

# **Sitlington Parish Council**

## **Cemetery Regulations**



# **SITLINGTON PARISH COUNCIL**

## **Cemetery Regulations as approved by the Parish Council Reviewed February 2024**

### **Introduction**

The Parish Council is responsible for two cemeteries in the Parish.  
Netherton Cemetery  
Upper Lane  
Netherton

Middlestown Cemetery  
New Road  
Middlestown

Graves are available in the cemetery, which consists of consecrated and unconsecrated sections. The selection of grave spaces shall be at the final discretion of the Council, but the wishes of applicants will be met wherever possible.

These Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

### **Contact details**

All enquiries concerning the Cemetery should be directed to:  
The Clerk to the Council, Sitlington Parish Council.  
Sitlington Parish Council  
Stevenson House  
139 Netherton Lane  
Netherton  
WF4 4HQ

Email: [clerk@sitlingtonparishcouncil.gov.uk](mailto:clerk@sitlingtonparishcouncil.gov.uk)

T: 01924 261481

M: 07771 113258

Website: [www.sitlingtonparishcouncil.gov.uk](http://www.sitlingtonparishcouncil.gov.uk)

The Parish office is open from 9am until 3pm Tuesday to Thursday.  
Contact by phone can be made 9am until 5pm Monday to Friday.  
An answerphone is available for messages to be left outside office hours.

## **General Regulations**

1. The Cemetery will be open to the public daily between 1st April and 30th September, from 8 am; and between 1st October and 31st March from 9 am, until sunset. Children under 14 years of age will not be admitted except under the care of a responsible person and all visitors are expected to keep to the walks and to refrain from touching the shrubs and flowers and to behave in an orderly manner in all respects.
2. All persons visiting the cemetery should act in a responsible manner whilst on the grounds.
  - 2.1 Dogs must be kept under control and are only allowed in the cemetery when on a lead. Any fouling by a dog must be removed from the cemetery. Other domestic animals are not allowed in the cemetery.
  - 2.2 No person shall drop, throw or otherwise deposit or leave in the cemetery, any waste paper or refuse of any kind, except in the waste bin provided for that purpose.
  - 2.3 No alcohol may be consumed in the cemetery.
3. Bicycles and other vehicles (except those mentioned in Regulation 20) are not allowed to be taken past the cemetery entrance into the cemetery.

## **Exclusive Rights of Burial**

4. By Article 10(6) of the Local Authorities Cemeteries order 1977, no body must be buried, or cremated remains interred in grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner(s) of the right.
5. The lease period for granting of Exclusive Rights of Burial is 50 years and the grant can be issued in single or joint ownership (up to a maximum of three individuals)
6. The Exclusive Rights of Burial must be purchased before a memorial can be placed on a grave space.
7. Written consent for any memorial works is required from the owner(s) of the Exclusive Rights of Burial to be submitted to the Council. In the case of multiple ownership all signatures will be required to erect a memorial.
8. The Parish Council may agree to buy back the Exclusive Right of Burial for an unused plot. Any refund will be based on the sum paid at the time of purchase, irrespective of current cemetery fees, and will incur an administration fee (details on request) The grave owner will need to request a buy back in writing to the Parish Council and produce the original paperwork as proof of purchase and Identification.

## **Burial plots**

9. Burials can only take place between 10 am and 2.30 pm from 1st October to 31st March (both dates inclusive), and up to 3.00 pm in any other part of the year. Burials outside these times can only take place with the prior approval of the Parish Council and will incur an extra charge.
10. The selection of the place of interment whether in the instance of a Common Grave or where a Purchased Right to Burial in a grave plot exists, shall be at the discretion of the Council.
11. No Vault or Grave, in which the exclusive right has been purchased, shall be opened without the owner's consent in writing (this may take the form of a signature on the "Notice of Interment" against the item which says "If in a purchased grave or vault,

Signature of the present owner"). The production of the Grant of such Right shall be conclusive evidence of the title of the person producing the same.

- 12.No borderstone or kerbs/method of fencing of any material shall be placed in the ground except with special permission of the Council. Vivid colours of fillings of gravel/chippings in existing graves are not allowed. Kerbstones are only permitted in Sections A, B, C and E at Middlestown Cemetery and sections A and E at Netherton Cemetery.
- 13.Coffins of wood only are to be used in all cases. None of any other kind may be used without special permission of the Council and will incur an extra charge.
- 14.Burial of Cremated remains is only allowed in a grave space with the permission of the Council.
- 15.Excavation of graves. The responsibility for excavation of all graves shall rest with the Council and its approved contractor. All graves and vaults and all brick and stonework must be executed to the satisfaction of the Council.
- 16.Following the interment, the persons appointed will level the grave and either re-turf or topsoil and seed it as appropriate to the season.
- 17.Plants or flowers may be planted over any grave only where borderstones/kerbs are allowed and only with the prior permission of the Council. All other areas may have only cut flowers, in suitable receptacles capable of being easily moved to facilitate mowing, etc. The Council reserve for themselves the right to prune, cut down or dig up and remove any plants or flowers whenever in their opinion the same have become unsightly or overgrown. Persons weeding or planting on graves are not allowed to leave upon the ground any rubbish but are requested to convey same to the place in the cemetery provided for the purpose, or to remove the material off-site. The Policy of the Parish Council is that planting shall not be allowed on graves without the prior permission of the Council. Dead foliage remaining on graves will be removed by the Parish Council.

### **Interment guidance**

- 18.All charges for interments and for the purchase of exclusive rights of burial in graves and vaults must be paid before the interment takes place. All charges in respect of the burial of cremated remains shall likewise be paid prior to interment. Non-resident charges will apply where the person interred was not, at the time of his/her death, an inhabitant or parishioner of the Parish of Sitlington. It is the parish council's policy that interments shall only be permitted under the auspices of an accredited funeral director, who will be contractually responsible for the interment, and for the payment of all fees and charges to the parish council.
- 19.All appropriate certificates relating to the death to be received by the Clerk prior to the interment. All necessary details included on the "Notice of Interment" to be received by the Clerk at least forty-eight hours prior to the interment. If the interment be fixed for a Monday, notice must be given no later than the previous Wednesday. An additional two clear day's previous notice must be given if a vault or bricked grave is required.
- 20.Burial of cremated remains. Provision for the burial of cremated remains is in the "memorial" area of the cemetery (maximum two burials per space with a tablet no

greater than 2'x2'). Formal permission must be sought for the placement of a tablet and there is a set fee (see current fees).

21. Any floral tributes from the funeral will be placed on top of the grave following backfilling, and will remain in situ for a minimum of 7 days before being cleared by Council staff (unless family have already removed them)
22. At any interment persons may appoint their own Minister, subject to the fees, rules and regulations made by the Council. Notice of the Minister so appointed shall be given to the Clerk on the "Notice of Interment".

### **Charges**

23. A Non-resident charge will apply where the person being interred was not an inhabitant or parishioner of the Parish of Sitlington immediately before death. With the agreement of the Chairman and Vice-Chairman, the Clerk will have the authority to waive the non-resident charges in cases where immediately before the death of a person, she/he has lived in a residential or nursing home outside the parish and immediately before entering the home they have lived for a considerable time in the parish

### **Pre purchase of plots**

24. Pre purchase of Burial and cremated remains plots, these can be purchased following the pre purchase guidance in the application to purchase. This would require purchase of the exclusive rights of burial. Interment fees at the time of interment will be charged according to whether the deceased is a resident or non-resident at the time of death not when the pre purchase was made. Should the plot not be used before the expiration of the Exclusive Right of Burial then the exclusive right may expire. The grave owner can contact the Parish office to extend this period. (Charges may apply)

### **Transfer of grave ownership**

25. Transfer of ownership. On the transfer of ownership of an Exclusive Right of Burial in a grave or graves (owing to the death or otherwise), such transfer must be registered and the deed produced for endorsement. There will be a small administration fee to transfer ownership of graves
26. A transferred Rights of Ownership to a grave is only valid if it has been registered and agreed by the Clerk. It is advisable that once the grave owner has been interred within the grave, arrangements be made for the transfer of ownership. No further burials, interments of cremated remains, additional inscriptions on memorials or installation of new memorials will be permitted until entitled ownership has been established. In cases where the original purchaser is deceased, the new owner must demonstrate ownership of the grave by producing
  - (a) A valid will,
  - (b) Grant of Probate,
  - (c) Letters of Administration
  - (d) if the others are missing, a completed Statutory Declaration witnessed by a Commissioner of Oaths eg Solicitor. A fee is charged for accepting this documentation which must be paid at the time the form is presented to the Clerk. The form will be retained at the office as a permanent record of the instruction to authorize the grave to be opened.

27. Purchasers of burial rights to vaults or grave plots shall be at liberty to transfer their interest in their purchase on payment of the appropriate fee.

## **Memorials**

28. Temporary marker crosses (erected after interment)

Subject to Regulations and purchase of a Right to Erect a Memorial, a temporary marker cross, height no greater than 450mm, may be placed at the head of the grave for a maximum of two years subject to the permission of the Council. Only wooden cross/ plaque are allowed for the two years. **NO other materials can be used as a temporary marker.**

29. The owner of the exclusive rights to burial for any grave or vault may employ his own workers to erect a Monument thereon provided he/she conform to the regulations made from time to time by the Council, but in case of any breach of any of the regulations the Council shall have the right to interfere with the work in such a way as the Council shall think fit, and may discharge any workers or other persons from, and prohibit them from entering the cemetery.

30. Three days' notice must be given to the Clerk by masons etc before erecting any monument and a memorial permit must be in place, detailing the work and description/size of headstone /tablet must be completed as soon as possible. This will need to be approved by the Parish Council prior to installation.

31. Purchasers or owners of burial rights to graves or vaults employing workers to erect monuments must, before the erection, pay the fees for permission to make the erection, the setting out of the ground and the superintendence.

32. Headstones to be wholly constructed of natural stone, not exceeding one metre in height (to be determined from ground level) and 0.8 metre in width. If erected on a base stone, this is not to exceed one metre in width and 0.4 metre from the headline of the grave space. Further guidance can be obtained from the Parish Office.

33. All memorials must be erected in accordance with NAMM (National Association of Memorial Masons) or BRAMM (British Register of Accredited Memorial Masons) recommended codes of practice and must be installed in full accordance with BS8415 and therein shall remain the sole risk of the owner of the Exclusive Right of Burial for that plot. All memorials shall be kept in repair by their owners, and if not kept in good repair, they may be repaired or laid flat by the Council at the expense of the owner. The Council shall not be responsible for any damage or breakage which may occur through any cause whatsoever including vandalism or storm.

34. A gravestone or monument must not be erected except over a grave or vault to which exclusive right of burial has been purchased. All memorials (including temporary marker crosses) must be placed at the head of the grave, in line with other memorials on the row.

35. Only non-corrosive cramps and fittings must be used in the erection of monuments, and none of any other kind without special permission of the Council. All monuments must be fitted to the NAMM Code of Working Practice and all headstones must be erected by using an accredited memorial anchor system. It is the responsibility of the Monumental Mason to ensure that the required specifications as laid down by NAMM are met as this Council accepts no responsibility for memorials which become unsafe due to inadequate fixings/methods being used at the time of erection. Suitable anchorage systems must be used to all monuments.

36. All materials, gravestones and monuments must be conveyed into the cemetery by means of suitable vehicles, and any damage done to the walks or grounds by erecting tomb stones or monuments, or performing other works, must be repaired by and at the expense of the contractor for the work, or the person employing him, and the Council will not be answerable for any damage that must be done by them in removing tombstones or monuments.
37. A drawing of every monument, gravestone or borderstone with a copy of the intended inscription and details of the fixing system to be used must be sent to the Clerk at the time of application for the approval by the Council. The insurance details of the Monumental Mason must also be supplied. A monument, gravestone or borderstone shall not be erected without the written permission of the Council in the form of a letter written by the Clerk. The number of the grave space corresponding with the grave book must be inscribed on every monument, gravestone or borderstone.
38. The Council has power to remove any memorial or tombstone which has been placed within the Council's cemeteries without the necessary authority and also to delete any unauthorised inscription appearing on any memorial or tombstone within the Council's cemeteries. Application for an extension of the Right to Erect a Memorial after 25 years should be submitted to the Parish Council.
39. All private graves, vaults, monuments and gravestones must be kept in repair by the owners thereof. If any owner neglects for six calendar months after notice sent to the registered owner or to the known representative of the deceased to effect repairs that may be required, the Council may cause the memorial to be removed. Owners of Exclusive Rights of Burial may be legally responsible if injury or damage is caused to anyone or anything due to lack of maintenance.
40. Monuments will be inspected and tested regularly, in accordance with Health and Safety Regulations. Those failing the inspection will be made safe, if necessary, by laying the headstone down.
41. Reopening of graves. The owner or executor shall be responsible for the removal of memorials and kerbs (if any) on the reopening of graves and replacement of same within eighteen months. The cost of removing must be borne by the owner/executor, and the Council will not be responsible in the event of a monument or stone becoming broken or damaged, lost or destroyed during such work.
42. Damage to memorials. The Council will not be responsible for any damage to monuments, memorials, flower vases or plaques occasioned by storms, wind, lightning, subsidence, vandalism or any other cause. If a memorial is found to be unsafe and dangerous it may be made safe by the Parish Council. The grave owner will then be contacted to see if they would like to have the memorial refixed if this is possible. The grave owner will be responsible for any charges to have the memorial refixed or repaired.
43. The Council suggests that at least eighteen months should elapse between the interment and the erection of any memorial or tomb stone as the ground may sink and the memorial or tombstone crack or fall. This Council accept no responsibility for memorials or tombstones which crack or fall due to ground shrinkage.

### **Administration**

44. A Register of all burials will be kept by the Parish office and, at all reasonable times, searches may be made and extracts obtained on the payment of the appropriate fee.
45. A plan of the cemetery, showing the situation of the freehold graves and places for interments, will be kept by the Parish office and may be seen at all reasonable times without charge.
46. The Council forbids the receipt of any gratuity by any Officer or servant employed by the Council.
47. Any further information may be obtained from the Parish Office on the details below.

**The Council reserves to itself the right to make alterations  
or additions from time to time to the specified rules and  
regulations,  
charges and fees.**