

## **Right of Access and Use**

All our cemeteries have unrestricted pedestrian access.

Vehicle access at either Eastwood (March) or Whittlesey Cemetery requires a key, all other cemeteries have entry gates which remain open for vehicle access.

The Council reserves the right to:

- Close or limit access to the cemetery, or part thereof, when necessary
- Withdraw the use of the cemeteries from any person or organisation

Private vehicles and cycles may use the designated paths within the cemetery so long as they do not cause nuisance to other users. Vehicles must not exceed 5 mph and must not be driven off the paths at any time.

- Buses and coaches must not enter the cemetery without the prior consent of the Council.
- The paths within the cemetery must not be used for the purpose of learning to drive.
- Skateboarding, roller skating and similar activities are not permitted within the cemetery.
- Dogs are not permitted within the cemetery.
- Horses are not permitted in the cemetery, except for horses used to pull a hearse.

## **Conduct**

In accordance with the Local Authorities Cemeteries Order 1977 it is an offence to:

- Wilfully create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Wilfully interfere with any burial taking place in a cemetery
- Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter
- Play at any game or sport in a cemetery

In addition to the offences above, the following activities are prohibited within the cemetery:

- The use of threatening, offensive or abusive language towards any visitor, contractor, or member of staff
- Undertaking commercial filming or photography or any other commercial activity without prior authorisation from the Council

## **Cemetery Section**

### **Definitions**

**Lawn Section:** means those parts of the Council's cemeteries containing graves which are returned to lawn following burials and interments, for which planting or any other memorial is not permitted in front of the main memorial headstone channel.

**Traditional Section:** means those parts of the Council's cemeteries containing graves which can be enclosed with kerb surrounds and within the kerbs it may also contain a headstone, flat or sloping tablets, decorative stone, slate, ornaments, flower vases, memorials or planting in front of the main memorial.

## **Exclusive Right of Burial**

An Exclusive Right of Burial may be purchased at any time and is currently granted for a period of 75 years.

The Exclusive Right of Burial entitles the registered holder(s) to:

- Be buried in the grave or plot (subject to space being available)
- Authorise burials in the grave or plot (subject to space being available)
- Apply for permission to erect a memorial
- Apply for an additional inscription to the memorial

An Exclusive Right of Burial will be issued in the names of up to two people.

The Council will issue a formal Deed of Grant of Exclusive Right of Burial for each grave or plot and, together with these regulations and the terms issued this forms the legal contract between the Council and purchaser.

**Ownership of the ground does not at any time pass from the control of the Council.**

**We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave.**

**We also reserve the right to move memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial.**

**Our policy is to excavate graves to the maximum depth available (6ft). The Council cannot be held responsible and does not guarantee if, due to factors outside our control, the grave cannot reach this depth. Factors outside the Council's control may include the water table.**

No burial may take place within a grave and no memorial may be erected upon a grave without the written consent of the registered owner of the Exclusive Right of Burial of that grave.

- Each registered owner of the Exclusive Right of Burial may be buried in the grave without the consent of the other registered owner (subject to space being available)
- The consent of both registered owners will be required to enable a memorial to be erected on the grave or to permit the burial in the grave of any other person.

Ownership of the Exclusive Right of Burial does not give an individual or families the right to place any items on the grave or plot that are not permitted other than authorised memorials, as laid out under the memorial section of the regulations.

Possession of the Deed of Grant of Exclusive Right of Burial in itself does not prove ownership of the Exclusive Rights. The ownership of the Exclusive Right of Burial belongs to the purchaser as registered with the Council at the time of the sale of the right or following the registered transfer of ownership.

The ownership of the Exclusive Right of Burial may be transferred either during the owner's lifetime or after death.

This is subject to registration with the Council, the endorsement of the deed of grant and payment of the appropriate transfer fee.

Transfer of the Exclusive Right of Burial from the living owner(s) to another individual(s) is done through the completion of an Assignment Form.

Transfer of the Exclusive Right of Burial on the death of the registered owner to the person or persons entitled to it requires the production of a Grant of Probate or Letters of Administration. If these legal documents have not been applied or issued then ownership may be transferred to the executor by Statutory Declaration.

At least one year prior to the expiry of the Exclusive Right of Burial for a grave, the Council will seek to contact the registered owner to extend the Exclusive Right of Burial and where the right expires without renewal it shall revert to the Council.

In such cases, neither the original purchaser nor anyone to whom the right may have been transferred has any rights to the grave and the Council reserves the right to remove any memorial on said grave and after three months to use or dispose of it in any manner it thinks fit.

## **Memorials**

- No memorial of any description may be placed on unpurchased graves.
- Memorials must confirm to the specific standards set for each grave.

**The memorial remains the responsibility of the exclusive rights of burial holder. This includes responsibility in maintaining and ensuring its safety and any costs occurred in doing so.**

Only approved monumental masons are permitted to carry out work in the cemetery.

All memorials shall be erected to confirm to the most recent edition of the NAMM 'Recommended Code of Working Practice' or BRAMM 'Blue Book'

Details of each proposed memorial must be submitted to the Council using the Council's Memorial Application Form. The memorial may only be erected/installed following written approval from the Council issued in the form of a permit.

The Council reserves the right to remove any memorial which either does not confirm to its description on the approved Memorial Application Form or which is erected without the permission of the Council. The Council reserves the right to take action against the responsible memorial mason in accordance with its registration scheme.

## **General**

1. **Planting, Free Standing Pots, Bowls Etc:** The provision of any planting, into the ground or placing plants in free standing pots, bowls or unauthorised flower containers, is not permitted in any Lawn Section of the Cemetery.
2. **Memorials on Plots:** No memorial will be permitted on a grave space or cremation plot or any part thereof unless the Exclusive Rights of Burial have been purchased. (see memorial section 17 overleaf)
3. **Vase:** An approved vase bearing no inscription or wording of any kind will be permitted whether or not the Exclusive Right of Burial has been purchased, within the headstone channel only. Any items found in front of this channel will be removed 1 month from the date of interment.
4. **Wreaths:** Christmas wreaths are removed from Lawn plots in the cemeteries each year in the 2nd and 3rd weeks of February; this allows grass cutting to commence the 1st week of March each year.
5. **Memorials & Flower Receptacles:** No memorial, vase or receptacle for flowers may be placed on any grave without a prior Memorial Application Form being received and authorised by the Council and the requisite fee having been paid (see regulations 2 and 17). An approved vase bearing no inscription or wording of any kind will be permitted whether or not the Exclusive Right of Burial has been purchased. (regulation 3)

6. **Free Standing Ornaments & Flower Receptacles:** The placing of free standing ornaments, flower receptacles of any material, including glass, plastic, pottery, ceramic or metal containers are not allowed as they can be damaged, moved or stolen.
7. **Erection of Railings, Kerbs, Fences etc:** Is not allowed in any Lawn Sections of the cemetery including the erection of railings, fences or other structures enclosing graves and/or memorials. The provision of any artificial or natural particles of stone or slate will not be permitted on any part of a Lawn Section. If required see Traditional Section.
8. **Removal of Memorial or Structure not approved:** The Council reserves the right to remove any structure, memorial or item which has not received official approval and does not comply with these Regulations or is detrimental to the good order of the cemetery.
9. **Damage to Memorials & Structures:** The Council does not accept responsibility for any loss or damage to any memorials placed on graves or cremation plots in any cemetery administered by the authority.
10. **Insurance Cover for Memorial Damage:** Insurance cover should be considered by the person who is in possession of the Exclusive Rights of Burial for the plot, to cover any damage or work to the memorial for safety reasons.

## **Memorials**

11. **Approved vases:** Should be only of natural stone, not exceeding 10" (254mm) diameter where circular in plan and not exceeding 8" x 8" (205mm x 205mm) where square in plan. No vase shall exceed 8" (205mm) in height.
12. **Approved Receptacles:** Flower receptacles can only be placed on the headstone base and they must be fixed to the memorial base on all graves. A vase conforming to Regulations 3 and 11 may be set immediately in front or to the side of the memorial, but must be fixed to the headstone base plinth only, providing the necessary Council approval has been obtained. No more than two vases will be allowed per grave space.
13. **Temporary Marker:** Following an interment, a temporary marker consisting of a small brass plate on a hardwood backboard and mounted on a short post, may be placed on a grave by a Funeral Director. The brass plate shall show the name of the deceased and the date of death. The marker may remain on the grave for a period of up to 12 months from the date of interment or until a permanent memorial is erected, whichever period is the shorter. Such a marker may be placed on a grave without the payment of any fee.
14. **Memorial Installation:** No memorial will be placed on a plot until after 32 weeks has passed since the interment to allow the plot to settle.
15. **Memorial Design:** The proposed design of all memorials shall be submitted to the Council on the Cemetery Memorial Application Form. Written approval must be obtained from the Council before any installation or erection is commenced. Any person erecting a memorial without written approval will be prohibited from making further applications for the erection of memorials in any cemetery under the control of Fenland District Council.
16. **Memorial Application Form:** The application form shall consist of a sketch or photograph showing the design, all dimensions, the type of stone to be used and all the inscriptions. Memorials must be constructed from natural stone, except those permitted under Regulation 22g (Wooden Cross).

17. **Marking of Memorial Stone:** The company name supplying and erecting the memorial and plot number of the grave or cremation plot must be cut plainly on the reverse or side of the memorial.
18. **Inscription Errors:** Where an inscription has been cut without approval, the holder of the Exclusive Right of Burial shall cause the inscription to be erased in a proper and workmanlike manner, at no expense to the Council so that the appearance of the memorial is not impaired.
19. **Memorial Location:** Within Lawn Sections only single memorials are permitted at the head of any grave at the centreline to each edge. A standard concrete (or equivalent) landing measuring 36" (915mm) long by up to 24" (610mm) wide by 2" (50mm) depth should be sunk into the ground to create a flush surface level with the turf. If two adjoining grave spaces are to share a single memorial spanning both graves the concrete slab may measure up to 84" (2135mm) long by 24" (610mm) wide by 2" (50mm) depth.
20. **Memorial Positioning:** The memorial base must be placed centrally upon the concrete landing (as described at 19) to ensure a minimum of 3" (76mm) border is created between the edge of the memorial base and the turf.
21. **Memorial Height:** When erected, no memorial shall exceed 36" (915mm) in height, including base and landing.
22. **Memorial Sizes:** The sizes of memorials which the Council will permit in its cemeteries are:

### **Traditional Section:**

- (a) Traditional Section - Single kerb set having a maximum size of 84" (2135mm) length by 36" (915mm) width.
- (b) Traditional Section - Double kerb set having a maximum size of 84" (2135mm) length by 84" (2135mm) width.

Concrete foundation landings must not exceed the width or length of the memorial by more than 6" (152mm) (i.e. 3" (76mm) both sides and 3" (76mm) either ends) and must be flush with the ground level and must be wholly within the grave space.

### **Lawn Section:**

- (c) Lawn Section - Single width base, having a maximum width of 30" (762mm) by depth of 12" (305mm) by height of 4" (102mm) placed centrally on a single grave landing.
- (d) Lawn Section - Single memorial placed centrally on the base, having a maximum width of 24" (610mm) by height of 30" (762mm) by thickness of 4" (102mm).
- (e) Lawn Section - Double width base, having a maximum width of 78" (1981mm) by depth of 12" (305mm) by height of 4" (102mm) spanning two graves, with a single memorial placed centrally.
- (f) Lawn Section - Double width base, having a maximum width of 78" (1981mm) by depth of 12" (305mm) by height of 4" (102mm) spanning two graves, with a double memorial having a maximum width of 48" (1220mm) placed centrally.
- (g) Lawn Section - Any approved hard wood cross shall not exceed 36" (915mm) in height when erected, and 24" (610mm) wide.

23. **No Memorial Erected:** If it is not desired to erect any memorial at all on the grave space, then this space will be maintained by the Council as a lawn turfed area.

## Cremation Plots

24. Approved Tablets or Slabs: The size of a memorial slab or tablet on a 24" x 24" (610mm x 610mm) plot in cremation section will be 18" x 18" (457mm x 457mm) by 4" (102mm). Book type memorials on cremation plots must not exceed 12" (305mm) in total height. An approved metal flower container may be set flush into the memorial tablet.
25. Approved Inscription: Any inscription shall be subject to the Council's prior approval, see regulation 17.
26. Vases on Cremation Plots: These are only permitted to stand on a cremation plot if permanently affixed to an approved memorial tablet, they are subject to the Council's prior approval, see regulation 17.

## Grounds Maintenance

The maintenance of the grounds, including the cutting of all grass areas and the excavation of graves is the responsibility of the Council.

In order to excavate or gain access to excavate a grave, it may be necessary to temporarily place plant, equipment and excavated materials on top of adjacent graves. The period during which this may be necessary will be kept to a minimum. Once the burial has been completed, the grave will be backfilled, and the surface of any adjacent grave affected by the works will be made good.

Following a burial, the grave will be backfilled and any floral tributes placed carefully over the grave.

Following each burial in an earth grave, the ground will settle over a period of months. The Council will routinely top up the level of any grave that sinks in this way.

The Council reserves the right of passage by people and machinery over all graves for all purposes in connection with the cemeteries, including but not limited to grounds maintenance; preparation of graves; erection, removal and repair of memorials; memorial safety inspections. The Council reserves the right to cover or temporarily remove any memorial in connection with burials in the cemeteries.

When a grave is excavated for a second or subsequent burial, it may be necessary to remove the memorial upon the grave to enable safe excavation. It is the responsibility of the owner of the exclusive rights in the grave to arrange for the memorial to be removed and replaced upon the grave after a suitable period has elapsed to allow for the settlement of the backfilled ground.

When a grave is excavated, it may be necessary to temporarily remove one or more memorials to enable access to the grave. In such circumstances, the affected memorial(s) will be replaced immediately following the funeral.

## Important Note

The Council will carry out regular memorial safety inspections. If a memorial is found to be unsafe it will either be banded or laid flat. The Council will make all reasonable efforts to contact the current owner of the Exclusive Rights of Burial requesting that a permanent repair is arranged using a memorial mason. The Council retains the right to remove at any time an unsafe memorial if the required repairs to the memorial are not carried out.

