



# **BISHOP'S STORTFORD TOWN COUNCIL CEMETERY REGULATIONS**

**4<sup>th</sup> April 2017**

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## ***Introduction***

The Burial Grounds in the Cemetery to the West of Cemetery Road (the 'New Cemetery') and the Cemetery to the to the East of Cemetery Road (the 'Old Cemetery') are controlled and administered by the Council under the Local Government Act 1972 and other applicable legislation, including in particular the Local Authorities' Cemeteries Order 1977.

Enquiries should be addressed to

Cemetery Administrator  
Bishop's Stortford Town Council  
The Old Monastery  
Windhill  
Bishops Stortford  
Herts CM23 2ND

enquiries@bishopsstortfordtc.gov.uk  
Telephone 01279 715000  
[www.bishopsstortfordtc.gov.uk](http://www.bishopsstortfordtc.gov.uk)

## ***Terminology***

Throughout this document the word 'burial' means the interment of a dead body. The word 'interment' means the interment of a dead body *or* of cremated remains. The word 'grave' means a plot set aside for burial or for the interment of cremated remains.

## ***Hours of Opening***

The Cemetery is open to the general public during the following hours, seven days per week

October to April	7.30 am - Sunset
May to September	7.30 am - 8 pm

## ***Exclusive Right of Burial***

### **Grant of Exclusive Right**

A grant of Exclusive Right of Burial ("ERB") in a grave space will be made to any one natural person for a period not exceeding 75 years. Prior to the expiration of a grant the owner may apply for an extension in which case the Grant may extended it for a further 50 years and no more in all cases to the payment of the appropriate fee from time to time approved by Council.

### **Allocation of space**

The allocation of grave space is in sequence and is made on receipt of a completed notice of interment. There is no provision in the cemetery for the pre-purchase of plots.

## **Reserved Rights**

The grant of an Exclusive Right of Burial gives the purchaser the right to consent to interments but does not transfer ownership of the land which remains with the Council. Other than those expressly granted in writing the Council reserves all rights in respect of the grave including, but not limited to:

- The right to remove or reduce without notice any faded flowers, wreaths, glass or pottery items, tins, fencing and any other items which are, in the opinion of the Council are dead or faded, objectionable, offensive, unsightly or which are placed on the grave in contravention to these regulations
- The right of passage over all graves and the right temporarily to cover or move any memorial kerbing or cover for any purpose in connection with the maintenance of the cemetery or an interment or disinterment.
- The right to replace the turf on the planting area of a lawned grave (if any) should, in the opinion of the Council, the area appear not to be maintained.

## **Transfer of Exclusive Right of Burial**

A grant of exclusive right of burial may be transferred with the consent of the owner. If the owner is deceased then the exclusive right forms part of the estate and probate of the will of the deceased or letters of administration to his or her estate must be produced, together with such other or additional evidence as the Town Council shall require so that the right to consent to a transfer is duly established. Until a transfer is completed a grave space belonging to a deceased person shall not be re-opened, no memorial work may be undertaken nor may the grave otherwise be dealt with, other than to inter the body of the deceased owner. A fee will be payable for any transfer.

## ***Interments***

### **Notice of Interment**

Information may be obtained from and all applications for interments shall be made to the Offices of the Town Council between 9am and 5pm Monday to Friday excepting Bank Holidays. Information is also available on the Town Council website.

Notices of Interment must be given not less than three clear working days in advance of the date of interment and given in the form required by the Council with full details being provided at the time of application. Unless account facilities have been granted, all fees shall be paid at the time of application. A copy of the current fees and charges applicable to the Cemetery can be obtained from the Town Council Offices.

### **Hours of Interment**

Interments will normally take place Monday – Friday 9am – 3.45pm (but never less than 2.25 hours before sunset). These times are 'at graveside'.

Interments may take place by special arrangement after 3.45 pm Monday to Friday (subject to availability of daylight and staff) or on Saturday however a premium rate will be charged.

Interments may not take place on Sunday or public holiday.

### **Production of Certificates**

No burial may take place until a Certificate of Disposal has been issued by The Registrar of Births, Deaths and Marriages or an Order of Burial by the Coroner. In the case of a non-viable foetus, a Declaration signed to that effect by a Registered Medical Practitioner is required.

For the interment or scattering of cremated remains a Certificate of Cremation signed by an officer of the crematorium is required.

### **Registers**

A register of all Burials and of the Interment of Cremated Remains shall be maintained by the Town Council and open to inspection.

A register of Grants of Exclusive Rights of Burial will also be maintained however, as this contains personal details of living persons, this will be open to inspection only to the extent permitted by laws of data protection.

### **Digging of Graves**

#### **General**

Unless otherwise permitted in writing by the Chief Executive Officer, all excavations for interment shall be carried out by the Council's employees who will also be responsible for refilling and disposal of surplus soil.

Burials shall be in an approved type coffin. Cremated remains may be interred in a biodegradable container (which, in the Old Cemetery must be a 'scatter tube' not more than 140mm in diameter) or loose.

The Council reserves the right to restrict the number of interments in each grave. Cremated remains may not be interred in a burial plot unless at least one burial has previously occurred in the plot.

#### **Reuse of Graves**

One or more areas in the Old Cemetery have been designated for reuse by the 'lift and deepen' method and the necessary permissions to reuse space obtained. New graves may first be dug in an area designated for reuse provided that the evidence available indicates that no interment has taken place within the 100 years immediately preceding the excavation of the new grave.

When a grave is first excavated for reuse the state of any remains and any artefacts found will be recorded in accordance with the protocol for reuse from time to time in force. Remains will be reburied in the grave at a level no less than 150mm below the lowest level at which a new interment will be located.

Once a grave space has first been dug for reuse second and subsequent interments may take place in accordance with the general provisions set out above.

## ***Scattering of cremated remains***

Cremated remains may be scattered, subject to payment of the applicable fee:

- On a grave with the permission of the owner of the grave
- In the memorial garden which is specifically designated for the scattering of ashes<sup>1</sup>

Cremated remains may not be scattered elsewhere in either cemetery.

Individual memorials are not permitted in the memorial garden; separate memorial options are available.

## ***Memorials, Kerbing and Maintenance***

### **Regulations applicable to all areas**

All Memorials and Inscriptions thereon shall be subject to approval by the Town Council and payment of appropriate fees before erection and shall be fixed in position by a mason approved by the council. A memorials, kerbing (where permitted) and covers (where permitted) shall be made of stone. Under no circumstances will 'do it yourself' memorials, kerbing or covers made of wood, concrete or other materials be permitted. All memorials must be inscribed on the back with the number of the grave.

Erection of Memorials will only be permitted on plots where the Exclusive Right of Burial has been purchased and permission will only be granted to the owner. If the owner is deceased the ERB must be transferred to a living person before permission for a memorial or for an inscription will be granted.

All applications for permission to erect Memorials shall be submitted on the form supplied by the Council and shall include full details of the inscription or wording, and a drawing showing the shape, dimension and material to be used.

Memorials on graves shall be in the form of a headstone only and shall comply with the measurements set out in the applicable section below. All memorials shall be securely and properly fixed in position with an approved concrete foundation, a ground anchor system must be used on memorials of height 610mm (24in) and above.

No memorials will be permitted to be erected on graves (other than plots for cremated remains) within six months of an interment. Only one memorial will be permitted per grave.

The owner will be responsible for repair, maintenance and cleaning of all Memorials and also for removal and replacement thereof in case of re-opening a grave for further burial.

Testing of memorials will take place from time to time and the Council reserves the right to remove, lay down, remove or support any Memorial

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<sup>1</sup> The memorial garden for scattering of cremated remains will be available for mid 2017 approximately

should it be found to be defective or dangerous. The cost of work will be the responsibility of the owner.

The Council will not be held responsible for any accident or damage to any memorial, gravestone, monument or tablet) by any cause. Owners of memorials may wish to consider taking out insurance against damage.

## **Regulations applicable to lawned areas**

### **General**

The entirety of the New Cemetery and the Lawned areas of the Old Cemetery (where new graves are permitted) are designed so that graves are laid to lawn. This means that graves will be levelled and turfed by the Council as soon as practical after interment (normally the following March/April or (September / October) and the turf maintained with the remainder of the grassed areas in the burial ground.

The turf must not be removed other than for the fixing of an approved memorial or in the small planting area (see below) and nothing may be placed on or planted in the grave other than on the plinth of the memorial or in the planting area<sup>2</sup>.

### **Planting Area and Containers**

A planting area no more that 300mm (12") deep and 760mm (2'6") wide is allowed immediately in front of the foundation to the headstone and subject to the condition that the combined depth (measured front to rear) of the foundation of the headstone and any planting area does not exceed 600mm (2').

Only seasonal flowers which do not exceed 500mm (18") in height may be planted in this area. Shrubs, trees and bushes are not allowed. The responsibility for the maintenance of this area lies with the owner of the ERB.

In addition to the above up to two vases or containers for flowers may be placed on the foundation of the headstone or in the planting area. Containers must not be made of glass or any other material which may shatter on impact.

### **Lawned area memorials**

Memorials in lawned areas must conform with the following dimensions.

Minimum Height x Width x depth	Maximum Height x width x depth
610mmx380mmx76mm (2'x1'3"x3")	914mmx762mmx102mm (3'x2'6"x4")

A base will be permitted to the headstone provided it is constructed of the same material as the headstone with the width equal to the width of the headstone and depth not exceeding 305mm (12in) from front to rear and a thickness of not less than 76mm(3in) and not greater than 152mm(6in)

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<sup>2</sup> This means that edging, kerbing, loose stones and other adornments are not permitted except as expressly set out in the text.

## Regulations applicable to Traditional areas<sup>3</sup>

### General

Certain areas in the Old Cemetery only are designated for graves with 'traditional' kerbing and/or a raised cover. Grave owners are responsible for the maintenance of grave spaces in kerbed areas of the cemetery.

The following regulations apply in these areas only in addition to the general regulations elsewhere in this document.

### Kerbing, Raised covers and memorials

The design and materials of kerbing and raised covers will be subject to approval by the Council. In areas where historical monuments are present, permission will be given only for memorials which are in keeping, both in design and colour, with the nearby monuments.

The overall dimensions of kerbing, any cover and memorial shall be as follows:

Type of Grave on which memorial is placed	Length x width x maximum height
Adult grave	1950x750x900 (6'6"x2'6"x3')
Child Grave	On application

Kerbing and raised covers must be mounted on an overall concrete foundation. The space within the kerbing may be covered with shingle or other loose material, provided that this is properly protected and contained by the kerbing which must be no less than 50mm above the level of the surrounding ground. Alternatively a raised cover may be fitted. Loose memorial items including containers for flowers must be placed wholly within the area defined by the kerbing. Planting is not permitted other than in containers placed on the grave.

## Regulations applicable to areas for interment of cremated remains

### General

Certain areas in both the Old and New Cemetery are designated for the interment of cremated remains. The following regulations apply in these areas only in addition to the general regulations elsewhere in this document.

### Memorials

Memorials must be of an approved design. In areas within the Old Cemetery where historical monuments are present, permission will be given only for memorials which are similar in colour to the nearby monuments.

Separate areas are designated for tablets and headstones. The permitted designs are as follows:

Type of Grave on which	Approved Design
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<sup>3</sup> Interments in the traditional areas will be available from mid 2017 approximately



memorial is placed	
Tablet	380x458mm (18"x18"), see appendix 1 for diagram, plot size approx. 600x600mm (24"x24")
Headstone	610x510x254mm (24"x20"x10"), see appendix 1 for diagram, plot size approx. 760x600mm (30"x24")

### **Like for Like replacement of existing Graves in the Old Cemetery**

In areas of the Old Cemetery other than those designated for reuse a substantially like for like replacement or repair of an existing memorial or other fixed feature (other than plants, trees or shrubs) is permitted. The permission of the owner of the exclusive right of burial is required and replacement/repair work will be subject to the same fees and requirement for the prior permission of the Council as new memorial work.

New memorials or other treatments or adornments in these areas will not normally be permitted.

### **Remembrance Memorials, Plaques and Memorial Benches**

These may be available subject to the conditions from time to time advertised.

### ***General Provisions***

#### **Ministers and Form of Service**

Any duly authorised or recognised Minister or other duly authorised person may officiate at burials and any form of service may be used provided it is conducted in a respectful and orderly manner and does not exceed thirty minutes in duration. Arrangements for the attendance of Ministers other duly authorised persons are the responsibility of the person(s) arranging the funeral.

#### **Punctuality to be observed**

The time arranged for the interment must be punctually observed so as to prevent the interference of one service with another. The Council reserves the right to cancel or defer the interment in the event of late arrival.

#### **Children**

Children under 14 years of age shall not be permitted to enter the Cemetery unless accompanied by a responsible adult.

#### **Dogs**

Dogs are not allowed in the Cemetery other than assistance dogs provided for those with a disability.

### **Admission of Vehicles, Cycles Etc.**

The Council reserves the right to exclude all vehicles (other than those attending funerals, delivery of memorials or carrying out work for the Council) from all parts of the Cemetery. No riding of cycles or motor cycles is allowed in the cemetery.

Visitors shall keep to the surfaced roads and paths except where there is a need to approach a particular grave

### **Offences**

Under the Local Authorities Cemeteries Order 1977 no person shall—

- (a) wilfully create any disturbance in a cemetery;
- (b) commit any nuisance in a cemetery;
- (c) wilfully interfere with any burial taking place in a cemetery;
- (d) wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or
- (e) play at any game or sport in a cemetery.

It is also an offence for anyone who is not authorised by the Council to enter or remain in a cemetery when it is closed to the public.

These offences are punishable on summary conviction by a fine not exceeding level 3 on the Standard Scale (currently £1000) plus £10 for each day after conviction during which the offence continues.

Persons infringing these regulations or misconducting themselves will be requested by the person in charge to leave the cemetery and the Council may take proceedings against any person contravening any of the above.

The Council's employees are not permitted to accept gratuities from member of the public and none shall be offered to them.

### **General Reservations**

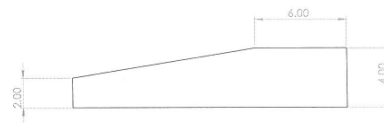
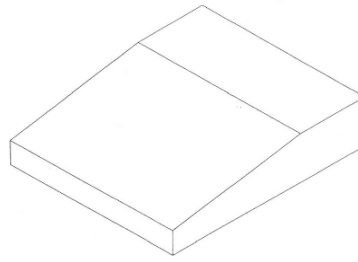
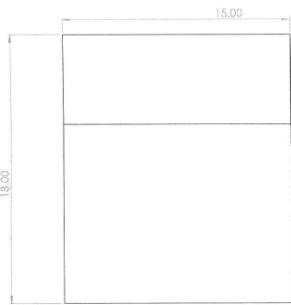
The Council reserves the right from time to time to make any alteration or addition to these regulations or the schedule of fees.

### **Effective Date**

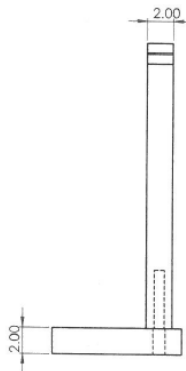
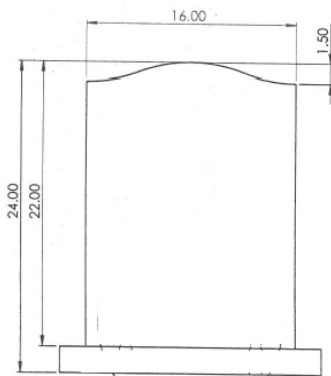
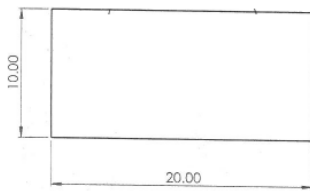
These Regulations became effective on the 28<sup>th</sup> February 2017 and replace all previous issues.

## Appendix 1 - Diagrams (dimensions in inches)

### Tablet for Cremated remains plot



### Small Headstone for cremated remains plot



Diagrams courtesy of J Day & Sons.  
The use of diagrams kindly provided by any supplier does not imply endorsement of that supplier.