

Banwell Parish Cemetery - Regulations

Regulations made by the Local Council of the Parish of Banwell in the District of North Somerset under Section 214 and Schedule 26, Paragraph 11 of the Local Government Act, 1972, for the managements of the cemetery for which the Council is the Burial Authority.

1) **INTERPRETATION**

In these regulations, unless the context otherwise requires, the following expressions shall have the meaning assigned to them:-

'The Council' shall mean the Chairman and Councillors for the Local Council for the Parish of Banwell.

'Cemetery' shall mean the cemetery for which the Council is the recognised Burial Authority.

'The Clerk' shall mean the person for the time being holding the office of Clerk to the Council and any person appointed by the Council to act on his/her behalf.

'Minister' shall mean any person officiating as such at an interment in the cemetery.

'Grave' shall mean a burial place formed in the ground by excavation and without any internal wall of brickwork, stonework or other permanent lining.

'Grave Space' shall mean the area of land in which a grave has been or will be excavated.

'Grave Number' shall mean the number of the space in the records of the Council.

'Section Letter' shall mean the letter of the alphabet indicating the section of the cemetery in which a grave space is situated

'Memorial' shall mean any item erected, constructed, placed or laid (for the purpose of a memorial) over or upon any grave space.

2) **HOURS OF ADMISSION**

The cemetery is open to the public from 9am until 6pm or sunset whichever is earlier.

3) **CONDUCT IN THE CEMETERY**

3.1) All persons admitted to the Cemetery are subject to the control and supervision of the Council and will be required to conduct themselves in a quiet, decent and orderly manner.

3.2) Any person who wilfully creates a disturbance, commits a nuisance, wilfully interferes with an interment, wilfully interferes with any grave or memorial, or any flowers or plants, or plays at any game or sport in the Cemetery, will be liable to prosecution under Article 14 1) of the Local Authorities Cemeteries Order 1974.

3.3) No person shall unreasonably interrupt the Council's workmen in the Cemetery whilst they are engaged on their full duties or seek to employ them privately to execute any work within the Cemetery.

3.4) No person not being 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. Any person contravening this regulation will be liable to prosecution under Article 14 (2) of the Local Authorities Cemeteries Order 1974

4) **VEHICLES**

Admissions – Vehicles not connected with the excavation and maintenance of graves, or the erection or maintenance of headstones, are not permitted. Bicycles are not permitted. Wheelchairs and mobility scooters are allowed in the Cemetery.

5) **DOGS AND PETS**

No dogs or pets are allowed in the Cemetery, with the exception of clearly identified Guide Dogs.

6) **FUNERALS**

CONTROL - The conduct of any funeral in the Cemetery will be subject to the approval of the Clerk.

SPECIAL OCCASIONS

- 6.1) The arrangements for any ceremonies of a special nature will be subject to the prior written approval of the Clerk.
- 6.2) If a funeral at the Cemetery is likely to be attended by a large number of persons, or at which a band of music or if music is to be played or banners are likely to be present, details shall be given to the Clerk by the person making the funeral arrangements at least forty-eight hours before the funeral. Music shall not be played outside the cemetery unless written consent has previously been obtained from the Clerk and Church.
- 6.3) No rehearsals of funeral arrangements shall take place in the Cemetery without prior consent, in writing, from the Clerk.

7) PUBLIC HEALTH REQUIRMENTS

- 7.1) In all cases when the deceased suffered from an infectious disease or was exposed to radiation, the person making funeral arrangements shall notify the Clerk before the funeral

8) NOTICE OF INTERMENT AND CERTIFICATES

- 8.1) Notice of every interment shall be given to the Clerk at the office of the Clerk before the interment at which time all fees and charges shall then be paid to the Clerk.
- 8.2) Notice of Interment will be accepted by telephone but is subject to confirmation in writing to the Clerk immediately thereafter.
- 8.3) Notice of Interment shall be given on the printed forms as may be supplied by the Council, on which all requested information shall be clearly stated; responsibility for any error or omission rests with the person submitting the Notice.
- 8.4) A Certificate of Disposal issued by the Registrar of Births and Deaths or a Coroner's Order for burial shall be delivered to the office of the Clerk.
- 8.5) A Certificate of Disposal issued by the Registrar of Births and Deaths or a Coroner's Order in respect of a stillborn child shall be delivered to the office of the Clerk.
- 8.6) Not less than forty-eight hours' notice shall be given to the Clerk for an interment, excluding Saturday, Sundays, Statutory Holidays and Extra Statutory holidays.

9) PAYMENT OF FEES AND CHARGES

All fees and charges shall be paid to Banwell Parish Council by cheque or bank transfer.

10) DOCUMENTS SENT BY POST

The Council accepts no liability for the consequences arising from the loss or delay in delivery of any Notice, Order or other document sent to the Council by post.

11) HOURS OF INTERMENTS

No burial shall take place before 10am or after 4pm between 1st April and 30th September; or before 10am or after 3pm between 1st October and 31st March, without special permission from the Clerk. No burial shall take place on a Sunday.

12) OFFICIATING MINISTER

The responsibility for making the necessary arrangements for the attendance of a Minister to officiate at an interment and for the payment of any fees to the said Minister shall rest with the person arranging the interment.

13) EXHUMATION

After interment, no body or casket containing the ashes of a body, shall be removed from the grave without the production to the Clerk at the Clerk's office of the appropriate order or licence for exhumation in accordance with the statutory requirements.

14) COFFIN

No body will be accepted for interment unless it is enclosed in a coffin made of wood or similar material normally accepted by the Clerk. Details of any other type of coffin or container proposed should be given to the Clerk for approval at the time that the initial Notice of Interment is given.

15) GRAVE SPACE EXCAVATION, ETC

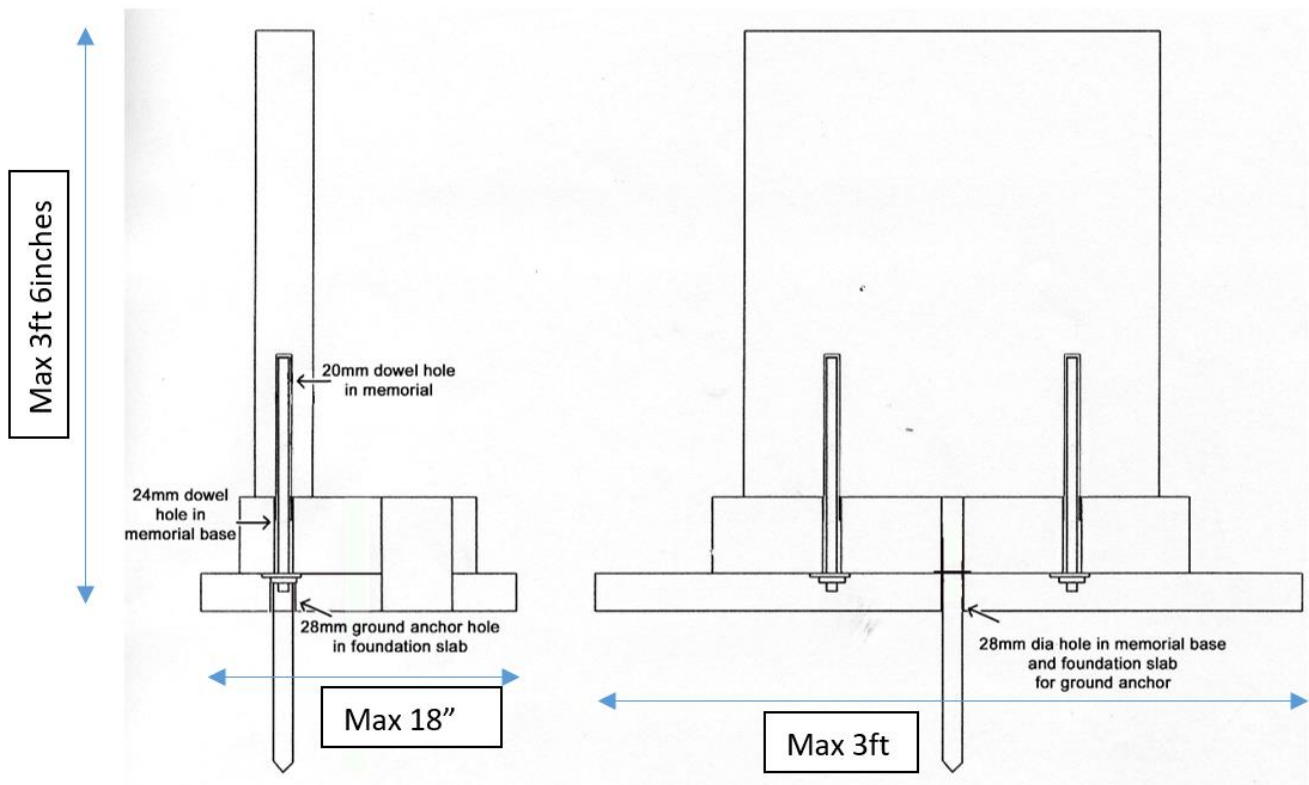
- 15.1) All work in connection with the excavation of a grave shall be the responsibility of the Undertaker (including compliance with the Health & Safety Regulations) and is subject to the satisfaction of the Clerk.
- 15.2) Burials, and the grants of exclusive rights of burial, will be allowed only in rotation.
- 15.3) The grave shall be six feet deep for double burials and four feet six inches for single burials. Where notice is given at the first interment that the grave will be required for three persons the depth shall be agreed by the Clerk.
- 15.4) When more than one body is to be interred in a grave, a layer of earth at least 6 inches thick shall be left between each coffin interred therein.
- 15.5) Subject to 14 above coffins will be allowed in graves not purchased for exclusive use, but no brick, stone or metal, apart from fittings, shall be used in or on such graves.
- 15.6) No coffin shall be buried in any unwallled grave in such a manner that any part of the coffin shall come within less than three feet of the ordinary level of the ground immediately adjacent to the grave.
- 15.7) No grave shall be raised above the level of the ground immediately adjoining the grave space after settlement.
- 15.8) Memorial Glass Vases or Glass Containers are not permitted to be used in the Cemetery.
- 15.9) The Council reserves the right to cut back or remove any tree, plant or shrub planted in the grave space.

16) MEMORIALS AND MARKERS

- 16.1) Memorials are permitted on private graves only and shall be wholly constructed in natural stone, marble or wood.
- 16.2) No memorial shall be erected or placed on a grave until the owner of the grave has been granted a right to place a memorial. The right will not be issued until the appropriate fees and charges have been paid to the Clerk and the inscription or subsequent inscriptions have been approved by the Clerk.

a) GRAVES See next page for diagram.

An ink drawing on paper (to scale, stating colours, grave space number corresponding with the register of graves and short specification of materials to be used, restricted to natural stone, marble or wood, and proposed inscription describing style of lettering and colour) shall be submitted to the Clerk for approval; and the appropriate fees paid before the erection, or undertaking of any work. Stainless Steel dowels only shall be used in connection with any stonework. The grave space number shall be placed on every memorial in half inch lettering. No memorial shall exceed three feet, six inches in height, by three feet in width, by one foot overall back to front. The concrete base of any memorial shall not exceed three feet, six inches in width by 18" and shall be so constructed that it does not protrude above the level of the surrounding ground. Kerbstones, granite chippings or other decorative aggregate are not permitted. All memorials must be fixed in accordance with the National Association of Memorial Masons Code of Working Practice.



b) **CREMATED REMAINS**

As for 16.2 a) above but no memorial shall exceed four inches in height. Memorial tablets for single plots shall be 18"x12"x4" deep at the rear tapering to 2" at the front, whilst memorial tablets for double plots shall be 18"x18"x4" deep at the rear tapering to 2" at the front. This design may include one mounted vase (excluding glass) to each memorial tablet. 2'x 2' slab.

c) The name of the monumental mason and the number of the grave space shall be displayed discreetly in lettering up to half and one inch high respectively.

16.3) Separate vases are not permitted in the grave space.

17) **ERECTION OF MEMORIAL WORK**

17.1) All work carried out in connection with memorials or markers shall be carried out under the control of the Clerk. Any memorial or marker wrongly or illegally erected or placed on a grave space shall be removed as the law permits.

17.2) The person undertaking the fixing or laying of memorials shall provide all equipment for the work. Following completion of the work, all equipment and surplus materials shall be removed without delay and the site left in a tidy condition.

17.3) An extra administration fee will be charged to a Monumental Mason if any memorial is placed or subsequently amended without an application form being submitted to the Clerk in advance, along with the appropriate fee. The extra administration fee will be the equivalent of the original fee i.e. double will be charged.

18) **DAMAGE AND LOSS**

Any person found guilty of destroying or damaging any property in the Cemetery that belongs to another or intending to destroy or damage any such property or being reckless as to whether such property would be destroyed or damaged, will be liable to prosecution under Section 4 (2) of the Criminal Damage Act 1971.

19) PRIVATE GRAVES

- 19.1) An exclusive right of burial in a grave or cremation plot will be granted for a period of 80 years from the date of the last interment.
- 19.2) A grant of exclusive right of burial will be issued to the person purchasing such right and that person will be registered in the Council's records as the owner of the grave space.
- 19.3) No assignment of the exclusive right of burial will be recognised by the Council unless a Deed of Assignment has been executed and notice thereof has been received by the Clerk of the Council.
- 19.4) When notice is given of the first interment in a private grave the person responsible for making the arrangements shall indicate whether the grave will be required for one, two or three persons.
- 19.5) No further interments other than the number specified at the first interment will be permitted in a private grave.
- 19.6) A grave space is permitted to have a maximum of 3 interments and any number of uncontained cremated remains. A cremation plot is permitted to have a maximum of 3 contained cremated remains and a single uncontained cremated remains.
- 19.7) When a private grave is to be opened the grant of exclusive right of burial or other authority of the owner for the opening shall be produced to the Clerk.

20) PUBLIC GRAVES

Consent for an interment in a public grave shall not include any right or privilege apart from the right to make a single interment in a grave taken in rotation.

21) INHABITANTS OF THE PARISH

- 21.1) For the purpose of these Regulations and the Table of Fees a person will be deemed to be an inhabitant of the Parish (residential status 1) if;
 - I) At the time of death, he/she was a resident of the Parish, or
 - II) During the five years, immediately preceding death, he or she had resided in the Parish for a continuous period of twelve months, or
 - III) Being the owner of a grave space, he or she was an inhabitant at the time of purchase.
- 21.2) Additional fees will be charged to all non-inhabitants (residential status 2) as laid down in the Table of Fees, except that when a grave is purchased by a non-inhabitant for the interment of an inhabitant, no additional fee will be charged.
- 21.3) A grave may be purchased for a non-inhabitant only if there is a traceable link to Banwell.

22) UPKEEP

The Council will keep in order all parts of the Cemetery, but the owners of graves and cremation plots shall keep all memorials in good repair. The Council reserves the right at all times to remove wreaths and flowers.

Any headstone on any grave space not kept in good order, good repair and condition by the owner, and to the satisfaction of the Council, will be removed, or otherwise dealt with at the Council's discretion. Where the name and address of the owner of the grave space affected are known to the Council, this will be done only after three months' notice of neglect or want of repair has been given to the owner.

In the case of urgent safety issues, the Council reserves the right to remove the risk promptly and will seek reimbursement later. Removal of the risk does not necessarily mean restoring a memorial to its original condition but could also include the erection of safety fencing or laying on the ground a stone deemed likely to fall.

23) NEXT OF KIN DETAILS

Following an interment, the next of kin contact details must be provided to the Clerk and these details must be kept up to date. If the next of kin details are not kept up to date, and the next of kin cannot be traced by using all reasonable means, the Council reserves the right to remove any

memorial from the relevant grave. In such circumstances the Council will not be held responsible for any damage which may occur.