

Regulations for Sturry Cemetery

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Regulations for Sturry Cemetery

Introduction

Sturry Parish Council (hereafter referred to as “the council”) is the Burial Authority for Sturry Cemetery. All enquiries regarding the cemetery should be made to the council in the first instance.

“The Clerk, Sturry Parish Council, 38 High Street, Sturry, Canterbury, CT2 0BD” Telephone 01227 710443 email: cemetery@sturry-pc.gov.uk

These regulations apply to the Council’s cemetery at Cedar Road, Sturry, Canterbury, CT2 0JG

In all matters referenced in this document, the ‘Burial Officer’ and the ‘Cemetery Superintendent’ shall have the same authority as that of the ‘Parish Clerk’.

The Council is committed to ensuring that only the highest quality of service is provided. Any complaint about the quality of service should be made in writing to The Clerk.

The Council seeks to provide a sanctuary for the deceased, their family & friends. The council acknowledges that family & friends may have many differing needs, and seek to be both understanding and helpful, in trying to meet the needs of those who use the cemetery. The Council is bound by both guidance and laws, to which it must adhere. This booklet explains what the Cemetery offers, and the regulations with which all cemetery users must comply.

This and other documents are available for download from our Website <https://sturry-pc.gov.uk/sturry-cemetery/>

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Regulations

1. The Cemetery is governed by the following and other legislation:
 - a. Local Authorities Cemeteries Order 1977
 - b. Section 25, Burial Act 1857
 - c. Health & Safety at Work Act 1974

Registers

2. Burial & Grave Space Registers are held on paper and electronically at the Councils offices. These are public records and are available to view by appointment only. Charges may apply for searches of registers. Contact the Council for further information.

Fees & Charges

3. The latest set of fees & charges can be found on our website.

Exclusive Right of Burial

4. The Council operates a grave reservation system. An exclusive right of burial may be purchased in advance of an interment, and this reserves a selected grave space for 50 years.
5. When a grave space is reserved, the Council can give no undertaking that at the time of interment the grave space will still be suitable for grave excavation.
6. In cases where the reserved grave space subsequently becomes unsuitable for a burial, an alternative grave will be prepared, and the exclusive right of burial assigned to the owner without additional fee. The exclusive right of burial in the original grave space will then be surrendered to the Council and records noted accordingly.

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7. Exclusive rights of burial will NOT be granted in perpetuity!
8. At or before the end of the 50 years period, the exclusive right of burial may be renewed by the owner of the right. A renewal fee will be payable, and the new grant will be subject to the burial regulations then in force.
9. The owner of the exclusive right of burial, has the legal right to be buried in the plot should they desire, as long as there is the necessary space.
10. The owner of the exclusive right of burial in a particular grave space shall have the privilege of assigning the right of burial to any other member of his/her family, should they so wish.
11. Forms for the assignment of an exclusive right of burial, can be obtained from the Council and must be submitted to the Council for registration, together with the original deed / grant of exclusive right of burial and the necessary fees.
12. The Council will issue a new deed / grant of exclusive right of burial to the new owner.
13. The Exclusive Right of Burial can only be transferred via the relevant legal process as laid out in the Local Authorities Cemeteries Order 1977.
14. The Council will not recognise any assignment of an exclusive right of burial without proof of a correct & legal assignment.
15. The grant of the exclusive right of burial shall automatically confer on the registered owner the right to erect and maintain one memorial (*see memorials below*).
16. It is the responsibility of the owner of the Deed to notify the Clerk of any change of address from that originally noted in the Parish's Register of Purchased Graves.
17. The Council reserve the right, which shall be exercised only with the utmost sensitivity and discretion, to permit further burials in the available space remaining in a grave in respect of which the

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- exclusive right of burial has expired. Such further burials do not need to be connected in any way with the previous interment.
18. A grant of exclusive right of burial will not be issued in the name of a funeral director; memorial mason; partner or shareholder in such a firm unless written evidence satisfactory to the Council is submitted to show that the grave is required for use by the applicant as a private individual and not for the purpose of the firm or for the use of another person.
 19. The cemetery is intended for the burial of residents of the parish and their immediate family. Burial of non-residents will be considered in special circumstances.
 20. No person except for the designated head of any religious house will be allowed to hold at any one time the exclusive right of burial in more than two graves except with the special consent of the Council. A double width grave will, for this purpose, be regarded as a single grave.

Arrangements For Interments

21. Interments must be booked using the parish council's "**Notice of Interment**". Templates available from the Council Office or the Council Website. The notice of interment must be presented to the Council office a minimum of 72 hours prior to any proposed burial.
22. Except where the person to be buried is the owner of the exclusive right of burial; the owner(s) of the purchased grave shall give consent to the grave being opened by signature on the Notice of Interment.
 - a. Where a purchased grave is to be re-opened the Deed of Grant of Exclusive Right of Burial shall be produced with the Notice of Interment.

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- b. Where the Deed of Grant has been lost proof of ownership must be established before any interment can take place.
23. Before any burial can take place, along with a completed **“notice of interment”** form, one of the documents listed below must be delivered to the Clerk, at or before the time the funeral cortège enters the cemetery:
 - a. Certificate for Burial or Cremation issued by the Registrar of Births and Deaths (the green form)
 - b. Coroner’s Order for Burial
 - c. Registrar of Births and Deaths Certificate of No Liability to Register
 - d. For the burial of a foetus the medical practitioner’s Certificate of Delivery of Non-Viable Foetus will be required.
 - e. For the interment of cremated remains a Cremation Authority Certificate that the death has been registered is required.
24. If the required certificates are not provided, the Burial may be delayed or may be unable to proceed.
25. No Notice can be received & no interments can be undertaken on Saturdays, Sundays, Christmas Day, Good Friday or on Bank or other Public Holidays and any other days when the Council office is closed for the transaction of business; or unless it be shown by the production of a medical certificate from the Community Health Physician that the body cannot, on grounds of public health, be kept until the next day permitted for interments.
26. The Council office opening times can be found on the Councils website.

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27. Coffins, caskets and urns for burial must be made from suitable biodegradable materials such as wood, wicker, cane, bamboo, wool and cardboard. Non-biodegradable materials such as metal, fibreglass and plastic will not be permitted.
28. The name, age and date of death of the deceased must be shown on a plate fixed to the coffin and visible for inspection upon the arrival of the funeral cortege.
29. No burial may take place after 3.30 p.m.
30. Whilst the council will give sympathetic consideration to the circumstances for late arrival, except in unavoidable cases, the time appointed for an interment must be punctually observed. The council cannot guarantee that delays can be accommodated, and a late arrival could result in postponement of the interment. The council will not be responsible for additional costs incurred as a result of late arrival.
31. The funeral director shall inform the Clerk if the body is that of a person who has died from a notifiable disease and such precautions as may be required to be taken within the cemetery must be complied with.
32. No vaults or bricked graves are permitted in the cemetery.

Management Of Interments

33. The attendance of the officiating minister must be arranged by the person making the funeral arrangements.
34. All funerals will be under the control of the Clerk. The Funeral Director has responsibilities under the Health & Safety at Work Act 1974 and any other current Health & Safety Legislation for the Funeral Director's staff, cortege, and contractors (including the grave digging party).

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35. Except where an Exclusive Right of Burial exists, as described above, the final selection of grave spaces shall be at the discretion of the Clerk. Grave spaces shall be excavated in an orderly sequence, and no person shall have the right to select a grave.
36. A register of graves is kept by the Council, in which the name and age of the person buried in each grave and the date of each interment is recorded.
37. All fees and charges must be paid to the Clerk prior to commencement of any interment.
38. The maximum depth of any grave shall be 1.98m (6ft 6") (double depth).
39. All new graves with the exception of infant's half graves will be dug to the maximum depth dependent upon the available methods of excavation, prevailing soil and weather conditions and subject always to the discretion of the Clerk.
40. After an interment has taken place, the replaced earth will settle and subside over a period of about 12 to 24 months. During this period the council will arrange to regularly top up the grave to the level of the surrounding ground. During the settlement period nothing should be planted in the grave. One small wooden plaque or temporary vase or temporary cross may be placed on the grave (***see temporary markers below***). The installation of a permanent memorial and planting can take place once the ground has stabilised.
41. No mound will be permitted over any new grave once the ground has settled.
42. After interment no body shall be removed.
 - a. Section 25, Burial Act 1857 as amended by the Church of England (Miscellaneous Provisions)

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Measure 2014: *Disturbance of human remains without lawful authority is an offence.*

43. If the person interred is the owner of the Exclusive Right of Burial, then the EROB should be transferred at the earliest opportunity to the legal successor.

Re-opened Graves

44. Subject to the requirements below graves may be reopened to allow further interments.
45. Any requirement to re-open a grave to remove a body, is an Exhumation and must be approved by the Church of England Faculty, or the Ministry of Justice as appropriate.
46. Re-opened graves will be dug to the maximum remaining available depth.
47. No un-walled grave may be re-opened within fourteen years after the burial of the body of a person of twelve years of age, or over, or within eight years after the burial of the body of a child under twelve years of age, **unless to bury another member of the same family.**
48. When any grave is reopened for the purpose of making another burial, no person shall disturb any human remains interred or remove any soil which is offensive.
49. A layer of earth not less than 6 inches thick must separate all coffins within the same grave.
50. No body shall be buried in a grave in such a manner that any part of the coffin is less than 0.9 metres (3ft) below the level of any adjoining ground. The only exception to this will be, a coffin made of perishable materials, where the Council considers the soil to be of suitable character. Such a coffin may be placed not

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less than 0.6 metres (2ft) below the level of any ground adjoining the grave.

51. To facilitate the re-opening of a grave, the removal of any existing monument, headstone, vase or similar structures from a grave, shall be carried out to the order and at the expense and risk of the person requiring the burial. Any such memorial shall be removed from the cemetery.
52. Removal of all items must be done in good time to allow the grave to be re-opened for the interment.

Interment Of Cremated Remains

53. The burial of cremated remains shall follow the same process and require the same approvals as burials.
54. No burial of cremated remains may take place unless the Clerk has received the 'certificate of cremation' prior to the burial service.
55. Burial of cremated remains may be organised by a funeral director or the family directly with the Clerk.
56. It is the responsibility of the person requesting the burial of cremated remains to arrange for a Minister or Celebrant to attend should that be desired.
57. The scattering of cremated remains over graves must be agreed in writing by the Clerk before any ashes may be scattered.
58. Cremated remains may only be interred in the cemetery loose or in containers of wood or biodegradable ecological materials and approved by the Clerk. Containers made from plastics or other non-biodegradable materials are prohibited.
59. There shall be no more than 2 interments of cremated remains in a purchased half grave space, and no more than 4 interments of cremated remains in a full-size grave space. This also applies,

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where there are 2 coffins already buried in a double depth grave.

60. A coffin shall not be buried in a grave space where cremated remains have been interred, as this would effectively become an exhumation of the cremated remains.

Temporary Markers/Wooden Crosses

61. The Council does not provide temporary markers of any kind.
62. After an interment, the following are permitted:
 - a. Small temporary wooden plaques.
 - b. Temporary wooden crosses not exceeding 91 cm high x 61 cm wide (3' x 2').
 - c. Temporary plastic/acrylic headstones not exceeding 91 cm high x 61 cm wide (3' x 2').
 - d. Small temporary wooden or plastic fences less than 15 cm high (6inches) may be used as temporary kerbing.
63. **All temporary monuments must be replaced by permanent approved stone alternatives within 2 years of any interment.** If after 2 years, the owner does not wish to install a permanent monument, then all temporary monuments must be removed and the plot returned to grass.
64. The Council are looking to reduce the use of plastic or artificial items as these impact on the wildlife and environment. This includes (but is not limited to) the use of artificial flowers and we reserve the right to remove any items that are considered to be of risk or deemed excessive, inappropriate or of poor condition.
65. All memorials, temporary or permanent, must be formally approved by the Clerk before they are placed on the plot.

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Application for a Memorial

66. For this regulation to apply, Exclusive Right of Burial must have been obtained. Memorials are not allowed on unpurchased graves.
67. No memorial (monument, gravestone, tablet, kerb/border stones, vase, etc.) shall be erected without the prior approval of the Clerk.
68. Application for a permit to erect a memorial shall be made on the appropriate form and submitted to the Clerk.
69. All memorial permits run concurrently with the exclusive right of burial, and end when the EROB ends.
70. Any application shall include the form together with a drawing showing dimensions, integral doweling of all components, ground anchoring method, type of material, finish position within the grave space, method of construction, proposed inscriptions.

Memorial Construction

71. The memorial to which the application relates shall not be erected in the cemetery until: -
 - a. The Clerk has issued a written permit,
 - b. Positioning has been agreed on site with a representative of Sturry Parish Council
 - c. The fees have been paid to the Council at its office.
72. Stone masons must be BRAMM or NAMM registered, and monuments must meet BS8415
73. All stone masons must maintain a policy of Public Liability Insurance in the minimum sum of five million pounds indemnifying against all claims and actions for accident,

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materials and workmanship resulting from the memorial being placed in the cemetery.

74. The construction of the memorial must not affect any other memorial in the cemetery.
75. The wording on the memorial shall be in keeping with the dignity of the cemetery and the sensibility of other grave owners! Wording will be at the discretion of the Council.
76. The use of photographs on memorials shall be in keeping with the dignity of the cemetery and the sensibility of other grave owners: This includes, but not limited to, any persons in the photograph being dressed appropriately.
77. Monumental Masons must satisfy themselves as to the stability of the soil and its ability to support a memorial before the memorial is erected.
78. Every memorial shall be placed on the grave space so that the centre of the memorial is in line with the centre head position of the grave.
79. The concrete base of a lawn memorial, or any other similar memorial, will be let into the turf, so that the concrete base is not proud of the surrounding lawn.
80. There shall be no advertisement or trademark on the memorial except the name of the Memorial Mason who has supplied it which shall be inscribed on the side or on the reverse of the headstone in lettering similar to the main inscription and not more than 15mm (1/2 inch) high.
81. The Grave Plot Reference must be positioned and inscribed on all memorials (excluding plaques) to be installed in the cemetery.
82. On kerbstones the position for a memorial mason's name and Grave Plot Reference shall be on the left-hand and right-hand side of the foot kerbs.

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83. Work people and materials will only be admitted to the cemetery during hours of daylight, and in any case between 8.00 am and 5.00 pm on Mondays to Fridays, unless agreed otherwise with the Clerk.
84. Work people will not be admitted at any other time, unless it is necessary to:
 - a. Remove or repair a danger or potential danger; or
 - b. Remove a memorial for an urgent burial.
85. All vehicles entering the cemetery must have a maximum laden weight of 3.5 tonnes and restricted to the main roads. Any vehicle must be removed from the cemetery immediately on instruction by the Clerk. Any damage to any part of the cemetery shall be repaired by and at the expense of the person responsible for the damage.
86. No person shall manufacture any memorial in the cemetery. Only work to instal, clean, repair or letter is permitted upon permission being obtained from the Clerk.
87. Soliciting for orders within the cemetery for the erection or repair of any monument, headstone, or other structure, or for any other work connected with graves, is strictly prohibited. The Council reserves the right to exclude from the cemetery any person or company on whose behalf any person has been found so soliciting.
88. The Clerk shall have final discretion over all matters relating to the provision of memorials.

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Memorial Maintenance

89. All memorials, monuments, gravestones etc., and all places of burial shall be kept tidy and in good repair at the expense of the owner.
90. The Council will not be responsible for any damage to monuments, gravestones, or other structures other than damage shown to be occasioned by the negligence of its employees, agents, servants, or contractors.
91. The Council reserves the right to repair or make safe any memorial which is allowed to fall into disrepair or become unsightly or dangerous and, if deemed practicable recover expenses thus incurred from the owner or the owner's beneficiaries.
92. The Council may require the owner of any monument, gravestone, or other structure which in their opinion has become unsafe, to remove it from the cemetery at the owner's expense.
93. Any memorial deemed unsafe, will be laid down under Health and Safety guidelines to prevent any danger to the public under the LACO 1977 Order 'Affecting Dangerous Memorials'.
94. If the owner fails to comply with any of the above requirements, within 14 days or if in the opinion of the Clerk, the removal should be effected immediately then the Council may carry out the work and,
 - a. Dispose of a removed memorial 12 months after the date of removal. Without being liable to account for the proceeds of the disposal, if within that period no application for the return of the memorial is received by the Council from the person who provided it.

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- b. **Note:** *The Council will where possible, notify the owner of the grave space of its intention to remove a memorial.*
- 95. The Council reserves the right to limit the period during which any memorials may remain erected on a grave to 50 years from the date of the original Deed / Grant of Exclusive Right of Burial.
- 96. Anything placed or planted on any grave space other than a memorial approved in accordance with the Regulations above, becomes the property of the Council, which reserves the right to dig up, remove and dispose of the same, without being liable to account for the proceeds of disposal.

Memorial Plaques

- 97. Places for memorial plaques for benches and the memorial wall are available for purchase on a 10-year lease which is renewable by prior consent of the Clerk. Plaques will be fixed by the council on the existing seats in the cemetery (max six per seat) or to the memorial wall. Application forms are available from the Council office with details of dimensions and material that can be used.
- 98. The inscription must include the words "In memory of" Forename and Surname, Dates of Birth and Death (year only). Plaque to be in black or dark grey granite 17.7cm x 12.7cm only, with pre-drilled hole in each corner.
- 99. The lease may be renewed by the owner of the grave plot, upon application to the Clerk. A renewal fee will be payable, and the new lease will be subject to the regulations then in force.

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General Rules of Management

100. The cemetery is locked to vehicle access most of the time. Arrangements can be made for vehicular access to Blue Badge holders if required, by contacting the Council.
101. Vehicles must only be driven on the main driveways and avoid parking where it will cause a nuisance to other visitors or damage to graves or grassed areas.
102. The Council or any of its employees cannot accept responsibility for the loss or damage to any vehicle or its contents whilst in the cemetery.
103. Pedestrian access is always available; however, the Council would not advise access after dark. There is no lighting in the cemetery, and some of the ground is uneven. The council accepts no liability for any injuries sustained by anyone ignoring these regulations.
104. Any member of the public using the cemetery, must if requested to do so, follow the guidance of the Clerk.
105. No employee of the Council or Contractor is permitted to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery, either in their own time or during their employed hours.
106. No person shall canvass or solicit for business in the cemetery.
107. The approval of the Council must be obtained before photographing or filming (including drones) in the cemetery.
 - a. An application for permission shall be accompanied by written confirmation from the owner of the exclusive right of burial in any grave to be photographed, that the photography is being undertaken with their approval.

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108. Any photography or filming that is approved must not allow the identification of individuals buried within the cemetery.
109. **No person shall:**
- a. Wilfully create any nuisance in the Cemetery.
 - b. Take a dog or other animal into the Cemetery (*except dogs for the blind and hearing dogs*).
 - c. Tie dogs to the gates, fences, or buildings in the Cemetery.
 - d. Act in a manner likely to give offence whilst any burial is taking place.
 - e. Wilfully interfere with any grave, tombstone or other memorial or any gates, fences or building or any flowers, shrubs, trees, or plants.
 - f. Play any game or sport in the Cemetery.
 - g. Deposit any litter or rubbish within the Cemetery grounds other than into the bins provided.
 - h. Consume alcohol in any part of the cemetery.
 - i. Take vehicles beyond the noticeboard without permission from the Clerk.
 - j. Other than an officer or servant of the Council or another person so authorised by or on behalf of the Council shall enter or remain in the Cemetery at any hour when it is closed to the public.
 - k. Sit on any memorial, monument, headstone, or structure other than a seat provided for the purpose.
 - l. Pick, cut, fell, or remove from the Cemetery any flower, tree, or shrub.

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110. No instruments of music, flags or banners will be allowed to be taken into the Cemetery without special permission, except a Military or Salvation Army funeral.
111. The Statutory Regulations and Maps required to be maintained by the Council are available for public inspection by prior arrangement with the Clerk.
112. Children under sixteen years of age will not be admitted to the Cemetery unless they are in the charge of an adult.
113. When an interment or religious service is taking place, no work or activity will be carried out which might interrupt or cause offence to any person at the service.
114. Floral decorations may be placed on any grave.
115. All dead flowers, wreaths, weeds, rubbish, and other decorations which have become unsightly must be removed from graves and disposed of at the places provided for the purpose.
116. The Clerk is authorised to remove flowers, plants, wreaths, or decorations which have become unsightly and the Clerk's decision in this matter shall be final.
117. Except for floral decorations and approved receptacles for containing water nothing movable shall be placed over any grave without the consent of the Council.
- 118.** No **glass** receptacles, ornaments or lamps maybe used on the graves.
119. All planting and cultivation shall be subject to the approval of the Clerk and the Council reserves the right to prune, cut down or dig up and remove any flowers, shrub, or plant at any time when, in the opinion of the Clerk, it has become unsightly or overgrown, or where necessary for the purpose of allowing the grave or adjacent graves to be used again.

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120. No tree may be planted without the written permission of the Council.
121. Wind chimes are not permitted on any grave space and will be removed by the council.
122. No bird feeders are to be erected in the cemetery grounds.
123. All persons admitted into the Cemetery shall conform to these Regulations and the Clerk or other duly authorised officer of the Council may remove from the Cemetery any person infringing any regulation or otherwise misconducting themselves. The Council reserves the right to refuse admission to the Cemetery.

Control

124. The Council reserves the right to alter or add to these Regulations.
125. These Regulations supersede all others previously published.
126. It should be noted that in all matters of day-to-day administration of the Cemetery and the general interpretation of these regulations any decision of the Council shall be final.