



CEMETERY REGULATIONS

Adopted by the Open Spaces Committee, April 2022
Review date: April 2023

1 INTRODUCTION

Our cemetery in Stansted Mountfitchet provides an attractive and peaceful green space for all visitors to enjoy, whether for remembering a loved one or to simply take some time for quiet reflection. All visitors are welcome and we ask that everyone respects the peace, dignity and reverence of the cemetery, as well as other users, and we thank you in advance for your consideration.

This document sets out the principles of how Stansted Mountfitchet Parish Council (the 'Council') will manage the cemetery to ensure that it is safe, accessible and sustainable whilst respecting the rights and choices of the individual.

2 BEHAVIOUR IN THE CEMETERY

All visitors to the Cemetery are asked to:

- 2.1 behave in a quiet and orderly manner and respect the privacy of others.
- 2.2 keep to the paths where possible.
- 2.3 dispose of green waste in the garden recycling bin and all other waste into the litter bin by the gate. Please remove all packaging before placing green waste in the garden bin.
- 2.4 ensure that children younger than 12 years are accompanied by a responsible person.
- 2.5 keep dogs on a lead at all times and clear up any mess they may leave.

All visitors to the Cemetery are asked NOT to:

- 2.6 interfere with any grave or memorial that is not within their ownership.
- 2.7 play any games or sports.
- 2.8 interrupt any funeral service which is taking place.
- 2.9 interrupt the Council's contractors whilst they are carrying out their work.
- 2.10 display any publicity or advertising material, or sell any merchandise, anywhere in the Cemetery without the consent of the Parish Council.
- 2.11 use any wheeled vehicle other than a pushchair or mobility aid. Contractors working for the Council are exempt from this clause.

Any complaints must be made direct to the Parish Council Office and may be investigated.

3 BURIALS AND INTERMENTS

- 3.1 Burials and interments are restricted to people resident within the parish of Stansted Mountfitchet, although exceptions may be granted by special request to the Parish Council
- 3.2 All burials and interments must be undertaken in accordance with current legislation.
- 3.3 Burials and interments may only take place in accordance with these Regulations and between the hours of 8.00 am – 3.30 pm on weekdays (other than Christmas Day, Good Friday or any day appointed as a public holiday).
- 3.4 Interment of cremated remains may be allowed outside these hours and days in special circumstances and only if agreed in advance by the Clerk to the Council.
- 3.5 Prior booking is required for every interment.
- 3.6 At least 48 hours prior to the date of the burial or interment, the following must be received at the Parish Council offices:
 - a) the Notice of Interment (using the form supplied by the Clerk)
 - b) full payment – the Table of Fees and Charges is available from the Clerk
 - c) the Registrar's Certificate for Burial or Cremation Certificate

- d) in the case of Foetuses, the Medical Practitioner's Confirmation of Delivery of a Non-Viable Foetus.
 - d) for the burial of a stillborn child a Certificate in accordance with the Births & Deaths Registration Act 1953.
- 3.7 An Exclusive Right of Burial must be purchased for every grave space and the Deed will be issued upon receipt of all paperwork and payment.
 - 3.8 All graves must be prepared and subsequently covered over by persons authorised by the Parish Council.
 - 3.9 Only coffins or caskets of wood, wicker or other easily perishable material will be allowed in an earthen grave unless agreed otherwise by the Parish Council and must comply with any conditions in place, particularly with regard to Health and Safety legislation.
 - 3.10 If a coffin is not used for interment, the body must be enclosed in a shroud or winding sheet (the body is to be totally wrapped in this). Underneath, there will need to be a wooden board to provide rigidity for handling purposes. An 'outer shell' may be needed if the wrapped body may be visible to members of the public.
 - 3.11 After interment, no body or cremated remains may be removed from the grave or vault without the production of the ecclesiastical faculty and/or licence for exhumation required by law. The original documents will be required for this purpose.
 - 3.12 Ceremonies of a special nature are subject to the approval of the Clerk.
 - 3.13 Only one funeral will be allowed in the cemetery at any one time.
 - 3.14 The Council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.
 - 3.15 In the case of the re-opening of a grave, where the written consent of the legal owner of the burial rights is required, the Council will require to be indemnified against any action it takes as a result of allowing the re-opening. This might arise if the Deed of Grant of Exclusive Right of Burial has been lost or its owner has died. The Parish Council should be contacted for the appropriate form.

4 CREMATED REMAINS

- 4.1 There shall be no more than eight containers of ashes in a double-depth size grave. No more than two urns can be interred in a cremated remains plot, but subsequent burials may be interred loose within the plot.
- 4.2 The scattering of ashes is not allowed in the Cemetery, but interment of ashes in a grave space, or cremated remains grave space, without a casket is permitted.
- 4.3 No grave for cremated remains shall be dug less than 18" in depth.

5 EXCLUSIVE RIGHTS OF BURIAL

- 5.1 Ownership of an Exclusive Right of Burial for a grave does not mean that you own the land, but 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 (if space is available), or the interment or scattering of cremated remains in that grave
 - c) erect a memorial on that grave which complies to these Regulations
 - d) have inscriptions/additional inscriptions placed on a memorial on that grave as long as it complies with these Regulations.

NOTE

Possession of a Deed does **not** necessarily give the person in possession ownership of Exclusive Right of Burial. Where the owner has died, 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. Ownership of a Deed may also be transferred or assigned by use of a form (Declaration, Indemnity and Application in respect of the transfer or Assignment of an Exclusive Right of Burial) obtainable from the Parish Council.

The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.

- 5.2 The grave space and number will be allocated by the Clerk.
- 5.3 When the Exclusive Right of Burial to a plot is purchased for an interment, the immediate family may be permitted to purchase at the same time, and subject to availability, the next plot in line. However, no person/s may hold, at any one time, the Exclusive Right of Burial to more than one unused grave. This clause does not apply to Rights purchased before 1st January 2005.
- 5.4 Whilst every effort will be made to achieve the full number of interments in a grave, the Council cannot be held responsible if this cannot be achieved due to factors outside their control, eg ground conditions; weather, subterranean obstructions.
- 5.5 A Grant of Exclusive Right of Burial does not give any other rights, ie to erect a memorial, that is a separate application process. (see section 6)
- 5.6 All Grants of Exclusive Right of Burial will be made for a period of 30 years and, thereafter, for a period not exceeding 30 years.

After that time, the owner, and his/her heir or successors, may have the option to renew the Exclusive Right of Burial, subject to any regulations as may be in force at that time. Renewal applications must be made in the three months before the expiry of the previous grant otherwise the option lapses.

If no written notification of an intention to renew has been received from the person who was granted the Exclusive Right of Burial and his/her heirs, the Parish Council can grant a Right of Burial to any other person. They will, however, attempt to contact the previous owner of the Right prior to doing so.

- 5.7 Ownership of an Exclusive Right of Burial can be transferred subject to certain criteria and payment of a fee. Please contact the Parish Council for further details.

6 MEMORIALS

- 6.1 All memorials, and the inscriptions on them, must be approved in advance by the Parish Council. Decisions will primarily be based on meeting Health and Safety requirements.
- 6.2 We recommend that approval is obtained prior to placing any order for a memorial or inscription. The Parish Council will not be held liable for any costs incurred in the ordering of a memorial or inscription if prior approval was not granted.
- 6.3 Applications must be made using the form provided by the Parish Council.
- 6.4 All memorials must be erected by memorial/stone masons working in accordance with the NAMM (National Association of Memorial Masons) requirements and British Standards in place at the time. Masons must be BRAMM (British Register of Accredited Memorial Masons) registered.
- 6.5 Applications will only be accepted from the owner of the Exclusive Right of Burial. If the owner has died, a transfer of the ownership must take place before a memorial application can be considered.

- 6.6 Memorials on earthen graves may not be erected within 12 months of the interment to allow the ground to settle.
- 6.7 On earthen graves, only headstones or wooden or stone crosses are permitted. Memorials shall be placed at the head end. Kerbstones are permitted.
- 6.8 On cremated remains graves, only stone memorials which sit flat on the ground are permitted.
- 6.9 All memorials must be contained within the boundary of the grave.
- 6.10 Headstones shall be constructed from a single piece of stone, although they may be inlaid with natural stone, lead, or bronze as part of the design or inscription. Such inlay shall not reduce the thickness of the main body of the headstone to less than 2". The inlaid material must not be raised above the surface of the headstone proper by more than 1/2" and must be contained within the overall dimensions of the headstone. The base of all memorials shall be constructed of a single piece of stone, which may be drilled to accommodate up to 2 flower containers.

7 DIMENSIONS AND MATERIALS OF MEMORIALS

- 7.1 Full sized single & double graves:
Headstones may be up to 1m above ground level (inclusive of base), 60cm wide, and 7cm thick, fixed at the designated head end of the grave –1 per grave; or vase or vases (up to 2) no greater than 23cm in any dimension fixed securely on an appropriate base.
- 7.2 Kerbstones:
Permitted on earthen graves only. The area enclosed on a grave space shall not exceed 7'0" x 3'0" (2100 mm x 900 mm) inclusive of the kerbstones.
- 7.3 Cremation plots:
Memorials may be up to 7.5cm above ground level (base must be flush with ground level), and no more than 46cm long.
- 7.4 Images:
Images may be produced on a ceramic plaque and affixed to the headstone by the stonemason. Max size for the plaque is 9cmx12cm.
- 7.5 Memorials of concrete, sandstone, Bath or soft Caen stone, or other soft stone, pottery, plastic, or fibreglass are not permitted and, if erected, will be removed and disposed of without notice. The cost of removal and disposal will be charged to the person(s) who erected the memorial if known.
- 7.6 The name of the memorial mason and grave number must be incised, or incised and inlaid, to match the main inscription, in figures up to 20mm high in a visible place on the memorial and also, if present, on the corner of kerbing at the foot of the grave.
- 7.7 All materials and equipment shall be conveyed in the Cemetery in such a manner as to prevent damage to any area and all soil or waste material shall be removed from the Cemetery immediately in a professional manner. Ground level on and around the grave must be kept level and it is the responsibility of the owner of the grave to keep it in that manner and properly grassed over.

- 7.8 The owner of the Exclusive Right of Burial will be responsible for the repair, maintenance, and cleaning of all memorials **any may wish to consider taking out an appropriate insurance policy.**
- 7.9 Any memorial **which has to be moved to enable another interment to take place must be reinstated** no earlier than 6 months and no later than 1 year after the last interment. Any such memorial must not, for however short a time, be left on any other grave **space.**
- 7.10 The Council reserves the right to remove, and dispose of without notice, any memorial not kept in a good state of repair, or which has become **unsafe or** unsightly.

8 MAINTENANCE AND UPKEEP OF MEMORIALS

- 8.1 Registered owners will be held responsible for any injuries or damage caused by memorials or any other item placed on their plot, whether or not the Parish Council has given permission for it to be placed there. This includes damage to the general public, Council members or staff and contractors or their equipment if they have the Council's permission to be working in the Cemetery.
- 8.2 Memorials will be subject to periodic testing by the Parish Council to ensure that they remain stable. Any memorial failing this test will be made safe temporarily and the owner contacted to arrange repairs at their own expense. **In the event that the owner cannot be found, and/or if satisfactory repairs are not undertaken within 3 months, the Council reserves the right to remove the memorial from the Cemetery.**
- 8.3 The surface of every grave shall be maintained at ground level and shall not be proud of surrounding ground level.
- 8.4 The placing of any item upon a grave is at the owner's discretion. However, when deciding what to place on the grave, **please bear in mind that maintenance contractors work in the Cemetery on a regular basis using powerful equipment. Smaller items can be blown away by the machinery and, if that happens, these will not be replaced.**
- 8.5 Anything planted within the boundary of a grave must be maintained by the owner or person appointed to act on their behalf.
- 8.6 **However,** the Council reserves the right to remove, without notice, from any grave, flowers, plants or wreaths that in its opinion have become unsightly and to dispose of the same in such a manner as deemed fit.
- 8.7 No work to any memorial will be permitted without the express consent of the Parish Council. All surplus materials must be removed once any repairs have been completed. If the Parish Council is required to remove any such materials, costs will be recharged to the owner.

9 FEES AND CHARGES

The fees and charges prescribed for the use of the Cemetery shall be those specified in the Table of Fees as amended from time to time.

All fees and charges are payable in advance to the Council.

10 GENERAL

- 10.1 All persons (not employed by the Council) engaged in work in the Cemetery shall comply with all reasonable requests, directions and requirements of the Clerk.

- 10.2 No liability is accepted by the Council for loss of, or damage to, a vehicle or its contents, or injury to its driver or passengers howsoever arising. **Similarly, no liability is accepted by the Council or its contractors, for loss of, or damage to, unsuitable items left on graves, memorials, flowers or any items permitted to be on a grave or for vandalism. See clause 8.4 above.**
- 10.3 All reasonable requests and requirements of the Clerk shall be complied with.
- 10.4 It is the obligation of all persons who are entitled to the Grant of Exclusive Right of Burial or memorial owner to notify the Clerk of the Council of their address or change of address in writing.
- 10.5 If any such persons shall die and no other person notifies the Clerk of the Council that they have legally assumed the responsibilities of the deceased person, the Council may assume without further enquiry that there is no such other person who has assumed responsibility and shall be under no obligation to investigate further.
- 10.6 The Council reserve the right to charge and pass on the cost of tracing them arising from their failure to comply with the regulation 10.4 above
- 10.7 All notices shall be in writing and all notices given by other means shall not be regarded as valid.
- 10.8 The Council may by order vary any of the above regulations to apply either uniformly to all Cemeteries or specifically to one Cemetery or part of a Cemetery.
- 10.9 Registers of all burials and graves, are kept at the Office where searches by staff can be made, and certified extracts obtained, upon payment of the prescribed fee. Searches by people other than staff can only be made in the Register of Burial, which is free of charge.
- 10.10 The Council may waive any of the foregoing Regulations where it considers there are exceptional circumstances.

11 EFFECTIVE DATE

These Regulations became effective on

12 THE LEGAL REFERENCES

The Parish Council operates and manages the Parish Cemetery in accordance with the following legislation:

The Local Government Act 1972

The Local Authorities' Cemeteries Order 1977

The Births and Deaths Registration Act, 1953

13 PARISH COUNCIL CONTACT DETAILS

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