

## PROBUS PARISH COUNCIL BURIAL POLICY

### INTRODUCTION

Probus Parish Council owns and is responsible for one Cemetery within the Parish, located at Ladock Road.

The Parish Council respects the rights and needs of individuals and has therefore prepared the rules and regulations in this policy, with a balance that enables it to manage the Cemetery effectively, and maintain the highest possible standards, without placing unnecessary restrictions on individual choices.

Please be aware that this Council reserves the right to change the rules and regulations from time to time and that compliance with any changes is required.

These regulations are in addition to any currently enforced by His Majesty's Government, The Home Office or H.M. Coroner within whose jurisdiction the cemetery may lie.

These Regulations may be subject to change resulting from government legislation or alterations in Council Policy or changes to working practices.

### INTERMENTS AND EXCLUSIVE RIGHTS OF BURIAL

1. All interments must be notified to the Clerk in writing using the Parish Council's Application Form (Appendix 1) signed by the family acknowledging they have read and agree to abide by these regulations. This must be accompanied by the Certificate for Burial or Coroner's Certificate or Certificate of Cremated Remains.
2. Once the Clerk accepts the application, an invoice will be issued for the appropriate fee in accordance with the approved Schedule of Fees (Appendix 3)
3. Probus Parish has an appointed Sexton, and his fees are payable direct.
4. Burial in a grave will not confer ownership of land or passing of title to that particular grave. All rights remain with the Parish Council. What the purchaser is actually buying is the Exclusive Right of Burial (Appendix 2) for a period of **50 years**, which may be renewed for a further period on expiry.

Possession of a Grant does not necessarily give the person in possession ownership of an Exclusive Right of Burial.

Where the owner is deceased, subsequent ownership depends upon whether the deceased person left a valid Will. The law concerning this matter can be very complex, and it is strongly recommended that a Solicitor be consulted to establish new ownership. Ownership of a Grant may be transferred, or assigned, by use of the relevant form obtainable for the Council.

It is important to retain the Grant in a secure place, as it is the only legal document held by the owner confirming their entitlement to the burial rights.

5. The selection of grave spaces, unless previously purchased, is at the sole discretion of the Parish Council. Grave spaces may not be reserved.
6. It is not possible to arrange for a burial to take place in an un-purchased grave (sometimes referred to as a common or public grave).

## INSTALLATION OF MEMORIALS

1. A Permit for an installation of a memorial or a tablet in the remembrance garden must be received before erection/placement by filling and submitting the Application for the installation of headstones, wooden crosses, tablets or for additional inscriptions on existing headstones (Appendix 1)

Applications must be accompanied by a sketch plan showing wording and dimensions.

The Council reserves the right to refuse permission for a memorial to be placed in the Cemetery when the inscription is deemed inappropriate by the Council.

2. A headstone or a wooden cross should not exceed **762 millimetres in height**, (2 feet 6 inches), and **762 millimetres wide** (2 feet 6 inches),
3. Tablets or desktop memorials for cremated remains in the Garden of Remembrance may have a **maximum base of 610 millimetres** (2 feet) by **610 millimetres** (2 feet) and **should not exceed in height 150mm for first 2 rows** (to avoid overshadowing of other plots) and **610mm high for back row only**.

4. **Any exceptions to the above will be at the discretion of the Council.**
5. Kerbstones or Footstones are not permitted.
6. All memorials i.e. Headstones and Monuments must be supplied and fitted by a Monumental Stone Mason.

## MAINTENANCE

1. Probud Cemetery, Ladock Road, Probud is a Lawn Cemetery, and graves are kept as lawn for ease of maintenance.
2. Loose chippings, stones, pebbles or wood chippings of any kind are not permitted in or around graves.
3. Road vehicles may not be driven on any part of the Burial Ground other than the parking area or main service path and must not exceed 5mph.
4. Glass containers & ornaments are prohibited, and the Council reserves the right to remove them without prior notice. Vases permitted only if incorporated within the headstone.
5. Any plastic containers, bags or other items used for watering flowers or memorial maintenance must be taken away or disposed of in the bins provided.
6. Clearance of flowers and wreaths is the responsibility of family members, but removal may be carried out by the Council's ground staff on deterioration.
7. No more than one headstone per grave except with the written permission of the Parish Council.
8. The Council reserves the right to remove any unauthorised memorial or any tree, plant or shrub, any stones, gravel, chippings, this list is not exhaustive but indicative.
9. The Council may recover the cost of removing any unauthorised memorials, materials, tributes and reinstating any damage caused to the ground or any feature within the Cemetery from the holder of the Exclusive Right of Burial

10. No dogs, except registered guide and/or assisting dogs are permitted within the Cemetery.
11. The consumption of alcohol is not permitted within the Cemetery.
12. The playing of ball games or riding of skateboards and bicycles is not permitted in the Cemetery.
13. The Council will not be responsible for any damage to memorials or headstones by storm, wind, lightning, subsidence, acts of third parties or any other cause other than as a direct result of negligence of their employees or sub-contractors.
14. All memorials will be subject to ongoing stability testing in accordance with the Council's policy and the Council reserves the right to remove/repair any memorial which has become or is likely to become dangerous or which is in a derelict or unsightly condition.
15. To ensure safety of all visitors all memorials will be checked six monthly by the Parish Clerk and once every 3 years by a qualified memorial mason. Arrangements for inspection and contact with family members are set out below.

#### **What takes place:**

- A visual check for obvious signs that a memorial is likely to be unstable.
  - Where a visual check suggests no stability defects, a hand test can help confirm that assessment or identify stability problems – this test involves no tools or equipment and is intended to provide support to the visual checks.
  - Arrangements for more detailed inspections of memorials where the initial inspection identifies significant risk, for example by a memorial mason.
  - Where a memorial is deemed to be unstable a notice will be placed on it advising family members to contact the Clerk for more details of the problem.
  - If family members make no contact within 3 months the Clerk will try to locate family members via Electoral Records.
  - If family members cannot be located the Parish Council will either repair the Memorial or lay the Memorial flat to eliminate the risk. This will be decided on stone-by-stone basis and no precedent will be set.
16. This policy is in line with guidance from the Ministry of Justice: Managing the safety of burial ground memorials: practical advice for dealing with unstable memorials.

**Document Control**

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