

Introduction

All local authority managed cemeteries are subject to standards and conditions known as cemetery rules and regulations. These are designed to inform all cemetery users of the aspects of the management of the cemeteries and the reasonable requirements applicable to them. These regulations include the statutory requirements contained within The Local Government Act 1972, the Local Authorities Cemeteries Order 1977 (LACO) and the Health and Safety at Work Act together with any other relevant legislation that governs this service.

The Council reserves the right to make alterations or additions to the Rules and Regulations at any time, and its ruling on these shall be final.

Cemetery Service Office location

Bray Parish Council
The Jubilee Room
Braywood Memorial Hall
Fifield Road
SL6 2NX

Telephone. 01628 777997

Email. assistantclerk@brayparishcouncil.gov.uk

The office is open to the public 9:30am – 12:30pm Monday – Friday

Burial Records

Records of burial are maintained by the Council. Requests for information should be sent to the Assistant Clerk at assistantclerk@brayparishcouncil.gov.uk

Liability of the Council

No liability whatsoever is accepted by the Council for any injury to any person, or damage to property arising out of anything existing at the cemetery or done by the Council, its employees, agents, or contractors or by any independent contractor at or in connection with the cemetery.

Behaviour

All visitors must conduct themselves in a quiet and orderly manner at all times. Council representatives have the right to exclude or remove any member of the public at their discretion. Under the provision of the Local Authorities Cemeteries Order 1977 it is an offence for a person to willfully:

- Create a disturbance in a cemetery
- Commit a nuisance in a cemetery
- Interfere with any burial taking place in a cemetery
- Interfere with any grave or vault, any memorial or any flowers or plants
- Play any game or sport in a cemetery
- Enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so.

No skateboards, skates, or scooters (with the exception of motability scooters) may be ridden in the cemetery.

No religious services or ceremonies are allowed, other than the service at the time of interment and with the prior consent of the Cemetery Manager.

No musical instrument or other sound-producing device will be allowed in the cemetery, except when used as an integral part of a funeral service.

No decorations, tributes, wind chimes, or any such ornaments may be placed onto Council property, including trees, fence lines and buildings.

Rights of passage

The Council reserves the right of passage overall graves as circumstances may require.

Funeral Regulations

Responsibility of Funeral Director or Individual arranging a funeral

All information shall be provided correctly and openly when organising a burial to ensure that the Council can maintain the funeral regulations to a high standard without disruption.

It is advised that all funeral arrangers visit the relevant cemetery prior to a funeral to ensure all information provided is accurate.

Notice of Interments

To arrange an interment in the cemeteries, the Council must be notified not less than 3 clear working days from the time the arrangement is made. An interment within 3 working days may be arranged at the discretion of the Parish Clerk. The allocated times available for the booking of interments are:

9:30am – 12:30pm Monday – Friday

No interment shall take place on Saturdays, Sundays, Good Friday, Christmas Day, Bank Holidays or any other Public Holidays.

Once a booking has been made, a Notice of Internment must be provided using the Council's Application Form. The form must contain all the information requested and be signed by the individual or funeral directors organising the funeral and the current/future deed holder. The form must be received by the Council not later than three working days prior to the funeral. Notices received after this time may only be accepted at the Parish Clerks discretion.

Where a funeral is likely to exceed 20 vehicles or include a horse and carriage procession, the Parish Office must be notified at the time of booking.

Purchase of Exclusive Rights of Burial

Grants of Exclusive Right of Burial or Licence must be purchased in respect of all graves or plots. The ownership of Exclusive Right of Burial is subject to the Grant of Burial being endorsed by the Officer and payment of the appropriate fees.

The Exclusive Right of Burial in a grave space can only be purchased at the time of the first interment.

A Grant or Licence shall be made for a term of a maximum of 75 years. The Parish Council will not extend the period. No remains will be removed or disturbed at any point however the Parish Council reserves the right to make the grave or plot available for future dedications.

Before a grave can be opened, the person(s) with such Grant or Licence must signify their assent in writing to the Cemetery Officer. In cases where the owner of the Grant or Licence is the person to be interred, the Council shall, if required by the person giving notice of interment, order the grave to be reopened for the interment of the said deceased without obtaining the consent of any executor or other representative.

Exclusive Rights of Burial can be joint between a maximum of two people.

Grant holders must inform the Council of any changes in their contact details at all times.

After the interment of the registered owner of the Grant Licence to any grave space, the legal personal representative shall request the change of ownership so that the transfer may be duly established after payment of a prescribed fee. Until ownership is satisfactorily given to the Cemetery Officer the grave shall not be re-opened or otherwise dealt with.

Public grave space is where the Grant of Exclusive Right of Burial has not been purchased but is held by the Council. Each Public Grave can contain up to 3 unrelated persons.

Allocation of Grave Spaces

All grave spaces will be allocated in sequence. All requests for pre-selection are at the discretion of the Parish Clerk.

Graves or plots cannot be pre-purchased or reserved in advance.

Certificates of Disposal

The certificate of the Registrar of Deaths, or Coroners Order for the disposal of the body to be buried, must be delivered to the Parish Office before the interment.

For the interment of cremated remains, a Certificate of Cremation must be produced from the Cremation Authority

Coffins, Caskets and Containers

The name of the deceased as written on the death certificate is to be inscribed on the top of the container. Parish staff shall be allowed free access prior to interment to inspect the inscription so they are certain of the individual to be interred. If any uncertainties are found, this may result in a delay or cancellation of the funeral until staff are satisfied of the identification of the container.

Officiants

Relatives or their representatives (e.g., funeral director) must make arrangements for an officiant for the service. The Council can take no responsibility for their attendance

Grave Digging and Backfilling of graves and Cremation Plots

The Parish Council does not provide a grave digging service, it is the responsibility of the Funeral Director or Individual arranging the funeral to arrange for the excavation and backfilling of the plot.

Memorial Regulations

Memorial Permit Applications

The person applying for the Right to Erect a Memorial must be the owner of the Exclusive Right of Burial.

A drawing showing the full dimensions of the intended memorial, proposed inscription, and method of installation must be submitted to the Parish Office for approval. Payment of the appropriate fee must be received before permission is granted.

Only memorials of natural material are permitted.

No work on memorials may be carried out at the cemetery until permission has been given by the Parish Clerk. This work includes any erection, inscription or renovation to any memorial, or kerb on any grave. Full details must be given to the Parish Clerk and accompanied by the applicable fee. No permission will be given until the appropriate fee has been paid and all details are to the satisfaction of the Parish Clerk.

Identification

The grave section and number must be inscribed on the back of all upright memorials. The letters and figures need to be at least 25mm high and the number must be the same as the entry in the register of graves.

Making Good Damage

Any damage done to the Council's land or premises in the course of work on graves or memorials or in any other way, must be made good at the expense of the person or persons causing or responsible for such damage within a period stipulated by the Council

Maintenance

The Council has a duty of care to ensure memorials within the cemeteries are maintained at a high standard and all memorials are subject to safety inspections by cemetery staff or relevant contractor approved by the Council.

All memorials, vases and kerbs must be maintained in good condition and repaired at the expense of their respective owners. If the address of the owner is not known and, in the Council's, opinion cannot reasonably be ascertained, the Council may remove the memorial without notice.

The Council will not be responsible for an accident to any memorial. Checks are made by cemetery staff before any work is undertaken around the plot. Should a memorial be found to be unstable the deed holder will be contacted immediately and asked to repair. Where necessary, cemetery staff will lay the memorial down so damage cannot occur, or an accident happen.

All memorials placed within Council operated cemeteries are subject to stability testing. Stability testing is conducted every 5 years. Failure to meet the stability requirements will result in a memorial being laid flat. Any repairs to a memorial will be at the Grant holder's expense.

Liability

Memorials shall remain in the cemetery at the sole risk of the owner therefore the Council shall not be responsible for any injury or damage thereto or damaged caused thereby.

Rights of Council

The Council reserves the following rights:

To remove all memorials from a grave space after the expiry of a Grant or Licence period. To remove any memorial which is considered unsafe or is in a state of disrepair.

In the case where permission has been previously granted, the Council has the right to revoke permission and may require the owner to remove any part of the memorial from the cemetery.

Tributes

Anything attributed to the deceased, including fresh floral arrangements, left within the cemetery is done so at a risk.

The Council reserves the right to remove any neglected, unsightly, broken, dilapidated, dangerous or unsafe articles or materials from any grave, or any article or material considered by the Clerk to be a nuisance or detrimental to the grounds without notice. This includes solar lights, lights, candles, candle holders, silk flowers, pinwheels, lighters, matches and any other item the Council deems detrimental to the cemetery. Glass pots, jars, bottles, vases or tins and such articles used to contain plants or flowers, are not permitted in the cemetery and should they be found, will be removed. This list is not exhaustive of items not permitted.

Floral tributes placed on a grave immediately following a burial will be allowed to remain until they have withered or up until a period of 14 days. The council needs to maintain the grounds and items extending over the graves will not be accepted.

The Council will remove and dispose of fresh floral tributes placed on a grave as soon as they have withered. If they are placed in a container, the container may also be disposed of.

Plants and Shrubs

Shrubs and plants on graves must be kept within the limits of each grave. The Council reserves the right to prune, cut down, dig up and remove any shrubs, plants or flowers growing on the graves and which may become overgrown.

Benches

The Parish Council no longer allows Memorial Benches to be placed either within the Cemetery or elsewhere across the Parish.

It is possible however for Memorial Plaques to be placed on existing benches and information regarding this should be sought from the Parish Clerk.

Fees and Charges

The Council will maintain up-to-date fees and charges, details of which may be found on the Parish Website at; <https://brayparishcouncil.gov.uk/services/parish-amenities/parish-cemetery/>

Payment

Fees are payable to the Council as shown in the Fees and Charges Schedule. Payment for services is required at least 24 hours prior to an event and must be paid using BACS to the parish bank account. Proof of residence within Bray Parish is required for all burial/internment applications.

All fees in relations to graves and cremation plots are doubled for a deceased person who at the time of death resided outside the Parish of Bray.

Consideration of residency is the deceased having lived in the Parish within the previous five years, or a spouse already interred in the Cemetery, who at the time of burial was a resident of the parish. Proof of residency will be required.

Reviewed Finance Committee October 2021

Approved Council December 2021 Min ref 67.3