

BACTON PARISH COUNCIL

CEMETERY REGULATIONS

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Bacton Parish Council seeks to present this information in simple language so that it can be understood by everyone who reads it. If you require any help to understand the contents and how the regulations affect you, then please contact the Parish Clerk for assistance. Copies of this document are also available upon request in a large type format.

REGULATIONS

1. These regulations take effect from 1 April 2025 and supersede all previous regulations in respect of the Bacton Cemetery without prejudice to anything done under those previous Regulations.
2. The regulations have been drawn up by Bacton Parish Council (referred to as 'the Council', or 'we' in the regulations) and every effort has been made to respect the rights and choices of the individual. Therefore, they have been prepared with a view to balancing:
 - i. the rights of individuals where the bereaved can pay their respects and remember their loved ones; and
 - ii. the expectations of the wider community in providing a well-managed public amenity that offers a peaceful and respectful environment.
3. The Council is the burial authority legally responsible for managing and controlling the cemetery and authorises the Parish Clerk and Warden, with its authority, to enforce the regulations.
4. Children and young persons are defined throughout this document as being 12 years and under.
5. The Council operates the Cemeteries in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.

CONDUCT IN THE CEMETERY

1. The Cemetery provides a quiet area so visitors can reflect and remember their loved ones, consequently, we request that visitors act accordingly and respect the needs of others.
2. Visitors must not stand, sit or lean on any of the headstones/memorials within the cemetery.
3. Photographers must not take photographs or film within the precincts of the cemetery during funerals except upon the express desire of the relatives concerned.

4. Children should be under the care of an adult or a responsible person.
5. Dogs are permitted in the cemetery provided they are kept on a short lead and under control. The owner is responsible for the removal of dog waste from the cemetery.
6. Cycling is not permitted in the cemetery.
7. We reserve the right to:
 - i. close or limit access to the cemetery when necessary; and
 - ii. withdraw the use of the cemetery from any person or organisation.

FEES AND INSURANCE

1. All fees for interments and headstones/memorials applications are payable in advance.
2. All cemetery fees and charges are reviewed annually and are displayed on the Bacton Parish Council website.
3. The Council requires all funeral directors, stonemasons and grave diggers to have public liability insurance and we will request evidence of this on an annual basis.
4. Updated risk assessments will be required from grave diggers on an annual basis.

EXCLUSIVE RIGHT OF BURIAL (EROB)

1. At the time of the interment you may buy an Exclusive Right of Burial to a grave for an agreed period of time. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the Deed of Grant holder).
2. Owning an EROB for a grave does not give ownership of the actual land, but does give the owner of the EROB Deed the right to:
 - i. be buried in that grave if space is available
 - ii. authorise further burials in that grave, where space is available, or the interment of cremated remains in that grave
 - iii. place a headstone/memorial on that grave, subject to the Council's permission
 - iv. have an inscription, or additional inscriptions, on a headstone/memorial on that grave, subject to the Council's permission.
3. The Exclusive Right of Burial relating to burial and cremation plots is currently for a period of 25 years and may, at any time, be extended for a further 25 years subject to the appropriate fee being paid.
4. The EROB can be purchased by joint owners, but no more than 4 owners per grave space will be allowed.
5. The Grant Holder is unable to transfer their exclusive right of burial to another grantee without the Grant Holder completing a Form of Assignment and payment of the prescribed fee.
6. If it is not found to be practicable to effect the immediate transfer of the exclusive right of burial following the death of the registered owner, the person signing the notice of

interment as owner of the right, shall thereby indemnify the Council against all claims in respect thereof.

7. If the Grant Holder dies without bequeathing their right in a will, the grave may be transferred to the name of the next of kin by submitting to the burial authority either:
 - i. Letters of administration or Grant of Probate
 - iii. Statutory Declaration by the next of kin
8. If the Grant of Probate has been issued, the ownership will be transferred to the executor(s) named in the Grant of Probate. Should the executor be a solicitor employed to administer the estate, the ownership will be temporarily registered in the name of the executor following which it will be transferred into the name of the beneficiary/ies on receipt of a Form of Assent from the Executor
9. It is the responsibility of the Grant Holder to notify us of any change of name or address
10. When the Exclusive Right of Burial period comes to an end, the Grant Holder (or their heirs or successors who have become the Grant Holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time. Any right of burial that has expired must be renewed (and backdated if necessary) before an interment or headstone/memorial can be placed on the grave.
11. Deed holders will need to apply to renew the Exclusive Right of Burial within 12 months of the previous grant finishing.
12. The Council may grant a renewed right of burial to another person if the Exclusive Right of Burial grant period has expired and the Council has not been informed of the holders intention to renew it. Before we do this we will, where possible, notify the previous owner (or their personal representative) to give them the option to renew it.
13. If the Council gives permission, the owner of an Exclusive Right of Burial may transfer it to another person if they provide satisfactory evidence of ownership. The owner must register the transfer in the Cemetery's records, have the deed of grant of Right of Burial endorsed by the Council and pay the appropriate transfer fee.
14. Before a purchased grave is reopened, the ownership for Exclusive Right of Burial must be proven.
15. A public grave is a grave in which no Exclusive Right of Burial has been granted by the Council and in which unrelated persons may be interred. No headstone/memorial rights exist for a public grave, therefore no headstone/memorial can be placed on it without the Council's consent.

ARRANGING A BURIAL

1. You can apply for a burial by contacting the Parish Clerk; you must deliver a completed interment notice to the office at least 48 hours before the interment (excluding Saturdays, Sundays and bank holidays).

2. All arrangements made by telephone must be confirmed in writing within 24 hours.
3. Interments normally take place on Mondays to Fridays between 9.30am and 3.00pm (subject to the season). Interments may be undertaken outside of these hours at the discretion of the Council and with prior approval.
4. The Council will not open a grave covered by an Exclusive Right of Burial without the written permission of the registered owner unless the burial is to be that of the registered owner; The Council will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid then a statutory declaration must be made.
5. The Council, via the Parish Clerk must receive the Registrar's Certificate for Disposal or Coroner's Order for Burial before any burial can take place.
6. The Council will require a Medical Practitioner Midwife or Nurse's certificate if the interment is for a non-viable foetus.
7. Graves will be allocated in strict rotation.
8. Our policy is to excavate graves to the maximum depth available. With regards to new graves we will initially aim to excavate them to a depth of 2m (approximately 6.6ft). This will enable the grave to accommodate two interments. The Council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments. For any oversized grave, the Council has the right to charge for two graves spaces.
9. We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. We also reserve the right to move headstones/memorials to allow access to a grave. We will return the headstones/memorials to their original positions and tidy any disturbed neighbouring graves as soon as possible after the burial.
10. All bodies presented for burial have to be in a suitable secured coffin/wrapping made of a perishable material. The coffin should bear the full name, age and date of death on it.
11. The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the Funeral Director or person arranging the funeral.
12. During a funeral (or before) we have the right to exclude those who are not mourners, or not officially connected with the funeral.
13. The Council keeps plans and records of graves which visitors may view, by appointment, during normal office hours.

HEADSTONES AND MEMORIALS

1. Signed consent to work confirms that approval for any such application is given. The applicant must not start any work until they have a signed consent form. We will give permission as long as the work undertaken fully complies with the details specified within

the Application Form, the British Register of Accredited Memorial Masons (BRAMM) or the National Association of Memorial Masons (NAMM) scheme and the requirements of these regulations.

2. The Council has the right to decline any request which they deem inappropriate for the Cemetery.
3. The Council reserves the right to refuse to allow the placing of an inscription upon any headstone/memorial if in the Council's opinion such an inscription is libellous, inaccurate, likely to cause offence to any reasonable person or body of persons or may be deemed to be out of keeping with the Cemetery.
4. You may be required to remove any work which has been undertaken on any headstone or memorials or kerb sets, and pay all the costs of removal, if these do not comply with the Cemetery Regulations.
5. All headstones/memorials must be erected in accordance with BS8415 and the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the Exclusive Right of Burial is responsible for keeping the headstone in a good and safe condition. The Parish Clerk and Warden are permitted to request removal of any headstone/memorial that becomes unsafe or is otherwise dilapidated.
6. All headstone mason companies who work within the Cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM); fixing team must contain at least one mason in possession of a BRAMM or NAMM fixers licence. At all times headstone/memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.
7. The Council require a period of 12 months for the ground to settle before headstone/memorials can be installed except in the case of an interment of cremated remains, which can be installed immediately after the burial and at the discretion of the memorial mason.
8. You may only use granite, marble, slate or other suitable material of durable and sound quality for headstone/memorial. Alternative environmentally sustainable materials may be considered taking into account the appropriateness of the overall setting and appearance of the cemetery and with prior written agreement of the Parish Clerk.
9. Only headstones and memorial stones are permitted. No kerbs, surrounds, railings, stone or other chippings, statues, sundials, bird baths, portraits, wind-chimes, windmills and the like, candles, trees, shrubs, photographs, holograms, laminated cards, seats, lights, toys, horizontal ledges or slabs, or any other thing not specifically permitted by these rules are permitted in the Cemetery. Anything placed or erected in the Cemetery which is not, and has not, been permitted will be removed by the Parish Council and disposed of, and the cost recovered from the grave owner.

10. Notwithstanding the above, in the case of the burial of an infant or child the Parish Council may allow, in its sole discretion and for an agreed period, child-like mementoes such as soft toys, windmills and the like. The family should discuss this in advance with the Parish Clerk.
11. Headstones must not exceed one metre in height above ground level, with a base not exceeding 800mm x 400mm. Headstone/memorial stones must not exceed 450mm in height above ground level, and 450mm in width. The stone must be of sufficient thickness (at least 75mm) to support its height and to withstand any reasonable force exerted upon it, and to ensure its stability. The foundation must be sunk into the ground so that its top surface is flush with or below the adjoining ground level.
12. The stonemasons grave number and an anchor symbol where a ground anchor has been fitted must be inscribed on all memorials erected in the Cemetery, on the lower right corner of the rear of the base (or other conspicuous position as approved by the Council), in characters of not less than 2.5cm (1") in height, to match the main inscription and should be visible after it is placed on the grave. This includes headstone/memorial that are removed for a second inscription or refurbishment.
13. Any person removing a headstone/memorial to permit a further interment may only do so after informing the Council. Upon reinstallation of such headstone/memorial they shall be re-fixed in accordance with BS8415 and the NAMM or BRAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate.
14. All headstones/memorials remain at the sole risk of the owners thereof and the Council is not responsible for any damage or breakage which may occur to the same; all headstones/memorials must be soundly constructed of good material and must be kept in good repair by, or for the owner, and at the expense of the owner and It is highly recommended that the owners of headstones/memorials obtain insurance including third party insurance.

MAINTENANCE

1. The grave owner is responsible for ensuring that the headstone/memorial is kept in a good and safe condition. The Parish Council will not be liable for repairing damaged or fallen headstone/memorial, nor for any damage to or loss of any memorial howsoever caused, whether from theft, vandalism, third party negligence or anything else beyond its reasonable control. Grave owners are strongly advised to obtain insurance for their memorials.
2. If the Parish Council decides that any headstone/memorial is unsafe or unsightly it will notify the grave owner requiring the defect to be rectified (If the name and/or address of the owner is not known where records have not been updated, a notice shall be considered properly served if placed upon the grave space, monument or memorial). If the repair is not carried out within 3 months in the case of an urgent repair of 9 months in the case of a lesser priority the Parish Council will carry out the repair itself and will recover the cost from the grave owner where known before the Exclusive Right of Burial is further exercised.

3. The Parish Council will remove anything which has been erected or placed on a grave without the prior approval of the Parish Council, and recover any associated costs from the grave owner.
4. It is illegal for anyone to remove, alter or disturb a monument, headstone, tombstone, flat stone, gravestone or memorial inscription which has been erected, placed or made in the Cemetery without the Council's consent.
5. If the owner or another person removes any protective banding or barriers without approved repairs being carried out they will be responsible for any injury or death caused by unsafe headstones/memorial.

TRIBUTES

1. A maximum of 4 Christmas wreaths per grave are allowed between 11th December and 31st January after which time the Parish Council will remove them unless The Council is told in writing that the family wish to arrange for their removal.
2. Tributes marking other religious festivals may be placed at any headstone/memorial for a period of 14 days, or at the end of the religious period after this period they will be cleared away and disposed of by Council staff.
3. Tributes must only be placed on the headstone/memorial stone itself; the Council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes or wreaths.
4. Clearance of flowers and wreaths is the responsibility of family members but removal may be carried out by the Council's staff on deterioration.
5. Balloons are strictly forbidden, and vases cannot be placed on or sunken into plots as these pose a threat to wildlife.

RIGHT OF APPEAL

If you are unhappy with a decision made in relation to the Bacton Cemetery, you have the right of appeal. In the first instance, put your appeal in writing to the Parish Clerk, Bacton Parish Council, Meadow View, Oak Farm Lane, Mendlesham IP14 5TE who will arrange for your appeal to be considered by a panel of three Members of the Council. You will be notified of the outcome of the appeal within a period of 21 days; any decision of the Appeal Panel.

