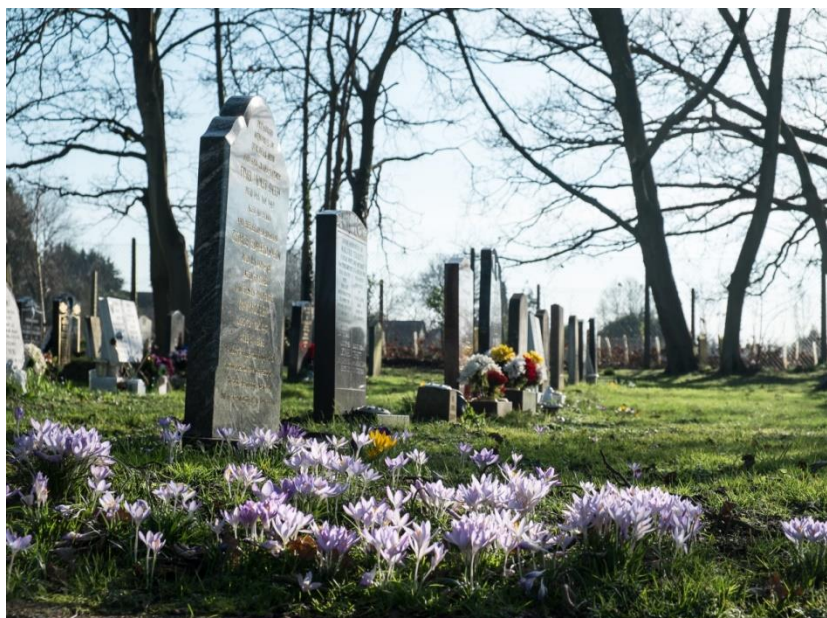




SEND PARISH COUNCIL CEMETERY REGULATIONS

SEND CEMETERY, SEND HILL GU23 7HT

Updated January 2022



Send Parish Council, 28 Send Road, Send, Woking, Surrey GU23 7ET
Tel:- 01483 479312 Email: clerk@sendparishcouncil.gov.uk

SEND CEMETERY REGULATIONS

CONTENTS

	Page No
1. Introduction - terms.....	2
2. Enquiries	2
3. Access to the Cemetery.....	3
4. Conduct in the Cemetery.....	3
5. Grant of Exclusive Right of Burial - registration.....	3
6. Grant of Exclusive Right of Burial - transfer.....	3
7. Fees and Charges.....	5
8. Selection of and Purchase of Plots.....	5
9. Burial Arrangements.....	6
10. Preparation of Plots and Interment.....	7
11. After the Burial.....	7
12. Memorials - general.....	9
13. Memorials - specifications.....	10
14. Memorials - safety.....	11
15. Garden of Remembrance	11
16. Meadow Burials.....	12
17. Memorial benches.....	12
18. Cemetery Records and Grave Searches.....	13
19. Other Cemetery Information.....	13

1. Introduction – terms

- a. Send Cemetery is managed by Send Parish Council (The Council).
- b. The Council as the burial authority has in pursuance of their General Powers of Management contained in Article 3 (1) of the Local Authorities' Cemeteries Order 1977, made the Cemetery Rules and Regulations.
- c. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

2. Enquiries

- a. All interment bookings and general enquiries regarding the Cemetery should be directed to:
Send Parish Council, 28 Send Road, Send, Woking, Surrey GU23 7ET. Tel: 01483 479312
Email: clerk@sendparishcouncil.gov.uk

3. Access to the Cemetery

- a. The Cemetery is open to the public every day at all reasonable times unless otherwise indicated by notices placed at the entrances.
- b. The Council may temporarily close the whole or any part of the Cemetery for safety reasons such as ice or other hazardous conditions or if in the opinion of the Council, the closure is desirable.

4. Conduct in the Cemetery

- a. Send Cemetery is a place of quiet reflection and remembrance. The Council is committed to looking after the Cemetery for the benefit of all users whilst ensuring that it is safe and well-maintained.
- b. Children under 14 years will not be allowed in the Cemetery unless accompanied by an adult
- c. Any person causing a nuisance or a disturbance, or wilfully destroys or damages a grave, memorial or property in the Cemetery is liable to legal action
- d. Dogs are not allowed in the Cemetery except guide dogs or recognised assistance dogs.
- e. No vehicles are allowed in the cemetery except for those belonging to funeral directors, contractors, stone masons or for those who have mobility issues. In an exceptional circumstance an arrangement will need to be made with the Council.
- f. No consumption of alcohol or drugs may take place, and anybody under the effects of such substances will not be allowed in the Cemetery.
- g. We would respectfully request that smoking is restricted to outside of the Cemetery boundary.
- h. Photography and filming for commercial purposes are only allowed with prior consent of the Council.
- i. Any person who contravenes these regulations may be required to leave the Cemetery and may be excluded for a period of time as the Council determines.

5. Grant of Exclusive Right of Burial - registration

- a. An Exclusive Right of Burial is where someone purchases the rights to a particular grave plot.

- b. The Right of Burial is for 50 years and is in the form of a deed. The deed is for the plot, not the land, ownership of which remains the property of the Council.
- c. The rights to a grave can be purchased by joint Grant Holders (maximum of 4) particularly if it is a double grave or ashes are to be interred in the grave. The Grant owner has the right to be buried in the plot or to say who can be buried in the plot.
- d. The Grant Holder(s) will be issued with a Grant of Exclusive Right of Burial Deed from the Council and have their details entered into a register that will be maintained for this purpose by the Council. This is an important document and should be kept in a safe place as it will be required to be produced at the time of a burial or in support of an application for the erection of a memorial.
- e. When the registered owner of a 'right of burial' dies, the person organising the burial must provide satisfactory proof of title, usually a copy of the deed that was issued when the right of burial was purchased. At the time of arranging the funeral or following the burial of a sole Grant Holder, it is recommended that the deed be transferred to another family member who will be responsible for the grave.
- f. It is the responsibility of the Grant Holder(s) to notify the Council of any subsequent change of name or address so that the owner can be contacted regarding a repair of a memorial or for the deed renewal.
- g. At the end of the 50year period the Grant Holder(s) will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at the time and upon payment of the appropriate fee. Any application for renewal should be made within 12 months of the expiry of the previous Right.
- h. If no burial takes place during the purchase period (50 years) and the Council has not received a request for a renewal from the owner of the Right of Burial, then the Council may grant a renewed right of burial to another person. Every reasonable effort will be made to notify the previous owner of the right or their personal representative to give the option of renewal first.
- i. The owner of a Right of Burial can also give up their right to the Council before the 50 years is up. The Council will determine any payments that may be due. Upon the expiry of the grave deed the ownership of the grave space will revert back to the Council if the family or owner of the Exclusive Right of Burial has expressed no desire to extend the grant period. However, families will have the option of extending this grant for a further period of time with an additional payment of a fee.
- j. The Grant Holder(s) may apply for permission for a memorial to be placed on the grave (All Grant Holders will need to sign the form of application).

6. Grant of Exclusive Right of Burial - transfer

- a. The grave owner (whilst living) may transfer the Exclusive Right of Burial in a grave space, subject to the proper notice of such transfer being given to the Council and payment of the fee. The appropriate transfer form can be obtained from the Parish Clerk and will need to be completed by both parties before being signed and witnessed.
- b. No grave in which the Exclusive Right of Burial has been purchased shall be opened without the signature of the owner or his/her next of kin or assignees.
- c. If the Grant Holder is deceased the Exclusive Right of Burial must be transferred before any burial (other than that of the Grant Holder) or a memorial application can be approved.
- d. In the event of the death of the original Grave Holder, the person claiming the ownership rights must first obtain a Grant of Probate or Letters of Administration from a Magistrates Court before formal transfer of ownership with the Council can be arranged.
- e. If there is no legal document (Will/Grant of Probate/Letters of Administration), the Parish Clerk will help the members of the family entitled, to legally transfer the Grant. This may be using a Statutory Declaration which can be witnessed by a solicitor or at a Magistrate's Court. Any transfer will be for the period of years remaining on the original Grant.

7. Fees and Charges

- a. The Parish Council will determine a scale of fees and charges annually with effect from 1st April each year. The Council reserves the right to revise these fees and charges at any time. Copies of the fees and services are available to view on the Council's website www.sendparishcouncil.gov.uk or by contacting the Parish Office.
- b. Residents of the Parish may qualify for reduced fees compared to Non-residents (proof of residency may be required). A resident is defined as somebody who lived in the Parish prior to death. Residents who have moved to a care home, having previously lived in the village, will also qualify for the reduced fees.
- c. All fees and charges must be paid in advance to the Parish Clerk except where there is an agreement in place with the Council.

8. Selection and Purchase of Burial Plots

- a. Grave spaces and cremated ashes plots can be purchased by contacting the Parish Clerk. The Council will allow purchases prior to the interment and payment should be made at the time. An Exclusive Right of Burial will then be issued as proof of ownership.

- b. Grave spaces are sold in rotation. The selection of grave spaces and ashes plots shall be at the final discretion of the Council, but the wishes of applicants will be met wherever possible.
- c. The types of plots available are single or double (side by side) lawn graves, single children's graves (under 16 years), meadow graves single or double (side by side) and cremated ashes plots (double or triple depth) Ashes may also be interred in a full grave plot (up to 6 sets subject to permission being given to the Grant Holder. A map of the plot should be provided showing the location of the sets). Alternatively, ashes may be buried in the Remembrance Garden or Meadow areas (these plots do not require a Grant of Exclusive Right of Burial).

9. Burial Arrangements

- a. A provisional booking for a funeral may be made by telephone or email to the Council Office.
- b. The provisional booking should be followed up by the submission of a completed Notice of Interment to the Council Office at least 4 working days in advance of the intended date and time of the interment. Receipt of the fully and correctly completed Notice of Interment will act as confirmation of the provisional booking. In exceptional circumstances 24 hours' notice will be permitted at the discretion of the Council e.g. when a burial has to take place in accordance with religious practice.
- c. For interment in a new grave the purchaser must sign the Notice of Interment and complete a Grant of Exclusive Right of Burial Purchase Agreement. For interment in an existing grave the Grant Holder must sign the Notice of Interment, except where the interment is that of the Grant Holder.
- d. Interments will normally only be permitted Monday to Friday (excluding Bank or other Public Holidays): 9am-2.30pm November-February; 9am-3.30pm March-October. It may be possible to arrange interments outside of these times e.g. if religious practices predetermine a specific timeframe - the Council is to be contacted if a time outside of the permitted hours is required.
- e. As much information relating to the interment as possible must be given to the Council in advance, especially if it is unusual e.g. large number of mourners expected, music or processions. It is the responsibility of the person making the interment arrangements to ensure that any memorial on the grave is removed from it at least 4 working days prior to the date and time of the interment. Receipt of the Notice of Interment shall be considered approval for any such removal.
- f. It is the responsibility of the person making the interment arrangements to organise a Minister or Officiant for the interment if one is required.

- g. The Council will determine the appropriate fees to be paid for the interment, which must be paid fully in advance. Fees are non-refundable once the booking is confirmed.
- h. A certificate for disposal given by the Registrar of Births and Deaths (commonly known as the 'green form') or Cremation Certificate, or an order of the Coroner must be delivered to the Council Offices at least 2 working days in advance of the intended date and time of the interment. In exceptional circumstances at the discretion of the Council a cremation certificate can be delivered to the Council Office on the day of burial. Note: All burial forms will be accepted scanned by email in exceptional circumstances e.g. during a Pandemic.
- i. The Council reserves the right to delay an interment in a new grave or reopening of an existing grave (including on the day of the interment) if weather or ground conditions make it unsafe to either dig the grave or hold the burial ceremony. The Council reserves the right to offer an alternative grave space.

10. Preparation of Plots and Interment

- a. All graves will be excavated and prepared for interment by a Council approved contractor employed by the funeral director. Ashes plots may also be prepared by a minister, funeral director or Council employee provided this is approved by the Council. No other person or company will be allowed to undertake any excavation within the Cemetery.
- b. The remains of a deceased person will not be accepted unless they are enclosed within a coffin (biodegradable), casket or container of a style approved by the Council. Shroud burials will be allowed at the discretion of the Council. The scattering of ashes is permitted in designated areas.
- c. The exact size of the coffin, casket or container must be given in writing to the funeral director who employs the grave digger and made available to the Council if required as soon as possible after the provisional booking, including maximum exterior length, width and depth together with any other information relating to its size and shape (e.g. locking bar handles, casket shape, wicker coffin etc.) in order to determine the dimensions of the grave to be excavated.
- d. The depth of each grave will be determined by the Council in accordance with the requirements of the Local Authorities Cemeteries Order 1977. Grave diggers/contractors may be required to sign a form to confirm that they have dug a plot to the correct depth.

11. After the Burial

- a. Backfilling of a grave will usually be undertaken by the appointed contractors. This will begin only after the mourners have made their way out of the cemetery. Backfilling of an ashes plot

can be by a minister, funeral director or family member at the time of the interment at the discretion of the Council.

- b. Graves are to be left slightly mounded to allow for settlement and flowers and tributes should be placed on the grave by the funeral arranger once backfilling is completed.
- c. Following the interment, the Council will level the grave and either re-turf or make good with topsoil and seed it as appropriate to the season. This will usually happen within 6-12 months of the interment to ensure the ground remains flat for maintenance. Graves of the Muslim faith will be allowed a slight mound which will be grassed.
- d. A burial plot may be covered with floral tributes only for a period of 6 months after the funeral, together with the provision of a temporary cross, or similar. It is requested that Exclusive Right of Burial grant holders remove any wilted wreaths or flowers that were placed on a grave after a funeral. Wilted floral tributes may be removed by the Council if deemed necessary. After this period the grave will need to be levelled and grassed and all tributes removed. The owner will be contacted by the Council if tributes need to be cleared.
- e. Fences or other boundaries of any height or form may not be erected and no permanent planting in any form or artificial grass is permitted on burial plots.
- f. Flowers are permitted in two fixed flower holders on the memorial stone only.
- g. Whilst the Council appreciates that it may be comforting to place personal tributes or ornaments on the graves/ashes' plots, please bear in mind that these do prevent essential maintenance and contracted staff will not be able to cut the grass properly if access is restricted. The Council and its contractors do not accept any responsibility for damage to any items left on a grave/ashes plot.
- h. Any personal items may only be placed on the base of the memorial stone on a grave. Any items left beside the stone will be moved onto the base, if there is room, or removed. Graves without a headstone may have one plant trough or two small pots at the head of the plot. The following items are not permitted: additional vases, plastic items including plastic windmills and balloons, solar lights and bottles; naked flames including lit candles; lanterns on hooks; food and drink. The Council reserves the right to remove the items for safety or maintenance reasons.
- i. Any personal items may only be placed on the memorial stone on an ashes plot. Any items left beside the stone will be moved onto the stone, if there is room, or removed.

- j. Slug pellets and other pesticides including herbicides such as glyphosate are strictly forbidden due to the danger they present to wildlife. The use of any petrol-powered trimmers or other tools is not permitted, other than by the Council's staff or appointed contractors.
- k. The Council reserves the right to remove any items which breach the regulations or which interfere with the maintenance of the site. The Parish Council will also remove any natural or artificial floral or other items if they are deemed to have perished, weathered or become an eyesore. This is to include memorabilia such as deteriorated and discoloured soft toys and Christmas wreaths. Christmas wreaths will be removed and disposed of if they are still present at 01 February.
- l. The Council reserves the right to plant trees or install benches and bins in any cemetery area.
- m. Future purchasers of graves by the Grant owner or family members may not be allowed if a current plot is not maintained in line with the regulations.

12. Memorials - general

- a. There is no obligation to erect a memorial on a grave or ashes plot and the Council does not appoint or nominate contractors to provide or erect memorials.
- b. The right to erect a memorial, rests with the Exclusive Right of Burial deed holder. Before any memorial may be erected or works undertaken to an existing memorial, including reinstatement following interment, an application must be submitted to the Council on the appropriate form and the fee paid. A memorial can only be installed once the plot has been levelled and grassed/seeded and all tributes have been removed.
- c. The name address and signature of the person placing the order for the memorial work to be undertaken must be the owner of the Exclusive Right of Burial. No other signature will be accepted. If the Grant Holder is deceased the Exclusive Right of Burial must be transferred before the memorial application can be approved. On approval by the Council permission will be granted to the responsible Memorial Mason, who will only undertake works at a time agreed with the Council in advance.
- d. Temporary timber crosses (no larger than current memorials) or other temporary markers may be installed immediately following interment. Any such temporary markers must then be removed within 12 months of the interment or prior to the installation of a permanent memorial (grave and ashes plots). If not removed, the Council reserve the right to remove and dispose of them.
- e. Memorial work at the cemetery will only be permitted during working hours.

- f. Memorials may be erected if there are no remains interred in the grave/ashes plot only under exceptional circumstances and at the discretion of the Council.
- g. Memorial Masons must be properly insured before undertaking work in the cemetery. They must be an accredited member of the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM).
- h. Any memorial erected on a grave or ashes plot must be kept in good order, repair and condition by the owner.
- i. Any memorial in contravention of these regulations may be removed and the cost of removal charged to the person who erected it.

13. Memorials - specifications

- a. The design of the headstone and lettering must be submitted not less than 30 working days (normally by the Stonemason) to the Clerk of the Council for approval before it is commissioned.
- b. The memorial stone on a grave should not exceed 900 mm high, 750mm wide and 300mm deep, with a small base with a maximum of two vases. Kerbstones are not permitted. The foundation of the memorial must be using the appropriate ground anchor fixing in concrete.
- c. The name of the memorial mason may be inscribed at the rear on the bottom left-hand side of the memorial and the grave space number should be visible at the rear on the bottom right for grave identification purposes.
- d. A memorial stone on an ashes plot should be 340 mm by 230 mm with a vase inset flush with the ground in the old cemetery area. No ornamental stones or trays are permitted. A memorial stone on an ashes plot should be 450mm by 450mm with a vase inset flush with the ground in the new cemetery area.
- e. Inscriptions will be required to give the full name of the deceased. Nicknames can be added.
- f. The Council reserves the right to request the translation of a foreign language or religious text.
- g. The following memorial designs will be permitted in the graves in the cemetery:-
 - Small photo plaque of the deceased
 - A design or picture (no bright colours) that reflects the identity of the person and which covers no more than 50% of the memorial
 - A shape of stone which is in keeping with current memorials

- h. The Council reserves the right to reject an application for any memorial that it deems unsuitable or the inscription is considered offensive.
- i. Memorial Masons must remove all arisings from the Cemeteries at the conclusion of their work, and must leave the area in a tidy condition. Memorials must be removed from the site by the memorial mason appointed prior to a grave (reopened) being excavated.
- j. Permanent memorials must be able to bear continuous exposure to the weather and must be made of durable natural stone.

14. Memorials - safety

- a. Only Memorial and Stone Masons registered with and compliant with the standards of BRAMM or NAMM are allowed to erect memorials within the cemetery. This includes memorials being reinstated following removal for interment or changes.
- b. All memorials are erected at the sole responsibility of the Grant Holder and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred. The memorial remains the responsibility of the Grant Holder during the lease period of the grave. The Council reserves the right to make safe any memorial which becomes unsafe or falls into disrepair, and to recover any expenses from the registered owner.
- c. The Council will undertake routine safety checks on all memorials, and will notify the Grant Holder at the last registered address of any necessary works to make the memorial safe. The Grant Holder will be given a period of 28 days from the date of the letter to contact the Council and arrange the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose an immediate danger until such works are completed. This may require the lying flat of a memorial. If the Grant Holder does not arrange for the repair, the Council may repair or remove the memorial at the owner's expense. The Council strongly advises owners to take appropriate insurance cover against accidental damage or vandalism. A reputable memorial mason should be able to advise on this matter.
- d. Memorials will not be permitted to be erected within 6 months of any interment due to possible ground movement.

15. Garden of Remembrance

- a. Families can commemorate a loved one by placing a memorial plaque in the Garden of Remembrance or they may scatter the ashes in the plot and install a plaque and /or a designated plant on the plot as approved by the Council. The plaque may remain on the plot for 10 years following the scattering of ashes or after that at the discretion of the Council. An Exclusive Right of Burial is not required to purchase a plot.

16. Meadow Burials

- a. For those who wish to have a natural burial, the cemetery has a meadow area designated for this purpose. This area is to remain as natural as possible and is maintained to ensure full access, whilst maintaining the wild nature of the site and will not be treated or managed as a garden.
- b. The following regulations apply for burials in the Meadow area:
 - Biodegradable coffins/or shroud made with natural materials are to be used
 - The deceased must not be embalmed except in exceptional circumstances such as repatriation
 - The undergrowth is not to be cleared or soil or additional materials brought to the site
 - Planting is not generally permitted (as this is an open meadow area) unless there are special circumstances and at the discretion of the Council.
 - There will be no permanent signs or features to mark the plot (the Council will install GPS markers and have a map to show where plots are located)
 - No plastic coverings or artificial flowers/ribbons are allowed on the plot
 - Flowers can be left entirely in their natural state and not include vases or wrappers
- c. Ashes may be scattered in the designated wildlife area for ashes only on payment of the appropriate fee. There will be no markers or plaques installed in this area. Planting is not generally permitted unless there are special circumstances and at the discretion of the Council.

17. Memorial Benches

- a. The Council may accept the donation of a memorial bench. However, the type and quality of the bench must be approved.
- b. Specifications for benches/seats:
 - The bench/seat is not to be placed closer than 14 metres to existing benches
 - The construction of the seat is to be galvanised metal or hardwood timber.
 - The seat is to be anchored to the ground, and provided with a base of paving slabs.
- c. Details of the proposed seat construction, location and installation are to be submitted in an application form to the Council. No work can commence until approval has been granted.
- d. No permanent planting or ornaments are allowed around a bench. A maximum of two pots on the hardstanding are permitted which must be maintained. Additional items will be removed.
- e. The Applicant will be responsible for the maintenance of the seat. However, if the seat is considered unacceptably dirty or dangerous, the Council will write to the Applicant advising that remedial measures are required. If the seat is still considered to be unacceptably dirty or dangerous after two months, the Council will arrange for the removal of the seat.

18. Cemetery Records and Grave Searches

- a. Plans of the cemetery showing the various sections and individual graves spaces, and Burial Registers are held by the Council at the Parish Office and are available for inspection by contacting the Clerk. There is no charge for this service.
- b. The Council maintains the statutory burial records for the Cemetery and is happy to receive enquiries from the public wishing to locate the burial place of their relatives. There is also an on line Grave Searcher on the Council's website: www.sendparishcouncil.gov.uk

19. Other Cemetery Information

- a. Maintenance - General grass cutting and maintenance work will be carried out at a frequency determined by the Council, subject to weather conditions. Grass cutting may differ in areas identified by the Council as conservation/wildlife zones.
- b. Refunds - Refunds will be at the price paid minus 10% of that price (as an administration fee).
- c. Exhumation – No deceased person or cremated remains can be removed from the cemetery by exhumation before the Council has received the necessary faculty or license required by law. The fee will be priced on application.
- d. Visitors - All persons visiting the cemetery do so at their own risk, and the Council shall not be liable (except in respect of personal injury or the death of any person caused by the Council's neglect) for any injury or damage sustained, regardless of the form of action, whether in contract, tort (including negligence or breach of statutory duty) strict liability or otherwise.