



HARBOROUGH DISTRICT COUNCIL

CEMETERY REGULATIONS

Adopted 17th November 2008

Council Offices Adam and Eve Street Market Harborough, Leics LE16 7AG:
Tel: (01858) 828282

- Version 1.1. Draft Amendment, October 2021: Section 4.4, purchasing an exclusive right of burial.
- V1.1.1. Section 7 amendment February 2023. Guidance reference re ERB and grave space allocations, due a number of clarification requests

CEMETERY REGULATIONS

1.0 These regulations apply to all of the Council's cemeteries and any reference to "the cemetery" in these regulations refers to any of them. A list of current cemeteries is shown at Annex 4.

In these regulations, the word "monument" means any object erected on a grave space in memory of the deceased.

The term "representative of the Council" means any officer of the Council duly authorised by the Chief Executive.

2.0 Conduct in Cemeteries

2.1 Under the provisions of the Local Authorities Cemeteries Order 1977 (see Annex 1), it is an offence for a person to wilfully:-

- a) Create any disturbance in a Cemetery
- b) Commit any nuisance in a Cemetery
- c) Interfere with any burial taking place in a Cemetery
- d) Interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants or related items in any such manner
- e) Play any game or sport in a Cemetery
- f) Enter or remain in a Cemetery when it is closed to the public, unless authorised by the Council to do so.

2.2 The cemeteries will be open to the public every day of the year. The Chapel at Market Harborough Northampton Road Cemetery will be open to the public from 09.00 to sunset (or 20.00 whichever be the earlier) every day of the year.

2.3 Vehicles must not exceed 10mph in Cemetery grounds and must park only on the designated car parking areas giving consideration to other cemetery visitors.

2.4 No dogs, except Registered Assistance dogs, may be taken into or allowed to enter the Cemetery grounds.

2.5 Persons in the cemetery must comply with any byelaws in place and all visitors must conduct themselves in a quiet and orderly manner.

3.0 Information

3.1 A plan of the cemetery, showing the location of each burial place, and the Burial Registers are open for inspection by prior appointment at the Council Offices during normal office hours Monday to Friday (excluding Public Holidays). Council Staff can carry out searches of the burial registers, and provide extracts, upon payment of the appropriate fee.

4.0 Grant of Exclusive Rights of Burial

4.1 Exclusive Rights of Burial can be purchased for burial and cremation plots. Whilst ownership of an Exclusive Right of Burial does not give any ownership whatsoever in respect of the actual land, it does give the owner of the Deed the right to:-

- a) Be buried in that grave;
- b) Authorise further burial(s) in that grave (where space is available), or the interment or scattering of cremated remains in that grave;
- c) Erect or place a memorial on that grave (subject to the Rules and Regulations of the Council).
- d) Have inscriptions/additional inscriptions placed on a memorial on that grave (subject to the Rules and Regulations of the Council).

4.2 Possession of a Deed does not necessarily give the person in possession ownership of Exclusive Right of Burial. Where the recorded owner is deceased, the Exclusive Right to Burial will be dealt with as part of his/her estate. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership. Ownership of a Deed may also be transferred or assigned by use of a form obtainable from the Council who, upon the production of the Deed and the completed form, will enter the transfer in the Register of Grants maintained.

4.3 Where no interment has taken place in a grave subject to a Deed, the Council may agree to re-purchase the Exclusive Right of Burial. In such cases the Council will, on production of the Deed, repay the original purchase price only. The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.

4.4 Exclusive Rights of Burial will be made available on the following basis and are subject to fees as set out in the Scale of Fees and Charges in force at the time of purchase:

Basis.

In Rotation (for current use) – The grave space is allocated by the District Council.

The ability to choose a grave space from a pool of available plots has been withdrawn. All spaces will be allocated by the District Council without exception and will be based on ground conditions at the time of interment.

This decision has been taken based on current space availability assessments.

Note: Plots within the Garden of Peace (cremated remains) are only made available on an 'in rotation' basis.

- 4.5** On the purchase of the Exclusive Right of Burial in a grave or cremated remains plot, a Deed of Grant shall be issued to the purchaser whose name shall be registered.
- 4.6** The Exclusive Right of Burial shall extend for 100 years from the date of purchase. Rights may be extended for further periods on payment of the fee then applicable

5.0 Procedure for Arranging Interments

- 5.1** Notice of interment must be given to representative of the Council at the address below:-

Cemeteries Officer
Harborough District Council
Council Offices
Adam and Eve Street
Market Harborough
Leics LE16 7AG

Telephone No: 01858 828282

This office is open from 08.45 to 16.45 Monday to Friday (09.30 to 16.45 on Wednesdays) excluding Public Holidays for funeral bookings and enquiries.

The Notice of Interment must be given on the form obtainable from the Council.

- 5.2** The minimum length of notice where a grave is to be excavated is 48 hours, excluding Saturdays, Sundays and Public Holidays.
- 5.3** Each notice shall contain the following particulars:-
- (a) Full name of deceased.
 - (b) The date and place of death of the deceased and, where different, his or her usual address.
 - (c) Full description of the place of burial.
 - (d) The exact length and width of the coffin, measured at the shoulders, including handles.

The exact size of the ashes casket or urn.
 - (e) The day and time of the interment, this being the time for the funeral cortege to arrive at the cemetery or chapel.
 - (f) Any arrangements made with respect to an officiating clergyman or minister, or the hire of a chapel.

Note that:

The time of all interments must be approved by the representative of the Council. The period of notice will be calculated from the date of its receipt by the representative of the Council.

5.4 Burials may take place on weekdays (Monday to Friday excluding Public Holidays) between the hours of 09:00 to 15:30. (April - October,) and 09:00 to 15:00 (November – March) reflecting national daylight saving provisions. No burials will be allowed on Saturdays, Sundays unless by special arrangement

5.5 A minimum of two hours is required between funerals, with an additional half an hour added for graveside service or use of cemetery chapel.

5.6 The representative of the Council will not authorise any interment to take place unless the necessary documents for the disposal of the body have been received. The documents required are:-

- Parts B and C of the certificates for the disposal of the body and (where applicable) the Coroner's order for burial (parts B and C).
- In the case of the burial of a stillborn child, there must be provided either a certificate or registration of the stillbirth or an order of the Coroner.
- For the burial of a non-viable foetus (less than 24 weeks gestation) a Certificate of the Medical Practitioners must be completed and produced with the Notice of Interment.
- In the case of burial of body parts a relevant Medical certificate is required.

These documents must be produced either before or at the time of arrival at the cemetery.

6.0 Chapel

6.1 The chapel at Northampton Road, Market Harborough is available for services by prior arrangement and upon payment of the appropriate fee. Smoking is strictly prohibited in the Chapel.

7.0 Interments

7.1. The excavation of the burial place shall only be carried out by an employee of the Council or the Council's appointed contractor.

7.2. Unless the interment is to take place in a grave for which an Exclusive Right of Burial exists, the burial place to be used will be determined by the representative of the Council.

7.3. Only coffins or ashes caskets made of wood, woven willow, bamboo, wicker, naturally hardened 100% recycled paper or cardboard may be used in earth graves. All coffins must be provided with handles.

- 7.4 Scattering of ashes is allowed under turf on graves subject to an Exclusive Right of Burial.
- 7.5 Scattering of ashes is allowed in the designated areas within the Garden of Remembrance at Market Harborough Northampton Road Cemetery. Memorial plaques and rose trees can be ordered for display in the designated areas on payment of the relevant fees in force at the time.
- 7.6 Adult grave spaces within the cemeteries are typically 7ft by 3ft and children's grave spaces are 4ft by 2ft 6in.¹

8.0 Vaults or Walled Graves

- 8.1 Vaults or walled graves are not permitted at any of the Council owned cemeteries.

9.0 Preservation of good appearance of Burial Places

- 9.1 The surface of every grave after due settlement, shall be at ground level without any mound or erection above that level other than a monument approved under regulation 10.
- 9.2 The planting of trees, shrubs and other plants. The erection of fences, railings or ornaments and the placing of kerbs on and around burial places are not allowed (See Regulation 10.2). The Council reserves the right to prune, cut down or dig up and remove any plant which may be planted without prior approval on a burial place in contravention of these regulations or which is considered to have become unsightly or overgrown in the interests of general maintenance and to ensure that graves do not become overgrown. Only turf shall be planted on the actual grave space.
- 9.3 Unless the interment has taken place in a grave subject to an Exclusive Right of Burial, no memorial, monument, name tablet or other inscribed object shall be placed or erected on the burial place.
- 9.4 Anything placed and planted on any grave other than an approved memorial may be removed and disposed of at the Council's discretion without the Council being liable to account for any proceeds of disposal.
- 9.5 Floral decorations may be placed on any grave. When these are seen to be decaying the Council reserves the right to remove and dispose of them if the owner fails to do so. The Council reserves the right to remove any receptacle for flowers, damaged wreaths, ornaments etc. that it considers unsuitable or broken without notice. Glass containers are strictly prohibited.
- 9.6 Materials used to secure wreaths shall be of natural materials or they should be secured to the headstone to prevent them blowing away. Any objects such as metal pins/hooks are prohibited and will be removed without notice.

10.0 Monuments and Inscriptions

¹¹ **Note:** These are indicative sizes and may not translate to what is deliverable when the space is dug. Additionally, please note that the purchase of an ERB does not confer property rights relating to the relative size of a grave space. It is the merely the right to specify who is buried within. The prescriptive usage rights remain with the Council.

- 10.1** A monument must not be placed on a grave without the prior approval of the Council and this will only be given for a grave subject to an Exclusive Right of Burial. The approval of the Council must also be obtained before any alteration is made to an existing monument, including the alteration of an existing inscription or the cutting of an additional inscription. The Council's approval is further required for the removal of a monument from the cemetery.
- 10.2** All current and new sections in cemeteries are managed as 'lawn cemeteries'. These sections are set out with headstones only allowed at the head of each grave. The area is grassed for ease of maintenance and mown at the Council's expense. No planting is to be undertaken in the grave space or it altered in any way. **Kerb sets or other means of enclosure are not allowed.** Items such as granite flower pots etc. are permitted but must be positioned at the head of the grave. The Council reserves the right to re-locate the same if not in the correct position. The Council will not undertake to keep clean memorials, which shall be the responsibility of the owner.
- 10.3** Within the Children's Section at the Market Harborough (Northampton Road) cemetery non-permanent enclosures and monuments will be allowed providing that these are kept within the grave space (width 30 inches, length 60 inches), are maintained in a satisfactory condition to the satisfaction of the District Council and providing that they are easily removable for grounds maintenance purposes. Permanent kerb sets or other means of enclosure will not be allowed. The Council reserves the right to remove any unsatisfactory memorials in accordance with Regulation 9.
- 10.4** No kerb sets, plastic fencing, windmills etc. will be allowed in the cemeteries with effect from 17th November 2008. Existing kerb sets, fencing and planting will be allowed to remain whilst they are in good maintenance but replacements will not be permitted.
- 10.5** Any approval required under Regulation 10.1 shall be applied for at least one month in advance of the intended date of erection, on the Council's standard forms. The notice shall give full particulars of the proposal including:-
- a) In the case of a new monument, a drawing of the monument; its specification, including the nature and quality of material to be used; its approximate weight and height, breadth and thickness (See Annex 1 for permitted sizes) and method of fixing. (See Annex 3 for Installation of Monuments)
 - b) In the case of an inscription (including an alteration or addition to an existing inscription), any text to be newly cut and any text to be altered or added to.

Notes:

A proposal relating to the erection or alteration of a monument will not be approved unless the monument when erected or altered satisfies all of the following requirements:-

- (1) It is in accordance with the permitted sizes as set out in Annex 2
- (2) The proposed method of installation complies with the requirements detailed in Annex 3.

- (3) Memorials must be constructed of natural stone. Temporary wooden crosses are allowed for a maximum period of 12 months, after which the Council reserves the right to remove them.
- (4) The grave number must be cut into the stone in a prominent position on the rear of the headstone.
- (5) To allow for ground settlement the monument must not be erected less than 6 months after the burial took place (with the exception of cremated remains)

10.6 Any persons erecting an approved monument must adhere to the Council's Approved Fixing Methods for Monuments in force at the time of application.

10.7 Before the work of fixing an approved monument in position is begun, at least two clear days notice in writing of the day shall be given to the representative of the Council.

10.8 The temporary removal and storage of a monument while a grave or vault is re-opened for an interment shall be undertaken by and at the expense of the owner of the Exclusive Right of Burial. The owner shall also be responsible for the safe re-erection or replacement of the monument.

10.9 Any monument placed in a cemetery remains there at the risk of the owner of the Exclusive Right of Burial and the Council will not be liable for any damage to or by the monument.

Note:

The Council strongly recommends that insurance cover is taken out for memorials.

10.10 The Council may take down and remove any monument placed in the cemetery, and/or remove any inscription on a monument, which contravenes these regulations or is considered to be in an unsafe condition.

10.11 Owners of Exclusive Right of Burial must keep purchased graves and monuments in good and safe repair, to the satisfaction of the Council. Where the Council has given notice to an owner that repairs are required, or that a monument appears unsafe, and repairs are not carried out to the reasonable satisfaction of the Council within six months, the Council may itself carry out the work and recover the cost from the owner. Where the owner cannot be traced, the notice shall be sufficiently served if placed upon the burial place to which it relates. If the Council incur expenses under this regulation which it is unable to recover from the owner it may treat any grant of burial rights to him or her as forfeited.

10.12 If, in the opinion of the Council, a monument is judged to be an imminent danger to the public, it reserves the right to carry out such safety works as it considers necessary without notice.

11.0 Regulation of Persons Working in the Cemetery

11.1 All work in connection with monuments shall be carried out in compliance with any directions which may be given by the representative of the Council and in particular in compliance with the following rules:-

- (i) all monuments and materials must be conveyed into and around the cemetery in such a manner as not to cause damage to the roads, paths, grass areas and adjoining graves, or nuisance to other cemetery users ;
- (ii) Materials unloaded from vehicles must be neatly piled or placed in such a position upon or near the place where they have to be used as may be directed by the representative of the Council. They must not be placed upon the roads, paths or adjoining burial places;

11.2 The Council reserves the right to prohibit any person or contractor who fails to comply with these regulations from carrying out further works in any of its Cemeteries.

12.0 Removal of Bodies from Burial Places

12.1 No body shall be removed from any grave or vault in the cemetery without licence of the Secretary of State under Section 25 of the Burial Act 1857. A Faculty from the Diocese of the Church of England will also be required in respect of consecrated ground.

13.0 Fees and Charges

13.1 The fees and charges will be determined by the Council and may be subject to amendment.

13.2 Fees for Residents of the District of Harborough

To qualify for Resident Purchase of Exclusive Right of Burial

- (a) The Purchaser must be a resident of the District **or**;
- (b) The Purchaser must be the nearest surviving relative (next of kin) of the deceased and the deceased was a resident of the District of Harborough.

13.3 To qualify for Resident Burial Fees

- (a) The deceased must be resident in the District of Harborough at the date of death **or**
- (b) The deceased was the owner of the Exclusive Right of Burial and was resident in the District of Harborough at the time of purchase **or**
- (c) Where the deceased was previously a resident of the District of Harborough and has been in residential care outside the District (whether in institutional care or to be cared for by relatives) for a period not exceeding 5 years.

13.4 Where two interments in the same grave take place at the same time the fee for one interment only shall be charged.

13.5 Non Resident Fees

The fees payable for the grant of exclusive burial rights and the interment fees shall be doubled where the deceased is not a resident in the District of Harborough as defined by regulations 13.2 and 13.3.

14.0 PAYMENT METHODS

14.1 Cheques must be made payable to Harborough District Council. Payments can also be made by cash, credit or debit card in person at the Council Offices or via the telephone. Official receipts are issued for all fees and charges.

14.2 All fees and charges for Memorials must be paid in advance and no work shall proceed until payment is made.

ANNEX 1

GENERAL LAW APPLICABLE TO CEMETERIES

Local Authorities Cemeteries Order 1977

- 1) No body shall be buried, or cremated human remains interred or scattered in or over any grave or vault in which an exclusive right of burial for the time being exists except by or with the consent in writing of the owner of the right.

This paragraph shall not extend to the body, or remains of:-

The person who immediately before his death was the owner of the right; or

Any other person specified in the deed of grant or in an endorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the burial authority.

Article 10 Paragraph 6

- 2) 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

Article 18 – (1)

- 3) No person not being an officer or servant of the burial authority or another person 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.

Article 18 – (2)

- 4) Every person who contravenes:-
- (a) any prohibition under article 5(6);
 - (b) article 10(6);
 - (c) article 18;
 - (d) Part I of Schedule 2.

Shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.

Article 19

- 5) No burial shall take place, no cremated remains shall be scattered and no tombstone or other memorial shall be placed in a cemetery and no additional inscriptions shall be made on a tombstone or other memorial without the permission of the officer appointed for that purpose by the burial authority.

Schedule 2 Part I Paragraph 1

- 6) No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave; provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground adjoining the grave.

Schedule 2 Part I Paragraph 2

- 7) No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than six inches thick.

Schedule 2 Part I Paragraph 3

- 8) When any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove from there Any soil which is offensive.

Schedule 2 Part I Paragraph 4

- 9) Every walled grave or vault shall be properly constructed of suitable materials.

Schedule 2 Part I Paragraph 5

- 10) Within 24 hours of any burial in a walled grave or vault, the coffin shall be :-

- (a) embedded in concrete and covered with a layer of concrete not less than six inches thick; or
- (b) enclosed in a separate cell or compartment of brick, slate stone flagging or pre-cast concrete slabs of a 1:2:4: mix, in any case not less than two inches thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.

Schedule 2 Part I Paragraph 6

- 11) Any person to whose order a body is buried in a grave in respect of which an exclusive right of burial has been granted shall, as soon as conveniently may be after the subsidence of the earth has been completed, cause the surface of the grave to be covered with any tombstone or other memorial in respect of which a right has been granted by the burial authority or any predecessor of theirs, or with fresh turf, or, where the burial authority permit, with such flowering or other plants, or in such other manner, as may be permitted.

Criminal Damage Act 1971

A person who without lawful excuse destroys or damages any property (e.g. a statue, monument or other memorial of the dead, or any railing or fence surrounding such statue or monument, in a church, churchyard, burial ground or cemetery) belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

A person found guilty of such an offence shall be liable on summary conviction to a fine not exceeding £1,000 and on conviction on indictment to a term of imprisonment not exceeding ten years.

ANNEX 2

PERMITTED SIZES OF MONUMENTS, ETC.

Headstones (Main Cemeteries)

Headstones must not exceed 36" (900 mm) in height above ground (including any plinth) and 23" or approximately (Approx 600 mm) in width.

Headstones in Children's Section (Market Harborough)

Headstones must not exceed 24" (600 mm) in height above the ground (including any plinth) and 12" (300 mm) in width.

Note – All headstones must have the grave number cut into the rear of the headstone in a prominent position.

Vases and Cremation Plot Memorials

Vases must not exceed 15" (375 mm) in height and 12" (300 mm) in diameter. Memorials for Cremated Remains

Memorials must not exceed 15" in height x 12" x 12" (375 mm x 300 mm x 300 mm)

ANNEX 3

INSTALLATION OF MONUMENTS

The installation of any monument or memorial within any cemetery must be in accordance with the Code of Practice recommended by the UK National Association of Memorial Masons (NAMM) and comply with the British Standard (BS 8415) 2004 'Specification of Monuments within burial grounds'.

ANNEX 4

LIST OF OPEN CEMETERIES MANAGED BY HARBOROUGH DISTRICT COUNCIL

Blaston

Foxton

Great Bowden

Great Easton

Northampton Road, Market Harborough

Saddington