



COLESHILL TOWN COUNCIL

CEMETERY REGULATIONS

Introduction

The Cemetery is managed in accordance with the Local Authorities' Cemeteries Order 1977 under which burial authorities are responsible for maintaining statutory burial registers and grave plans, establishing rules and regulations relating to the management of the cemeteries and the memorials permitted with them and setting fees for burials and memorials.

The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 together with any other relevant legislation that governs this service.

Coleshill Town Council Reserves the right to make alterations or additions to these Rules and Regulations and their Fees and Charges.

Opening Hours

Coleshill Cemetery
Off Maxstoke Lane
Coleshill
Warwickshire
B46 3BP

Monday – Sunday 8am – 4pm
Including Bank Holidays and Public Holidays

Coleshill Cemetery Office
Coleshill Town Council
Town Hall
High Street
Coleshill
Warwickshire
B46 3BG

Tel: 01675 463 326

Monday – Friday 9am – 1pm
Excluding Bank Holidays and Public Holidays

Enquiry & Complaints

Enquiries can be made in person or via telephone or letter to the Cemetery office. Any complaint relating to any aspect of the Cemetery facilities should be made in writing to the Town Clerk.

INTERPRETATION

In these Regulations:

“The Council” means Coleshill Town Council.

“The Cemetery” means any Cemetery or any buildings or land provided therewith provided by the Council.

“The Lawn Cemetery” means such section of the Cemetery designated as such by the Council.

“Grave” means a burial place formed in the ground by excavation and without any internal wall or brickwork or stonework or any other artificial lining.

“Walled grave” means a burial place formed in the ground by excavation and lined with walls of brick, stone or other such material.

“Grave space” means an area of approximately 2.7m x 1.2m (9ft x 4ft) within the Cemetery and allocated for the provision of one grave or one walled grave.

“Private grave” means a grave in respect of which the Council has granted an exclusive right of burial.

“Public grave” means a grave in respect of which an exclusive right of burial has not been nor will be granted by the Council.

“The Superintendent” means the person appointed by the Council as such to be responsible for the day to day management of the Cemetery or the person authorised by the Council to act for him /he in his /her absence.

“The Medical Referee” means such registered medical practitioner appointed as a Medical Referee or a Deputy Medical Referee by the Home Secretary and

“Memorial” means any monument, gravestone or tablet that is erected on or surrounding a grave.

1. PLAN OF CEMETERY, REGISTERS, FEES

- 1.1 Plans of the Cemetery showing the location of all grave spaces, the areas set aside for public graves and the location of the Lawn Cemetery may be inspected at the Superintendent’s Office during normal office hours.
- 1.2 A Register of Burials is kept at the Superintendent’s office. By arrangement with the Superintendent, searches may be made and certificated extracts obtained subject to the relevant charges.
- 1.3 Copies of the Tables of Fees or any form specified in these Regulations may be obtained on application to the Superintendent during normal office hours.
- 1.4 All fees and charges must be paid at the office of the Superintendent. The fees and charges in respect of any interment must be paid before the time of the funeral or

service and all other fees before the work is begun in respect of which they are payable.

2. CONDUCT

- 2.1 No person shall do anything likely to cause offence to other persons lawfully using the Cemetery,
- 2.2 No smoking shall be permitted in Cemetery premises or within the vicinity of a funeral.
- 2.3 No person shall distribute any tract, business card, advertisement, literature or canvass or solicit orders in the Cemetery.
- 2.4 The riding of cycles will not be permitted in the Cemetery.
- 2.5 Motor vehicles may enter the Cemetery only if an occupier is on Cemetery business. Vehicles must not exceed 5 mph and must not obstruct driveways and sidewalks. No vehicle shall be driven on any paths other than the main drive except by permission of the Superintendent.
- 2.6 A person in charge of any vehicle shall comply with any instructions of the Superintendent or his/her representative as to the place where it may be parked.
- 2.7 No person shall without the consent of the Superintendent, and of the owner where appropriate, make a drawing or sketch or take a photograph and or film of anything within the Cemetery.
- 2.8 No person shall deposit any paper, withered flowers or other litter or refuse of any sort in any part of the Cemetery other than in the receptacles provided for the purpose.
- 2.9 No person shall cut or interfere with any turf, trees, shrubs or flowers within the Cemetery except those growing on a grave space in respect of which the person has obtained an exclusive right of burial; or damage or deface any part of the building, lawn or garden.
- 2.10 The use of metal detectors within the Cemetery is strictly prohibited.
- 2.11 Visitors shall not interrupt the Council's employees at their activities nor employ them to plant or maintain graves or execute any private work.
- 2.12 No person shall offer any inducement to any employee of the Council.
- 2.13 Funeral corteges and all persons entering the Cemetery shall be required to follow directions issued by the Superintendent or nominated deputy.
- 2.14 No musical instruments or sound reproducing apparatus shall be used in the Cemetery without the permission of the Superintendent.
- 2.15 All dogs must be on a lead.
- 2.16 Shrubs, plants or flowers must not be taken out of the Cemetery without the consent of the Superintendent.

3. EXCLUSIVE RIGHTS OF BURIAL

- 3.1 The Council will, on payment of the appropriate charges, issue an Exclusive Right of Burial (ERB) for a grave space indicated therein on the terms set out in the Deed. These will provide that the ERB shall be granted for a period of 99 years only from the date of the Grant after which period it will lapse and the use of land shall revert to the Council.
- 3.2 The rights conferred by an ERB shall not include any conveyance of or interest in the freehold of the grave space and the use of the grave space shall be subject to the provisions of the Council's Byelaws and Regulations for the time being in force.
- 3.3 The number of interments to be made in any grave space shall be agreed at the time of the first interment into said grave and shall be at such depth as will allow for later interments.
- 3.4 The selection of sites for both public and purchased graves shall be determined at the discretion of the Superintendent.
- 3.5 Only the grave owner of the ERB can authorise the opening or reopening of the grave space by signing the interment form. If the owner is to be interred in the grave space the authority must be signed by the next of kin, the person who will prove the will, or such person as may be approved by the Registrar. If the registered owner is not available e.g. abroad, and cannot be contacted the grave cannot be reopened. If the owner is deceased it will be necessary to make arrangements to officially transfer the ownership prior to the requested opening of the grave, this can be done by contacting the Cemetery Office.

4. TRANSFER OF THE EXCLUSIVE RIGHT OF BURIAL

- 4.1 The transfer of a Grant of Exclusive Right of Burial is a legal process and whilst there are set procedures to follow each transfer must be looked at individually.
- 4.2 In the following circumstances a transfer of the Ownership of the Exclusive Right of Burial will be required:
 - An application is made for a burial in the grave but the Registered Owner is already deceased;
 - An application is made for a memorial to be erected on the grave but the Registered Owner is deceased;
 - The existing memorial is to be replaced, renovated or cleaned, but the Registered Owner is deceased;
 - The Registered Owner has died, and a new Owner would like to be registered.
- 4.3 If you wish to transfer the rights of burial to a grave then the Cemetery Office can assist with this procedure and provide advice on the documentation required, and the fees payable, to enable this to happen.

5. NOTICE OF INTERMENT

- 5.1 The Notice of Interment must be given on a printed form to be obtained from the Superintendent on which all particulars required must be clearly and completely stated.
- 5.2 At least two clear days' notice excluding the day of interment must be given (exclusive of Saturdays, Sundays, Good Friday, Christmas Day or any other set apart as a Bank or Public Holiday), except in cases of emergency certified by a registered Medical Practitioner.
- 5.3 The appropriate certificate for disposal issued by the Registrar of Births and Deaths or the Coroner's Order for burial shall be submitted to the Cemetery Office prior to the day of the funeral with the confirmation of burial details or given to the Cemetery Superintendent as the funeral cortege enters the Cemetery. A certificate issued by the appropriate Cremation Authority will be required prior to the interment of cremated remains.

6. INTERMENTS

- 6.1 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, although the Council may, in its absolute discretion, permit a coffin to be placed not less than two feet below the level of any ground adjoining the grave.
- 6.2 No body shall be buried in a grave unless the coffin is effectively separated from any other coffin already in the grave by means of a layer of earth not less than 6" thick.
- 6.3 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 there from any soil which is offensive.
- 6.4 Traditional wooden coffins or ecologically friendly coffins only shall be used in all graves and must bear a name plate establishing the identity of the body contained therein.

7. MEMORIALS

- 7.1 Memorials are not permitted on public graves but may be erected on private graves providing they comply with these Regulations.
- 7.2 Notice must be given before removing a memorial or carrying out any work in connection therewith.
- 7.3 The Council may remove memorials from private graves when the period of right of burial has expired following consultation with the bereaved.
- 7.4 All new memorials and where practicable re-fixed memorials are to be fixed in the Cemetery in accordance with the Code of Working Practice from the National Association of Memorial Masons.

- 7.5 A minimum period of six months must elapse from the date of burial before a memorial may be erected.
- 7.6 No glass article or any article of pottery shall be placed upon a grave.
- 7.7 A vase of a design approved by the Council may be placed upon a grave where no headstone is erected, subject to the prior approval of the Superintendent. Flower vases should be placed at the head of the grave.
- 7.8 The right is reserved to prune, cut down or remove any shrubs, plants, flowers or wreaths which have become unsightly or overgrown and to remove any vase or container which does not comply with these Regulations.
- 7.9 No grave mound, kerbing or other surround will be permitted in any section of the Cemetery and grave spaces will be turfed at ground level as soon as possible after an interment.
- 7.10 Planting on graves is not permitted.
- 7.11 Permanent memorials must be made of natural quarried stone, such as marble or granite, or of such other material as may be approved by the Council. All dowels shall be in accordance with the specification detailed in the National Association of Memorial Masons Code of Working Practice. Permanent memorials may not be of wood or metals. Foundation bases could be of either best quarried materials or reinforced concrete conforming to BS 7263.
- 7.12 For the first twelve months immediately following an interment, a temporary wooden memorial may be erected. The dimensions of the wooden cross or other religious emblem shall not exceed 3 foot in height above ground level and 2 foot 3 inches in width and not exceed 4 inches in thickness.
- 7.13 Wind chimes and windmills or similar decorations will not be permitted in the Cemetery.
- 7.14 No kerbing, plastic or wooden fencing or chippings will be permitted around a lawn grave.
- 7.15 The number of the grave must be cut in the rear face of the base or lower part of the headstone of any memorial. Any trade name must be in a similar position in letters not exceeding 15 mm in height indicating only the name of the mason and the district or town in which he has his place of business.
- 7.16 Drawings and specifications of all memorials or alterations thereto and any inscription thereon must be submitted for approval to the Cemetery Office in duplicate on the prescribed form. On approval a Memorial Right will be issued.
- 7.17 Responsibility for the safety and upkeep of memorials rests with the owner of the burial rights; the Burial Authority can accept no responsibility for damage to memorials.
- 7.18 No hewing or dressing of any memorial will be permitted within the Cemetery, and all materials for any memorial and all tackle and materials shall be conveyed into the Cemetery in such manner as will avoid annoyance to person or injury to the grounds and walks and all refuse, soil and materials shall be removed in like manner.

- 7.19 Any memorial moved by any employee or agent of the Council on the occasion of the re-opening of a grave, will be moved and replaced at the risk of the owner thereof.
- 7.20 No article placed upon a grave may be taken from the Cemetery without the Superintendent's permission.
- 7.21 The Council may remove any memorial on a grave if it is dilapidated by long neglect and,
- (a) Notice has been posted conspicuously at the Cemetery Gate and in the vicinity of the tomb for 2 weeks.
- (b) Notice has appeared in two consecutive local newspapers.
- 7.22 No memorial will be allowed into the Cemetery for fixing before 9.00 am, or after 4.00 pm, Monday to Friday and all fees must be paid before admission.
- 7.23 A memorial must be in the form of a headstone, the dimensions of which shall be within the specified limits.

Memorials on Graves

A headstone must not exceed:

3 foot in height
 2 foot 6 inches in width
 6 inches in depth

Dowelled onto a base not exceeding:

2 foot 6 inches in width
 1 foot 6 inches from front to rear
 4 inches in height
 A flower vase can be incorporated if required

Fixed on a foundation slab:

3 foot 6 inches in width
 1 foot x 6 inches from front to rear
 Fixed not less than 3" below ground level in accordance with the National Association of Memorial Masons Code of Working Practice.

- 7.24 Cremated Remains Memorials (new extension)
 18 inches wide
 15 inches from front to rear
 4 inches in height
 Into which may be sunk a flower container.
- 7.25 Cremated Remains Memorials (old ashes plots)
 15 inches wide
 8 inches from front to rear
 2 inches in height
- 7.26 Subject to the permission of the Superintendent, photographs of the deceased may be affixed to memorials provided that such photographs are of an approved material, does not exceed an overall size of 6" x 4" and are limited to one per interment in the grave.

- 7.27 The Council reserves the right to, lay flat or make safe any memorial headstone that has been identified as unsafe, remove any unauthorised memorial from a grave and remove any memorial, which they deem objectionable or of unauthorised type or size.

8. EXHUMATIONS

- 8.1 Exhumations are generally rare and can occur for a number of reasons, including moving the deceased to a family plot or for repatriation overseas to be buried along with other family members. It is an offence to carry out an exhumation, including that of cremated remains, without first obtaining the necessary lawful permissions. We can provide help and advice on the licences and permissions required to carry out an exhumation from a grave within a cemetery administered by this authority. We will ensure that exhumations are undertaken with decency and respect; sensitive to the needs of other cemetery users. If the conditions of the licence cannot be met, or there are public health or decency concerns, the exhumation will not proceed

9. CREMATED REMAINS

- 9.1 The scattering of cremated remains in the Cemetery is not permitted other than in the Garden of Remembrance and must only be done through application to the Cemetery Superintendent.
- 9.2 The scattering of cremated remains on top of a grave is not permitted.
- 9.3 Prior to the scattering or burying of cremated remains a Certificate of Disposal must be delivered to the Superintendent.
- 9.4 When it is intended to bury cremated remains, these must be contained in a biodegradable container.
- 9.5 Plaques for the Garden of Remembrance must be applied for via the Cemetery Superintendent and are available for 20 years with a 10 year renewal period

Any rules and regulations previously in force in respect of the Cemetery are hereby suspended.

The Council may from time to time make alterations to the foregoing Regulations, and any Right of Interment in any grave will be subject to these Regulations and any others that may be made by the Council or any other authority, and subject also to any present or future Statutory Regulations.

Adopted at a meeting of Coleshill Town Council March 2019