

**REGULATIONS GOVERNING ANDOVERSFORD AND DOWDESWELL BURIAL GROUND
AND GARDEN OF REMEMBRANCE**

The management of cemeteries in England is governed by the legislation set out in the Local Authorities Cemeteries Order 1977. Andoversford Parish Council is the owner of the Burial Ground and has set out the following Regulations in addition to the prevailing legislation to ensure that the Burial Ground is maintained in an acceptable, affordable and sustainable manner. It aims to ensure:

- the ongoing provision of burial facilities for the residents of Andoversford and Dowdeswell;
- the highest possible standards of maintenance within the Burial Ground;
- that all burials taking place within the Burial Ground are conducted in accordance with the prevailing legislation;
- the safety of all visitors to and those working within the Burial Ground

The following regulations apply to the Burial Ground and are made by the Council under paragraph 3 (1) of the Cemeteries Order for the proper management, regulation and control of the Cemeteries.

In these Regulations the following words and expressions have the following meanings assigned to them:

- “Burial(s)”: means either a burial or interment of ashes
- “Burial Ground”: means the Burial Ground and Garden of Remembrance owned and operated by the Council and situated at Sandywell Lane, Upper Dowdeswell
- “Council”: means Andoversford Parish Council
- “Council Office”: 11Pine Halt, Station Road, Andoversford, Cheltenham, Glos GL54 4JX.
Telephone: 01242 820243
Email:clerkandoversfordpc@gmail.com
- “Council Officer”: means the Council appointed Clerk from time to time
- “Cemeteries Order”: means the Local Authorities Cemeteries Order 1977
- “ERB”: means an Exclusive Right of Burial
- “Private Grave”: means a grave in respect of which the exclusive right of burial has been purchased
- “Public Grave”: means a grave in respect of which no exclusive right of burial has been purchased

Management Regulations:

General regulations:

The Regulations apply to all persons using, working or visiting the Burial Ground. The Council reserves the right to exclude or remove any persons failing to abide by the Regulations.

Notwithstanding the provision of these Regulations the Council reserves the right to close the Burial Ground or limit access at any time.

No burials, services or work of any kind or description shall be undertaken or carried out within the Burial Ground without obtaining the prior consent of the Council. No memorial shall be altered or interfered with after it has been erected according to the design submitted to and approved by the Council. This is a Health and Safety issue and attention must be paid to all information relating to Memorials within this booklet. These Regulations must be strictly adhered to. Failure to confirm to these regulations could result in excess grave furniture being removed by the Council.

All persons wishing to work within the Burial Ground must possess Public Liability and Employers Insurance cover in the sum of £1 million to indemnify the Council against any claims arising from any acts or omissions.

The Council does not hold itself responsible for any failure due to circumstances beyond its control.

The Council reserves to itself the right from time to time to revise these Regulations.

Any complaints must be made in writing to the Council Officer.

Times of Opening:

The gate to the Burial Ground shall always remain open to the public .

Records:

The Council will maintain a Burial Register, a Plan of the Burial Ground and associated burial records. All plans and burial records are retained at the Council Office and those records not subject to Data Protection restrictions are available for inspection free of charge .Please call :clerkandoversfordpc@gmail.com or call: 01242821243 to arrange.

Fees and charges:

The Council will maintain up to date fee schedules which are available at the Council Office. Fees are payable to the Council at the time of application for a Burial or memorial works. If payment is not received as required, the Council reserves the right not to approve the application.

Children

No children under the age of 12 years of age will be permitted in the Burial Ground unless accompanied by an adult.

Animals

No dogs (excluding guide or hearing dogs) may be taken into or allowed near the Burial Ground unless held on a lead. Dog owners are required to remove all dog excrement from the Burial Ground immediately. No other animals are permitted in the Burial Ground.

Visitors

All visitors must always conduct themselves in a quiet and orderly manner and in accordance with the requirements of the Burial Ground Order. No visitors shall climb upon or over any memorial,

boundary or gate. The Council has the right to exclude or remove any member of the public at their discretion.

Vehicles

No vehicles shall be driven within the Burial Ground at a speed exceeding 10mph (vehicles are only permitted where maintenance is required.). For burials, the hearse may park in the Burial Ground to discharge the coffin.

No cycles may be ridden in the Burial Ground.

Rights of Passage

The Council reserves the right of passage over all graves as circumstances require.

Responsibilities of Funeral Director or Individual Arranging Burial

Notification of burials:

1. No burials, services or work of any kind or description shall be undertaken or carried out within the Burial Ground without obtaining the prior acknowledgement and approval of the application from the Council.
2. The Funeral Director shall ensure that all applicants are given a copy of the Regulations at the time of completing the Interment Notice, and signature of the Interment Notice by the Funeral Director implies compliance with this requirement.
3. A date and time for a burial shall first be agreed verbally with the Council's Officer 4 clear working days in advance of the burial in order to avoid a clash of dates and times with other burials at the Burial Ground. All dates will be approved on a first come first served basis. A telephone notification must be confirmed by a written application made on the Notice of Interment forms provided by the Council's Officer and delivered to the Council Office no less than 3 clear working days prior to the burial taking place. The Notice of Interment must contain all the details requested on the form and be signed by both the Funeral Director and applicant. The Council reserves the right to modify this Regulation where circumstances render such action desirable.
4. Applications sent through the post are sent at the applicant's risk and the Council does not accept any liability should any be delayed or lost in transmission.
5. All charges and fees shall be paid when the Notice of Interment is submitted.
6. The person having charge of the burial shall make all arrangements with the officiating clergy. The Council undertakes no responsibility in this matter.
7. A complete Registrar's Certificate of Death, Coroner's Order for Burial or Certificate of Disposal of Ashes must be provided to the Council's Officer no later than the day of the burial to enable the Council's Officer to return the appropriate portion of the Certificate to the Registrar after the burial has taken place. In the case of a still born child, a Doctor's Certificate will be accepted. In order to comply with requirements of the Registration of Births and Deaths Regulations 1987, clause 49 (3) if the Certificate of Death is not available prior to the burial a Burial will be permitted upon submission by the Funeral Director of Form 18, duly signed. The Certificate should then be delivered to the Council no later than 2 days after the burial has taken place.
9. No musical instrument or other sound producing device will be allowed during burials or at other times.

10. No Burials shall take place on Bank Holidays, Sundays or other public holidays
11. In order to help inform the public of these Regulations, Funeral Directors and Monumental Masons are asked to assist the Council to communicate with the public to ensure awareness and understanding of the Regulations in this booklet.

Preparation of Graves in the Cemetery:

1. The Parish Council is not responsible for the excavation of any graves.
2. The person having charge of the burial shall make all arrangements for the preparation of graves in accordance with these Regulations. It is the Funeral Director's responsibility to ensure that the person preparing the grave is aware of the depth to which the grave must be dug in order to allow the correct permitted number of burials within the grave. The Funeral Director must notify the Council immediately in the event of any problems during the preparation of a grave that may affect future burials.
3. The Funeral Director is required to sign the Notice of Interment which implies responsibility to plan for the correct preparation of the grave and all subsequent work to restore the ground following a Burial.
4. All graves shall be excavated no more than 3 days prior to the Burial and at least 24 hours before the Burial is scheduled to take place to enable any verification of the dug grave to take place. The person excavating the grave must ensure this is done in a professional and respectful manner and is responsible for the grave being dug to the required depth in line with all provisions of the Cemeteries Order, for backfilling following the Burial, for the removal of surplus spoil from the Burial Ground and subsequent turfing over. Soil may be stored temporarily on a neighbouring grave only if this grave is fully protected by laying a soil box or protective coverings over all parts of the grave to be covered. All graves must be restored to their former condition in all respects immediately following the Burial. This work shall be carried out in all respects to the satisfaction of the Council. No excavation work shall be permitted in the Burial Ground on Christmas Day or Good Friday, except in exceptional circumstances.
5. The person excavating the Grave will be responsible for the provision of all necessary temporary planking and strutting, boarding over (when excavation or backfilling is not proceeding) and any such other safety precautions as the Council may direct or as may be required by statutory legislation including any such regulations controlling safety of persons employed upon the works.
6. All dug graves must be protected with some form of rigid cover to prevent accidents between the time of excavation and the burial.
7. The maximum ground dimensions of a full earthen grave shall be 3m x 1.2m.

A single grave shall be excavated to a minimum depth of 1.5m. This will allow for a variety of casket sizes, and to comply with the minimum depth of 0.9m of soil cover between the coffin and ground level as required by prevailing legislation.

A double grave shall be excavated to a minimum depth of 1.95m. This will allow for a variation in casket sizes, a minimum layer of earth between each coffin of 0.15m, and 0.9m of soil cover between the coffin and ground level, as required by prevailing legislation.

No grave shall contain more than two full bodies and up to 4 ashes caskets.

8. Backfilling of the grave shall not commence until the family has left the site, unless with prior agreement of the Council Officer. The site must be left neat and tidy with wreaths and flowers carefully placed.
9. Floral tributes will be allowed to remain on a grave until they have withered, or up to a period of 14 days following a burial. If the tributes have not been removed by the family after this period, the Council reserves the right to remove these to facilitate the maintenance of the cemeteries. Permanent memorials will only be permitted in the space allocated for this purpose and any memorials or flowers planted outside the allocated space may be removed by the Council without notice. No shrubs or trees are permitted to be planted within grave spaces.

All floral tributes are left at the owner's risk. The Council reserves the right to remove any neglected, unsightly, broken, dangerous or unsafe articles or materials from any grave without notice, which includes solar lights, lights, candles, candle holders, glass bottles and any other item that is deemed detrimental to the maintenance or good appearance of the Cemeteries.

Purchase and Transfer of Exclusive Rights of Burial

1. Deeds of Exclusive Right of Burial must be purchased in respect of all graves. The ownership of the ERB is subject to all Burials being authorised by the Council's Officer and payment of the appropriate fees.
2. The purchase of the ERB is the right of one's self and/or designated members of one's family to be buried in a private grave on which a memorial headstone/vase can be placed later. The maximum number of owners of an ERB is two. If the ERB is not purchased it means that the grave is a common grave to which there is no right given for either the erection of a memorial or the interment of another person.
3. At the time of purchase of an ERB the purchaser must decide and state whether the grave is to be a single or a double grave and the persons to be buried in the grave will be recorded on the ERB. Once the maximum number of burials has taken the place the owner of the ERB or their rightful successors may authorise the subsequent interment of a maximum of 4 ashes caskets.
5. The ERB will be issued for a period of 99 years and may be purchased by a resident of the Parish of Andoversford and Dowdeswell subject to the payment of fees currently prescribed by the Council. An ERB will only be granted to non-residents at the discretion of the Council.
6. The ERB does not give the purchaser any rights over land ownership of such a grave. The land remains in the ownership of the Council. However, the owner of the ERB is responsible for the permanent maintenance of the grave and any memorial subsequently erected. Maintenance of the grassed areas of all graves will be the responsibility of the Council.
7. On purchase of an ERB, the Council shall issue a Deed of Grant of Right of Burial to the person to whom, or on whose behalf, the ERB has been purchased and such named person shall be registered in the Purchased Grave Register as being the Owner of the Deed.
8. Before a grave can be opened or re-opened, the owner of the ERB must signify their consent in writing to the Council's Officer. In cases where the owner of the ERB is the person to be buried, the Council may instruct the grave to be opened for the burial of the said deceased without obtaining any further consent.
9. Whenever any Burial takes place in a private grave the Deed of Grant shall be produced to the Parish Clerk together with the Notice of Interment.

In the case where a Deed of Grant has been lost or mislaid then the grave will be opened on the application of any person who is entitled thereto by making a Statutory Declaration and giving an indemnity to the Council that they are the rightful owner of the ERB.

10. Upon the decease of the owner of the ERB a transfer of ownership must be made to enable further burials or interments of ashes to take place. All transfers of ERB's in a grave are at the sole discretion of the Council and any such transfer will be subject to submission and approval of the appropriate documentation to establish the right of succession and will be registered at the Council Office.
11. The purchaser of an ERB must be aware that a purchased grave may be covered temporarily during the excavation of adjacent graves. However, this will be done in line with conditions set out elsewhere in these Regulations to protect the existing grave, and all graves will be restored to their former condition immediately following a burial.
12. All grave spaces will be allocated in sequence, unless with the prior permission of the Council Officer.

Memorials

1. An application for permission to erect a memorial shall contain a dimensioned drawing or illustration of such memorial, the proposed inscription, details of the landing (where required), the quality of material proposed, height, breadth and thickness and confirmation that it conforms to the National Association of Memorial Masons (NAMM) Code of Practice. The application shall be submitted to the Council and accompanied by the appropriate fee. No memorial work shall be permitted unless permission from the Council has first been obtained by the applicant.
2. No memorials shall be placed or erected except over graves in which the ERB is purchased.
3. The Council has established a set of standard dimensions which shall apply to all memorials in the Cemeteries, and these will be provided to all applicants and monumental masons. It remains the responsibility of the applicant and monumental mason to familiarise themselves with these dimensions prior to applying and the dimensions must not be exceeded.
4. Photographs of deceased are not permitted on any memorials
5. Memorials must not be made of metal, glass, concrete or synthetic materials and shall not be painted, all dowels shall be of stainless steel, all ground fixings must comply with the current and future NAMM Regulations (twin rod system) and where rafts are installed NAMM fixings (twin rod system) shall also be required.
6. A maximum of two integral vases within the headstone may be placed at the head end of the grave space on a Lawn Grave.
7. The fixing of kerb sets will not be permitted on a Lawn Grave, nor enclosing borders of any description, nor the covering of the surface of the grave with stones or chippings. No trenches or means of marking the boundary of a Lawn Grave are permitted.
8. No trees or shrubs or cultivated flower gardens shall be permitted on or near Lawn Graves.
9. Headstones, vases and other items not complying with the foregoing conditions shall be removed.
10. Nothing is to stand on the grass in front of the area reserved for the base of a headstone on a Lawn Grave, save temporary floral tributes following a burial.

10. All new graves are Lawn Graves and, as such, will be mown or strimmed on a regular basis.
11. Fake grass will be not be permitted at any location in the burial ground.
12. All headstones will be placed in a straight line as dictated by Council. Incorrectly aligned headstones will be required to be re-aligned at the stonemason's cost.
13. No work of any kind or description may be undertaken or carried on within the Burial Ground without the consent of the Council first being obtained.
14. Persons engaged to work on memorials must be competent to undertake such works and work shall be carried out in all instances to the reasonable satisfaction of the Council. These persons must provide all necessary tools and materials for the required works and must take all steps necessary to protect the surrounding turf and adjacent memorials. Masons and their workmen may only work in the Burial Ground during normal working hours and work will not be permitted whilst a burial is taking place. Any damage done to the Council's land or premises or other memorials in the course of memorial works must be made good at the expense of the person causing or responsible for such damage within a period stipulated by the Council.
15. The person erecting or working on a memorial will be responsible for removal of all surplus spoil from the Burial Ground.
16. All working or dressing of stone or other material to be used in or about any grave, monument or memorial stone except for cleaning shall be done and completed outside the Burial Ground.
17. All memorials and materials must be conveyed into the Burial Ground in such a manner as not to cause damage to roads, walks or turf.
18. Memorials and base stones removed for the purposes of interments shall be retained by the stone mason until such time as they are refixed.
19. When memorials are removed, all parts of the memorial including the base stone and all other debris are required to be taken from the Burial Ground by the monumental mason undertaking the work until the works are approved by Council. Should all items not be removed to the satisfaction of the Council they will undertake such works as necessary and make any reasonable and justifiable recharge to the monumental mason.
20. The Council will not be responsible for any damage or defacement to any memorial authorised or otherwise such being the responsibility of the owner thereof. (Insurance can be obtained to cover these occurrences).
21. No memorial shall be altered or interfered with after it has been erected in the Burial Ground according to the design submitted to and approved by the Council.
22. The Council has a duty of care to ensure memorials within the Burial Ground are maintained at a high standard and all memorials are subject to regular inspections by the Council.
23. Responsibility for the permanent maintenance of the memorial remains with the owner of the memorial, and their successors in title. All memorials shall be kept in good repair, and in default thereof the Council reserves the right to remove such memorials or to require the owners to remove them.
24. Memorials that do not conform to the Regulations as approved by the Council may be removed in accordance with such Regulations, and without notice. Prior to their removal a

letter may be sent to the last known owner of the ERB requesting them to remove the non-conforming memorial within 14 days following which it will be removed by the Council. Headstones and vases not complying with the foregoing conditions will be removed.

25. All memorials remain at the sole risk of the owners of the graves and the Council shall not be responsible for any damage or breakage which may occur to the same.
26. The Council reserves the right, in the case of private graves where the ERB is for a limited period, to remove all memorials there from after the expiry of the relevant period of ownership. Council also reserves the right, in every case, to remove any memorial which is considered unsafe or is in a state of disrepair, and the right to move, re-fix, re-align or alter the position of any memorial as the circumstances may require.
27. The Council reserves the right of passage over all graves for purposes connected with the Burial Ground.

Garden of Remembrance

1. Application for interments of ashes and the erection of memorials within the Gardens of Remembrance are subject to prior application and approval by the Council in the same manner as for a full burial.
2. In the Garden of Remembrance, a maximum of 2 ashes casket interments may take place in any one grave.
3. The ground dimensions of each ashes plot will be 18" x 18" and all grave spaces for cremated remains in the Garden of Remembrance must be marked by a slightly raised memorial tablet not exceeding 18" x 18" in an appropriate design approved by the Council. These dimensions must not be exceeded. There will be a gap of 12" in between each ashes plot. Ashes plots in the Garden of Remembrance will be dug to a maximum depth of 30" for a double plot and 18" for single plot
4. All ashes interments will be subject to the same restrictions regarding preparation of the ground and services at the Garden of Remembrance as apply to full burials.
5. All memorials erected are subject to the same restrictions regarding works to memorials as apply to full burials.
6. All ashes plots will be allocated in sequence save with the prior permission of Council's Officer.

Reserved Burial Plots

Anybody has a right to reserve a burial plot providing:

- a) The plot is paid for in full
- b) Understanding that no plot is allocated until time of death.

Revised and approved by Andoversford Parish Council

Signed: *Caroline Trump*.

Date: 27/01/2019

