

Item 7 – Change to Cemetery Regulations

Please note only proposed change is as follows:

Replacement of word 'and' with the word 'or'

2.3. Interments and the purchase of the exclusive right of burial will be restricted to those whose normal place of residence is within the civil parish of Tarporley ~~and~~ or was for the 5 years before his or her death and proof of such residence may be required. Exceptions may be allowed for persons with close connections with the civil parish of Tarporley as agreed in accordance with the Cemetery Management Committee Standing Orders.

This will bring the Regulations in line with wording on the Cemetery Fees document and will allow those living in Tarporley to be buried in the Cemetery even if they have not lived in Tarporley for 5 years.

TARPORLEY PARISH COUNCIL MUNICIPAL CEMETERY (High St, Tarporley, Cheshire) RULES AND REGULATIONS

1. GENERAL

1.1. Throughout these Rules and Regulations "The Council" means Tarporley Parish Council. The Parish Council is the burial authority responsible for the cemetery. The Parish Clerk is authorised to represent the Council and is responsible for the day-to-day management of the cemetery and the interpretation of these rules and regulations. Any dispute will be referred to the Council's Cemetery Management Committee who's decision will be final.

1.2. "Cemetery" means the Cemetery owned by the Council and situated at the rear of St Helen's churchyard, High St, Tarporley, Cheshire.

1.3. "Grave" means a burial place formed in the ground by excavation and without any internal wall of brickwork or stonework or any other artificial lining.

1.4. "Memorial" means the memorial, gravestone, tombstone or monument that is the vertically mounted natural stone tablet that is permanently fixed at the head (west end) of the grave and normally has an inscription. Memorial includes any permanently fixed vase.

1.5. "Interment" means burial, placing of remains in the grave space.

2. GENERAL REGULATIONS

2.1. The cemetery will be managed in accordance with the Local Authorities' Cemeteries Order 1977 (that should be read in conjunction with these regulations) and any amendments or relevant other statutory instruments. Consecrated areas of the cemetery will be subject to rules specified by the Bishop.

2.2. All enquiries and communications should be addressed to:

Ann Wright
62 Well Street
Malpas
Cheshire
SY14 8QH
TELEPHONE: 01948 861 035 or 07943 382 493
e-mail: clerk@tarporley.org.uk

2.3. Interments and the purchase of the exclusive right of burial will be restricted to those whose normal place of residence is within the civil parish of Tarporley **and or** was for the 5 years before his or her death and proof of such residence may be required. Exceptions may be allowed for persons with close connections with the civil parish of Tarporley as agreed in accordance with the Cemetery Management Committee Standing Orders.

2.4. The Cemetery is open to the public daily during the access times permitted for St Helen's

churchyard but not exceeding dawn to dusk. Access is via the path from St Helen's Church lychgate.

2.5. Application for grave space, memorial consent, memorial inscription consent and notice of every intended interment shall be made to the Clerk in good time, normally the week prior to the intended activity and not less than 3 working days in advance and be made on the standard form prescribed by the Council. Copies of forms may be downloaded from the Council website, obtained from the Clerk or from local funeral service providers. The Council does not arrange funerals or engage monumental masons in respect of individual graves or interments.

2.6. All fees & charges payable to the Council shall be paid at the time when such notices are given by cheque payable to "Tarporley Parish Council" by or electronic bank transfer, and the receipt for such fees & charges shall be produced at the time of the interment if requested by the Clerk.

2.7. A table of such fees shall be available from the Clerk or the Parish Council website.

2.8. The Clerk will not be held responsible for any misunderstanding, which may arise as the result of telephoned instructions or request. All such instructions or requests must be confirmed to the Clerk in writing. Any application, notice or order sent by post shall be at the risk of the sender and the Council will not be responsible for any loss or delay.

2.9. Any additional expense incurred by the Council as a result of incorrect information having been supplied will be charged to the person making the application.

2.10. Grave space will normally be allocated "next in line" and the selection of any grave space is at will be by the Clerk or his nominated representative.

2.11. The exclusive right of burial in respect of all graves will be granted subject to the present or any future regulations made under statute or other competent Authority and will be for a period of fifty years.

2.12. Graves may be reserved by pre purchase of exclusive rights of burial. The number of graves available for pre purchase of exclusive rights will be limited to 50 in total. The pre purchase of exclusive rights of burial will be restricted to Tarporley residents on the electoral role and interments will be subject to rule 2.3. The pre purchase of exclusive rights does not relate to a specific plot and the plot will be allocated under rule 2.10.on first interment exercised under the right.

2.13. The hours of interment and all other work shall be Monday to Friday (excluding public holidays) 09:30 to 16:00 hours during daylight at a time agreed with the Clerk.

2.14. Services and ceremonies shall be carried out in a suitably dignified and reverential manner and must take place at the time of interment unless otherwise agreed with the Clerk.

2.15. The certificate of disposal of the Registrar of Deaths, or the order of the Coroner when an inquest has been held, must be handed to the Clerk prior to an interment.

2.16. In the case of a stillborn child, a certificate of disposal from the Registrar of Deaths, or a Coroner's order will be required. In the case of a foetus, an interment will be allowed to proceed on production of a medical certificate from a surgeon or midwife.

2.17. Where practicable, graves are required to be dug three deep on first burial.

2.18. A person shall not cause a body to be buried in a grave in such a manner that any part of the coffin is at a depth less than three feet below the level of the ground adjoining the grave. However, where the coffin is constructed of a perishable materials and the soil is of a suitable and friable character, the coffin may be placed at a depth not less than two feet below the level of the ground.

2.19. No interment can take place in any grave in which the exclusive right of burial has been purchased unless the Grant of Burial Rights is produced, or the consent of the owner or his/her representative has been obtained in writing at the time when application for burial is made.

2.20. In the case where the Deed of Grant has been lost or where the consent of the owner cannot conveniently be obtained, the grave will be opened on the application of any person whom the Clerk may consider entitled thereto, on such person giving a suitable indemnity to the Council.

2.21. A transfer of the exclusive right of burial in a grave will not be deemed valid unless such transfer has been made with the consent of the Council.

2.22. Where it is specifically requested that a further interment shall take place in a public grave, proof of relationship shall be produced at the request of the Clerk.

2.23. A public grave may be subject to exclusive right of burial provided that no other interments have taken place in it and the appropriate fee has been paid and Grant obtained.

2.24. All notices shall be given in the forms approved by the Council and kept by the Clerk.

2.25. The scattering of ashes is strictly prohibited throughout the cemetery except in such places specifically designated by the Council.

2.26. No work of any sort shall be undertaken in the cemetery except by, or under the control of, members of the National Association of Funeral Directors, The National Society of Allied & Independent Funeral Directors or the National Association of Memorial Masons or Council contractors unless agreed by the Clerk in writing. All work shall be carried out to the standards of the appropriate organisation and in accordance with all applicable codes, rules, standards or statutes. In particular all relevant Health and Safety legislation and regulations must be observed. Public liability insurance cover must be in place for all works undertaken in the cemetery. All surplus material and all tools and equipment must be removed from the cemetery on completion of the work or at the request of the Clerk. Work shall be carried out in such a manner as to minimise disturbance and with appropriate respect for other visitors to the cemetery. Paths, fences, grassed areas, monuments and other fixtures must be protected from damage and any accidental damage must be reported to the Clerk and must be paid for. The temporary storage of spoil on adjacent grave spaces is permitted for the duration of an opening that shall be kept to the minimum time necessary for interment. Protection including sheeting must be provided for any grave utilised in this way and the grave space must be fully restored to its original condition to the satisfaction of the Clerk.

2.27. Coffins, caskets and urns should be of perishable material normally wood or wood derived and shall bear a nameplate establishing the identity of the remains therein.

2.28. Proposed burials involving coffins, caskets or urns of extraordinary design, size or construction or necessitating an unconventional grave space or requiring an unconventional burial ceremony must be agreed in advance with the Clerk and the Council reserves the right to refuse such proposals or to make additional charges and place requirements and or restrictions on the proposal.

3. GRAVES

3.1. All memorials must be kept in repair by the owner or owners.

3.2. Grave flowers should be removed from the cemetery when dead and all wrappings must likewise be removed.

3.3. The Clerk shall be at liberty to remove from a grave any article, which has been broken or is unsightly and to remove any dead flowers.

3.4. No person is allowed to plant any tree, shrub or plant on any grave in the Cemetery, any such plant material found will be removed and disposed of. The Parish Council will arrange for newly opened graves to be raked over and grass seeded once the grave has initially settled.

3.5. Mounding of graves or the removal of turf is not permitted.

3.6. No kerbs, fencing, chippings, vases (other than as in rules 4.2 and 4.3), crosses, statues, photographs, lights, sound equipment or other decorations or mementos will be allowed on the grave, or in any other part of the Cemetery.

3.7. The area to the front and rear and sides of the concrete plinth shall be deemed as open plan to allow the maintenance of the Cemetery by the Council.

3.8. All areas of the Cemetery including graves but excluding memorials are in the ownership of the Council.

4. MEMORIALS

4.1. No memorial shall be erected on any grave without the prior approval by the Clerk and in any event shall only be erected on any grave in respect of which an exclusive right of burial has been granted. On expiry and non-renewal of the exclusive right of burial the Council reserves the right to request removal of the memorial or remove it and dispose of it as the Council sees fit if such a request is not complied with.

4.2. For conventional graves memorials must take the form a simple vertical memorial not exceeding three feet in height (910mm), two feet (610 mm) in width and six inches (150mm) thick and set on a concrete plinth (36x24x3 inches)¹ to be set proud of the ground supporting the memorial, a vase may be permanently fixed immediately in front of the memorial, memorials and vases must be made from natural stone.

4.3. For cremation graves memorials must take the form a simple vertical memorial not exceeding two feet (610 mm) high, eighteen inches (460 mm) wide and six inches (150mm) thick set on a concrete plinth (20x18x3 inches) to be set proud of the ground supporting the memorial, a vase may be permanently fixed immediately in front of the memorial, memorials

¹ Any variation in plinth size must be approved in writing by the Clerk.

and vases must be made from natural stone.

4.4. Drawings of every memorial, together with a copy of the intended inscription shall be submitted to the Clerk for approval on the appropriate form provided by the Council.

4.5. All materials for memorials shall be conveyed into the Cemetery by hand or in such a manner agreed by the Clerk that will avoid damaging any paths. Mats, planks, boards or canvas shall be used to protect the grassed areas.

4.6. All memorials of whatever description admitted into the Cemetery or permitted to be erected therein shall be erected and remain at the sole risk of the owner and the Council shall not be held responsible for any damage or breakage which may occur to the same. (Owners can arrange insurance via their monumental mason or funeral service provider)

4.7. All memorials must be completely worked before they are admitted to the grounds and no work of any kind beyond that of fixing shall be allowed within the Cemetery, except the cutting of an inscription that cannot be made prior to the erection of such memorial within the Cemetery.

4.8. Every memorial shall have engraved upon the rear right hand (viewed from the rear) side the number of the grave over which it is erected as agreed by the Clerk.

4.9. Any additional inscriptions or other modification to any monument shall be submitted to the Clerk for approval on the standard form provided by the Council along with the fee.

4.10. Masons employed in fixing memorials must use the correct dowelling to firmly fix the headstone and allow no movement, to conform to the standards within the National Association of Monumental Masons current guidelines

4.11. The rear vertical surface of each of the headstones to be aligned with all other memorials in the same row.

4.12. An inspection and if necessary, testing of each monument or memorial will be made at periodic intervals in line with current guidance to comply with Health and Safety Regulations.

4.13. The Council reserves the right to make safe any memorial from any grave, when such action is deemed by the Council to be necessary to eliminate immediate danger. The owner of the grave will be contacted at their last known address, informed of the action taken and requested to arrange for the re-instatement of the memorial to the required standard set out by the Council.

4.14. The Council reserves the right to remove any memorial from any grave, when such removal is deemed by the Clerk to be necessary to eliminate danger and the present owner of the grave cannot be traced.

5. CONDUCT OF PERSONS WITHIN THE CEMETERY

5.1. All visitors must keep to the paths provided by the Council and must not touch or remove any flowers or plants, trees or shrubs growing in the Cemetery, or left there by any other person. Visitors must not cause any damage within the Cemetery.

5.2. Should visitors cross areas other than by way of the paths provided then they are advised that trip hazards, openings or other potential hazards associated with work in the cemetery may

be encountered and that the Council will not be liable for injury or damage so caused.

5.3. Children are not allowed in the Cemetery unless under adult supervision.

5.4. No person is allowed to solicit orders or sell or offer for sale or expose for sale within the Cemetery or at the entrance thereto any article or commodity of any kind whatsoever, either for him/herself or on behalf of any other person or persons.

5.5. No litter, dead flowers, wreaths or flower wrappers shall be left in the cemetery.

5.6. No person shall enter or leave the Cemetery except through the proper gates.

5.7. The Clerk is authorised to exclude or cause to be excluded from the Cemetery any person who shall conduct him/herself in a noisy, disorderly or unseemly manner or who shall be intoxicated or shall use improper language, or who shall refuse to quit any portion of the Cemetery grounds when requested.

5.8. No dogs maybe brought into the Cemetery, except for Assistance Dogs which must be kept on a lead at all times; any soiling must be cleaned up and removed from the Cemetery for disposal.

5.9. Any article found in the Cemetery should be reported to the Clerk.

6. OFFENCES IN CEMETERIES

6.1. Statutes relating to cemeteries will be applied in particular the Local Authorities Cemeteries Order 1977 or any amendment and the Criminal Damage Act 1971 or any amendment.

Amended July 2020
Ann Wright
Clerk to Tarporley Parish Council