

# **BILLINGBOROUGH PARISH COUNCIL**

## **CEMETERY REGULATIONS**

These Regulations were last reviewed and amended at the meeting of the full Council on Tuesday 12 March 2024

Any queries regarding these regulations should be directed to the Clerk to Billingborough Parish Council.

Clerk to the Council  
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## 1. Introduction

- 1.1 These regulations apply to all burial grounds owned and/or managed by Billingborough Parish:
  - a. Birthorpe Cemetery situated on Birthorpe Road, Billingborough, Lincolnshire NG34 0QT
- 1.2 The cemetery is managed and operated in accordance with the Local Authorities' Cemeteries Order 1977 (LACO) as amended by the Local Authorities' (Amendment) Order 1986, and such other regulations as may be made by the Secretary of State for the Home Office, from time to time.
- 1.3 Birthorpe Cemetery is a place of peace and quiet reflection. It is also a workplace. Billingborough Parish Council welcomes all visitors to the cemetery, but they must respect the peace, dignity and reverence of the site, the needs of other users, and safety factors, at all times.
- 1.4 All persons entering the Cemetery do so at their own risk and the Council will not accept any liability for injuries or damage sustained, howsoever caused. This regulation does not affect your statutory rights.
- 1.5 Any person creating a nuisance or a disturbance will be required to leave the Cemetery immediately and may be the subject of subsequent legal action.

## 2. General

- 2.1 All persons entering the cemetery will be subject to the orders and control of Billingborough Parish Council or any person authorised by the Council.
- 2.2 All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the LACO Article 18 (1) No person shall:
  - a. wilfully create any disturbance in a cemetery
  - b. commit any nuisance in a cemetery
  - c. wilfully interfere with any burial taking place in a cemetery
  - d. wilfully interfere with any grave or vault any tombstone or other memorial or any flowers or plants or any such grave, or
  - e. play at any game or sport in a cemetery
- 2.3 Article 19 of the LACO states that any person who contravenes Article 18 shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction thereof.
- 2.4 No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same, within the Cemetery.
- 2.5 Children under the age of 12 years are not permitted in the cemetery except under the care and supervision of a responsible person.
- 2.6 Dogs are not permitted in the cemetery, except guide dogs, or dogs accompanying a person attending a funeral or remembrance service. Permitted dogs must be kept on a lead, and any dog fouling cleared away immediately by the dog owner.

- 2.7 Any person using a motor vehicle in the cemetery shall only do so on a carriageway suited to the purpose, except with the specific consent of the Council.
- 2.8 Respect must be given to other graves, headstones and memorials when visiting any grave.
- 2.9 All visitors to the Cemetery must keep to the footpaths or roads provided for that purpose, except whilst visiting a grave, and refrain from touching the trees, shrubs, plants or flowers.
- 2.10 The Council may exclude from the Cemetery on the occasion of a funeral, any person or persons not being mourners or officially connected with the funeral.
- 2.11 No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind, except in the litter bins provided.
- 2.12 No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior written consent of the Council.
- 2.13 No photographs may be taken in the cemetery without the prior consent of the Council and where applicable the holder of the deed of grant of Exclusive Right of Burial (ERoB).
- 2.14 No burial shall take place, no monument or memorial shall be placed, nor additional inscription made, without the prior written consent of the Council.
- 2.15 Cremated remains shall not be scattered in the cemetery.

### **3. Interments**

- 3.1 Interments may only take place in accordance with these rules and regulations.
- 3.2 A provisional booking for an interment may be made by telephone to the Clerk.
- 3.3 All applications for interments must be submitted to Billingborough Parish Council at least 3 working days prior to the appointed time of the interment.
- 3.4 The application for interment must contain full details of the deceased, the proposed interment, details of the next of kin, the grave to be used and details of the owner of the Exclusive Right of Burial, if applicable. A form can be obtained from the Clerk. Refer to Annex A.
- 3.5 The time appointed for an interment will be that at which the funeral cortege is to arrive at the entrance gate of the cemetery. The funeral director or person in charge of the funeral arriving after the appointed time must act under the direction of the Council or their authorised person as to when the funeral service may proceed.
- 3.6 The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion to officiate at the burial service (if desired) and for payment of any fee to which the Minister is entitled.
- 3.7 Any form of religious service may be used. Alternatively, the coffin may be committed without a service.
- 3.8 A certificate of disposal issued by the Register of Births and Deaths or a Coroners Order for Burial or a duplicate copy thereof must be delivered to the Council or their authorised officer before the interment takes place.

- 3.9 In the case of interment of cremated remains a certificate for burial purposes issued by the Cremation Authority will be required.
- 3.10 In the case of a non-viable fetus the Medical Practitioner's or Midwife's certificate of delivery will be required.
- 3.11 The funeral directors will arrange for all graves to be prepared. The Clerk to the Council is to be informed of the arrangements in advance, including the date when the grave is to be dug, in order to facilitate the timely marking out of the area.
- 3.12 After interment no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or Home Office licence for exhumation required by law. The original documents will be required for this purpose.
- 3.13 Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein or remove therefrom any soil that is offensive.

### **Ashes Burial**

- 3.14 Cremated remains can either be interred in a full-size grave, into an existing grave with the authorisation of the relevant EROB deed, or in an Ashes Plot. A maximum of 2 urns can be interred in each Ashes plot. A maximum of 2 urns can be interred in an existing grave with the authorisation of the relevant EROB deed. A maximum of 6 urns can be interred in a burial plot where there is no coffin, with the authorisation of the relevant EROB deed.

### **Body Burial**

- 3.15 Every body brought into the cemetery for interment shall be contained in a suitable coffin. No coffin shall be accepted unless it bears adequate particulars of the identity of the deceased person therein. A coffin may only contain one body except in the case of a mother and her baby (babies). Containers other than standard traditional coffins must have the approval of the Council prior to interment.
- 3.16a. No body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet below the level of any ground adjoining the grave provided that the Council may, where they consider the soil to be of a suitable character, permit a coffin to be placed not less than 2' (30cm) below the level of any ground adjoining the grave.

### **3.16b Due to the high water table, only one body per grave is permitted and two sets of ashes.**

- 3.17 The responsibility for providing sufficient bearers to carry the coffin reverently from the hearse to the grave whether mourners are present or not, rests with the funeral director or person arranging the funeral.

### **Grave sizes**

- 3.18 The standard size of an adult grave is 4' wide by 8' long (approximately 120cm x 244cm). Where an oversized grave is required, the Council must be notified at earliest opportunity in order for a suitable grave to be allocated. If the EROB has already been purchased and a standard adult grave is not suitable for the burial of a body, it is at the discretion of the Council to allocate another, more suitable plot.
- 3.19 The overall size of a child's grave is 3' wide by 6' long, (approx. 90cm x 180cm).

3.20 The overall size of an infant (babies and stillborn) grave is 2' wide by 4' long (approximately 60cm x 20cm).

3.21 The standard size of an ashes plot is 18" x 18" (46cm x 46cm).

## **4. Exclusive Right of Burial**

- 4.1 The Exclusive Right of Burial (ERoB) entitles the deed holder to determine who is buried in the grave and whether a memorial can be erected on the grave, subject to the payment of the relevant memorial fee and permission being granted by the Council.
- 4.2 An ERoB deed may be purchased at the time of interment on payment of the appropriate fee. A deed may also be purchased at any other time in order to reserve spaces, providing that no more than 6 spaces may be purchased by an individual within any 12-month period. No refunds will be given once an ERoB has been purchased.
- 4.3 New graves will be available for selection subject to the approval of the Council and payment of the appropriate fee. Graves will be allocated on a next available space basis at all times.
- 4.4 The 'Right' is granted for a period of 50years.
- 4.5 At the expiration of the 50-year period of the ERoB, the purchaser, heir or successor(s), will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at that time. Application should be made for renewal of the Right within 12 months of the expiry of the previous grant.
- 4.6 Where the period of Right has elapsed, and no notification of the intention to renew has been received from the person who held the right of burial, the Council may grant a renewed Right of Burial to another person. Before doing so the Council will, where possible, notify the previous owner of the Right, or their personal representative, and give option of renewal.
- 4.7 Where no interment has taken place in the grave, the deed holder may surrender the same to the Council and receive from the Council payment, as determined by the Council, to purchase such the ERoB. No refund will be made where the Right has lapsed or will lapse within ten years.
- 4.8 Any transfer of ownership of the Right will be subject to the production of satisfactory evidence of title and the approval of the Council. Such transfer must be registered in Cemetery records and the deed must be produced for endorsement by the Council and the appropriate transfer fee paid.
- 4.9 An unpurchased (common) grave is a grave in which no exclusive right of burial has been, or will be, granted by the Council and in which unrelated persons may be interred.

## **5. Memorials**

### **Application and Permission**

- 5.1 A memorial or monument may only be erected on a grave space within the Cemetery where an ERoB has been purchased in accordance with these Regulations, after submitting a memorial application, receiving a memorial permit, and upon payment of the appropriate fee.
- 5.2 The right to erect a memorial or monument rests with the ERoB deed holder, their next of kin, or executor, and will be for the unexpired portion of the of Right.
- 5.3 There is no right to erect a monument on an unpurchased (common) grave.
- 5.4 An application to place a new memorial, monument, vase on a grave or in the Cemetery, to alter or add to any inscription, or replace, add to or remove any memorial, monument, kerb set, or vase must be submitted to the Council at least 2 weeks in advance of the proposed date of erection. Any

unauthorised monument shall be removed at the expense of the grave owner or their personal representative. The application must include the:

- a. grave row and number
  - b. name of the deceased
  - c. date of death
  - d. text of any inscription to be inscribed, or any text to be altered or added to an existing monument
  - e. name, address and signature of the person making the application, who should be the stone mason or the owner of the ERoB
- 5.5. If deed holder is deceased, the applicant must sign an indemnity and state their relationship to the deceased owner; in such circumstances, the applicant should be the deed holder's nearest surviving relative or executor. If the deed holder is alive but is not making the application, the applicant must provide a written authorisation in the owner's hand confirming such application.
- 5.6 In the case of a new memorial or monument, a detailed drawing of the monument and its specification must be submitted with the application. The drawing must include:
  - a. the type, colour and finish (i.e. polished, honed, etc.) of the material to be used
  - b. all dimensions, including those of the foundation slab, which must be included in any maximum specified measurement.
  - c. the text of any inscription to be inscribed, or any text to be altered or added to any existing monument, and the method of lettering (i.e. incised, incised inlaid with lead etc)
  - d. Details of any vases to be included.
- 5.7 Council approval for any such application will be confirmed by the issue of a Memorial Permit. See example at Annex B. No work can be undertaken until the fees paid in full and the permit has been issued.
- 5.8 Any such permit is issued on the understanding that the work undertaken will fully comply with the details specified within the Application Form and the requirements of these Regulations.
- 5.9 If an existing memorial requires cleaning, repairing or levelling, no permit is required, unless the monument is to be removed from the cemetery. However, the stone mason undertaking the works, should notify the Council of the date when the works are to be carried out.
- 5.10 Anyone who erects a monument, or vase, or who undertakes any monumental work, within the Cemetery not in compliance with these Regulations may be compelled to remove the said monument or vase and pay all costs involved.
- 5.11 Billingborough Parish Council must approve all stonemasons prior to working in the Cemetery.

### **Memorial Sizes**

- 5.12 memorials on infant graves must not exceed 18" wide by 2' high, (45 x 60 cm), including any bases, plinths or vases.
- 5.13 Memorials on child graves must not exceed 2½' wide by 3' high (76cm x 90cm) including any bases, plinths and vases.
- 5.14 Only flat memorial tablets, a maximum size of 19" x 19" x 3" (48 x 48 x 7.5 cm), of a style authorised by the Council, can be placed on graves in an ashes plot. They must be laid so that they protrude no more than 3" out of the ground, and must be laid in the centre of the plot. A

borehole for a vase, flush with the tablet will be permitted. It must only be laid by a stonemason and be of a design previously agreed by the Council on a submitted memorial permit.

- 5.15. Headstones on a burial plot must not exceed 45" (115cm) in height and 30" (76cm) in width for a single grave space, and 42" (107cm) wide for a double grave space. The headstones must be a minimum of 5" (12.5cm) in depth (thickness).

### **Materials and Construction**

- 5.16 Fencing, railings kerbs and surrounds of any kind are prohibited in the cemetery.
- 5.17 All monuments must be constructed of granite, marble slate or other hard stone, which must be durable and sound.
- 5.18 Billingborough Parish Council encourages the use of natural and environmentally friendly materials, which break down naturally over a period of time without harm to the environment. Therefore, the use of wood as a memorial, such as a carving, is not discouraged.
- 5.19 Wooden crosses and grave markers will be permitted as a temporary memorial, set at the head of the grave, but the design, type and size, must have prior approval from the Council, via the submission of a permit application. Temporary is defined as being a time no longer than 18 months post burial. After this time period, a fee will become due.
- 5.20 Headstones shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze as part of the design or inscription, provided such inlay shall not reduce the main body of the headstone to less than 2" (5cm) or be raised above the surface of the headstone proper by more than ½" (1.3cm) and must be contained within the overall dimensions of the headstone. The headstone may be:
- a. sunk into the ground to a depth of 1'0" (30.5cm) and haunched front and back with concrete;
  - b. fixed to a base of the same material as the headstone.
- 5.21 All joints to memorials must be properly cemented and cramped, jaggled or dowelled. Cramps or dowels, for this purpose, should be of solid copper or heavily galvanised steel not less than three eighths of an inch in diameter. There must be at least two dowels for each dowelled joint.
- 5.22 Photographic plaques, either ceramic or other approved material, may be affixed to monuments providing they are a maximum of 4" in height by 3½" wide (10cm x 9cm).
- 5.23 Any monument erected in the Cemetery shall be inscribed with its grave number, on the reverse of the base, in characters of not less than one inch (2.5cm) in height, to match the main inscription.
- 5.24 A single trade name may be inscribed on any monument, on the righthand side of the base in characters of not more than one ½" (1.3cm) in height, to match the main inscription.
- 5.25 The surname of the deceased must be added to the centre top reverse of the headstone, in characters of not less than one inch (2.5cm) in height, to match the main inscription.
- 5.26 No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone, will be permitted in the Cemetery.



## **Installation and Removal**

- 5.27 All persons not being employees of the Council, engaged at work in the Cemetery shall comply with all directions and requirements of the Council.
- 5.28 All monuments shall be erected in accordance with the National Association of Monumental Masons' Code of Practice.
- 5.29 The Council must be informed and permission sought before the removal or relocation of any monument from or within the Cemetery.
- 5.30 All materials and equipment shall be conveyed in the Cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material shall be removed in a like manner. Mats, boards or canvas shall be used, as directed by the Council, to achieve this end.
- 5.31 All workmen employed, on behalf of the owner of the ERoB or personal representatives of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:
- 5.32 At the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.
- 5.33 Provide their own tools and equipment and complete the work with due despatch.
- 5.34 The removal and re-erection of a monument to facilitate the re-opening of a private grave, or to level such grave shall be at the expense of the grave owner or their personal representative.
- 5.35 Any monument removed from a grave to facilitate an interment shall be replaced as soon as possible, but in any case, no later than the first anniversary of the last interment.
- 5.36 Any unauthorised monument shall be removed at the expense of the grave owner, or their personal representative.
- 5.37 Any monument or memorial erected in the Cemetery remains the property and responsibility of the grave owner or their personal representative and therefore, remains in the Cemetery at the sole risk of, and must be kept in good state of repair by, the said owner or personal representative.
- 5.38 Billingborough Parish Council shall not be held responsible for any damage or breakage, which may occur to any monument or memorial through any cause whatsoever, excepting damage caused by the actions of their own staff or contractors. The Council reserves the right to:
- a. remove any monument or memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.
  - b. exclude or remove from the Cemetery any monument or memorial not executed in a workmanlike manner, or from sound materials, or which would, in the opinion of the Council disfigure the Cemetery or offend public decency.
  - c. remove any memorial or other item that is placed upon a grave in contravention of these regulations, without notice.

## 6. General Maintenance & Upkeep

- 6.1 All rubbish and waste material, including wreaths and floral tributes, which have been removed from graves, should be disposed of in the litter bin provided. Household waste or other waste material not generated in the Cemetery must be taken away and disposed of correctly.
- 6.2 A water supply is available at the Cemetery to assist with the maintenance and preparation of the graves and Cemetery only. The Council reserve the right to disconnect the water supply for maintenance, to avoid freezing or if the supply provided is abused.
- 6.3 It is the responsibility of the grave owner to keep the grave space free from weeds and in a tidy condition. In default Billingborough Parish Council reserves the right to level and turf the grave.
- 6.4 The Council reserves the right to remove from any grave space; flowers, plants, floral tributes or wreaths or other mementos which have deteriorated or become unsightly or excessive and dispose of them in such manner as they deem fit.
- 6.5 Funeral and anniversary wreaths will be disposed of after 14 days following the interment or anniversary date.
- 6.6 Christmas wreaths will be disposed of 14 days after the Christmas period (20<sup>th</sup> January).
- 6.7 Grass cutting will be carried out by Billingborough Parish Council or their contractor, at a frequency determined by weather conditions and by the Council.

## 7. Fees

- 7.1 Fees for interments and cemetery services will be determined by Billingborough Parish Council and reviewed annually. Refer to Annex C for latest fees.
- 7.2 For the purpose of the Cemetery Rules and in determining which fees will be chargeable, the following criteria will be applied:
  - a. **Resident:**
    - i. Someone whose main residence at time of death is in Billingborough, as evidenced on the Electoral Register; or
    - ii. A former resident of the Parish for at least 5 years (evidence will be required), and the Council's decision is final.
  - b. **Non-Resident:** All other persons will be regarded as a Non-Resident and as such will not be entitled to the reduced Resident rate.
- 7.3 All fees are payable in full, and in advance, to Billingborough Parish Council. Contact the Clerk to the Council for the bank account details for electronic payments



**BILLINGBOROUGH PARISH COUNCIL MEMORIAL APPLICATION FORM**

A Memorial Permit must be applied for AND approved before a Memorial or Wooden Cross is erected and the appropriate fee paid BEFORE the permit is issued.

FULL NAME OF DECEASED.....

GRAVE ROW AND LETTER .....

NAME OF APPLICANT .....

ADDRESS .....

..... EMAIL/PHONE NO .....

RELATIONSHIP TO DECEASED .....

NAME OF STONEMASON .....

ADDRESS .....

.....POST CODE .....

EMAIL/PHONE NO .....

PLEASE SKETCH BELOW THE PROPOSED MEMORIAL SHOWING DIMENSIONS, MATERIAL USED AND ANY INSCRIPTION, INCLUDING COLOUR OF STONE AND ANY INSCRIPTION THAT WILL APPEAR ON THE MEMORIAL.

PLEASE INCLUDE THE DETAILS OF ANY VASE TO BE USED.THE SURNAME OF THE DECEASED MUST BE INSCRIBED ON THE REVERSE, NEAR THE TOP, AS PER CEMETERY REGULATIONS.

FOR COUNCIL USE ONLY : AUTHORISED BY, SIGNATURE:

PRINT NAME:

INV NO

DATE PAID

REC NO

PERMIT NO

**BILLINGBOROUGH PARISH COUNCIL**

**GRANT NO:** \_\_\_\_\_

**GRANT OF EXCLUSIVE RIGHT OF BURIAL**

1. IN consideration of the sum of

	Pounds	£	Paid by
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of

(hereinafter called “the Grantee”)

BILLINGBOROUGH PARISH COUNCIL in pursuance of the powers conferred by section 214 of the local Government Act 1972 and the Local Authorities’ Cemeteries Order 1977 DO HEREBY GRANT unto the Grantee and his/her successors in title the exclusive right of burial in the grave space in Billingborough Cemetery.

ROW	GRAVE
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on the plan of that Cemetery TO HOLD the same unto the Grantee and his/her successors in title for the period of fifty years from the date hereof, for the the purpose of burial only.

2. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds

£
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GIVEN under my hand this

	day	of		(month)		(year)
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(signed)		Clerk to the Council
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