

# LEIGHTON-LINSLADE TOWN COUNCIL

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## Cemeteries Rules and Regulations

Plans of the Cemeteries, showing respective areas which are consecrated & unconsecrated or allotted to specified denominations are kept at the Council Offices & may be inspected free of charge in office hours.

### 1. Origin and Interpretation

a. These rules and regulations are made by Leighton-Linslade Town Council (“the Council”) under paragraph 3(1) of the Local Authorities Cemeteries Order 1977 (“the Order”), for the proper management, regulation and control of the Old Linslade and Vandyke Road Cemeteries.

b. The rules and regulations shall be taken to incorporate the provisions of the Order mentioned in paragraph (a) above and, in the case of any conflict between these rules and regulations and provisions of the Order, the Order shall prevail.

### 2. Registrar

The Registrar of the Cemeteries shall be the Town Council’s Town Clerk. Any reference to the Registrar also includes any appointed representative.

### 3. Times of Opening

a. The cemeteries will be opened to visitors on:

Weekdays at 8.00 a.m.

Saturdays and Sundays and Bank holidays at 9.00 a.m.

b. The cemeteries will be closed to visitors in:

January	at 5.00	July	at 8.00
February	at 5.00	August	at 8.00
March	at 5.00	September	at 8.00
April	at 8.00	October	at 5.00
May	at 8.00	November	at 5.00
June	at 8.00	December	at 5.00

c. Cemetery gates may be closed at short notice during these times to restrict the number of vehicles on the driveway during funeral services and burials.

d. The registers and records relating to the Cemeteries are available at the Council Offices for inspection during office hours, subject to payment of such fees as may be prescribed.

#### **4. Entry to Cemeteries**

Visitors to the cemeteries must be aware that they enter at their own risk. Whilst every effort is made to ensure that the safety of the public is paramount, by their very nature cemeteries can be dangerous places to visit. The ground may be uneven presenting a trip hazard. Headstones can become unstable and so should not be leaned against, pushed or pulled. Members of the public should not go near open excavations or spoil heaps, as the ground can be unstable.

#### **5. Plans**

Plans and records showing the situation of all graves in the Cemeteries are kept at the Cemeteries Office at The White House, Hockliffe Street, Leighton Buzzard. LU7 1HD.

#### **6. Applications and Fees**

a. All applications for interment and erection of memorials must be made on the forms provided and delivered to the Cemeteries Office together with the appropriate fee, in accordance with the time limits specified in paragraph 8. Fees will be reviewed on an annual basis and may be subject to increase with effect from 1 April each year.

b. Payments may be accepted by cheque or cash. All cheques should be made payable to "Leighton-Linslade Town Council". All cash transactions must be completed within the Cemeteries Office at The White House.

#### **7. Exclusive Rights of Burial**

a. After a death has occurred, any person may purchase the Exclusive Right of Burial in a grave space in any section of a cemetery for a period of 50 years, provided such section has been opened for burial and there is suitable space remaining. The appropriate fee must be paid at the time of making the funeral booking. The grant may be renewed thereafter for periods of 25 years up to a total of 100 years on payment at each renewal within the final 5 years of the period of each grant.

b. No grave in which the Exclusive Right of Burial has been purchased shall be opened without the production of the Deed of Grant or the written consent of the owner or the legal representative. The Council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.

c. No transfer of the ownership of an Exclusive Right of Burial, otherwise than by death or inheritance, shall be made without the prior consent in writing of the Council. All such transfers shall be registered with the Council at the owner's expense. Transfer of the Exclusive Right of Burial should be affected through the Council in conjunction with the Registrar. Any person seeking to affect a transfer of Exclusive Right of Burial must be able to demonstrate successfully their identity and entitlement to the Council upon request.

d. Where a grave space has not been purchased, the next of kin or legal representative of the last person to have been buried therein may purchase the Exclusive Right of Burial in that grave space.

## 8. **Notice of Interment**

A Written Notice of Interment on the requisite form and appropriate payment must be delivered to the Cemeteries Office as soon as possible prior to any interment in any grave and at least three clear working days in the case of a bricked grave.

## 9. **Hours of Interment**

a. Times of funerals, Monday to Friday inclusive:

9.00 am to 2.45 pm (2.30 pm is the last available time for the use of a chapel).

b. No funerals shall take place on Saturday, Sunday, Christmas Day, Boxing Day, New Year's Day or Good Friday.

c. If an interment takes place on Saturday the fees set out in Part 1 of our fees and charges will be increased by 50% (except on certificate of Coroner or registered medical practitioner that immediate interment is necessary)

## 10. **Disposal Certificates**

The relevant Certificate for Burial, Coroner's Order for Burial, Certificate for Disposal (stillbirth) or Certificate for Cremation must be received by the Registrar prior to any interment. No burials shall take place without the appropriate Certificate for Disposal.

## 11. **Cemetery Chapel**

Any religious service or non-religious ceremony may be performed in a cemetery chapel. The time limit for the use of any cemetery chapel for the purpose of any one interment shall be 30 minutes. An additional charge will be levied for any period exceeding 30 minutes. Neither the body of a person who has died of an infectious disease, nor a body which is offensive in any way will be allowed in any chapel. Temporary memorials may be placed or erected in any cemetery chapels with the prior consent of the Cemeteries Office.

12. **Service**

- a. If any funeral service is to be conducted by a Celebrant, he/she shall be provided by the applicant.
- b. The applicant is responsible for paying the Celebrant's fees.

13. **Dimensions of Grave Spaces**

- a. Every grave space of the cemeteries shall be 7' 6" by 4 feet for adults.
- b. Still-born children or children not exceeding 12 years of age shall be buried in grave spaces of 4 feet by 3 feet.

14. **Depth of Graves**

No grave will be made deeper than 7' 6", or 3 feet in the case of a cremated remains plot. Where it is impractical to dig to 7' 6", for whatever reason, the Council reserves the right to specify the maximum depth that can be dug. All coffins or other receptacles shall be buried in accordance with the requirements of Part I of Schedule 2 of the Local Authorities' Order 1977.

15. **Selection of Grave Spaces**

The selection of any grave space shall be subject to the approval of the Registrar. The Registrar will determine the location/position of any unpurchased graves. The Council reserves the right to retain any grave space(s) for its own purposes. The selection of spaces in the Lawn Sections is prohibited; graves are excavated in rotation and purchased at the time of the first interment.

16. **Surplus Soil**

It is necessary to excavate a grave to enable an interment to take place. It is common practice in the United Kingdom for the surplus soil excavated from any grave to be deposited on an adjacent grave space should this be necessary. The Council reserves the right to temporarily place surplus soil on any such part of a cemetery as the Council may determine, including grave spaces.

17. **Bricked Graves**

- a. Underground brick or stonework shall only be allowed in graves in the Traditional Sections of cemeteries where planting is permitted and where the Exclusive Right of Burial has been purchased.
- b. Where the applicant requires the grave space to be bricked they must provide a suitably qualified professional contractor who can demonstrate to the Registrar's

satisfaction that they are fit to operate on the site in accordance with current Health and Safety practices. The contractor is then responsible for providing the materials, the bricking and sealing of any brick graves.

## 18. **Presentation and Care of Graves**

- a. Deed Holders are responsible for grave spaces. Graves must be kept in a neat and tidy condition and any litter should be removed from the grave space. Any person causing damage by bringing in any materials or memorials will be required to meet the cost of any repairs.
- b. Any flower holders must be of non-breakable material and are left at the owners' risk. The Registrar may remove any articles from any grave if he believes that they are likely to cause risk, damage or offence to other visitors to any cemetery.
- c. The Registrar reserves the right to remove any planted items from graves that may be dangerous or unsightly in any way.
- d. Marble or other chippings are not permitted on new grave spaces. Except on pre-existing traditional graves having a kerb.
- e. Provision, erection, and re-erection of kerbstones is prohibited.
- f. Tiles, articles of pottery, glass, metal ware or railings, metal kerbing and artificial wreaths covered with glass are prohibited on grave spaces.
- g. All the grassed areas of the cemeteries will be mown and maintained by the Council.
- h. Water is freely available between the months of April and October. The remainder of the year the water supply is disconnected to prevent damage from frosts and cold weather.

## 19. **Traditional Sections**

The planting of shrubs on graves in the Traditional Section of cemeteries is allowed but only dwarf species are permitted. The Council reserves the right to prune, cut down or remove any shrub, plant or flowers where, in the opinion of the Registrar, they have become unsightly, overgrown or dangerous. The Council reserves the right to turf over or sow grass seed on graves in the Traditional Sections, which become neglected by their owners without first notifying the Deed Holder.

## 20. **Lawn Sections**

- a. Deed Holders of graves in the Lawn Sections within the cemeteries are permitted to have headstone memorials and cover slabs only. The Deed Holder may

have up to two vases incorporated within the base of the headstone in the area provided. No other vases, railings, kerbs or other artifacts are permitted on the grave, as these may present a trip hazard and are likely to interfere with grounds maintenance works.

b. Deed Holders are permitted to place plants in the small 9"-12" area immediately in front of the headstone. This must not include tree planting. As soon as convenient after the interment of a body or cremated remains the Council shall sow grass seed or lay turf at its own expense over the grave area. Thereafter no person, other than the Registrar, shall interfere with or alter the turfed or unturfed areas of the grave space except for the purpose of a further authorised interment therein.

## 21. **Unpurchased Graves**

The Council may use unpurchased graves for further interments at any time.

## 22. **Coffins and Other Containers**

a. All coffins must be marked with at least one and preferably two non-perishable plaques, nameplates, or by other means as shall be approved by the Council, showing the name, age and date of death of the deceased. Only biodegradable coffins, including cardboard, whicker and shrouds shall be used for interments in any grave. Large style wooden rectangular caskets may be used for which an additional charge is made to cover the extra cost for preparing a larger grave. Metal caskets are not to be used for interment, unless going into an existing grave where a metal casket has already been interred.

b. In the case of a stillborn child no age will be recorded. Where two bodies are interred in one coffin then both names shall be marked.

c. In the case of a person dying from an infectious disease, the body must be enclosed in a properly waterproofed coffin and taken direct to the grave and is not permitted in any chapel.

d. Where shrouds are used for burial, the body must be conveyed to the graveside in a suitable covered container.

## 24. **Wreaths and Flowers**

All wreaths and flowers will be cleared from graves one month after interment by Cemeteries staff unless alternative arrangements are agreed with the Registrar.

## 25. **Burial of Cremated Remains**

a. The scattering of cremated human remains is prohibited in any cemetery.

- b. The burial of cremated human remains in any grave for which the Exclusive Right of Burial has not been purchased is not permitted.
- c. The burial of cremated remains may take place in cremated remains plots which measure 3' x 3'
- d. Containers of cremated human remains may be buried in purchased graves, with the consent of the owner of the Burial Rights and on receipt of a completed Notice of Interment form, together with the appropriate fee.
- e. Where a purchased grave is of sufficient depth, and will be required at a further date for the burial of a second coffin, the casket of ashes will be buried in the wall of the grave, so as to permit the free passage of any coffin.

## 26. Exhumations

No body shall be removed from a cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable. No body or cremated remains shall be exhumed without the consent of the Secretary of State, Department of Justice and/or the Faculty of the Bishop of the Diocese of St Albans. Where any authorised removal of remains is to take place Leighton-Linslade Town Council shall carry it out.

## 27. Application for Approval and Erection of Memorials

- a. Before any memorials may be erected or works undertaken to an existing memorial, an application must be submitted by the Deed Holder for approval on the appropriate form supplied by the Registrar. When approved, the Registrar will issue a written permit.
- b. Any application for a new memorial must include:
  - i. The inscription that is to be inserted on the memorial, showing the arrangement and style of lettering.
  - ii. A drawing or picture of the proposed memorial giving detailed dimensions of the memorial, footings and bases to be used, also diameter and types of dowels to be used in accordance with the relevant Code of Working Practice of The National Association of Memorial Masons.
- c. Memorials shall not be placed, erected, or renewed on any grave where the Exclusive Right of Burial has not been purchased.
- d. The grave location must be cut plainly on the rear at the base of each memorial above ground level in letters not less than half an inch in height.

- e. Copper or other approved cramps of not less than 3/8 of an inch thickness shall be used in erection of all memorials.
- f. Contractors must satisfy themselves as to the stability of the soil or footings and its ability to support a memorial before the memorial is erected.
- g. The funeral director or contractor appointed by the Applicant shall be responsible for arranging for the removal of any memorial necessitated by an interment and for its re-erection.
- h. All memorials that require additional inscriptions are to be removed from the cemetery to the contractor's premises as appointed by the funeral director.
- i. Any contractor working in the cemetery must maintain a policy of public liability insurance minimum of £5 million against all claims and actions and produce evidence of such a policy on request.
- j. All contractors must use the main paths in the cemeteries; any damage that is caused must be repaired at the contractors' expense.
- k. Contractors must fit all memorials to the latest National Association of Memorial Masons standards using an appropriate ground anchor system or equivalent fixings.
- l. No advertisement of the contractor's name may be cut or attached to any memorial.
- m. Contractors shall not work in the cemeteries without a written permit issued by the Registrar. Contractors shall not work in the cemeteries outside the normal working hours of the cemeteries.
- n. All memorial masons must be members of the National Association of Memorial Masons, or on an approved Leighton-Linslade Town Council list before they are permitted to carry out work at any cemetery.
- o. No hewing or dressing of stones shall be permitted within any of the cemeteries or approaches. All materials shall be conveyed to the grave space by hand or in such a manner under the direction of the Registrar as will avoid damaging the roads or walks.
- p. All memorials and vases in the cemeteries must be placed or erected in line at the head of the graves by contractors using a line to ensure accurate positioning.



- q. The Council does not maintain or restore memorials, or recommend specific contractors. The Council may undertake safety inspections of memorials on a five yearly basis in accordance with the Council's Memorial Safety Policy.

**28. Overall Dimensions for Memorials Above Ground**

- a. The outside measurement of a cover slab for an adult's grave space shall be 6 feet by 3 feet and for a child's grave space 4 feet by 2 feet.
- b. The maximum measurements for memorials are:
  - (1) On Burial plots memorials shall not exceed 2 feet 9 inches in height.
  - (2) On Ashes plots shall not exceed 2 feet 3 inches in height.
- c. Bases must be 3 feet by 1 foot 6 inches by 2 inches as a minimum for a full lawn or traditional memorial. Bases for cremated remains memorials should not exceed 2 feet by 2 feet by 2 inches thick. All bases should be fitted flush with the surrounding ground level.

**29. Removal of Memorials by Leighton-Linslade Town Council**

- a. Memorials on unpurchased graves may only be removed by order of the Council, and in accordance with the Local Authorities Cemeteries Order 1977.
- b. No memorial on unpurchased graves may be refixed, or inscriptions or additional memorial added, unless and until the Exclusive Right of Burial has been purchased in accordance with the present regulations.
- c. The Council may remove any memorial where work has not been authorised. This may be at the owners' expense.
- d. The Council reserves the right to remove any memorial.

**30. Repairs to Graves and Monuments**

- a. The Deed Holder is responsible for the maintenance of the grave space and any memorials thereon and must keep all monuments, gravestones, tablets, kerbs or other memorials in repair. This includes any damage caused by vandalism, theft of memorials or vases, cracking or subsidence of footings.
- b. In the event of any such monument etc., becoming dangerous, defective or illegible from want of repair or neglect, the Council may, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of the Local Authorities'

Cemeteries Order 1977, give 6 months notice to the owner or owners, requiring him or them to repair or remove any such monument etc., and if, after the expiration of such notice, the owner or owners have failed to repair or remove any such defective or dangerous monument etc., or if the Council is unable to trace the owner(s) after taking such reasonable steps as it may consider necessary for that purpose, then the Council may remove or make safe the same without any rights of the owner or owners to any compensation for so doing and recover expenses from the registered owner or the owner's beneficiaries

### 31. **Vehicles**

- a. Funeral processions in the cemeteries have priority over other traffic. Vehicles of any description, which are not involved in a funeral procession, must be parked offsite if directed by the Registrar. Vehicles present in the cemeteries must be parked in car parks only.
- b. Funeral processions may be prevented from entry to a cemetery at the discretion of the Registrar should the arrival time be significantly earlier than the appointed time.
- c. Neither the Council nor any of its employees can accept responsibility for the loss of or damage to any vehicle or its contents whilst within any cemetery.
- d. Cyclists and motorcyclists should dismount near the cemetery entrance and leave bicycles, mopeds or motorbikes on the main driveway. Under no circumstances should they ride on pathways or grave sections.

### 32. **Dogs**

Dogs are not permitted in cemeteries with the exception of Registered Assistance dogs.

### 33. **Smoking**

Smoking is not permitted within the vicinity of a funeral.

### 34. **Soliciting Orders**

No person shall distribute tracts, business cards or other advertisements or solicit orders for grave related services within the cemeteries.

### 35. **Rubbish**

Dead flowers and other rubbish must be placed in the waste bins provided. No stones or soil must be placed in these bins. Large quantities of waste must be removed from the cemetery.

### **36. Damage**

If any damage is done to the Council's land or premises by bringing in any materials, gravestones, or monument or from any other cause, the person or persons doing such damage will be held responsible for the same and the Council may recover the cost of repairing such damage from such person or persons and in addition take proceedings under Article 18 of the Local Authorities' Cemeteries Order 1977.

### **37. Improper Behaviour**

The Registrar may at any time exclude from the cemeteries any person who conducts himself in a noisy, disorderly or unseemly manner or is intoxicated or uses improper language or trespasses upon or refuses to leave any portion of the cemeteries when asked to do so. The playing of music in any form is prohibited except with permission of the Registrar. Visitors are not to interfere with any burial taking place in a cemetery or interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any such manner. Furthermore, visitors should not play any game or sport in a cemetery or enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so.

### **38. Release of Sky Lanterns and Helium-Filled Balloons**

Please note that Civil Aviation Authority (CAA) have issued guidelines to organisers of events that may use them in a document from the Directorate of Airspace Policy (CAP 736) entitled Operation of Directed Light, Fireworks, Toy Balloons and Sky Lanterns Within UK Airspace dated February 2011. The CAA requires 28 days notice of any planned release of balloons or lanterns to allow time for the request to be considered and notifications made to nearby airfields. Consequently as all funerals tend to be conducted in a timescale inside the 28 day notification requirement this means that we cannot allow balloon or lantern releases from funerals in the Leighton-Linslade cemeteries.

### **39. Risk Assessments**

Funeral directors are required to provide up to date risk assessments for the burial process upon request by the Registrar. Funeral directors must ensure that their staff have received adequate training in manual handling and heavy lifting prior to being employed on duties within Council cemeteries. Contractors are required to provide up to date risk assessments for relating to their work upon request by the Registrar. Contractors must ensure that their staff have received adequate training in work specific activities prior to being employed on duties within Council cemeteries.

### **40. Penalty for Contraventions**

Any person, who without reasonable excuse, offends against these regulations will be prohibited from entering the cemeteries referred to above, for such period, as the Council considers appropriate.