

South Hinksey Burial Ground (“Burial Ground”)

Rules and Regulations

Issue Date: [2016]

1. Origin and Interpretation

- 1.1. These rules and regulations are made by South Hinksey Parish Council (“the Council”) under paragraph 3(1) of the Local Authorities Cemeteries Order 1977 (“the Order”), for the proper management, regulation and control of the Burial Ground.
- 1.2. The Rules and Regulations shall be taken to incorporate the provisions of the Order mentioned in paragraph (a) above and in the case of any conflict between these rules and regulations and provisions of the Order, the Order shall prevail.

2. Definitions

*[Use consistent terms Plot? / Grave Space?] [Burial Ground / Cemetery?]
[Ensure consistent use of Registrar versus Council]*

3. Registrar

- 3.1. The Registrar of the Burial Ground shall be *[the Clerk to the Parish Council]*. Any reference to the Registrar also includes any appointed representative.

4. Times of Opening

- 4.1. *[To be confirmed]*

5. Entry to Burial Ground

- 5.1. Visitors to the Burial Ground enter at their own risk. Whilst efforts are made to ensure that the safety of the public is not compromised, by their very nature cemeteries can be dangerous places to visit. The ground may be uneven presenting a trip hazard. Headstones can become unstable and so should not be leaned against, pushed or pulled. Members of the public should not go near open excavations or spoil heaps, as the ground can be unstable.

6. Plans

6.1. Plans and records showing the situation of all graves in the Burial Ground are kept by the Registrar at [to be confirmed].

7. Plots

7.1. Every Plot of the Burial Ground shall be [8 feet by 4 feet] for adults.

7.2. [Still-born children or] children not exceeding 12 years of age shall be buried in Plots of [6 feet by 3 feet].

7.3. Cremated Remains Plots shall be [3 feet by 3 feet].

7.4. No grave will be made deeper than [7 feet], or [2 feet] in the case of a Cremated Remains Plot. Where it is impractical to dig to 7 feet, for whatever reason, the Council reserves the right to specify the maximum depth that can be dug. All coffins or other receptacles shall be buried in accordance with the requirements of Part I of Schedule 2 of the Local Authorities' Order 1977.

7.5. [Plot capacity]

8. Selection of Plots

8.1. The selection of any Plot shall be subject to the approval of the Registrar. The Registrar will determine the location/position of any unpurchased Plots. The Council reserves the right to retain any Plot(s) for its own purposes.

9. Surplus Soil

9.1. It is often necessary to excavate a grave to enable an interment to take place. It is common practice in the United Kingdom for the surplus soil excavated from any grave to be deposited on an adjacent grave space should this be necessary. The Council reserves the right to temporarily place surplus soil on any such part of a cemetery as the Council may determine, including Plots.

10. Eligibility

10.1. Interment is available only in respect of those who were normally resident in the Parish at the time of death, including those who moved out of the Parish not more than five years prior to their death due to medical or care needs or, in certain cases, have a close connection to the Parish.

- 10.2. The Council makes distinction according to the length of time a person has been normally resident in the Parish, and Fees for Interment are applied accordingly:
- 10.2.1. *Category A*: normally resident in the Parish for more than 10 years ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death;
- 10.2.2. *Category B*: normally resident in the Parish for less than 10 years ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death;
- 10.2.3. *Category C*: spouse, civil partner, or children of *Category A* or *Category B* who do not otherwise qualify as *Category A* or *Category B*;
- 10.2.4. *Category D*: anybody who makes a claim to have a close connection with the Parish may be buried, at the sole discretion of the Council.

11. Exclusive Rights of Burial

- 11.1. Exclusive Rights of Burial are granted with respect to a single Plot. Ownership of Exclusive Rights of Burial refers to the right to determine, subject to Eligibility, who is to be buried in the Plot, and not to ownership of the land itself.
- 11.2. The number of people that may be buried in a single Plot is dependent upon the depth of the first burial, but in any event will not normally exceed two. In addition, up to [four] urns of cremated remains may be buried in a single Plot.
- 11.3. Exclusive Rights of Burial are granted for a period of [50] years from the date of grant.
- 11.4. [The grant may be renewed thereafter for periods of 25 years up to a total of [100] years on payment at each renewal within the final [5] years of the period of each grant.]
- 11.5. [The Council will not send reminders and it is the Deed Holders responsibility to contact the Council regarding renewal.]
- 11.6. [Where any Rights have not been exercised or renewed within [50] years from the date of the Deed of Grant, the Exclusive Right of Burial will lapse].
- 11.7. After the lapse of Exclusive Rights of Burial, the Council is at liberty to reuse or resell a Plot at its discretion.
- 11.8. No Plot in which the Exclusive Right of Burial has been purchased shall be opened without the production of the Deed of Grant or the written consent of the Deed

Holder or the legal representative. The Council reserves the right to delay or cancel any Interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.

- 11.9. [Where a Plot has not been purchased, the next of kin or legal representative of the last person to have been buried therein may purchase the Exclusive Right of Burial in that grave space].

12. Transfer of Ownership

- 12.1. If the owner of the Exclusive Rights of Burial dies, it is reasonably assumed that they gave permission to have themselves buried and a memorial placed.
- 12.2. Thereafter, the Exclusive Rights of Burial become part of their estate, and may be left in a will or assigned by their executors to someone else.
- 12.3. Other than by death or inheritance, agreement to any Transfer of Ownership of the Exclusive Rights of Burial is made at the sole discretion of the Council.
- 12.4. The inheritor or transferee of the Exclusive Rights of Burial must contact the Registrar and arrange for a Transfer of Ownership before the Plot can be opened again, a memorial is altered, or a new memorial placed. This is done by completing a [Form of Transfer] and returning it to the Registrar together with the original Deed of Grant and the appropriate Fee.
- 12.5. Any person seeking to affect a transfer of Exclusive Rights of Burial must be able to demonstrate successfully their identity and entitlement to the Council upon request.
- 12.6. Exclusive Rights of Burial that are no longer required by the Deed Holder may be surrendered at anytime to the Council by writing to the Registrar and return the Deed of Grant.

[See Medway Council precedents for detailed rules on transfer of ownership upon death]

13. Notice of Interment

- 13.1. A written [Notice of Interment] (Schedule []) and appropriate Fee must be delivered to the Registrar as soon as possible prior to any Interment in any Plot and in any event, not less than [three clear working days] before the Interment.

14. Hours of Interment

- 14.1. [to be confirmed]

15. Disposal Certificates

- 15.1. The relevant Certificate for Burial, Coroner's Order for Burial, Certificate for Disposal (still-birth) or Certificate for Cremation must be received by the Registrar prior to any Interment. No burials shall take place without the appropriate Certificate for Disposal.

16. Applications and Fees

- 16.1. All applications for Exclusive Rights of Burial, Interment, Approval and Erection of Memorials, Transfer of Ownership, and Renewal of Exclusive Rights of Burial must be made on the requisite Form **together with the appropriate Fee**, and sent to the Registrar together with any requisite supporting documentation, in accordance with the time limits specified in paragraph 13.
- 16.2. Fees are detailed in the "Schedule of Burial Ground Fees" (**Schedule []**). Fees will be reviewed on an annual basis and may be subject to increase with effect from 1st January each year.
- 16.3. Payments may be accepted by cheque[, cash] [**or bank transfer**]. All cheques should be made payable to "**[South Hinksey Parish Council]**". [**Bank transfer details**].

17. Service

- 17.1. **If any funeral service is to be conducted by a Celebrant, he/she shall be provided by the applicant.**
- 17.2. **The applicant is responsible for paying the Celebrant's fees.**

18. Bricked Graves

- 18.1. **Underground brick or stonework shall only be allowed in graves where the Exclusive Right of Burial has been purchased.**
- 18.2. **Where the applicant requires the grave space to be bricked they must provide a suitably qualified professional contractor who can demonstrate to the Registrar's satisfaction that they are fit to operate on the site in accordance with current Health and Safety practices. The contractor is then responsible for providing the materials, the bricking and sealing of any brick graves.**

19. Presentation and Care of Graves

- 19.1. Deed Holders are responsible for grave spaces. Graves must be kept in a neat and tidy condition and any litter should be removed from the grave space. Any person causing damage by bringing in any materials or memorials will be required to meet the cost of any repairs.
- 19.2. Any flower holders must be of non-breakable material and are left at the owners' risk. The Council may remove any articles from any grave if they believe that they are likely to cause risk, damage or offence to other visitors to any cemetery.
- 19.3. The Council reserves the right to remove any planted items from graves that may be dangerous or unsightly in any way.
- 19.4. Marble or other chippings are permitted only on pre-existing traditional graves having a kerb.
- 19.5. Provision, erection, and re-erection of kerbstones is prohibited.
- 19.6. Tiles, articles of pottery, glass, metal ware or railings, metal kerbing and artificial wreaths covered with glass are prohibited on grave spaces.
- 19.7. Grassed areas of the cemeteries will be mown and maintained by the Council, with allowances made for areas designated by the Council as wild flower meadow.

20. Unpurchased Graves

- 20.1. The Council may use unpurchased Plots for further Interments at any time.

21. Coffins and Other Containers

- 21.1. All coffins must be marked with at least one and preferably two non-perishable plaques, nameplates, or by other means as shall be approved by the Council, showing the name, age and date of death of the deceased. [Only biodegradable coffins, including cardboard, whicker and shrouds shall be used for interments in any grave. Large style wooden rectangular caskets may be used for which an additional charge is made to cover the extra cost for preparing a larger grave. Metal caskets are not to be used for interment, unless going into an existing grave where a metal casket has already been interred].
- 21.2. In the case of a stillborn child no age will be recorded.
- 21.3. Where two bodies are interred in one coffin then both names shall be marked.
- 21.4. In the case of a person dying from an infectious disease, the body must be enclosed in a properly waterproofed coffin.

- 21.5. Where shrouds are used for burial, the body must be conveyed to the graveside in a suitable covered container.

22. Natural Burial

- 22.1. [to be confirmed]

23. Wreaths and Flowers

- 23.1. All wreaths and flowers may be cleared from graves one month after interment by unless alternative arrangements are agreed with the Council.

24. Burial of Cremated Remains

- 24.1. The scattering of cremated human remains is prohibited.
- 24.2. The burial of cremated human remains in any Plot for which the Exclusive Rights of Burial has not been purchased is not permitted.
- 24.3. The burial of cremated remains may take place in smaller Cremated Remains Plots.
- 24.4. Containers of cremated human remains may be buried in purchased Plots, with the consent of the owner of the Exclusive Right of Burial and on receipt of a completed Notice of Interment form, together with the appropriate Fee.
- 24.5. Where a Plot is of sufficient depth, and will be required at a further date for the burial of a second coffin, the casket of ashes will be buried in the wall of the grave, so as to permit the free passage of any coffin.

25. Exhumations

- 25.1. No body shall be removed from a cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable. No body or cremated remains shall be exhumed without the consent of the Secretary of State, Department of Justice [and/or the Faculty of the Bishop of the Diocese of Oxford]. Where any authorised removal of remains is to take place [] shall carry it out.

26. Application for Approval and Erection of Memorials

- 26.1. Before any memorials may be erected or works undertaken to an existing memorial, a [Memorial Approval Form] must be submitted by the Deed Holder, together with the requisite Fee. When approved, the Registrar will issue a written permit.
- 26.2. Any application for a new memorial must include:
 - 26.2.1. The inscription that is to be inserted on the memorial, showing the arrangement and style of lettering.
 - 26.2.2. A drawing or picture of the proposed memorial giving detailed dimensions of the memorial, footings and bases to be used, also diameter and types of dowels to be used in accordance with the relevant Code of Working Practice of The National Association of Memorial Masons.
- 26.3. Memorials shall not be placed, erected, or renewed on any grave where the Exclusive Right of Burial has not been purchased.
- 26.4. The grave location must be cut plainly on the rear at the base of each memorial above ground level in letters not less than half an inch in height.
- 26.5. Copper or other approved cramps of not less than 3/8 of an inch thickness shall be used in erection of all memorials.
- 26.6. Contractors must satisfy themselves as to the stability of the soil or footings and its ability to support a memorial before the memorial is erected.
- 26.7. The funeral director or contractor appointed by the Applicant shall be responsible for arranging for the removal of any memorial necessitated by an interment and for its re-erection.
- 26.8. All memorials that require additional inscriptions are to be removed from the cemetery to the contractor's premises as appointed by the funeral director.
- 26.9. Any contractor working in the cemetery must maintain a policy of public liability insurance minimum of £5 million against all claims and actions and produce evidence of such a policy on request.
- 26.10. All contractors must [use the main paths / exercise due care] in the cemeteries; any damage that is caused must be repaired at the contractors' expense.
- 26.11. Contractors must fit all memorials to the latest National Association of Memorial Masons standards using an appropriate ground anchor system or equivalent fixings.
- 26.12. No advertisement of the contractor's name may be cut or attached to any memorial.

- 26.13. Contractors shall not work in the cemeteries without a written permit issued by the Registrar. Contractors shall not work in the cemeteries outside the normal working hours of the cemeteries.
- 26.14. All memorial masons must be members of the National Association of Memorial Masons, the British Register of Accredited Memorial Masons, or on an approved Oxford City Council list before they are permitted to carry out work at any cemetery.
- 26.15. No hewing or dressing of stones shall be permitted within any of the cemeteries or approaches. All materials shall be conveyed to the grave space by hand or in such a manner under the direction of the Registrar as will avoid damaging the roads or walks.
- 26.16. All memorials and vases in the cemeteries must be placed or erected in line at the head of the graves by contractors using a line to ensure accurate positioning.
- 26.17. The Council does not maintain or restore memorials, or recommend specific contractors. The Council may undertake safety inspections of memorials [on a five yearly basis in accordance with the Council's Memorial Safety Policy].

27. Overall Dimensions for Memorials Above Ground

- 27.1. The outside measurement of a cover slab for an adult's grave space shall be 6 feet by 3 feet and for a child's grave space 4 feet by 2 feet.
- 27.2. The maximum measurements for memorials are:
- 27.2.1. On Traditional Sections memorials shall not exceed 3 feet 6 inches in height.
- 27.2.2. On Lawn Sections headstones shall not exceed 2 feet 6 inches in height.
- 27.2.3. Scrolls or books shall not exceed 2 feet 6 inches in height on traditional and lawn sections
- 27.2.4. No memorial shall exceed 18 inches in height on Cremated Remains Sections or Children's Sections
- 27.2.5. Bases must be 3 feet by 1 foot 6 inches by 2 inches as a minimum for a full lawn or traditional memorial. Bases for cremated remains memorials should not exceed 2 feet by 2 feet by 2 inches thick. All bases should be fitted flush with the surrounding ground level.

28. Removal of Memorials by the Council

- 28.1. Memorials on unpurchased graves may only be removed by order of the Council, and in accordance with the Local Authorities Cemeteries Order 1977.

- 28.2. No memorial on unpurchased graves may be refixed, or inscriptions or additional memorial added, unless and until the Exclusive Right of Burial has been purchased in accordance with the present regulations.
- 28.3. The Council may remove any memorial where work has not been authorised. This may be at the owners' expense.
- 28.4. The Council reserves the right to remove any memorial.

29. Repairs to Plots and Memorials

- 29.1. The Deed Holder is responsible for the maintenance of the Plot and any memorials thereon and must keep all monuments, gravestones, tablets, kerbs or other memorials in repair. This includes any damage caused by vandalism, theft of memorials or vases, cracking or subsidence of footings.
- 29.2. In the event of any such monument etc., becoming dangerous, defective or illegible from want of repair or neglect, the Council may, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of the Local Authorities' Cemeteries Order 1977, give 6 months notice to the owner or owners, requiring him or them to repair or remove any such monument etc., and if, after the expiration of such notice, the owner or owners have failed to repair or remove any such defective or dangerous monument etc., or if the Council is unable to trace the owner(s) after taking such reasonable steps as it may consider necessary for that purpose, then the Council may remove or make safe the same without any rights of the owner or owners to any compensation for so doing and recover expenses from the registered owner or the owner's beneficiaries.

30. Vehicles

- 30.1. Funeral processions in the cemeteries have priority over other traffic. Vehicles of any description, which are not involved in a funeral procession, must be parked off-site if directed by the Registrar. Vehicles present in the cemeteries must be moved if requested by the Registrar.
- 30.2. Funeral processions may be prevented from entry to a cemetery at the discretion of the Registrar should the arrival time be significantly earlier than the appointed time.
- 30.3. Neither the Council nor any of its employees can accept responsibility for the loss of or damage to any vehicle or its contents whilst within any cemetery.

- 30.4. Cyclists and motorcyclists should dismount near the Burial Ground entrance and leave bicycles, mopeds or motorbikes on the main driveway. Under no circumstances should they ride on pathways or grave sections.

31. Dogs

- 31.1. Dogs are not permitted in cemeteries with the exception of Registered Assistance dogs.

32. Smoking

- 32.1. Smoking is not permitted within the vicinity of a funeral.

33. Soliciting Orders

- 33.1. No person shall distribute tracts, business cards or other advertisements or solicit orders for grave related services within the cemeteries.

34. Rubbish

- 34.1. Dead flowers and other rubbish must be placed in the waste bins provided. No stones or soil must be placed in these bins. Large quantities of waste must be removed from the cemetery.

35. Damage

- 35.1. If any damage is done to the Council's land or premises by bringing in any materials, gravestones, or monument or from any other cause, the person or persons doing such damage will be held responsible for the same and the Council may recover the cost of repairing such damage from such person or persons and in addition take proceedings under Article 18 of the Local Authorities' Cemeteries Order 1977.

36. Improper Behaviour

- 36.1. The Registrar may at any time exclude from the Burial Ground any person who conducts himself in a noisy, disorderly or unseemly manner or is intoxicated or uses improper language or trespasses upon or refuses to leave any portion of the cemeteries when asked to do so.

36.2. The playing of music in any form is prohibited except with permission of the Registrar.

36.3. Visitors are not to interfere with any burial taking place in the Burial Ground or interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any such manner. Furthermore, visitors should not play any game or sport in a cemetery or enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so.

37. Release of Sky Lanterns and Helium-Filled Balloons

37.1. [The release of sky lanterns or helium-filled balloons is prohibited.]

37.2. Please note that following recent problems caused by balloon and lantern releases in UK airspace the Civil Aviation Authority (CAA) have issued guidelines to organisers of events that may use them in a document from the Directorate of Airspace Policy (CAP 736) entitled Operation of Directed Light, Fireworks, Toy Balloons and Sky Lanterns Within UK Airspace dated February 2011. The CAA requires 28 days notice of any planned release of balloons or lanterns to allow time for the request to be considered and notifications made to nearby airfields. Consequently as all funerals tend to be conducted in a timescale inside the 28 day notification requirement this means that we cannot allow balloon or lantern releases from funerals in the Oxford cemeteries unless specific permission has been obtained from the Senior Air Traffic Controller at London (Oxford) Airport.

38. Risk Assessments

38.1. Funeral directors are required to provide up to date risk assessments for the burial process upon request by the Registrar. Funeral directors must ensure that their staff have received adequate training in manual handling and heavy lifting prior to being employed on duties within Council cemeteries. Contractors are required to provide up to date risk assessments for relating to their work upon request by the Registrar. Contractors must ensure that their staff have received adequate training in work specific activities prior to being employed on duties within Council cemeteries.

39. Penalty for Contraventions

- 39.1. Any person, who without reasonable excuse, offends against these regulations will be prohibited from entering the Burial Ground, for such period, as the Council considers appropriate.

Schedule []

South Hinksey Burial Ground (“Burial Ground”)

Schedule of Fees

Exclusive Rights of Burial (initial purchase for 50 years):	£300.00
Exclusive Rights of Burial (extension of rights by 25 years):	£150.00
Cremated Remains Plot:	£150.00
Interment (Burial or Cremated Remains):	
Category A ¹ :	£450.00
Category B ² :	£900.00
Category C ³ :	£1,350.00
Category D ⁴ :	£1,800.00
Memorial Approval:	£125.00
Search (per individual):	£25.00
Document copying (per document):	£25.00
Transfer of Ownership:	£25.00

Arrangement of a Funeral and Erection of Memorial:

The Parish Council does not directly arrange funerals or the erection of memorials. Funeral Directors and Memorial Masons should be independently contracted and should be made aware of the Rules and Regulations of the Burial Ground.

¹ *Category A*: normally resident in the Parish for more than 10 years ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death.

² *Category B*: normally resident in the Parish for less than 10 years ending either at the time of death or, for those who moved out of the Parish due to medical or care needs, within five years of death.

³ *Category C*: spouse, civil partner, or children of *Category A* or *Category B* who do not otherwise qualify as *Category A* or *Category B*.

⁴ *Category D*: anybody who makes a claim to have a close connection with the Parish may be buried, at the sole discretion of the Council.