

Melbourn Parish Council

Rules and Regulations : New Road Cemetery, Melbourn

The Parish Council must be informed about who the undertakers and the suppliers of the headstone items will be and that they (the undertakers and suppliers) are aware and guarantee to comply with the New Road Cemetery rules and regulations. There must be a signed agreement by the undertakers and suppliers received by the Clerk to the Parish Council before commencement of any further activity. The Clerk will also require a copy signed by a family member of the bereaved. These are available from either the Clerk or the undertakers.

1. General

- a. A person will be eligible for burial in New Road Cemetery provided they are a resident of Melbourn immediately before his/her death or was a resident for a period of at least **3** consecutive years during their lifetime. Exception may be made where the deceased was resident for a period of less than 3 years prior to death but was relocated for the purpose of hospitalisation, nursing or recuperative care. Any exceptions will be at the discretion of the Clerk to the Burial Board, and if accepted, all fees will be doubled.
- b. Administration of the New Road Cemetery is conducted by Melbourn Parish Council at 30 High Street, Melbourn Community Hub, Cambridgeshire, SG8 6DZ, who shall be solely responsible for the management and upkeep of the cemetery.
- c. The Clerk to Melbourn Parish Council shall be responsible for the day to day management and administration of the cemetery. All queries or communications should be addressed to the Clerk.
- d. The Clerk to the Council shall be solely responsible for the allocation of the plot for either burial or interment. (See 1.j. below)
- e. A plan of the Cemetery showing the position and number of each grave or interment plot is retained by the Clerk to the Council and may be inspected by appointment during Parish Office opening hours.
- f. No grave or interment plot may be reserved or pre-purchased.
- g. Melbourn Parish Council shall be responsible for the upkeep and maintenance of all grassed areas within the cemetery and shall maintain all trees, hedges, fences, flowers, shrubs, roadways, pathways, entrances, gates, watering provisions and disposal facilities within the cemetery boundaries.

- h. No person or persons shall plant, fell or otherwise alter any trees, shrubs, plants or flowers in any area of the cemetery including the grave areas. (Refer to 7.i).
- i. The Council reserve the right to prune, cut down or remove any tree, shrub, plant or flower planted in contravention of Regulation 1.g.
- j. The Council reserve the right to remove untidy, dead, damaged, dangerous or inappropriate items from anywhere in the cemetery.
- k. New Road Cemetery is laid out as a 'lawned cemetery'. The sections are set out with headstones allowed only at the head of each grave. The area is grassed for ease of maintenance and mown at the Council's expense. No planting shall be allowed either within the grave space or any other area of the cemetery without the written permission of the Clerk to Melbourn Parish Council. Items such as granite flowerpots etc, are permitted but must be positioned at the head of the grave on the provided base area. The Council reserves the right to relocate or remove the same if not in the correct position. The Council will not undertake to keep clean or maintain memorials; this shall be the responsibility of the owner. No headstone base to be longer than the cemetery bases and must be positioned so no overhang occurs. This also applies to cremation bases. See 7.b and 7.c for dimensions.
- l. Grave spaces are laid out with the headstones facing generally east or west, the owner of the Exclusive Right to Burial may choose either if they have a preference.
- m. The scattering or burial of cremated remains without the consent of the Melbourn Parish Council is strictly forbidden and liable to prosecution.
- n. Any floral tributes, messages, tags or similar items laid on the grave at the time of the burial should be removed within 30 days of the burial, they are the sole responsibility of the deceased relatives or their representatives and Melbourn Parish Council cannot be held responsible for the loss or removal of these items. In the event that items have not been removed prior to seeding/turfing the area, these will be moved by the Parish Council. This paragraph to be read in conjunction with 1i.
- o. Melbourn Parish Council will inspect graves after approximately 12 months to ensure that the soil mound has settled to allow for the area to be seeded/turfed. The soil mound shall only be added to or removed by Parish Council employees
- p. Please be aware that the cemetery is an open area and subject to the elements and wild life which the Parish Council have no control over.

2 **Right of Access**

- a. The cemetery is open to visiting public from sunrise to sunset. Members of the public are requested to stay on the paths when walking through the Cemetery. The seating on the mound can also be accessed via the footpath. Members of the public are reminded that access to the Cemetery is permitted in accordance with section 3. **Conduct** below. This does not constitute a right of way.
- b. Vehicles allowed:- Cars, motorcycles and cycles for the purpose of attending a funeral or visiting graves or memorials, disabled and electrical/mechanical wheelchairs, cemetery maintenance and associated vehicles (with prior permission), contractors vehicles used in connection with the digging of graves or erection of headstones/memorials. All vehicles must use the official car park provided other than funeral cars executing funeral requirements.

No skateboards, scooters or similar are permitted to be used in the Cemetery.

- c. Contractors' vehicles must not be driven over the grassed area except for the purpose of mowing or other landscaping activities other than for grave digging/filling.
- d. Any person, persons or company causing damage shall be responsible for the full cost of repairing any damage so caused.

3 **Conduct**

- a. All visitors shall conduct themselves in an orderly and quiet manner at all times.
- b. No person showing signs of alcohol or drug excess will be allowed in the cemetery.
- c. Melbourn Parish Council reserves the right to eject or have ejected any person or persons considered by the Council or the Clerk to the Council to be acting or behaving in an improper or offensive manner.
- d. Under the provisions of the Local Authorities Cemeteries Order 1977 it is an offence for a person to wilfully:-
 - i. Create any disturbance in a cemetery.
 - ii. Commit any nuisance in a cemetery.
 - iii. Interfere with any grave, tombstone or cremated remains base or other memorial or any flowers or plants in any such manner.
 - iv. Play any game or sport in a cemetery.

- v. Enter or remain in the cemetery when it is closed to the public unless authorised by the Council to do so.

Persons who contravene these provisions shall be liable, upon conviction, to a fine not exceeding £100.

- e. Dogs must be kept under control and on leads at all times when walking through the Cemetery
- f. No alcohol may be consumed within the Cemetery.
- g. No smoking allowed within the Cemetery.
- h. No religious services or demonstrations of any kind other than the service previously authorised for the burial or interment at the time, may be held without the prior permission of the Clerk to the Council.
- i. Authorised vehicles may only use the correct roadways and must park in car park area. 10mph is the maximum permitted speed within the Cemetery.

4 **Arrangements for a Burial**

- a. Will funeral directors please ensure the rules specified under paragraph 1.General have been complied with before commencement of any burial arrangements.
- b. Except in cases where religious beliefs require otherwise or in cases of death from epidemic or epidemic disease upon medical certification, three clear days notification, excluding Saturdays, Sundays and Bank holidays, must be given to the Clerk to Melbourn Parish Council for an interment in an earthen grave or the burial of cremation ashes within the New Road Cemetery.
- c. Reservations for burial services may be made by telephone during office hours, in writing or by email, the reservation applicant must be a relative of the deceased or an authorised funeral director. Reservations will be regarded as provisional until the formal notice required by paragraphs 4.c or 4.d has been received.
- d. Notice of burial is given when all forms and certificates required to fulfil statutory requirements and those required by Melbourn Parish Council, are received by the Clerk to the Council no later than three full PC working days before the proposed date of the funeral.
- e. For the burial of a stillborn child a Certificate in accordance with the Births & Deaths Registration Act 1953 must be delivered to the Clerk to the Council.

- f. Multiple burials in the same grave may be pre-purchased at the time of the first burial and must be made at the time of 4.b. and 4.c.
- g. In the case of a multiple burial requested per 4.b, the person(s) or Funeral Director responsible for making the request must ensure the allocated plot is appropriate.
- h. Melbourn Parish Council shall not accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally, electronically or by telephone. Neither shall the Council accept responsibility for any documents lost or delayed by the Post Office, Royal Mail or similar delivery agency.
- i. Documents sent by fax or e-mail will only be accepted as temporary notifications and must be confirmed by the submission of the originals at the soonest opportunity.
- j. If the Registrar's Certificate for Disposal or the Coroner's Order is mislaid or lost, a declaration to the satisfaction of the Clerk must be made by the person procuring the disposal of the body. The original certificate or a duplicate copy issued by the Registrar of Births and Deaths or the Coroner must be submitted as soon as possible after the signing the declaration.
- k. Responsibility for making the necessary arrangements for the attendance of priests, ministers or other persons to officiate at a service rests with the Funeral Director or the person or persons arranging the funeral.
- l. The Funeral Director or person(s) arranging the funeral is fully responsible for arranging the excavation of the allocated grave or plot for the interment of ashes. They shall also be responsible for ensuring the correct alignment and dimensions are complied with, (see 6.i and 6.j)
- m. The Funeral Director or person(s) arranging the funeral shall be responsible for ensuring there are sufficient bearers to convey the coffin with due reverence from the hearse to the plot.
- n. Any person acting as a bearer during an interment does so at their own risk and Melbourn Parish Council accept no responsibility for any accident or injury to a bearer howsoever incurred.
- o. Only one funeral or interment will be allowed in the Cemetery at any one time unless prior permission has been obtained from the Clerk to the Council.
- p. No coffin or ash container shall be opened in the Cemetery for any reason whatsoever.
- q. All fees and charges due must be paid to the Clerk to Melbourn Parish council within three days of the interment and upon application in the case of headstones and memorials.

- r. The fees charged by Melbourn Parish Council include everything connected with the allocation and maintenance of said plot but exclude headstones, memorials or other items provided by other parties. No person employed by or on behalf of Melbourn Parish Council is allowed to receive any form of gratuity.
- s. Melbourn Parish Council reserve the right to refuse, delay or cancel any interment or burial where, in its' opinion, ownership of the Exclusive Right of Burial is disputed.
- t. The location of any non-private grave shall be determined by the Clerk to the Council

5. Grant of Exclusive Right of Burial

- a. The current policy of Melbourn Parish Council is that a plot in New Road Cemetery may not be pre-purchased and therefore an Exclusive Right of Burial cannot exist initially. An Exclusive Right of Burial will be created on the application for the first burial. An application for multiple burials, if required, must be made at this time.
- b. Whilst ownership of an Exclusive Right of Burial for a grave does not give any ownership whatsoever in respect of actual land it does give the owner of the Deed the right to:-
 - i. be buried in that grave.
 - ii. authorise further burial(s) in that grave where space is available. (see 6.h and 6.i)
 - iii. erect or place a headstone and memorial on that plot subject to the Rules and Regulations of Melbourn Parish Council relating to such items.(see I j I)
 - iv. have inscriptions/additional inscriptions placed on a memorial on that plot subject to the Rules and Regulations of Melbourn Parish Council relating to this matter.
- c. 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 (to be known as the Owner).
- d. Possession of a Deed does not necessarily give the person in possession ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends on whether or not the deceased left a valid Will. The law concerning this matter is very complex and it is strongly advised that a solicitor be consulted to establish the 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 Clerk to the Council).

- e. The Deed of Exclusive Right of Burial is an important document like any other Deed and should be kept in a safe place.
- f. The Exclusive Right of Burial shall extend for 75 years from the date of purchase. Rights may be extended for a further period of 75 years on payment of the fee when applicable.
- g. The transfer or assignment of an Exclusive Right of Burial in a grave must be notified to the Clerk to the Council who will enter the transfer in the Register of Grants maintained by the Council upon production of the Deed.
- h. Notice for the interment of cremated remains must be accompanied by the Certificate issued by the Crematorium where the cremation took place.
- i. This is to be recorded by The Clerk to Melbourn Parish Council / Burial Officer.

6 Burials and Interments

- a. The **plot size for a grave** shall be a maximum of : 2440mm (8ft) x 760mm (2ft 6in), depths to comply with sections 6.i. and/or 6.j. (This excludes the headstone base dimensions. The headstone base **does not** form part of the area to be prepared for interment of coffined or cremated remains.). The pre-laid concrete base size for the headstone base and headstone is 915mm (3ft) wide x 460mm (1ft 6in) deep. In the case of the burial of a stillborn infant, a half plot will be allocated. If, in the future, other family members are to be interred in the same plot, a full plot will be allocated for the initial interment.
- b. Interments may take place at the Cemetery upon payment of the ordinary fees to the Funeral Director who shall be responsible for notifying the Clerk to Melbourn Parish Council.
- c. No funeral or interment shall take place after noon on Saturdays or at any time on Sundays or Bank Holidays except in the case where religious beliefs require it, or upon receipt of a certificate from a Coroner or registered medical practitioner stating that an immediate burial or interment is necessary.
- d. All graves or interment plots are to be excavated by persons appointed by the officiating Undertakers or persons appointed by them. It is the responsibility of the Funeral Director to ensure that the person excavating the grave or cremated remains plot prepares the ground correctly.
- e. Any person or persons excavating or filling grave or interment plots or carrying out any other work within the cemetery shall use such means as Melbourn Parish Council may direct for the preservation of the grass and pathways during the progress of the works.

- f. Any person(s) carrying out excavation work within the cemetery shall deposit surplus soil in a tidy manner in the area specifically allocated for such material.
- g. With the exception of the work carried out in regulation 6.g. any person(s) carrying out work within the Cemetery shall, upon completion of the work, remove from the Cemetery all materials not used and/or any waste materials and shall be responsible for the cost of repairing any damaged caused during the execution of those works.
- h. No body shall be buried in a grave in such manner that any part of the coffin is less than 1000mm (3ft 3in) below the level of the ground adjoining the grave except at the discretion of the Clerk to the Council.
- i. No body shall be buried in a grave unless the coffin is effectively separated from any coffin previously interred in the grave by means of a compact layer of earth not less than 150mm (6in) in thickness.
- j. All coffined burials must take place in coffins of a material and design approved by the Clerk to the Council. Metal caskets, caskets which contain glass or cardboard coffins are permitted at the discretion of the Clerk to the Council.
- k. Coffins manufactured abroad may be accepted for interment at the discretion of the Clerk.
- l. Un-coffined burials may take place provided a body is properly shrouded, death has not been due to a notifiable or infectious disease and it is for a single interment or as a last interment in a multiple grave.
- m. Shrouded bodies will only be accepted for direct to grave burials.
- n. Interment in a grave with the coffin lid removed shall not be permitted.
- o. No coffin or part of a coffin shall be removed from the Cemetery without the prior and express permission of Melbourn Parish Council.
- p.
 - i All coffins and shrouds must be marked with a non-perishable plaque or nameplate or by other means as shall be approved by Melbourn Parish Council, showing the name, age and date of death of the deceased.
 - ii In the case of a stillborn child, no age shall be recorded.
 - iii Where two bodies are interred in one coffin then both names shall be marked.

- q. No body shall be removed from the Cemetery for any purpose whatsoever except on the order of a Coroner, Court of Summary Jurisdiction or a Chief Constable.
- r. No body or cremated remains shall be exhumed without the consent of the Secretary of State for Home Affairs and/or the Faculty of the Bishop of the Diocese.
- s. The scattering of ashes will be permitted in New Road Cemetery following written permission from the Clerk to Melbourn Parish Council.
- t. Ashes may only be scattered in Orchard Road Cemetery where there is an existing family plot in the Cemetery and upon written permission from the Clerk to Melbourn Parish Council.

7 **Memorials (Also refer to: 8 Definitions)**

- a. No headstone, memorial or tablet of any kind shall be allowed in any part of the cemetery without the prior consent of Melbourn Parish Council
- b. The **grave headstone base** may be between 75mm – 100mm (3"-4") thick but must not exceed 915mm (3ft) wide and 460mm (1ft 6in) deep. The total height of the headstone base and headstone together must not to exceed 940mm (3ft 1in) measured from the concrete base. (see also 1j-i)
- c. The **headstone base size for cremated remains** shall be a maximum of : 560mm (1ft 10in) wide x 460mm (1ft 6in) deep and the total height from the concrete base shall not exceed 760mm (2ft 6in). Applications for memorials measuring up to 585mm (1ft 11in) wide will be considered at the discretion of the Clerk.
- d. No vaults, railings, kerbstones or other enclosures shall be permitted.
- e. No headstone, memorial, tablet or photographic representation on any grave shall be allowed unless Exclusive Right of Burial has been granted and it has received the prior approval of Melbourn Parish Council. This must be at least 14 days before installation.
- f. Melbourn Parish Council shall accept no responsibility for making good any damage caused to any headstone or memorial through natural wear and tear, severe weather conditions or any other cause or circumstance over which it has no control.
- g. No headstone or memorial shall be erected until at least six calendar months from the burial or interment date have passed.
- h. At least 14 days prior to the erection of any headstone or tablet for placement on either grave or cremation plot, a drawing with the proposed inscription must be submitted to the Clerk to the Council

for the approval of Melbourn Parish Council. The type of material(s) to be used shall be stated together with exact dimensions and other details relevant to its appearance.

- i. Any monument, memorial, tablet, photographic representation, container, shrub, plant or item whatsoever erected or placed in the Cemetery in contravention of these regulations may be removed by Melbourn Parish Council at any time without prior notice.
- j. All headstones shall be inscribed with the plot row and number to which they relate.
- k. The removal or re-fixing of headstones, headstone bases and any other work connected therewith shall only be carried out with the authority of Melbourn Parish Council.
- l. Any person carrying out such work shall use such means as directed by the Clerk to the Council in order to protect the grass and pathways during the process of the work. No work allowed to be carried out on the roadways, pathways or grassed areas.
- m. All dressing or working of stone or other materials to be used on any plot shall be undertaken outside the Cemetery except where such work cannot be carried out elsewhere.
- n. All persons shall, upon completion of the work, clear away any unused materials and rubbish left on the site of the works to the satisfaction of Melbourn Parish Council and shall be responsible for the cost of repair of any damage done in the process of carrying out the work.
- o. The owner of a headstone, tablet or memorial shall, after erection, be responsible for upkeep, repair and maintenance of it.
- p. No headstone, tablet or 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 Melbourn Parish Council.
- q. No inscription may be cut, alteration made nor work of any kind undertaken to any headstone or memorial within the Cemetery without the prior written permission of the Clerk to the Council from an official request by the owner.
- r. No headstone, tablet or memorial shall be removed from the Cemetery for the purpose of cutting, adding or altering the inscription until written approval from Melbourn Parish Council has been obtained.
- s. The name of the stonemason must be discreetly inscribed in an appropriate place on the memorial, no contact details are permissible.

- t. **Hardwood crosses of timber** obtained from sustainable forest sources may be erected in place of a headstone or tablet. A cross may not exceed 750mm (2ft 6in) in height, 500mm (1ft 8in) in width and 100mm (4in) in thickness. They must be set in a stone or similar material slab anchored to and covering the provided base.
- u. A memorial removed for the purpose of further interment must be removed from the Cemetery. Any memorial left may be disposed of by the Council.
- v. Every grave in respect of which an Exclusive Right of Burial has been granted and any memorial thereon must be kept in good repair by the owner. Notice to have repairs executed will be sent to the owner where contact details are known. In cases where the name and/or address of the owner is not known, a notice shall be deemed to be properly served if placed upon the grave space, headstone or memorial for a period of eight weeks.
- w. If the necessary repairs as described in 7.v are not carried out within six months of the date of the Notice, then the memorial may be removed and disposed of by the Council.
- x. No lights or lamps of any description, no ornaments, photos or images (See also: 8), souvenirs, flags, toys or mementos are permitted. Melbourn Parish Council reserve the right to remove any item deemed to be contrary to this regulation without prior notice.
- y. Memorials in the form of donated seats, trees and shrubs will only be permitted at the discretion of the Clerk to the Council. Such permitted items become the responsibility and property of the Parish Council. The Parish Council shall retain the right to determine the location of these items.
- z. Melbourn Parish Council shall remain responsible for Health and Safety within the Cemetery. Regular inspections will be carried out by qualified personnel, any memorial or headstone found to be unsafe shall be made safe temporarily in order to prevent possible injury. Where possible the owner of the memorial deemed unsafe shall be contacted and requested to appoint a qualified person to carry out the repair. Therefore it is important that owners of memorials inform the Clerk to the Council of any change of address.

8 Definitions

Any permitted item other than the headstone must not be positioned as to overlap the size of the base to which the headstone is fastened, i.e. must not overlap onto any grassed area.

Concrete base. Parish Council supplied and installed base for the fastening of memorial or headstone components to.

Headstone base - The horizontal base stone covering the concrete base for fixing the headstone, Memorial or tablet to. No interment is to made beneath the headstone base.

Headstone -The main vertical engraved component fastened to the headstone base

Memorial / tablet.- To be of stone, marble or similar material, bearing a commemorative design or inscription. This is to be securely fastened to the headstone base.

Vases / flower containers - Can be of china, porcelain, pottery or similar non plastic material.

Photographic Representation. - Only ceramic photo plaques of maximum size 125mmx180mm, contained within a metal frame and fixed by metal fastening and adhesive to the headstone or tablet will be permitted following approval of a written submission of the design to the Clerk. No other form of photographic memorial is permitted.

9 **General**

- a. All new and re-opened graves will be inspected at 3, 6 and 12 month after an interment. If ground subsidence has occurred the grave will be topped up by the Council or their authorised representative, at no cost to the Grant holder.
- b. After final settlement and inspection the grave will be either turfed or seeded dependant on the season. (Any items or plantings on the lawned area must be removed prior to this, the Parish Council will issue a request for their removal and proceed to remove any items should this is not done within 2 weeks).

A signed agreement of acceptance of these rules and regulations by the owners of the grave or internment plot must be submitted to the Clerk to Melbourn Parish Council or the officiating funeral director before the event can be authorised.

By Order of the Clerk to Melbourn Parish Council

Tel: 01763 263303 option 3 for Parish Office

I confirm that I accept the Rules & Regulations relating to New Road Cemetery as set out above

[please sign and print your name]

DATED

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