

## Abbotts Ann Parish Council

# St Mary's Abbotts Ann Burial Ground Burial Ground Regulations

### 1. Introduction

These Regulations apply to the St Mary's Abbotts Ann Burial Ground, a map of which is at Appendix A. Ownership and responsibilities for the Ground are shared between the Parish Council and the Parish Church.

The Parish Council owns and operates the Civil Burial Ground, including the Garden of Remembrance, under the Local Authorities' Cemeteries Order 1977, starting to the West at Row 18 (East) on the St Mary's Graveyard Plan and ending to the East at Church Road. In addition, the Parish Council is responsible, under The Local Government Act 1972, Section 215 (2), for the maintenance of St Mary's churchyard which was closed in May 2006.

Ownership of the Churchyard remains with the incumbent of St Mary's. The Parish Council recognises that whilst they own the Civil Burial Ground because it is consecrated ground the Bishop of Winchester has a lien on it and the incumbent of St Mary's Church exercises that on his/her behalf.

The Parish Clerk manages the Civil Burial Ground for and on behalf of the Parish Council. All correspondence should be addressed to the Clerk.

Although the St Mary's Churchyard is closed the Consistory Court of The Diocese of Winchester has, under Faculty 4236 dated 18 October 2017, granted the incumbent of St Mary's Abbotts Ann permission to inter cremated remains into identified family graves only within that churchyard. All such interments are the responsibility of the incumbent.

### 2. General Rules

These Regulations apply to all persons using, working or visiting the Burial Ground. The Parish Council reserves the right to exclude or remove any persons failing to abide by the Burial Ground Regulations.

No burials, interments, services or work of any kind or description shall be undertaken or carried out within the Burial Ground without the relevant information being received by the Parish Clerk and his/her permission given for the activities concerned.

The Parish Council will not directly arrange funerals, interment of cremated remains, or the erection of memorials, but will work to assist Funeral Directors, Memorial Masons and Families with their arrangements.

### 3. Burials and Interment of Cremated Remains

Burials in a burial plot, or Interment of cremated remains in either a burial plot or in the Garden of Remembrance, may take place only after application has been made to the Parish Clerk using the relevant form provided and the Clerk has authorised the interment.

In addition, the Exclusive Right of Burial (ERB) must be purchased for all burial plots or for plots for interment of cremated remains in the Garden of Remembrance. Parishioners may apply in advance to purchase the ERB for a plot for burial(s) or the interment(s) of cremated remains. This is known as reserving a plot. Should an ERB not have been purchased in advance then one will need to be purchased prior to, or at the same time as, a Notice of Burial, or Notice of Interment of Cremated Remains, is submitted. Up to a maximum of three people may be joint Holders of the ERB; please note Holders must all agree to give consent with future interments and memorial applications on the purchased plot. All ERB Deed of Grants are currently issued for a period of 30 years and may be renewed at the end of this period. Grants already in place for 75 years remain extant. An explanation about ERBs is at Appendix B.

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The relevant Notice or Application form can be found in the Burial Ground section on Abbotts Ann Parish Council's website ([www.abbottsann-pc.gov.uk](http://www.abbottsann-pc.gov.uk)) or obtained from the Parish Clerk. They are:-

- (a) Appendix C – Notice of Burial.
- (b) Appendix D - Notice of Interment of Ashes.
- (c) Appendix E – Application for the Exclusive Right of Burial (ERB) in a burial plot.
- (d) Appendix F - Application for the Exclusive Right of Burial (ERB) in a plot for the interment of ashes in the Garden of Remembrance.

Fees for burials, interments and the erection of memorials are in accordance with Section 34 of the Burial Act of 1852 and are shown at Appendix G. All fees and sums payable must accompany the Notice of Burial, Notice of Interment of Cremated Remains or Application for ERB as is appropriate.

All plots for burials or interment of cremated remains will be allocated in sequence other than those already reserved in advance.

Burials or the interment of cremated remains are normally restricted to Parishioners and are at the discretion of the Parish Council (A Parishioner is someone who was resident in the civil parish of Abbotts Ann at the time of their death or someone who had lived in the Parish for at least five years but had relocated due to dependent living means). In addition, the ERB for a burial or interment of cremated remains plot for imminent use for a non-resident may be applied for, for someone who has left the Parish up to five years after they moved away, if the deceased had relocated due to independent living means and had previously lived in the parish for at least 5 years.

The applicant is required to include details of the deceased's previous parish residence with their application to the Parish Clerk. All applications for non-residents must be approved by the Parish Council. Fees for non-residents will be charged at double the rates for residents.

When ERB owner(s) wish to make use of their rights it is their responsibility when arranging an interment in their plot to provide the Parish Clerk with the Deed of Grant which shows that they are the ERB owner(s) of that plot. Fees for the interment of non-residents in a reserved plot will be double that of the rates for residents.

Burial plots are intended for the burial of coffins and caskets. Regulations require that No person shall disturb any human remains or remove any soil that may be contaminated and that after an Interment has been committed to the ground it shall not be removed or otherwise disturbed except for lawful exhumation, by Licence and/or Faculty, or by the Order of a Coroner. This includes disturbing the earth/turf following the scattering of cremated remains. The scattering of cremated remains is not permitted in Abbotts Ann Burial Ground.

The interment of cremated remains in a burial plot will normally be permitted only in a plot in which a burial has already taken place. The Parish Council may authorise exceptions to this requirement and their decision in the matter is final. The normal fee for an interment of cremated remains will apply. Also, should the rights owner(s) arrange for the interment of cremated remains in a burial plot then no burials are permitted afterwards in that plot. All interments in a given plot, whether burials or the interment of cremated remains, will incur the appropriate interment fees.

#### **4. Certificates for Interment**

The relevant certificate from the Registrar of Births and Deaths, or the Coroner or Crematorium, must accompany the Notice of Interment. No interment will take place unless the Certificate for disposal is produced at least 2 working days prior to the Interment date.

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Before an interment takes place the Deed of Grant for the ERB must be produced as proof of Rights Ownership. If this has been mislaid, a Statutory Declaration for a Lost Document and accompanying Indemnity Agreement needs to be completed whereby instructing the reissue of a lost Deed of Grant.

When the Owner of the Exclusive Right of Burial is deceased, the Executor(s) or next of kin should arrange for the Ownership to be Transferred to the entitled legal Owner(s). Information on this procedure is available from the Parish Clerk.

### 5. Memorials

An Application for a memorial stone on a burial plot must be made on the form at Appendix H and approved by the Parish Clerk before any work on that plot is carried out. The placing of a memorial on a grave must have the authority of the ERB owner(s) of that grave and:-

- (a) Approval of the design and authorisation for installation must be obtained from the Parish Clerk before
  - i. ordering a memorial
  - ii. adding a new inscription to a memorial
  - iii. adding an inscription to a Garden of Remembrance memorial stone.
- (b) Memorials shall not exceed 1100 mm in height by 600 mm in width. Plinths shall not exceed 610 mm in width by 305 mm depth. Statues, kerbs, railings and chippings will not be approved.
- (c) Headstone material should be of natural stone or oak. Synthetic stone, plastics or other materials are not permitted.
- (d) In cases where approval has been obtained for the interment of cremated remains in a burial plot the ERB owner(s) may apply, on the form at Appendix H, for a small flat tablet, not exceeding 450mm by 450mm and the top of which must not be higher than the surface of the ground, to be placed over the remains
- (e) No memorial of any kind other than those described above may be installed. No additional ornamentation or sculptures may be placed on a grave or within the burial ground.
- (f) Every vertical memorial must be set firmly in a concrete bed the top of which shall not be higher than the surface of the ground. The memorial must be firmly anchored to the foundation so that it does not breach prevailing Health and Safety Regulations published by the Health and Safety Executive (HSE) and which can be found on their website ([www.hse.gov.uk](http://www.hse.gov.uk)). Any joints must be reinforced with stainless steel pegs. To ensure long-term stability account should be taken of possible subsidence.
- (g) The name or trade mark of the monumental mason may be permitted providing that it is placed on the side or back of the memorial just above ground level. The size of the lettering must not exceed 16 mm. Prior approval must be obtained from the family in writing and this letter forwarded to the Parish Council before final approval will be given.
- (h) Memorial must use approved fixing methods and be secured with ground anchors which conform to the required British Standard 8415.
- (i) The maintenance and insurance of each memorial is the responsibility of the ERB owner(s).

### 6. Decorations

- (a) Only natural flowers or foliage are permitted. No artificial flowers are allowed except for traditional Christmas wreaths or Remembrance Day poppies, which must be removed within two months of the burial/interment at which they were placed.
- (b) No lights of any kind are permitted on graves or in the Garden of Remembrance.
- (c) Bulbs may be planted in any grave, but not in the Garden of Remembrance.
- (d) Flowers may be laid, or placed in appropriate containers, on graves or cremation plots, but must be removed when withered.
- (e) No responsibility for removal by others of flowers or containers can be accepted by the Parish Council, however the Parish Council reserves the right to remove and destroy any decorations that do not conform with these rules.

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### 7. Memorial Stone Inscriptions - Garden of Remembrance

An Application for an Inscription on a Council Memorial Stone in the Garden of Remembrance must be made on the form at Appendix I and approved by the Parish Clerk before any inscription thereon is carried out. It must also have the authority of the ERB owner(s) of a cremation plot in the Garden of Remembrance. Inscriptions may not necessarily be placed close to the relevant cremation plot, as it is essential for spaces on the stones to be filled in sequence. Only 2 lines of lettering are normally allowed. The lettering on the first line being not more than 20mm in height and on the lower line not more than 16mm. The inscription should be centred within a space of 320mm wide and 65 mm high. For long names a third line may be permitted on application to the Clerk for approval by the Parish Council. No other memorials are permitted in the Garden of Remembrance.

### 8. Removal of unauthorised Memorials

**The Parish Council reserve the right to remove any memorial which either does not conform to its description on the Memorial Application form or which is erected without the permission of the Council. The memorial will be retained in the Burial Ground for three months pending collection by the individual concerned, after which it will be disposed of. The Council will recover any costs incurred and reserves the right to take action against the Memorial Mason responsible.**

### 9. Repairs to Memorials

Any works necessary for the repair of a damaged memorial or ensuring its compliance with Health and Safety regulations is the responsibility of the owner of the ERB of the plot concerned.

The Parish Council may notify burial plot owners if they believe repairs are required. This will either be by using the last registered address or by placing a sign on the grave.

The Parish Council may take action as necessary to ensure ongoing safety in the Burial Ground.

### 10. Funeral Directors, Stonemasons and other Contractors

The Parish Council is responsible for ensuring a safe environment for visitors as well as those working in the grounds. The Parish Council ensures this by working with recognised experts and expecting them to ensure they adhere to these regulations and that they acknowledge responsibility for the works they carry out.

- (a) Before authorisation to work in the Burial Ground including interments, be it for burials or cremated remains, memorial work or maintenance is given, the person responsible must sign a copy of these Regulations and return them to the Clerk. They must then ensure that those carrying out the work comply with the Regulations.
- (b) All works must not start without the express permission of the Clerk.
- (c) Funeral Directors and their grave diggers must ensure the safety of the ground works. They must not leave ground works unattended without placing 1m high green barrier secured fencing mesh around all sides of the grave or alternative secure cover.
- (d) Excess spoil from ground works must be removed from the burial ground. Excess spoil left at the burial ground - will incur a standard charge of £50.00 payable immediately to the Parish Council by the Funeral Director. The Funeral Director must arrange for the excess spoil to be removed within 48 hours. Failure to do so will risk suspension from operating within the Burial Ground until a review has been carried out by the Parish Council.
- (e) It is the Funeral Director's responsibility to warrant for a period of two years that burial plots are level once the ground has settled.
- (f) Memorial stones may only be installed by National Association of Memorial Masons (NAMM) or British Register of Accredited Memorial Masons (BRAMM) registered Stonemasons.

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The Parish Council and the Clerk reserves the right to refuse permission to work in the grounds if in their sole opinion the works would not be acceptable. Representations may be made to the next Parish Council meeting for resolution.

### 11. Offences in the burial ground.

- (a) No person shall -
  - i. Create any disturbance or commit any nuisance in the burial ground.
  - ii. wilfully interfere with any burial taking place in the burial ground.
  - iii. wilfully interfere with any grave, memorial, or any flowers, plants or any such matter;  
or
  - iv. play any game or sport in the burial ground.
  - v. Carry out an illegal or inappropriate act.
- (b) No person, not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority, shall enter or remain in the burial ground at any hour when it is closed to the public (sunset to sunrise).

### 12. Penalties

The Parish Council owns and operates the Civil Burial Ground, including the Garden of Remembrance, under the Local Authorities Cemeteries Order 1977. Any person who contravenes this order, shall be liable on summary conviction to such penalties as are specified by law.

### 13. Register

On issuing an ERB, the Parish Clerk will allocate a numbered burial plot or cremated remains plot in the Garden of Remembrance or in an existing grave, as appropriate and maintain an ERB Register, a plot register and a plan of the Burial Ground. The Registers of Burials, Grave Spaces and Purchased Graves can be inspected by appointment. Certified extracts may be obtained on payment of a prescribed fee.

The Abbotts Ann Parish Council reserves the right to change or amend any, or all, of these rules at any time.

The above Regulations came into operation on 07.02.2020 – Resolved at Minute Item 10.

Review date: To be reviewed as required and/or if changes to law require

### Declaration

I/We agree to abide by the Abbotts Ann Parish Council Burial Ground Regulations.

Signed: ..... Date: .....

On behalf of: .....  
(Funeral Director/Stonemason/Contractor (delete as applicable))