



# Wilton Town Council

## Cemetery Policy

A policy to regulate the management of the cemetery in Shaftesbury Road, Wilton



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### The purpose of this policy

This policy is intended to regulate the management and use of the council's cemetery in Shaftesbury Road. It sets out the rules, regulations and fees relating to burials and interments.

Fees are reviewed annually by the Council and this policy is updated accordingly.

*21<sup>st</sup> June 2022*

*Adopted 5<sup>th</sup> July 2022.*

*Minute Ref 121/22*

These Cemetery Regulations govern the management of the Wilton Cemetery at Shaftesbury Road and set out the rules which must be adhered to by visitors and burial rights holders.

This policy is overseen by the Policies and Resources Committee and was previously updated in February 2022.

## 1. Introduction

1.1 These regulations are made pursuant to the Local Authorities Cemeteries Order 1977 and the Local Government Act 1972 and shall be known as the Wilton Town Council Cemetery Regulations.

1.2 These regulations apply to Wilton Cemetery at Shaftesbury Road, Wilton.

1.3 The Council's appointed cemetery officer is the Town Clerk or their duly authorised representative.

## 2. Right of Access and Use

2.1 The cemetery will be open to visitors daily from dawn until dusk.

2.2 Children under the age of 16 years must be accompanied and supervised by a responsible adult.

2.3 The Council reserves the right to:

- Close or limit access to the cemetery, or part thereof, when necessary
- Withdraw the use of the cemeteries from any person or organisation

2.4 Private vehicles and cycles are not permitted within the cemetery. Permitted vehicles must not exceed 5 mph and must not be driven off the paths at any time.

2.5 Skateboarding, roller skating and similar activities are not permitted within the cemetery.

2.6 Dogs are not permitted within the cemetery.

2.7 Horses are not permitted in the cemetery.

2.8 No alcohol to be permitted or left in the Cemetery.

### **3. Conduct**

3.1 In accordance with the Local Authorities Cemeteries Order 1977 it is an offence to:

- Willfully create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Willfully interfere with any burial taking place in a cemetery
- Willfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter
- Play at any game or sport in a cemetery

3.2 In addition to the offences above, the following activities are prohibited within the cemetery:

- The use of threatening, offensive or abusive language towards any visitor, contractor or member of staff
- Undertaking commercial filming or photography or any other commercial activity without prior authorisation from the Council

### **4. Fees**

4.1 The schedule of fees is detailed in the Council's Fees and Charges.

4.2 The Council shall review its fees at least annually.

4.3 All fees are payable in advance.

## 5. Exclusive Right of Burial

5.1 The cemetery and each grave space within are the property of the Council. Ownership of the ground does not, at any time, pass from the control of the Council.

5.2 An Exclusive Right of Burial may be purchased at any time and is currently granted for a period not exceeding 50 years from the date of purchase.

5.3 The Council will issue a formal Deed of Grant of Exclusive Right of Burial for each grave or plot and, together with these regulations and the terms issued. This forms the legal contract between the Council and purchaser.

5.4 The Exclusive Right of Burial entitles the registered holder(s) to:

- Be buried in the grave or plot (subject to space being available)
- Authorise burials in the grave or plot (subject to space being available)
- Apply for permission to erect a memorial (Memorial Application form)
- Apply for an additional inscription the memorial (Memorial Application form)

5.5 An Exclusive Right of Burial will be issued in the names of up to three people.

5.6 No burial may take place within a grave and no memorial may be erected upon a grave without the written consent of the registered owner of the Exclusive Right of Burial of that grave. The Council may require the registered owner provides a copy of their Exclusive Right of Burial documents.

- Each registered owner of the Exclusive Right of Burial may be buried in the grave without the consent of the other registered owner (subject to space being available).
- The consent of all registered owners will be required to enable a memorial to be erected on the grave or to permit the burial in the grave of any other person.

5.7 Ownership of the Exclusive Right of Burial does not give an individual or families the right to place any items on the grave or plot that are not permitted under 7.11.

5.8 Possession of the Deed of Grant of Exclusive Right of Burial in itself does not prove ownership of the exclusive rights. The ownership of the Exclusive Right of Burial belongs to the purchaser as registered with the Council at the time of the sale of the right or following the registered transfer of ownership.

5.9 The ownership of the Exclusive Right of Burial may be transferred either during the owner's lifetime or after death. This is subject to registration with the Council, the endorsement of the deed of grant and payment of the appropriate transfer fee.

Transfer of the Exclusive Right of Burial from the living owner(s) to another individual(s) is done through the completion of an Assignment Form.

Transfer of the Exclusive Right of Burial on the death of the registered owner to the person or persons entitled to it requires the production of a Grant of Probate or Letters of Administration. If these legal documents have not been applied or issued then ownership may be transferred to the executor by Statutory Declaration.

5.10 At least one year prior to the expiry of the Exclusive Right of Burial for a grave, the Council will seek to contact the registered owner to extend the Exclusive Right of Burial and where the right expires without renewal it shall revert to the Council.

In such cases, neither the original purchaser nor anyone to whom the right may have been transferred has any rights to the grave and the Council reserves the right to remove any memorial on said grave and after three months to use or disposal of it in any manner it thinks fit.

5.11 It is the responsibility of the owner of the Exclusive Right of Burial to inform the Council of any change of address or their intention to transfer ownership of the right.

## **6. Burials**

6.1 All burials, including of cremated remains, must be booked with the Council. A representative of the Council can be available to meet the family or the bereaved or their representatives at the cemetery to discuss and clarify arrangements, or bookings can be placed by telephone.

6.2 A booking is not confirmed until the Council has received a fully completed Notice of Interment form together with the Registrar's Certificate or Coroner's Order, or other relevant legally required authorization for burial. A funeral may not proceed until the original documents have been received.

6.3 Three working days' notice must be given for an interment.

6.4 Interments will only be allowed Monday to Friday between the hours of 10am and 4pm or by prior arrangement with Officers of Wilton Town Council.

6.5 The Council shall not be responsible for any discrepancies, errors or omissions in any 'Notice of Interment' or other document relating to a funeral or the consequences arising from such discrepancies, errors or omission or the failure to complete any documents appropriately and in accordance to the law relating to a funeral or the late receipt of any 'Notice of Interment' or other documents resulting in the delay of the funeral

6.6 Where a funeral involves the reopening of a purchased grave it may only proceed where sufficient space remains in the grave and one of the following applies:

- The written consent of the registered owner(s) of the Exclusive Right of Burial is provided on the Notice of Interment.
- The funeral is that of a registered owner of the Exclusive Right of Burial
- The Exclusive Right of Burial has been formally transferred to the person legally entitled to ownership before the funeral taking place as per 5.9.

6.7 The Council requires to verify the deed before a grave is re-opened. If the deed is lost a statutory declaration must be made.

6.8 All fees associated with a burial must be received with the Notice of Interment and Registrar's or Coroner's certificate.

6.9 The digging and reinstatement of graves will be the responsibility of the appointed Funeral Director. The grave digger should remove and dispose of any left-over soil once the grave is filled. Any subsequent issues concerning the levelling of the grave must be referred to the funeral director concerned, as this issue is not the responsibility of the Town Council. Please note that when graves are dug, the spoil is placed on a tarpaulin sheet but not on an adjacent grave.

6.10 Mourners may scatter soil on the coffin but are not permitted to backfill a grave, this should be undertaken by a qualified grave digger after the service and details of the grave digger should be communicated to the Council via the Notice of Interment form.

6.11 All bodies entering the cemetery for burial must be contained in a coffin or biodegradable wrapping or covering bearing the full name, age and date of death on it. A coffin or casket which is over 6' 10" in length or over 30" wide will be considered extra-large and liable to the fees appropriate for such coffins.

6.12 The interment fee includes all administration, entries into the burial registers and databases. It does not include the removal or reinstatement of any memorial (whether belonging to the grave to be opened or other graves within the area which need to be removed to provide access) the cost of which must be covered by the applicant.

## **7. Memorials**

7.1 No memorial of any description may be placed on unpurchased graves.

7.2 Memorials must conform to the specific standards set for each grave.

7.3 Only approved monumental masons are permitted to carry out work in the cemetery.

7.4 All memorials shall be erected to conform to the most recent edition of the NAMM 'Recommended Code of Working Practice' or BRAMM 'Blue Book'.

7.5 Details of each proposed memorial must be submitted to the Council using the Council's Memorial Application Form. The memorial may only be erected/installed following written approval from the Council issued in the form of a permit.

7.6 No memorial shall exceed 1.82m in height.

7.7 Subject to the grave selected, it may be necessary to allow a period of 12 months to pass following a burial before a memorial can be erected on a grave.

7.8 The Council reserves the right to remove any memorial which either does not conform to its description on the approved Memorial Application Form or which is erected without the permission of the Council.

The memorial will be retained at the cemetery for three months pending collection by the individual concerned, after which it will be disposed of. The cost of removal and disposal will be recovered from the person responsible.

The Council reserves the right to take action against the responsible memorial mason in accordance with its registration scheme.

7.9 A temporary wooden cross (not exceeding 600mm in height) may be placed on a grave until a permanent memorial is placed or for a maximum of 12 months from the date of interment. No fee is charged, but permission must be sought from the Council.

7.10 All new memorials must have the corresponding grave number and name of the monumental mason placed conspicuously on the reverse of the memorial.

7.11 Kerbstones or border stones are permitted within the cemetery. No other memorial, dressing, planting, or other items whatsoever (except as provided by 7.12) are permitted on the grave or memorial.

Such items include, but are not restricted to: wind chimes, windmills, flags, lights, candles, alcohol, fencing and anything made of glass.

The Council will remove any item without notice and will store it for one month, after which it will be disposed of.

The Council will remove any planting and dispose or reuse it as it considers fit.

7.12 Cut flowers and wreaths may be placed on graves. All dead flowers will be removed by the Council and Christmas wreaths will be removed after 31<sup>st</sup> January each year. Funeral tributes may remain on the grave for fourteen days after which they may be removed and disposed of by the Council.

7.13 The maintenance and insurance of the memorial is the responsibility of the owner of the Exclusive Right of Burial.

7.14 The Council shall test all headstones for safety every five years or at any time it is suspected a stone may be unsafe.

Memorial headstones which fail a safety test will be required to be repaired as soon as possible by the owner of the Exclusive Right of Burial. If the repair is not undertaken within three months from notification, the Council will fund the repair to the stone and this cost must then be repaid to the Council before the Exclusive Right of Burial is further exercised.

The Council may, at its discretion, undertake repairs to headstones in the interests of maintaining a pleasant environment at the cemetery.

## **8. Grounds Maintenance**

8.1 The maintenance of the grounds, including the cutting of all grass areas and the excavation of graves is the responsibility of the Council.

8.2 In order to excavate or gain access to excavate a grave, it may be necessary to temporarily place plant, equipment and excavated materials on top of adjacent graves. The period during which this may be necessary will be kept to a minimum. Once the burial has been completed, the grave will be backfilled by the appointed grave digger and the surface of any adjacent grave affected by the works will be made good.

8.3 Following a burial, the grave will be backfilled by the appointed grave digger and any floral tributes placed carefully over the grave.

8.4 Following each burial in an earth grave, the ground will settle over a period of months. The Council will routinely top up the level of any grave that sinks in this way.

8.5 The Council reserves the right of passage by people and machinery over all graves for all purposes in connection with the cemeteries, including but not limited to grounds maintenance; preparation of graves; erection, removal and repair of memorials; memorial safety inspections. The Council reserves the right to cover or temporarily remove any memorial in connection with burials in the cemeteries.

8.6 When a grave is excavated for a second or subsequent burial, it may be necessary to remove the memorial upon the grave to enable safe excavation. It is the responsibility of the owner of the exclusive rights in the grave to arrange for the memorial to be removed and replaced upon the grave after a suitable period has elapsed to allow for the settlement of the backfilled ground.

8.7 When a grave is excavated, it may be necessary to temporarily remove one or more memorials to enable access to the grave. In such circumstances, the affected memorial(s) will be replaced immediately following the funeral.

## **9. Cremated Remains**

9.1 The scattering of cremated remains and may only be undertaken, with the Council's permission, in the Garden of Remembrance subject to the appropriate fees being paid.

9.2 Cremated remains can be interred in a standard grave. After a grave is full, approximately four cremated remains interments may take place, dependent upon the size of caskets.

Once a cremated remains interment has taken place within a grave an exhumation license will be required for any subsequent interment of a coffin.