

# LANGTON MATRAVERS PARISH COUNCIL

## Cemetery Rules and Regulations



**These regulations supersede all older version. Existing monuments in the cemetery which do not comply with the current regulations cannot be taken to be a presidents for future memorials.**

### **1. Introduction**

- 1.1. The Council welcomes all visitors to Crack Lane Cemetery, who are requested to respect the peace, dignity, and reverence of the facilities.
- 1.2. These Rules and Regulations replace all previous rules and regulations. Regulations should be observed at all times and the Council reserves the right at any time to make amendments or variations to them
- 1.3. The cemetery regulations form the basis for the proper control and management of the cemetery and are designed to ensure a pleasant environment and ease of maintenance.
- 1.4. To maintain an attractive, dignified, and safe environment for everyone, the following Rules and Regulations will be enforced.

### **2. Interpretation**

- 2.1 In these regulations, unless the context otherwise requires, the following words and expression are defined as: "The Council" refers to Langton Matravers Parish Council being the Burial Authority.

### **3. Management of the Cemetery**

- 3.1 The Cemetery is managed and operated in accordance with the Local Authorities' Cemetery Order (LACO) 1977, as amended by the Local Authorities' (Amendment) Order 1986, plus the Health and Safety at Work Act 1974 and such other regulations as may be made by the Secretary of State for the Home Office.
- 3.2 The Council reserves the right to temporarily close to the public access to the cemetery or any part of the cemetery at any time without notice.
- 3.3 The Council reserves the right to exclude from the cemetery for such period as the Council determines any person offending against these regulations.
- 3.4 Children are permitted in the cemetery but should do so under the supervision of an adult.
- 3.5 Vehicle access, is only permitted with the prior approval of the Clerk, and is subject to the following conditions:
  - 3.5.1 Access is subject to day light hours
  - 3.5.2 Access is subject to absolute right of way to any funeral cortege.
  - 3.5.3 Any damaged caused within the Cemetery will be subject to repair at the vehicle owner's cost.
- 3.6 To the extent permitted by law no liability is accepted by the Council for loss or damage to a vehicle or its content, or injury to its drivers or passengers however arising.
- 3.7 Grounds maintenance operations such as grass cutting, will be carried out by the Council or its contractor, at a frequency determined by the Council and by weather conditions.
- 3.8 Funeral wreaths will be disposed of within 14 days after interment.
- 3.9 The Council reserves the right to disconnect the water tank the winter months to avoid the freezing and ultimate bursting, or when the water storage unit is defective or the water supply provided is being abused.
- 3.10 The Council will not accept liability for damage to any grave space or memorial or injury to any person within a cemetery except where such damage is directly attributable to the negligence of the Council or their employees.
- 3.11 Funeral Directors are responsible for topping-up of subsidence of new graves for the first six months after a burial: the Council will be responsible for topping-up thereafter.

### **4 Fees**

- 4.1 Fees for cemetery services will be determined by the Council annually and will take effect from 1 April each year.

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- 4.2 Fees are payable in advance to the Council except in the case of Council approved Funeral Directors and Monument Masons.
- 4.3 Burials arranged by a Funeral Director not approved by the Council may require payment of a Performance Sum, together with the full Fees in advance of the burial. Subject to satisfactory reinstatement of the grave and disposal of all surplus soil, the Performance Sum will be refunded.

### **5 Items within cemetery grounds**

- 5.1 The Council reserves the right to remove from any grave space any item which has deteriorated or become unsightly and dispose of them in such manner as they deem fit, without notice to the grave owner. The Council is under no obligation to return said items and may dispose of them as determined.
- 5.2 Although care will be taken when excavating new graves, the Council does not accept any liability for loss or damage to items caused as result of such operations.
- 5.3 All lawn areas must be kept clear of tributes in order that maintenance can be undertaken unhindered, and that the width of the memorial border is not altered in any way.
- 5.4 The following items are allowed to be placed on graves:
  - 5.4.1 Provision may be made for one or two flower holders to be incorporated as an integral part of the memorial base.
  - 5.4.2 Natural flowers without plastic / paper wrapping laid directly on to the grave.
  - 5.4.3 Natural festive floral tributes, such as but not limited to Christmas & Easter Wreaths. These will be removed and disposed of within 14 days after the event.
  - 5.4.4 Any floral tributes placed on any flat memorial must not encroach on to adjoining plots, and must not restrict access to adjacent memorial tablets or obstruct the maintenance of the area
- 5.5 All items not explicitly mentioned in 5.4 above are not allowed and will be removed and disposed of. For avoidance of doubt, items no allowed (but not limited to) include:- trees, shrubs and other permanent or annual plants and any form of enclosure

### **6 Offences within cemetery grounds**

- 6.1 All persons shall conduct themselves in a decent, quiet and orderly manner and in accordance with the provisions of Articles 18(1) of The LACO 1977. These state that no person shall:
  - 6.1.1 Wilfully create any disturbance in a cemetery
  - 6.1.2 Commit any nuisance in a cemetery
  - 6.1.3 Wilfully interfere with any burial taking place in a cemetery
  - 6.1.4 Wilfully interfere with any grave, memorial or any flowers on any such grave
  - 6.1.5 Play at any game or sport in a cemeteryEvery person contravening any of the above provisions is liable on summary conviction (currently £1000, and in case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues conviction thereof.
- 6.2 Any person who commits any offence within Cemetery grounds will incur liability, upon conviction, to applicable penalties under relevant burial, criminal, civil and byelaws.
- 6.3 No burial shall take place and no monument or memorial shall be placed in the Cemetery without the prior consent of the Council.

### **7 Conduct within cemetery grounds**

- 7.1 All persons entering the Cemetery will be subject to the then current Rules and Regulations.
- 7.2 Commercial filming or taking of photographs for commercial reasons of any kind cannot be undertaken in the Cemetery without the prior consent of the Council.
- 7.3 Visitors to the cemetery shall not unreasonably interrupt Council employees and/or their contractors at their duties or employ them to execute private works within the cemetery or extend to them any gratuity.

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- 7.4 All enquiries, complaints and requests by members of the public must be made to the Clerk of the Council, and not to operatives in the Cemetery.
- 7.5 Dogs are permitted in the cemetery but must be kept on a lead and under proper control at all times. Dog owners are required to clear up any dog fouling immediately.
- 7.6 No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind.
- 7.7 Cemetery users should take rubbish off site and dispose of it appropriately.
- 7.8 No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders from the same, within the cemetery.
- 7.9 All visitors must keep to the footpaths provided, except whilst visiting a grave.
- 7.10 Only gravediggers who work in accordance with the current Code of Practice issued by The Association of Burial Authorities and have full public liability insurance in place are permitted to work in the Council's Cemetery.
- 7.11 The responsibility for providing sufficient bearers to carry the coffin from the hearse to the grave rests with the funeral director or person arranging the funeral. Any funeral director, including his/her staff and/or mourner who assist with the bearing or lowering of a coffin, does so at their own risk.
- 7.12 Council employees must not be approached or undertake any bearer duties, unless express approval from the Council is received.
- 7.13 A body brought into the Cemetery for interment shall be contained in a suitable coffin.
- 7.14 After interment, no body or cremated remains may be removed from any grave without the production of an ecclesiastical faculty and/or Home Office licence for exhumation. The Council will require the original documents for this purpose.
- 7.15 No person shall operate any sound reproducing equipment or play any musical instrument in the Cemetery without the prior consent of the Council.
- 7.16 Cremated remains shall not be scattered or buried in the Cemetery grounds unless prior approval has been given by the Council.

### **8 The Exclusive Right of Burial & to Place a Memorial Stone**

- 8.1 If a plot is purchased before the time of interment, then on payment of the appropriate fee and completion of the relevant form(s) including the signature of the proposed owner, the right of burial is granted for a period of 99 years and the right to place a memorial stone for 99 years. Deeds shall be provided to the purchaser as proof of ownership.
- 8.2 The Exclusive Right of Burial entitles the deed holder to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to approval and payment of relevant fees).
- 8.3 Where the deed of Exclusive Right of Burial is not available, the registered grave owner or executor shall indemnify the Council in writing against any future claim which may be brought against the Council for permitting the use of the grave.
- 8.4 No grave in respect of which the Council has granted an Exclusive Right of Burial shall be opened without consent in writing of the grave owner, or an executor if the grave owner is to be buried.
- 8.5 The deed of Exclusive Right of Burial shall be produced to the Council whenever a grave is to be re-opened.
- 8.6 Where the period of grant of Exclusive Right of Burial has elapsed and no notification of an intention to renew has been received from the person who was granted the Exclusive Right of Burial or his/her successors, the Council may grant a renewed Right of Burial to any other person, but before doing so will where possible, attempt to notify the previous owner of the Right, or his/hers successor (if known) and give the option of renewal.
- 8.7 The owner of Exclusive Right of Burial is responsible of informing the Council of any change of address.
- 8.8 The owner of Exclusive Right of Burial may assign the Right of Burial to another person subject to the appropriate forms and administration fee.

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- 8.9 Where no interment has taken place in the grave, the owner of the Right of Burial may surrender the same to the Council in return for a payment not exceeding the original purchase price. An administration fee is also payable to the Council, on such instances. No refund will be made where the Exclusive Right period has lapsed.
- 8.10 Interment within a reserved plot is subject to fees as published at time of interment, not at the time of reservation.
- 8.11 Full payment for interments will not be taken prior to the death of the deceased.

### **9 Purchase of grave plot(s).**

- 9.1 All graves will be initially excavated to standard depths determined by the Council. The Council cannot be held responsible if, due to factors outside their control, the full number of interments in a grave cannot be achieved.
- 9.2 The allocation of grave spaces in all cases shall be at the discretion of the Council.
- 9.3 Plots are not guaranteed until payment has been made and the relevant paperwork completed.
- 9.4 In the case of a public grave, no individual owns the Exclusive Right of Burial. Therefore, no memorial, vase, cross, tablet, article or thing may be placed on the grave except for cut flowers.
- 9.5 Any change of address must be notified to the Council in order that up-to-date records are maintained and so that the Council is able to contact grave owners as and when required. No responsibility can be accepted for information which does not reach a grave owner if the Council has not been informed about a change of address.

### **10 Interment**

- 10.1 Notice of burial must be given to the Clerk as early as possible and, in any event, not less than five working days' notice excluding weekends and Bank Holidays must be given for any proposed burial.
- 10.2 All completed forms and relevant fees must be given at the time of booking no later than 10.00 a.m. five working days prior to interment. In the case of religious, ethnic and cultural groups, every effort will be made to meet the need for rapid arrangements for interment when requested, subject to available resources and appropriate legislation.
- 10.3 A certificate for disposal issued by the Registrar of Births and Deaths, or a Coroner's Order for Burial must be delivered to the Clerk no later than 5 days before interment (excluding weekends and Bank Holiday). Failure to provide this document may result in delays or the cancellation of the funeral
  - 10.3.1 In the case of a stillborn child, the appropriate certificate under the Births and Deaths Registration Act 1953;
  - 10.3.2 In the case of a non-viable foetus the Medical Practitioner's or Midwives' certificate of delivery will be required;
  - 10.3.3 In the case of interment of cremated remains, the cremation certificate issued by the Cremation Authority.
- 10.4 The person arranging the interment shall be responsible for the attendance of a minister of religion, if desired, to officiate at the burial service and for the payment of any fee to which the minister is entitled.
- 10.5 A religious service may be used but all ceremonies are subject to the approval of the Council. Alternatively, the coffin may be committed without a service.
- 10.6 The maximum number of interments
  - 10.6.1 Within a cremation plot is two. (Ashes only)
  - 10.6.2 Within a burial plot is 5. (Two full burials and three sets of ashes.) Plot allowing.
- 10.7 Where a funeral is of a person who has died of an infectious disease, the Notice of Interment must contain a statement to this effect.
- 10.8 The location of each new burial plot will be allocated by the Council. Where a new burial plot is required (i.e. the burial will not be in a plot purchased prior to the death of the deceased) all reasonably practicable efforts

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will be made to accommodate the last wishes of the deceased and the preferences of bereaved families. The final decision on the allocation and use of any new burial plot rests with the Council.

- 10.9 Every body brought into the cemetery for interment shall be contained in a suitable coffin /casket bearing a name plate establishing the identity of the body contained therein.
- 10.10 Traditional wooden coffins or ecologically friendly coffins only shall be used. No metal or plastic type coffins/cremated remains caskets will be allowed.
- 10.11 No body shall be buried in a grave in such a manner that any part of the coffin is less than 0.91 metres below the level of any ground adjoining the grave; provided that the Council may, where they consider the soil to be of suitable character, permit a coffin to be placed not less than 0.61 metres below the level of any ground adjoining the grave.
- 10.12 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by a layer of earth not less than 15 cm thick.
- 10.13 No brick graves or vaults will be allowed to be constructed.
- 10.14 For second interments, all items should be removed from the grave by the family at least 48 hours prior to an interment. If the grave has not been cleared this may be carried out by cemetery staff. The council will not be responsible for any breakages and all items will be disposed of.
- 10.15 The Funeral Directors may need to excavate a plot or grave for interment to take place, and boards may have to be placed over a nearby grave. It may be difficult to visit the grave for a short period. Please be assured that after the funeral the grave will be cleared, and the area left neat and tidy

### **11. Exhumation of remains**

- 11.1 In the event of the need to exhume a body or cremated remains from a cemetery, an application must first be made in writing to the council.
- 11.2 The applicant must apply to the Ministry of Justice for an exhumation licence, or in the case of a grave on consecrated Church of England ground, a Diocesan Faculty must be obtained. The Exhumation process from the Diocese is a lengthy procedure and consent is given in exceptional circumstances only. Almost all of Crack Lane Cemetery is consecrated ground.
- 11.3 Exhumations will be contracted out to suitably qualified specialists and the full costs plus an administration fee will be passed to the applicant for payment.
- 11.4 The applicant will be responsible for organising a Funeral Director and carriage for the remains to be transported to the final resting place.
- 11.5 In the event of reburial appropriate fees will be applied.

### **12. Memorials**

- 12.1 A temporary wooden cross not exceeding 90 cm in height above ground level by 60cm wide may be erected at the head of the grave for the first twelve months following an interment. This temporary memorial shall be removed by the Owner of Exclusive Right of Burial or Memorial Mason when a permanent memorial is erected and before the 12 months has elapsed. The Council reserves the right to remove and dispose of the cross, should it fall in disrepair or if it remains on site at the expiration of the permitted period.
- 12.2 A memorial may only be erected in accordance with the current rules and upon completion of all relevant forms and payment of the appropriate fees.
- 12.3 The Right to Erect a Memorial rests with the Exclusive Right of Burial deed holder, or their next of kin or executor and will last for the duration of the unexpired portion of the Grant of Exclusive Right of Burial.
- 12.4 The Council periodically inspects all memorials and if any are found to be in an unsafe condition, the Council will undertake any action required to make the memorial safe. A notice may be placed on the memorial and efforts made to contact the memorial owners in order that they can rectify any problems.



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- 12.5 Memorial owners shall be responsible for the cost of repairing or re-instating memorials. The Council will endeavour to notify memorial owners of unsafe memorials but if not repaired or contact not made within two months of this action, the memorial may be removed by the Council.
- 12.6 The Council reserves the right to:
- 12.6.1 Remove, without notice, any memorial and take any necessary precautions to safeguard the Council's employees or contractors when digging graves adjacent to any memorial.
  - 12.6.2 To re-fix, move, line-up or otherwise alter the position of any memorial in the cemetery as they may require.
  - 12.6.3 Remove any memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.
  - 12.6.4 Remove any memorial where the periods of Exclusive Right of Burial and Right to erect of Memorial have elapsed or when the Right to Erect a Memorial is deemed to be terminated.
  - 12.6.5 Remove any memorial or other item that is placed upon a grave in contravention of these regulations, without notice.
- 12.7 Where a necessary action has been taken regarding any unsafe memorials and the costs of repair or removal has been borne by the Council, such costs will be recovered from the owner of the memorial or subsequent claimant to the Exclusive Right of Burial, should they become known to the Council.
- 12.8 Application for the approval to place a new memorial in the Cemetery, alter or add to any inscription, or replace, add to or remove from the cemetery any memorial, must be submitted to the Council on the appropriate Memorial Application Form. Such notice must be submitted at least two weeks in advance of the proposed date of erection and be signed by the person applying for permission - this should be the deed holder. If the deed holder is deceased, the applicant must state their relationship to the deceased owner. If the owner is still alive, but not making the application, he/she must provide a letter confirming and authorising the application. Name, address and telephone number of the monument mason
- 12.9 Memorials should be fixed according to British Standards, which is supported by the current edition of the National Association of Memorial Masons Code of Working Practice, or the National Association of Memorial Masons guidance and erected by a mason with a current National Fixer Licence and Public Liability Insurance. A fixer licence must be from one of these organisations: The British Register of Accredited Memorial Masons (BRAMM) or The Register of Qualified Memorial Fixers (RQMF).
- 12.10 It is the responsibility of the Memorial Mason to ensure memorials are erected on the grave space, at the appropriate levels to the adjacent ground at the head of the grave in alignment with other memorials. All Memorial Masons shall carry out their work strictly under the direction of the Council and shall fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.
- 12.11 The removal and re-erection of a memorial to facilitate the re-opening of a grave or to level such grave shall be at the expense of the grave owner or their personal representative. Such work shall be undertaken by a Memorial Mason registered by the Council or masons who are members of the British Register of Accredited Memorial Masons and such memorial shall be replaced as soon as practical after the interment. An application to re-erect the memorial with an additional inscription shall be submitted to the Council.
- 12.12 No memorial work should be undertaken until Council approval is given. Any such approval is issued on the understanding that the work undertaken will fully comply with the details specified within the application form and the requirements of these regulations. The initials of the stonemason or the logo of the firm providing the monument shall be carved on the reverse side of all stone monuments.
- 12.13 Stone memorials over cremated remains may be slightly raised at the top end, to a maximum height of 4 inches to allow rainwater to run off, thus preventing deterioration of the inscription.
- 12.14 Unauthorized memorials shall be removed at the expense of the grave owner or their representative. The council reserves the right to claim costs for the removal, storage and transportation.

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- 12.15 Any memorial erected in the Cemetery remains the property and responsibility of the grave owner or their personal representative and therefore, remains in the Cemetery at their sole risk. You are advised to take out suitable insurance for your memorial. All memorials must be kept in a good state of repair by the said owner or personal representative.
- 12.16 Memorials are placed at the owner's own risk. The Council is not responsible for loss or damage done to any grave space or memorial or injury to any person within the Cemetery, except where such damage is directly attributable to the negligence of the Council or their employees.
- 12.17 Headstones must be Purbeck or Portland stone and dimensions must not exceed:
  - Maximum height 920mm (3'0")
  - Maximum width (single plot) 610mm (2'0")
  - Maximum width (double plot) 920mm (3'0")
  - Maximum depth 381mm (1'3")
- 12.18 Flat stone dimensions must not exceed:
  - Maximum 610mm square (2'0")
- 12.19 Flat stones must be Purbeck and Portland stone. Only flat stone memorials will be allowed on Cremation plots.
- 12.20 No kerb stones, edgings, grave surrounds, landings or loose aggregate / chippings are permitted
- 12.21 The name of the mason or his title may be carved on the back or side of the base of any memorial in letters no larger than 20mm.
- 12.22 Inscriptions must be engraved, embossed or painted. (Black only)
- 12.23 Artwork must be engraved, or embossed and not painted.
- 12.24 Images and photographs will not be permitted as part of the memorial
- 12.25 Funeral directors must arrange, where necessary, for memorials to be removed from the grave to allow graves to be reopened. The memorial shall subsequently be dealt with in accordance with the directions of the Council. Responsibility for any memorial removed in error will remain with the funeral director at whose expense the memorial will be reinstated.
- 12.26 The installation or reinstatement of headstone memorials following an interment is not permitted for nine months.
- 12.27 If there are any discrepancies between the memorial and the original application this will be notified in writing to the monumental mason and the grave owner. Any corrective or remedial works required must be completed to the Council's satisfaction within 28 days.
- 12.28 Whenever a new memorial fails an inspection or fails to meet the criteria detailed in these rules and regulations, the Council will, in accordance with the circumstances of each individual memorial, take appropriate action to remove any health and safety risks. The Council reserves the right to charge an administrative fee to the monumental mason or the person to whose order the memorial works were carried out, to cover any costs incurred in this process, including remedial action(s), inspections (including any subsequent re-inspections) and all correspondence.
- 12.29 The Council may refuse memorial applications from monumental masons who have repeatedly been responsible for memorials which have failed inspections or where, in the opinion of the Council, there is clear evidence of repeated poor workmanship.

### **13. Maintenance and planting**

- 13.1 All materials and equipment shall be conveyed in the Cemetery in such a manner as to prevent damage to walkways, paths, existing memorials, turfed areas or plants and all soil and waste shall be removed in a like manner. Mats, boards or canvas should be used and the site should be left tidy, to the satisfaction of the Council.

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- 13.2 The Council may take over the maintenance of any grave / memorial where, in the opinion of the Council, the grave / memorial has not been suitably maintained. The Council will make reasonable efforts to contact the grave / memorial owner prior to carrying out works of this kind.
14. **Regulation changes**  
The Council is empowered to alter or amend the aforementioned regulations at any time; to introduce further regulations as are considered necessary; to waive any of the regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these regulations; Regulations made by the Secretary of State in exercise of the powers conferred by section 7 of the Cremation Act 1902 Appointed under regulation 31 of the 2008 Regulations
15. **Enquiries**  
All enquiries regarding the Cemetery should be directed in the first instance to: The Clerk, using the contact details below.
16. **Acceptance of Rules and Regulations**  
Payment to Langton Matravers Parish Council of Right to Burial, Right to place a Memorial or Interment fees signifies acceptance of Rules and Regulations.

Revised and approved by resolution of the Council, 11<sup>th</sup> August 2016.

Reviewed and approved without change by resolution of the Council, 11<sup>th</sup> May 2017

Revised and approved by resolution of the Council, 6<sup>th</sup> May 2021

Revised and approved by resolution of the Council, 11<sup>th</sup> November 2021

Revised and approved by resolution of the Council, 31<sup>st</sup> May 2022

Revised and approved by resolution of the Council, 11<sup>st</sup> May 2023

Revised and approved by resolution of the Council, 12<sup>th</sup> October 2023