

# **LOWDHAM PARISH COUNCIL**

## **LOWDHAM CEMETERY RULES & REGULATIONS**



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*Lowdham Parish Council: Lowdham Cemetery Rules & Regulations*

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## *Lowdham Parish Council: Lowdham Cemetery Rules & Regulations*

### **Introduction**

The Cemetery was created in 1951 for the parishes of Lowdham, Caythorpe and Gunthorpe when the Churchyard had no further room for burials. It was then owned and managed by Southwell Urban District Council, which was succeeded by Newark and Sherwood District Council. In October 2017 the Cemetery was transferred to Lowdham Parish Council who manages it on behalf of the three parishes.

There are statutory requirements for the management of cemeteries as well as Parish Council regulations for the smooth running of the Cemetery, and these are all set out in the following pages.

### **Opening Times and Access**

The Cemetery gates are not normally closed so access is permitted at any time, although for reason of personal safety no one should enter during the hours of darkness. The Parish Council will not be held responsible for accidents occurring to visitors to the Cemetery.

Parking is available for three or four vehicles on the site; they must remain on the paved roadway area and never drive onto the grass. Invalid carriages/Motability scooters are permitted on the grass provided that the ground is firm enough. The Parish Council will not be responsible for such vehicles becoming bogged down in wet weather.

Please bear in mind that the access road is very narrow with muddy edges and is used by pedestrians as well as motor vehicles. Drivers should give way to any funeral vehicles entering or leaving the Cemetery or access road.

No vehicles other those directly concerned may enter immediately before and during the time that a funeral is in progress.

### **Interments**

#### **Application for Interment (see also Purchase of Grave Plots)**

Notices of Interment including scattering of ashes and all associated works must be communicated to the Parish Clerk using the official forms (available from the Parish Clerk and the Parish web site [www.lowdham.net](http://www.lowdham.net)), and must be received at least 48 hours prior to any interment, excluding the following days: no orders or applications or notice for interments will be received on Saturdays, Sundays, Christmas Day, Boxing Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday, August Bank Holiday Monday.

E-mail and telephone requests will be regarded as provisional until written instructions on the proper forms submitted as hard copy are received by the Parish Clerk within the specified time period. The Parish Council cannot accept responsibility for paperwork lost in the post. For interments for people with specific religious requirements please contact the Parish Clerk.

A register of all burials and a plan of the Cemetery showing the position of every grave space will be maintained by the Parish Clerk and may be inspected without cost at mutually convenient times.

### **Cremations**

With the appropriate permissions, ashes may be interred or scattered. Notice for the interment and the Certificate issued by the Crematorium where the cremation took place must accompany the interment or scattering of cremated remains.

Scattering of cremated remains is not permitted without the prior consent of the Parish Clerk.

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The interment or scattering of cremated remains in or over a grave is not permitted without consent of the grave deed owner. This requires the owner to complete and sign a Notice of Interment form.

#### **Conduct of Funerals**

The Parish Council's contractor will undertake all excavation work at the Cemetery.

In all cases where a grave is to be re-opened memorials including headstones and monuments will be removed by a nominated stonemason. This will be organised by the Funeral Director booking the funeral and arranged within one hour of the booking being confirmed. Removal of memorials requires the prior approval of the grave deed owner.

Funerals will not be allowed to proceed if the Parish Clerk has not received the Registrar of Deaths Certificate of Disposal or a Coroner's Order for Burial. This includes burial of a stillborn child or a child under 1 month old.

No coffin shall be opened within the Cemetery grounds for whatever purpose without prior consent of the Parish Clerk at the time of arranging the funeral.

The responsibility for making the necessary arrangements for the attendance of priests, ministers or other persons to officiate at a service rests upon the Funeral Director or the person(s) arranging the burial.

The time fixed for a funeral must be that when the procession is to arrive at the Cemetery, and it is requested that the time be strictly adhered to, in order to prevent inconvenience and one funeral interfering with another. In the event of a funeral arriving late the cortege must wait as and where directed by the Parish Clerk or her representative. The service will take place as soon as possible thereafter at the direction of the Parish Clerk.

In the case of a public or military funeral, or one at which in excess of 50 mourners may be expected, notice must be given at the time of booking.

#### **Floral Tributes**

Following interments, all floral tributes will be removed after 21 days, unless prior alternative arrangements are made with the Parish Clerk. Christmas Wreaths will be removed by the end of January. Dead flowers in vases, and artificial flowers which have been affected by the weather, will be removed at the discretion of the Council's grounds contractor to enhance the appearance of the Cemetery.

## **Purchase of grave plots and Exclusive Right of Burial**

Purchase of a grave plot confers an Exclusive Right of Burial but does not give any ownership whatsoever in respect of actual land. The Deed gives the owner the right to:

- Be buried in that grave.
- Authorise further burials(s) in that grave (where space is available), or the interment or scattering of cremated remains in or over that grave.
- Erect or place a memorial on that grave subject to the Regulations of the Parish Council relating to memorials.
- Have inscriptions/additional inscriptions placed on a memorial on that grave subject to the Regulations of the Parish Council relating to this matter.

On the purchase of the Exclusive Right of Burial in a grave, a Deed of Grant shall be issued to the purchaser whose name shall be registered on the form. Deeds will not be released to the purchaser until full payment is received. The grave owner should ensure that the Parish Clerk is informed of any change of address.

The Exclusive Right of Burial shall extend for 100 years from the date of purchase. Rights may be extended for further periods of 50 years on payment of the fee applicable at that time.

Physical possession of a Deed does not necessarily give the person the permitted ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid will. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership. In most cases where the deceased is the deed owner the Parish Council will accept the Spouse or eldest child as the new owner if proof is provided.

Where the Deed is lost or mislaid, a person entitled to open the grave may do so as long as they have made a statutory declaration giving indemnity to Lowdham Parish Council. It is advised that a solicitor be consulted in this case.

Grave spaces can normally be purchased at any time, on payment of the current fee. The Parish Council reserves the right to restrict the pre-purchasing of graves at the Cemetery when space becomes limited.

The selection of a particular grave space is subject to approval by the Parish Clerk.

The area of a single grave space shall not exceed 2100 mm x 900 mm (7ft x 3ft).

## **Transfer of Deed Ownership**

Ownership of a grave may be transferred or assigned by use of the form of Declaration, Indemnity and Application in respect of the transfer of Assignment of an Exclusive Right of

Burial. Applications to transfer within the first 5 years may incur a penalty charge if the ownership changes from a resident to a non-resident.

The Parish Clerk must be notified of any transfer or assignment in order to update the Register of Deeds.

Where no interment has taken place in a purchased grave the Parish Council *may* agree to repurchase the grave. In such cases the Parish Council will pay the original purchase price.

## **Monuments and Memorials - General Guidelines**

Permission to place or erect any form of memorial, or to amend an existing memorial, must be obtained in advance from the Parish Clerk, and the appropriate fees paid.

Before the erection of any tablet, monument, memorial, or stone vases, a drawing with any proposed inscription must be sent on the prescribed forms to the Parish Clerk for approval. The type(s) of material to be used shall be stated, together with exact dimensions and all associated details. The application forms must be duly signed and dated by the registered owner of the Exclusive Right of Burial or, in the event of the death of the owner, an indemnity must be fully completed and submitted. The following materials are not acceptable: wood, metal, glass and concrete.

Crosses of timber may be erected as a temporary measure for no longer than 3 months. Crosses must not exceed 750 mm (2ft 6ins) in height, 500 mm (1ft 8ins) in width, or 75 mm (3ins) in thickness. They must be set in a sufficient stone or concrete plate or base, the surface of which is to be below ground level to enable a mower to pass freely over it.

After a suitable interval, the grave will be turfed flat to allow for mowing. For this reason, only headstones will be allowed in the Cemetery; footstones and kerbs are not permitted.

No headstone placed in the Cemetery shall exceed 2ft 6ins in height or 2ft in width; the minimum thickness shall be 2ins except in the case of slate where 1½ins is acceptable.

Monuments, memorials, stones or tablets may only be placed or erected over graves where an Exclusive Right of Burial has been purchased. The right to erect a monument will last for the remaining term of the Exclusive Right of Burial, or any extension thereof.

Monuments, memorials, stones or tablets shall not be placed or erected without the prior written consent of the owner of the Exclusive Right of Burial, and without the express approval of the Parish Council.

Any monument, memorial, stone, shrub, plant, or item erected or placed in the Cemetery in contravention of these Regulations, or when the Exclusive Right of Burial has expired, may be removed by the Parish Council at any time without notice.

A 150mm (6ins) area in front of the headstones will be allowed for the planting of flowers and bulbs. The planting of small shrubs on graves is not permitted without prior consent from the Parish Clerk. The Parish Council reserves the right to prune, cut down or remove any shrub, plant or flowers where, in their opinion, they have become unsightly, overgrown or dangerous.

Free-standing vases of a material approved by the Parish Clerk, manufactured expressly as a receptacle for flowers and not exceeding 200 mm (8 ins) in height may be placed upon a grave within the area prescribed above. Only 1 vase is permitted at the head end of the grave. The Council may remove from a grave any article not complying with this regulation.

No ornaments or decorations are permitted unless prior approval by the Parish Clerk has been obtained.

Wind chimes, bell glasses or solar lights are not allowed.

The Parish Council reserves the right to remove any object that impedes mowing.

Memorials in the form of the donation of shrubs, trees, roses, bird boxes etc, may be permitted at the discretion of the Parish Clerk.

Sponsorship of seats provided by the Parish Council within the Cemetery, which will include permission to place a memorial plaque, will be available from time to time. Please contact the Parish Clerk for further details.

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### **General Conduct in the Cemetery**

All visitors must conduct themselves in a quiet and orderly manner at all times. Parish Council representatives have the right to exclude or remove any member of the public at their discretion.

The Local Authorities Cemeteries Order 1977, Article 18, *Offences in cemeteries*, makes the following provisions:

- (1) 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.
- (2) 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 a Cemetery at any hour when it is closed to the public.

Furthermore, by Order of Lowdham Parish Council:

- No pedal bicycles, skateboards, skates or scooters may be ridden in the Cemetery, with the exception of motorbility scooters.
- Smoking in the Cemetery is not permitted.
- Dogs may accompany visitors to the Cemetery, but must be kept on a lead at all times. Any fouling must be removed at once. Recreational walking of dogs in the Cemetery is not permitted.
- Children under the age of 12 years shall not be permitted to enter the Cemetery unless accompanied by an adult.
- No religious services or ceremonies are allowed other than the service at the time of interment, without the prior consent of the Parish Clerk.
- No musical instrument or other sound-producing device will be allowed into the Cemetery except when used as an integral part of a funeral service.

Persons who contravene these regulations will be liable upon conviction to a fine and for the cost of rectifying any damages caused which incur Parish Council expense.

## **Duty of Care**

Responsibility for safe conditions in the cemetery rests upon 4 main parties:

1. **Lowdham Parish Council** - The Parish Council has a responsibility to ensure the Cemetery is safe for all users and Council employees. This may include the inspection of memorials to ensure they are safe. A notice will be placed at the Cemetery 4 weeks prior to any inspection being undertaken.
2. **Funeral Director** - Have a duty of care for their employees and bereaved families attending funerals.
3. **Monumental Masons** - Stonemasons have a duty to ensure all work on memorials is carried out in a safe manner and that memorials are safe.
4. **Owners of Memorials** - In the case of memorials the primary responsibility for ensuring they are safe rests upon the owner of the grave or memorial. It is their responsibility to ensure the memorials are maintained to a safe standard.

If a memorial is found to be unsafe the Parish Council has a duty to minimise the risk to Cemetery users and its employees. Action taken may include:

- Laying down of memorials.
- Lashing a memorial to a temporary stake to give support.
- Attaching highly visible appropriate signage.

In each instance a warning note will be fixed to the memorial with a Parish Council contact number.

Where a memorial is found to be unsafe the owner will be informed, at the last address notified to the Parish Council, and given a time limit to undertake repairs to make the memorial safe again. Where the time limit has lapsed the Parish Council may undertake the repair and charge the owner or remove the memorial from the Cemetery. Where, in the case of older memorials, the owner cannot be traced the Parish Council may pay for the work to be undertaken or remove the memorial.

Only approved test methods will be used by the Parish Council to establish the safety of any memorial or other item.

The Parish Council is not responsible for repairs to any monument or memorial due to storm damage or vandalism. All repairs are the responsibility of the owner of the plot.

If a monument or memorial is damaged by the mowing contractor, the Parish Council will obtain a quote for repair from a local stonemason. The financial responsibility for repair will lie with the mowing contractor.



### **Requirements for Funeral Directors or Companies**

Initially, every Funeral Director or Company will be required to provide to the Parish Council the following documentation:

- A copy of their Health & Safety policy and Codes of Practice.
- A copy of up-to-date Public and Employee Liability Insurance Certificate with at least £5 million cover. Copies to be provided to the Parish Council upon the annual policy review.

Guidance on the completion of these documents can be obtained from the Association of Burial Authorities, The National Association of Funeral Directors (NAFD), Independent Funeral Directors (SAIF) or the Health & Safety Executive (HSE).

Failure to provide the documentation will result in access to the Cemetery being denied until the matter is resolved between the Funeral Director/Company and the Parish Council.

Funeral Directors/Companies that have a debt of £2,000 or more, which is over 28 days old, will be given 7 days' notice that no further interments will be approved until the debt is cleared in full.

### **Requirements for Monumental Masons**

The person erecting a headstone or vase shall ensure that the relevant Section and Grave Number is inscribed 50 mm (2ins) above ground level on a suitable part of the memorial.

The name of the Stonemason must be discreetly inscribed in an appropriate place on the memorial, along with, the year the stone was erected, the Stonemason's town of residence and the grave section and number i.e.

#### **Section 6 No. 482**

#### **ACE MASONS LTD. ARNOLD. 2016**

No memorial may be fixed until the Parish Clerk gives formal written approval.

All memorials including monuments, headstones and stone vases over 200 mm (8ins) in height shall be fixed in accordance with the National Association of Memorial Masons Code of Working Practice (NAMM). All work will be undertaken to the absolute satisfaction of the Parish Clerk. If this is not the case the work will be rectified within one working day of the notification. If this time limited is lapsed the Parish Council will remove the monument, memorial or stone vase and the Stonemason or deed owner will be charged for this work. At this point the responsible Stonemason may be refused future entry into the Cemetery for breach of these regulations.

No monument or other memorial shall be altered or interfered with after it has been erected in the Cemetery in accordance with the designs submitted to and approved by the Parish Council, without the consent of the Parish Clerk.

No inscription may be cut or work of any kind undertaken to any monument or memorial within the Cemetery without the prior written consent of the Parish Clerk.

No memorial shall be removed from a Cemetery for the purpose of cutting an additional inscription until the formal written approval of the Parish Clerk has been given in respect of the proposed addition(s). Any person contravening this Regulation will not be allowed to carry out any further work within the Cemetery.

All work shall be subject to the directions of the Parish Clerk and any person carrying out works must adequately protect grass, borders and adjoining memorials. On completion of works all surplus materials must be removed from the Cemetery and the whole site cleaned and left in a satisfactory condition.

All monuments and materials must be conveyed into the Cemetery in such a manner as not to cause any damage to road, walks, or turf. Any resulting reinstatement costs for damage will be assessed by the Parish Clerk and the stonemason informed and invoiced on the completion of the repair work.

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No monuments, memorials or materials may be taken into a Cemetery before 9.00 am on any working day or on Good Friday, Christmas Day, Saturdays, Sundays or Bank Holidays without prior consent from the Parish Clerk. All persons employed in fixing, painting or restoring memorials, etc, must leave the Cemetery before dusk.

All dressing or working of stone or other materials to be used in or about any grave, monument or memorial shall be undertaken outside the Cemetery, except such work which cannot be carried out elsewhere.

All materials shall be carefully removed from the vehicles conveying them in neatly piled or placed in or near the place where they are to be used. No working is permitted on road, walks, or adjoining graves and all surplus materials must be removed from the Cemetery.

A memorial removed for the purpose of a further interment shall be transported from the Cemetery grounds otherwise the Parish Council may dispose of any memorial left in the Cemetery grounds.

The Monumental Mason must be a member of BRAMM. Initially, every Monumental Mason will be required to provide the Parish Clerk with the following documentation:

- A detailed method statement showing how work will be undertaken and what measures will be taken to minimise the risk of personal injury or damage to property. This must cover every aspect of work the Monumental Mason is likely to undertake in the Cemetery during the forthcoming year, including vehicle access and movement within the Cemetery.
- A copy of their Health & Safety policy and Codes of Practice.
- A copy of up-to-date Public and Employee Liability insurance with at least £5 million cover. Copies to be provided for the Parish Council upon policy renewal.
- A copy of their incident reporting mechanisms and procedures in accordance with The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR).

Guidance on the completion of these documents can be obtained from the Association of Burial Authorities (ABA), The National Association of Memorial Masons (NAMM) or the Health & Safety Executive (HSE).

The Parish Clerk will evaluate this documentation. Upon satisfactory evaluation, a 1-year Access Permit will be issued to the Stonemason. The monumental mason will then forward to the Parish Clerk working method statements which will be used as a control measure on work assessments.

Failure to provide the documentation or failure in the evaluation will result in permits being withheld and access to the Cemetery being denied.

The 1-year access permit does not give exclusive access to the Cemetery for Stonemasons. All regulations in relation to Cemetery access within these regulations must be adhered to at all times.

All Stonemasons will adhere to all requirements of section 4 of these regulations. In addition, they will be required to inform the Parish Clerk when they require entry into the Cemetery giving 2 clear working days' notice.

When written approval is given for the acceptance of the memorial into the Cemetery, a permit will be issued. Failure to produce this on request will result in entry being denied.

Stonemasons are reminded that failure to comply with these regulations may result in future entry being denied to the Cemetery.

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### Fees and Payments

Any person who dies in a state aided hospital or nursing home outside the Parishes of Lowdham, Gunthorpe and Caythorpe and who was a Lowdham, Gunthorpe or Caythorpe resident for 2 years or more immediately prior to living in such a hospital or home shall be deemed to be a Lowdham, Gunthorpe or Caythorpe resident and charged the inhabitant fee appropriate to that Parish. The Lowdham Parish Council decision is final.

At the time of death, a former Lowdham, Gunthorpe or Caythorpe resident who has not resided in any of these Parishes for 2 years or more shall be deemed to be a non-resident and charged the out of Parish rate.

Fees for all Cemetery services will be determined annually by Lowdham Parish Council and will take effect on 1 April each year. The Parish Council reserves the right to revise these fees and charges at any time.

### Lowdham Cemetery Fees April 2020 - 31 March 2021

#### Interments:

	Lowdham resident	Gunthorpe & Caythorpe resident	Non-resident
Purchase of grave (Exclusive Right of Burial)	£575	£775	£2,000
Burial	£500	£500	£500
Cremation	£150	£200	£300

#### Memorials:

##### All Residents

Headstone (max height 2ft 6 in)	£175
Additional inscriptions, vases and plaques	£100