Millbrook Parish Council

Burial Ground Regulations

1. Introduction

1.1. These regulations apply to all burial grounds owned and~~/or~~ managed by Millbrook Parish Council.

1.2. Currently the sites include:

The new cemetery at Millpool Head (Grid reference 42455 51785)

2. Contact Details

2.1. All funeral bookings, general enquiries and comments regarding the Cemeteries should be directed to:

Karenza Heald, Parish Clerk or Jo Bennetts, Admin Support Officer
enquiries@millbrook-pc.gov.uk or tel: 01752823128

The offices are open from 13:00 to 17.00 Monday to Friday.

2.2. These Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

3. Admission to the Burial Grounds

3.1. The Cemetery is normally open to visitors every day of the year without restriction.

3.2. The Cemetery is a place of peace and quiet reflection. It is also a workplace. Visitors to the site are welcome, but please respect the special nature of the site, the needs of other users, and safety factors.

3.3. Any person creating a nuisance or a disturbance, such as interfering with a funeral, grave, headstone, flowers, trees etc., may be required to leave the cemetery immediately and may be the subject of subsequent legal action.

3.4. Children are welcome in the cemetery but must be supervised by a responsible adult. It is particularly important that children are not allowed to climb on any monuments, trees, or other items within the cemetery. Damage caused by children is the responsibility of their legal guardian(s).

3.5. Dogs are permitted in the cemetery but should be on lead at all times, and owners are reminded they are required by law to pick up after their dog.

3.6. No vehicles are permitted in the cemetery apart from plant and machinery used by gravediggers or grounds maintenance personnel.

3.7. Visitors with disabilities or other special requirements should contact the Parish Clerk if they need help to locate or access a grave.

4. General Regulations - General

4.1. No employee of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery either in their own time or during their employed hours.

4.2. No person shall canvass or solicit business in the burial grounds.

4.3. All fees for interments or memorial works must be paid in full to the Council in advance.

4.4. The Council will publish a scale of fees and charges annually. Residents of the area will qualify for reduced fees compared to non-residents. A resident is defined as somebody who, immediately prior to their death, was a resident of the area, or who lived in the area for over ten years and moved out of the area less than 24 months before their death. Somebody who moved from the area to receive residential care more than 24 months before their death would still qualify as a resident if they had lived in the area for more than five years immediately prior to their moving into residential care.

4.5. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations, as necessary.

4.6. A physical copy of the cemetery regulations will be presented to the grave owners, either by collection from Millbrook Parish Council office or by the Funeral Directors. A family member must sign the cemetery regulations. If overseen by the Funeral Directors, a scanned and emailed signed copy must be returned to the Parish Council to be held on file.

4.7. It is the responsibility of the grave owners to keep the Council updated on any change of address.

5. Graves

5.1. Graves are available in the cemetery, which consists of consecrated and unconsecrated sections. The selection of grave spaces shall be at the final discretion of the Council, but the wishes of applicants will be met wherever possible.

5.2. Every interment shall take place either in a private or public grave. Private graves are graves to which an Exclusive Right of Burial has been issued. Public graves are graves which remain in the ownership of the Council and to which no specific rights have been granted.

5.3. The Exclusive Right of Burial for a grave can be purchased for a period of 75 years. The Exclusive Right of Burial also allows a memorial to be placed on the grave.

5.4. The Exclusive Right of Burial can only be transferred to another person via the legal process laid out in the Local Authorities Cemeteries Order 1977.

5.5. In public graves, the Council undertakes to leave 30 years before allowing the burial of a person unrelated to the original burial. The Council may allow the burial of related people in the grave before the expiration of 30 years. The Council may also allow the Exclusive Right of Burial to be purchased by a family member before the expiration of the 30-year period.

5.6. From 1st May 2023, memorials will only be permitted on purchased graves. Memorials must conform to the regulations given at 9 below. Exclusive Right of Burial fees will not be charged for burials prior to May 2023, including cremated remains and cases where a memorial has been erected.

5.7. All graves will be excavated and prepared for interment by approved contractors only. No other person or company will be allowed to undertake any excavation within the cemetery except with the express permission

of the Parish Clerk. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.

5.8. Following the interment the Council or the approved contractor will level the grave and either re-turf or topsoil and seed it as appropriate to the season.

6. Coffins

6.1. Coffins and urns for burial must be made from suitable bio-degradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc.

7. Booking of Interments

7.1. A provisional booking for a funeral may be made by telephone / or email to the Council Offices. This may be via the funeral director being employed by the next of kin or executors.

7.2. The provisional booking should be followed up by the submission of a completed Notice of Interment (form supplied by the Council) to the Council Office at least 2 full working days in advance of the intended date and time of the funeral. On receipt of the fully and correctly completed Notice of Interment the Council will consider the booking confirmed.

7.3. The exact size of the coffin, casket or container must be given in writing to the Council as soon as possible after the provisional booking, together with any other pertinent information relating to its size and shape (e.g., locking bar handles, casket shape, wicker coffin etc.). The Council will subsequently add a suitable amount to the given size to determine the dimensions of grave to be excavated.

7.4. As much information relating to the funeral as possible must be given to the Council in advance, especially if it is unusual, e.g., large number of mourners expected, motorbike cavalcade, jazz band, piper etc.

7.5. If the grave is owned under an existing Exclusive Right of Burial and is to be reopened for a further interment, the written permission of the registered grave owner must be given.

7.6. It is the responsibility of the person making the funeral arrangements to ensure that any memorial on an existing grave is removed from it at least 2 full working days prior to the date and time of the funeral.

7.7. The Certificate given by the Registrar of Births and Deaths or an order from the coroner must be delivered to the Council Office prior to the funeral.

7.8. The Council will determine the appropriate fees to be paid for the interment in the cemetery, which must be paid fully in advance. Fees will be reviewed annually, and current charges are displayed on the Council's website and are available from the Clerk.

8. Interments

8.1. Funerals will normally only be permitted on weekdays between 09:00 and 17:00 It may be possible to arrange funerals outside of these times subject to additional cost. Please contact the Clerk if a time outside of the permitted hours is required.

8.2. The time appointed for an interment must be punctually observed. The Council reserves the right to delay a late arrival if it impacts on another service.

8.3. It is the responsibility of the person making the funeral arrangements to organise a Minister or Officiant for the funeral if one is required.

8.4. Any floral tributes from the funeral will be placed on top of the grave following backfilling and will remain in situ for a minimum of 14 days before being cleared by Council staff (unless family has already removed them).

8.5. If the plot was previously purchased by the deceased under an Existing Right of Burial, following the interment ownership of the plot must be transferred in accordance with the Will or to the next of kin where no Will exists. A copy of the Will or a sworn Statutory Declaration must be provided to the Clerk for the transfer to take place.

9. Memorials

9.1. Masons carrying out work in the burial grounds must comply with the Institute of Cemetery Management Guidance.

9.2. All memorials fixed in the cemetery must comply with British Standard 8415.

9.3. Only those memorial masons that are BRAMM or NAMM accredited, and those memorial masons that hold a current BRAMM or NAMM Fixer License, will be able to work in the cemetery. Fixers who do not hold a BRAMM or NAMM Fixer License will only be permitted to work under the direct supervision of a mason who holds a BRAMM or NAMM Fixer License.

9.4. With effect from 1 May 2023, memorials will only be permitted on purchased graves, and no memorial will be permitted on public graves. No memorial will be permitted to be erected on any plot until 6 months or longer after the date of interment, depending on the assessment of the Council's caretaking staff or recommendations from Monumental Stonemasons.

9.5. Memorials other than those fixed by a BRAMM or NAMM accredited memorial mason are not allowed. Fences cannot be erected around a grave nor the space defined other than through planting of suitable plants or the installation of proper kerbsets by a BRAMM accredited memorial mason. On lawn sections planting is confined to the head of the grave and no objects must be placed on the length of the grave.

9.6. Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Parish Clerk on the appropriate form supplied by the Council. The grave owner must sign the form to give their permission for the proposed memorial/works. On approval by the Council a permit will be issued to the responsible Memorial Mason.

9.7. Memorials must be constructed of materials suitable to the environment and period of grave lease. The Council reserves the right to reject an application for any memorial that it deems unsuitable.

9.8. The maximum height of lawn memorials is 3', the maximum width is 2' and the depth is 12". The memorial must be a minimum of 3" thick. On traditional graves the Council will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognized industry standards. The Council will also consider the installation of kerbsets if they are constructed to current

recognized industry standards. On cremated remains and children's graves the maximum height of a memorial is 2 foot (61cm) and the maximum width 18 includes (45.7cm)

9.9. The memorial mason must inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1" high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right-hand side of the reverse of the memorial in letters not exceeding 1" high. On kerbstones the grave number must be inscribed on the right-hand side of the foot kerb.

9.10. Memorial masons must remove all arisings from the cemetery at the conclusion of their work and must leave the area in a tidy condition. It is not possible for memorials to be stored in the cemetery prior to re-fixing following a burial – all such memorials must be removed from the site by the memorial mason appointed to remove the memorials prior to the grave being excavated.

9.11. The plot numbers should be inscribed on all headstones / monuments purchased after 15th October 2025.

10. Care of Graves and Memorials

10.1. All memorials erected are the sole responsibility of the owner and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred. The memorial remains the responsibility of the grave owner during the lease period of the grave. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls into disrepair, and to recover any expenses from the registered owner. The Council will undertake routine safety checks on all memorials and will notify the grave owner at the last registered address of any necessary work to make the memorial safe. The grave owner will be given a period of 6 months from the date of the letter to affect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the owner's expense.

10.2. The Council recommends that grave owners take out an insurance plan for their memorial.

10.3. Grave spaces must be kept in a neat and tidy condition, and all litter must be removed from the site.

10.4. All flower holders or other items left on graves should be made of granite, medal, wood (not plastic). Any items left on graves are at the owners' risk and the Council cannot be held responsible for any theft or damage to them howsoever caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the cemetery or which interfere with the Council's maintenance of the site.

10.5. No trees may be planted on graves. Only suitable planting such as annual bedding or small shrubs will be permitted on traditional graves and on the head border of lawn graves. The Council may remove any plants that it considers unsuitable or that infringe on other grave spaces or interfere with the Council's maintenance work.

Received by _____Print Name

Signed _____ Date _____

Date	Minute reference	Notes /Amendments
20/06/2023	34.5	Cemetery regulations: Councillors received and noted the new Cemetery Regulations that had been agreed under delegated authority (Minute 166.2, 21/03/2023). Agreed that the date for review should be April 2024. These new regulations are effective from 1st May 2023: Approved during the Parish Council meeting held on 18th July 2023. (a) Grave plots can be purchased for a period of 75 years, (b) Exclusive Right of Burials (ERBs) can be issued for plots where the burial has occurred prior to 1st May 2023 but for families / the next of kin where the burials have taken place prior to 1st May 2023 there will not be charged, otherwise the current fee ERB of £137.50 (which is in addition to the burial fees) will be charged, (c) Memorials, which must comply with regulations, will not be permitted to be erected on any plot until one year after the date of interment.
21/11/2023	129	Amendment to Cemetery Regulation 9.4 (shown on minutes as 9.7), which currently states "No memorial will be permitted to be erected on any plot until one year after the date of the interment, to ensure the ground is suitably stable." to "on any plot until 6 months or longer after the date of interment, depending on the assessment of the Council's caretaking staff or recommendations from Monumental Stonemasons."
21/05/2024	22.2	If a burial has taken place, no memorial has been erected Exclusive Right of Burial Fees would not be applicable. The cemetery regulations will be amended so that it is clear Exclusive Right of Burial fees will not be charged for burials prior to 1st May 2023, including cases where there has not been a memorial erected.
18/02/2025	166.4	The following amendments were agreed: • Include "Physical copies of the cemetery regulations will be presented to the grave owners." • Remove the sentence in 5.4 "The Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved." • 9.1 Masons carrying out work in the burial ground must comply with the "Institute of Cemetery Management guidance" (instead of Council's Management of Memorials Policy. • Insert "It is the grave owner's responsibility to keep the Council updated on any change of address."
15/10/2025	104.2	All future monuments in the cemetery should have the plot number inscribed on the back of the monuments.
15/09/2026	76.2	Amendment to Cemetery regulation 10.6: A physical copy of the cemetery regulations will be presented to the grave owners, either by collection from Millbrook Parish Council office or by the Funeral Directors. A family member must sign the cemetery regulations. If overseen by the Funeral Directors, a scanned and emailed signed copy must be returned to the Parish Council to be held on file.