

FIVEHEAD AND SWELL PARISH COUNCIL – BURIAL AUTHORITY

FIVEHEAD CEMETERY – CONDITIONS

Introduction

1. Fivehead Cemetery was established in 1896 and is managed by Fivehead Parish Council (the 'burial authority').
2. The cemetery is a valued asset and the Council's management objectives are to provide a space for quiet contemplation, whilst supporting biodiversity as it occupies a key position providing a green corridor for wildlife. The cemetery will be managed on as naturalistic a basis as possible, with grass mown infrequently.
3. Space at the cemetery is very limited and in order to ensure existing and future parishioners can be buried in the cemetery the Council has passed a Resolution (May 2020) stating that the right to burial in the cemetery is restricted to parishioners listed on the electoral register at the time of death.
4. Former parishioners who had to leave the parish to move directly to a registered care facility due to physical or mental incapacity or those killed on active duty with HM Forces may be eligible. Corroboration of information to support such applications will be required.
5. Non-parishioners may not be interred unless being interred in an existing grave of an immediate family member and with the permission of the holder of the Grant of Exclusive Right of Burial.
6. The Council can at its discretion in exceptional circumstances consider applications from former parishioners. Each application will be considered on its individual merits. Corroboration of information to support exceptional applications will be required. If an application is approved for a former parishioner a multiplier of fee rates will apply to contribute to the upkeep of the cemetery.
7. The cemetery is non-denominational; and it has consecrated and non-consecrated areas. Burial plots and a Garden of Remembrance for cremations are available.
8. The information below explains how to purchase a grave; and the terms and conditions relating to interment.

Grant of Exclusive Right to Burial

Purchase

9. A grave plot is obtained by contacting the Parish Council at fiveheadpc@gmail.com or by telephone 07432 275954.
10. The cemetery contains a portion of ground consecrated by the Church of England. If there is a preference for Church of England consecrated ground this should be stated at the time of application for a plot. When a burial takes place outside this area, the representatives of the religious belief of the deceased may conduct a service at the graveside, thereby consecrating that individual grave at the time of burial.
11. Grave plots will generally be allocated by in-filling from the front of the cemetery. Exceptions may be made for family plots established over generations and will be at the discretion of the Parish Council. When a suitable plot has been allocated the applicant will be required to accept the terms and conditions in this document and make the appropriate payment (see Schedule of Fees).
12. A Grant of Exclusive Right of Burial ("Grant") document will then be issued as proof of ownership to the Registered Grave Owner ("Owner").

13. The Grant gives the Owner the right to be buried in the grave and to allow others designated by them to be buried in the grave subject to compliance with the terms and conditions.
14. You may wish to consider multiple ownership e.g. husband/wife; husband/wife and a son/daughter; two or three siblings, etc. As long as there is one surviving owner of the Exclusive Right of Burial when the plot is full (two coffins or two cremation caskets/urns as applicable) there will still be a living owner who has the right to place a memorial on the plot or to add an inscription to that memorial.
15. If there are multiple owners, they will all have an equal right to be buried in that plot, should they so wish, until such time as it is full. However, should there be multiple ownership of Exclusive Right of Burial, any application for an interment or a memorial/additional inscription would need to be made by all those named on the Grant.
16. Should an interment be due to take place but the owner(s) of Exclusive Right of Burial is/are deceased and the person being interred was not an owner, it will be necessary to arrange for the Transfer of Rights (see below). This lengthy legal process would considerably delay opening a grave plot for an interment or placing a memorial on a plot but could be avoided if there is still a living owner.
17. The Grant is a legal document which is required for presentation before any burial can take place.
18. The Grant will designate the time for which the rights are valid, which is 10 years initially from the date of purchase. This period may be extended thereafter in periods of 10 years, up to the 100th anniversary of the first interment for which an additional fee, set at the time, may be payable. Once the Grant has expired, the ownership reverts to the Parish Council. No further burials can take place until the Grant is renewed. The renewal is subject to the Parish Council having been informed in writing with appropriate documentation of any change of ownership and of being provided with up to date contact details.
19. Issue of a Grant does not imply ownership of the land itself or any right to carry out any activity on the allocated land which remains in the ownership of the Parish Council.
20. Purchase and issue of a Grant confers certain obligations on the Owner as summarised within this document. These may be changed from time to time as required by legislation and where deemed significant the Owner will be notified subject to provision of up-to-date contact details.
21. The Owner is advised to notify the Parish Council of changes to contact details throughout the period of the Grant.

Transfer of Rights

22. The Owner can transfer entitlement to another person during their lifetime subject to presentation to the Parish Council of appropriate notarised documentation and payment of an administration fee. A new Grant will be issued noting that this will not alter the expiry date of the original right of burial. If the Grant was purchased in advance of an interment by someone who qualifies for the lower parishioner' fees, it cannot then be transferred to a non-parishioner until a period of five years has elapsed.
23. Where the Owner is deceased, it is assumed that they have given permission for themselves to be buried in the purchased grave. The Grant then becomes part of their estate. If the Grant is not specifically mentioned in the Will it is assumed to form part of the residual estate of the deceased. The procedure to transfer ownership in these circumstances will require presentation of appropriate legal documentation from the Executors of the deceased's estate with statutory declarations as to the rights of the recipient.

Interment

24. The Parish Council require at least three working days' notice prior to a burial taking place.
25. Before a grave can be opened, a completed Notice of Interment, and in the case of a previously purchased grave, the Exclusive Right of Burial Certificate, must be received.
26. Only caskets of wood or other biodegradable materials shall be used for interment.
27. Following an interment, floral tributes (including artificial flowers and decorations) placed on the grave will be left for a minimum of 6 weeks but may then be removed.
28. Some disturbance may be necessary if further interments occur in the same area.

Plot Specifications

29. Plots will be in accordance with the following criteria:
 - Each new grave will be a lawn grave; full kerb sets, edging or any type of grave surrounds, are not allowed.
 - Graves will be dug to double depth on a single plot irrespective as to whether they are for cremated or burial remains noting that if a cremation is to be buried first than it must be laid to rest at the same depth as would be required for a coffin to preserve the legal requirement to avoid disturbing prior burial remains.
 - All graves will be centred 122cm (four feet) from the centre of the adjacent grave.
 - Grave spaces are normally 2metres 29 cm (7ft. 6inches) in length x 122cm (4ft) wide
 - Cremated remains: if families do not wish to have the ashes placed in the Garden of Remembrance, they can be buried in a family grave or in a smaller cremation burial plot, specifically designed for cremated remains which are approximately half the size of a normal grave space.

Grave Preparation

30. Safety of grave preparation requires the following:
 - Preparation by trained grave-diggers with appropriate insurance.
 - Compliance with the plot specifications.
 - Grave-diggers dressed in compliance with health and safety regulations and appropriateness for a cemetery.
 - Inspection to ensure that newly dug graves are properly shored to ensure no risk of collapse and where appropriate suitable covers and platforms to prevent visitors from falling into the grave.
 - Disposal of excess spoil from the dug grave in a position in the cemetery specified by the Parish Council.

Memorials (including all forms of gravestones and grave markers)

31. No memorial may be placed without full permission to do so being obtained from the Parish Council in writing.
32. The Exclusive Right of Burial must be purchased before an application can be made for the Right to Erect a Memorial. Memorials purchased by persons other than the Grantee of Exclusive Rights are ultimately the responsibility of the Grantee.
33. Applications to place a memorial must be signed by the holder of the Exclusive Rights of Burial.
34. Memorials are the private property of the Grantee and must be maintained in a good and safe condition.
35. Parish Council is not responsible for damage caused by vandalism and owners of memorials are encouraged to take out insurance to cover this.
36. The Owner is responsible for compliance with the necessary standards and wishes of the deceased for memorial erection.

37. Details of the holder of the Right to Erect a Memorial are to be supplied to the Clerk. Problems with memorial security will then be initially referred to the registered holder. The Parish Council will not normally undertake responsibility for grave maintenance. Any exception to this policy, because of special circumstances, is to be referred to the Parish Council for a decision.

Memorial Safety

38. It is the Owner's responsibility to ensure that all memorials are installed to the necessary safety standards:

- Installation is conducted by National Association of Memorial Masons (NAMM) or British Register of Accredited Memorial Masons (BRAMM) registered personnel operating within the NAMM or BRAMM Code of Working Practice.
- Installation is to be with a NAMM or BRAMM approved fixing method and secured with ground anchors which conform to the relevant British Standards.

Compliance should normally be provided to the Parish Council through the Funeral Director/funeral organiser.

39. The Owner remains responsible for the safety and ongoing maintenance of any erected monument during the term of the Grant. If at any time the memorial shows signs of significant movement the Parish Council will contact the owner and will require immediate action to stabilise the memorial. If the Registered Grave Owner cannot be reached, or the refuses to undertake the necessary action, the Parish Council reserves the right to effect repairs and reclaim costs.

Memorial Design (Graveyard)

40. Memorials are to conform to the following:

- Have a maximum height of 76.2cm (2 feet 6 inches).
- To be placed within the curtilage of the grave in line with adjacent gravestones;
- The identification of the stonemason (e.g. initials and or post code) and the reference number of the plot are to be discretely shown on the reverse of the stone.
- Vases are to be placed in line with existing or potential headstones in the relevant row.
- To be in keeping with the tradition and style of the existing graves.

In cases of doubt, then approval should be sought from the Parish Council prior to any commitment to purchase and erect a memorial.

Memorial Design (Garden of Remembrance)

41. Tablets or plaques in the Garden of Remembrance are to measure 38cm x 38cm (15 x 15 inches) and be laid flat.

Flowers, wreaths, plants, etc

42. The Parish Council may remove, or cause to be removed, any glass jar and vase or any other object considered to be a hazard to public safety from any grave without notice.

43. Plants and flowers may only be placed on/at the headstone of any grave space and must be maintained in a tidy condition.

44. No shrubs, plants or flowers may be planted on a grave space.

45. Ornaments which can be safely placed on the memorial stone base to allow ease of upkeep of the cemetery are permitted. Ornaments to be restricted to one ornament no larger than 25cm by 15cm and one smaller ornament no larger than 15cm by 10cm. If an ornament is deemed to cause problems with the proper maintenance of the cemetery it will be removed and retained by the Parish Council for a minimum of 12 months and returned to the owner upon request within that 12-month period.

46. Unsightly ornaments or ornaments deemed to be a detriment to the cemetery will be removed and retained by the Parish Council for a minimum of 12 months and returned

to the owner upon request within that 12-month period; the final arbiter of what is deemed unsightly will be the Parish Council.

47. Wreaths and cut flowers may be placed on graves subject to the discretion of the Parish Council but when removed must be taken off-site. All flowers and wreaths (including artificial flowers and decorations) will be left for a minimum of 6 weeks but may then be removed at the discretion of the Parish Council.
48. The Parish Council may at any time authorise the pruning, cutting down or trimming of any shrubs plants or flowers if they have become unsightly or overgrown and may remove any dead shrubs plants or flowers. The Parish Council would seek to inform interested parties where practical.
49. Permission must be obtained from the Parish Council for memorial shrubs, trees and seats to be placed in the Cemetery.

Conduct

50. All persons shall conduct themselves in a quiet, decent and orderly manner and must keep to the paths except when visiting a grave.
51. No person shall bring any litter or other waste material into a cemetery and any waste or litter arising from attending or caring for graves shall be taken off-site.
52. Cycling, skateboarding, roller skating or playing of sports/games is not permitted in the cemetery.
53. The taking of commercial photographs and filming is not permitted in the cemetery except with the prior approval of the Parish Council for which a fee may be charged.
54. No person shall unreasonably interrupt Parish Council staff including contractors whilst they are engaged in their duties nor seek to employ them privately to execute any work within a cemetery. No person employed by the Parish Council is allowed to receive any gratuity whatsoever.
55. No persons shall canvass or solicit orders in the cemetery grounds.
56. Alcoholic drinks shall not be consumed in the cemetery.
57. No dogs are allowed in the cemetery except for Guide Dogs.
58. Smoking is not allowed in the cemetery.
59. The only vehicles allowed in the cemetery are disabled scooters, hearses or those used by Parish Council staff and the gravedigger.
60. All damage caused to any boundary wall, fence, ground, paths, memorials or to any part of the cemetery must be repaired to the satisfaction of the Parish Council by the party causing the damage.

Compliance with Conditions, Safety Standards and Legal Obligations

61. Note should be made that in an old rural cemetery the ground is uneven and subject to difficulties caused by adverse weather conditions. Those attending ceremonies do so at their risk. Where family and friends act as pallbearers in the cemetery they do so entirely at their own risk.
62. Those acting on behalf of the Owner for the preparation of the grave and subsequent interment will be required to provide the appropriate documentation of compliance and provide proof of appropriate insurance to the Parish Council. This includes, but is not limited to, the safety of personnel within the cemetery during the grave preparation, and the time up to and including the subsequent interment.
63. Where at any point in the future there is non-compliance with conditions, safety standards, and legal obligations, the Parish Council reserves the right to request remedial action or following the expiry of a period of notification to take appropriate action and seek to recover any costs incurred.