable in advance of any work or burial to Kirton in Lindsey Town Council.
82. All persons (not employed by the Council) engaged in work in the Cemetery shall comply with all reasonable request, directions and requirements of the Council.

### **GENERAL**

83. Admission of a vehicle is restricted to **authorised only** and is subject to the following conditions:
- Access is subject to absolute right of way being given to any funeral cortege in the Cemetery.
  - No vehicle is left in a position, so as to cause obstruction to other traffic.
  - A speed of 3 miles per hour is not to be exceeded. Vehicles must only be driven on roads intended for vehicular use. Permission for admission of vehicles may be withdrawn at any time.



- No vehicle shall damage any area of the Cemetery or any memorial. Any damage must be made good to the satisfaction of the Council and at the expense of those responsible.
84. No liability is accepted by the Council for loss of or damage to a vehicle or its contents, or injury to its driver or passenger howsoever arising.
85. All reasonable requests and requirements of the Council shall be complied with.
86. Registers of all burials, graves and cremations are kept at the Town Council Office where searches by staff can be made, and certified extracts obtained, upon payment of the prescribed fee. Searches by people other than staff can only be made in the Register of Burial, which is free of charge.
87. The Council is empowered to alter or amend, without notice, the foregoing Regulations at any time and to introduce further regulations as they consider necessary, e.g. in the case of newly established sections of the Cemetery.
- 88. The Council may waive any of the foregoing regulations where it considers there are exceptional circumstances, having agreed by resolution at a Full Council Meeting to do so.**