



MEDSTEAD PARISH COUNCIL

MEDSTEAD CEMETERY REGULATIONS

These regulations are for the management and control of Medstead Cemetery made by the Medstead Parish Council under powers conferred by the Local Government Act 1972 and The Local Authorities Cemeteries Order 1977 (LACO), as amended.

1. GRAVES

- a. The Clerk to the Council acting in their capacity as the burial ground manager will select the grave plot. In some cases it may be possible for families to select a grave plot of their choice in consultation with the Clerk.
- b. The Parish Council does not undertake the digging or refilling of graves. The Clerk will mark the grave with an appropriate marker that will display the grave number and surname of the deceased to be interred. The person arranging for the interment is responsible for ensuring that the marked grave is opened, or re-opened, and that it is dug to the correct position, depth, length and width. The Parish Council requires that safe practices are observed at all times during the digging process including the use of shoring and lock down covers. The Council cannot be held responsible for any claim whatsoever that may arise from the opening of a grave.
- c. The dimensions of a grave shall be:

Section	Dimension
Interment of cremated remains	1.2m x 0.9m (4' x 3') and any first interment must allow for a subsequent interment with a minimum of 300mm (12") of topsoil covering.
Interment in any other part of the cemetery	2.8 m x 0.9 metres (approx. 9' x 3') and for the first interment must allow 1.45 metres (57") of earth over the coffin. For second burials there must be at least 0.9 metres (36") of earth between the top of the coffin and normal ground level.
A minimum of 2ft (0.6m) must be left between graves.	

- d. Any issues that arise during the grave digging process that might affect the reopening of the grave must be reported back to the Council.
- e. Surplus soil remaining after the refilling of a grave shall be deposited within the cemetery or as the Clerk directs which may include removing the soil entirely from the cemetery.
- f. Upon the grave being refilled, the grave will be levelled and re-turfed, using either the original turf or new turf.

2. INTERMENTS

- a. Only human remains shall be interred within Medstead Cemetery.
- b. Interments are permitted between the hours of 9.00am and 5.00pm on any day except bank holidays or until the sun has set if that is earlier.
- c. An Application for Interment Form shall be given to the Council at least 3 working days before the proposed date of the interment and must be sent to the Clerk. Notice will not be received on a Saturday, Sunday or Bank Holiday.
- d. Shorter notice than that required by Regulation 2c. may be accepted where exceptional conditions necessitate.
- e. Human remains, whether cremated or not, must be enclosed for interment within a casket or coffin of wood or other perishable material.

3. MAINTENANCE

- a. The Council does not undertake the maintenance of individual graves other than by arrangement with the Commonwealth War Graves Commission and Victoria Cross Trust but it reserves the right to cut the grass on any grave.
- b. No planting is allowed on graves and the Council reserves the right to remove any plants or shrubs. Non attended plots will be levelled as required and grassed over.
- c. The planting of any root bearing tree, shrub or bush on a grave space is not permitted and the Medstead Parish Council reserves the right to remove such material.
- d. Artificial flowers and Christmas wreaths are only acceptable if professionally produced and should/will be removed if considered 'to have deteriorated'.
- e. Bottles, tins, jars and other unsuitable containers of whatever material are not permitted as breakages can constitute a safety risk to visitors to the Cemetery and

maintenance contractors and the Medstead Parish Council reserves the right to remove such material.

- f. The Council reserves the right to remove any item which is contrary to any Cemetery Regulation having written to the last known contact and received no response after 30 days.

4. MEMORIALS

- a. It is necessary to allow a grave to settle before a permanent memorial is permitted (9 – 12 months). A temporary wooden marker may be placed on the grave but should not exceed 3 ft. (0.9m) above ground level and in the case of a cross no more than 2ft (0.6m) wide. This temporary marker shall be removed when a permanent memorial is erected. The Council reserves the right to remove any temporary marker should it fall into disrepair.
- b. No kerb-sets, edging or fencing are permitted around any grave plot, unless a very old plot when permission was allowed. No scalping, bark covering or similar is allowed on a grave to allow for ease of mowing.
- c. No memorial shall exceed 3'6" (1.05m) high and 2'6" (0.75m) wide.
- d. All cremated remains in the ashes section must be covered by a tablet not exceeding 2' x 2' (0.6m x 0.6m) with one hole for a flower container and with its upper surface level with that of the adjoining ground. No desk top style tablets are permitted.
- e. A memorial in the form of a flower container may be permitted. The container shall not exceed 0.3 metres (12") in length, width or height. A flower container may be included as an integral part of the design of the headstone or cross.

5. ERECTION OF MEMORIALS

- a. Full details of the size, design, colour and materials and the proposed inscription on the memorial **MUST** be submitted to the Clerk of the Council for approval, including temporary crosses.
- b. The Council may refuse approval of all or part of any memorial, or inscription, which it considers to be unsuitable or likely to give offence and the Council shall not be required to state a reason for its decision.
- c. Any work done on a memorial or inscription **before approval** by the Council shall be at the sole risk of the applicant.
- d. No work on memorials shall be carried out on a Saturday, Sunday or Bank or Public Holiday.

- e. Memorials wholly or partly of soft stone, soft wood, glass, china, plastic or other unsuitable materials are not permitted.
- f. It is the responsibility of the Mason to ensure the memorial is fixed to adequate foundations as recommended by the NAMM Code of Working Practice. The council cannot accept any responsibility for any foundation supplied unless the memorial has been fixed in accordance with the NAMM Code. but in such a manner that it may be set aside to permit reopening the grave.
- g. Every memorial shall have the grave number inscribed on the bottom right hand corner on the back of the memorial. **NO TRADE NAMES WILL BE PERMITTED.**
- h. No work other than that necessary for assembly or erection of a memorial may be done within the cemetery; except a second or subsequent inscription may be placed upon a memorial while in situ.
- i. Memorials may not be conveyed from the highway on any vehicle that is not fitted with pneumatic tyres.

6. RESPONSIBILITY & INSPECTION OF MEMORIALS

- a. The primary responsibility for a memorial is with the family of the deceased. All memorials must be kept in good state of repair.
- b. The Council will not accept liability for damage to any grave or memorial or injury to any person within the Cemetery except where such damage is directly attributable to the negligence of the Council or their employees.
- c. The Council has overall responsibility for the health and safety of all the visitors to the Cemetery. This will include testing the stability of headstones. In certain circumstances, it may be necessary to lay the headstone down or alternatively make it safe with a support. The Clerk will attempt to contact the owner, but if the contact details are out of date, a sign will be left by the memorial for a period of 30 days. Please note any repairs required in making the memorial safe are primarily the owner's responsibility.
- d. In the absence of an identifiable owner of a memorial, the Council will carry out works to make it safe. A charge will be recorded against the grave and the Council will be entitled to recover the costs at any time in the future should an owner come to light.

7. BURIAL RIGHTS

- a. A Grant of Burial Rights enables the purchaser to purchase the right to use the plot for a period of 50 years. The purchaser holds the right to determine who can be buried in the grave.

- b. If a purchaser wishes to relinquish a Burial Right, the Parish Council will purchase it back at the same rate for which it was purchased.
- c. A maximum of 3 persons may purchase a Burial Right. All the owners must sign to authorise the grave to be reopened with the exception of the burial of a registered owner.
- d. A common grave has no rights and could be dug to a double depth and a second burial take place in the plot. This is however very infrequently done.
- e. If a relative of a person interred in a common grave wish to be interred in that same grave the burial rights in that grave must be purchased.
- f. Every application for a grant of burial rights shall be accompanied by the appropriate fee.

8. FEES

- a. All fees are reviewed annually and must be paid to the Council in advance of the interment or erection of the memorial.

9. THE CEMETERY

- a. The Cemetery is open between the hours of sunrise and sunset daily, but the Council may close all or part of it at any time that it deems to be necessary.
- b. Persons within the Cemetery shall conduct themselves appropriately.
- c. No vehicles save in the exception of 5.i may enter the cemetery without the specific consent of the Council if it is deemed to be damaging the ground or plots.
- d. No person within the Cemetery shall distribute any trade literature or business card, nor solicit orders.

10. INTERPRETATION

- a. In these Regulations and in the appended Table of Fees, the following words and expressions shall have the meanings assigned to them:
- b. 'Burial rights' means the exclusive right of the grantee to nominate persons for interment in a grave in respect of which he/she has been granted those rights.
- c. 'Cemetery' means the cemetery under the control of the Council.

- d. 'Clerk' means the Parish Clerk for the time being to the Council or any other person to whom the Council has delegated its powers.
- e. 'Common grave' means a grave in respect of which the Council has not granted exclusive rights of burial.
- f. 'Council' means the Parish Council of Medstead.
- g. 'Fee' means any sum payable to the Council under these Regulations.
- h. 'Grantee' means a person to whom burial rights in a grave have been granted by the Council or to whom those rights have been validly passed.
- i. 'Grave' means a place of, or for, interment in the cemetery.
- j. 'Inscription' means any characters other than those of the serial number of a grave which are placed upon or cut into the surface of a memorial.
- k. 'Memorial' means an object placed upon a grave to commemorate a person deceased.
- l. 'Parish' means the civil Parish of Medstead as from time to time defined.
- m. 'Parishioner' means either:
 - i. Anyone who ceased to be an inhabitant of the Parish less than one year before the date of his/her death;
 - ii. Anyone whose name appears on the Register of Electors of the Parish in force at the time of his/her death;
 - iii. A child under 18 years of age, one of whose parents qualifies as a parishioner at the time of the child's death;
 - iv. A resident of an Old Peoples' Home or equivalent definition who, immediately before entering the Home, was an inhabitant of the Parish.