



Harbury Parish Council



Harbury Cemetery

Rules & Regulations

The Regulations

Introduction

Harbury Parish Council as the statutory body responsible for the maintenance and management of the cemetery, seeks to provide a respectful, appropriate and safe facility for Harbury residents. These rules and regulations are necessary to achieve this so please follow them accordingly.

SECTION 1

Members of the public

- 1) The council will undertake the management of the cemetery; this will include the maintenance of all grassed areas, flower, shrub and trees etc. No person or persons other than the council and persons acting under their authority shall have any right to take or to prohibit any action in relation to the cemetery or to any grave or grave space except insofar as he/she or they may possess such right by law, by virtue of any deed of grant or agreement made by or with the council or under the provisions of the council's regulations for the time being in force relating to the cemetery.
- 2) The council reserves the right to alter or discontinue its management and maintenance of the cemetery as it may think fit from time to time.
- 3) The council reserves the right to decline, at its absolute discretion, to grant "Exclusive Rights of Burial" whenever it may think it proper to do so.
- 4) The council reserves the right, after reasonable notice to the persons concerned and failure on their part to take any action, to remove or alter any works or other things that may be infringements of these regulations, which present a potential health and safety hazard, or which may, in its opinion, be in a state of disrepair or unsightly.
- 5) The scattering of remains anywhere in the cemetery is strictly forbidden
- 6) The council reserves the right to exclude the public or any person or persons from the cemetery whenever it may consider this to be reasonable and proper.
- 7) The council will exercise proper care in its maintenance operations but will not accept responsibility for any damage that these operations may cause.
- 8) No article other than floral tributes shall be placed on a grave without consulting the cemetery manager and gaining the permission of the council.
- 9) The placing of flower vases or artefacts within the grave area is only permitted during the first 12 months following an interment. After this time, all such items must be located on the memorial foundation area only. The council reserves the right to remove and dispose of (at its discretion) any items placed on the turf that prevent or interfere with the maintenance of the grave.

- 10) Articles (excluding floral tributes) placed upon graves shall not be removed from the cemetery without consulting the manager and gaining the permission of the council.
- 11) Any memorial has to be approved by the manager and no additions to a memorial are allowed without written permission from the council.
- 12) The turf on a grave or in any other area of the cemetery shall not be cut or interfered with by any person.
- 13) The planting of trees, shrubs, plants, flowers, bulbs etc. or the placing of fencing or similar in or around any grave or in any part of the cemetery is not permitted and the council reserves the right to cut down and/or remove such items.
- 14) The placing of candles, electronic, solar or any other powered lighting devices within the cemetery is not permitted.
- 15) The placing of any metal, wooden or plastic stakes anywhere within the cemetery is not permitted.
- 16) The placing or attaching any item to trees, shrubs, fences etc. anywhere within the cemetery is not permitted.
- 17) Shrubs, plants, flowers etc. shall not be taken out of the cemetery without consulting the Manager and gaining the permission of the council.
- 18) All dead flowers, wreaths, litter and rubbish shall be conveyed to the nearest receptacle provided for that purpose.
- 19) The playing of radios, music or any musical instruments in the grounds of the cemetery shall not be allowed without consulting the manager and gaining the permission of the council.
- 20) Children under the age of ten years of age shall not be allowed in the cemetery unless under the supervision and control of a responsible adult.
- 21) Dogs shall not be allowed on the grounds of the cemetery except on a lead and under control at all times.
- 22) Visitors shall not prevent the council's staff from carrying out their duties nor employ them to carry out work within the grounds of the cemetery.
- 23) Gratuities shall not be given to staff.
- 24) Where the council removes any item, memorial or any other object to ensure compliance with regulations, the council will not be responsible for its safe keeping nor, if as a result of its actions, any damage occurs to the item removed.

- 25) Where appropriate and after an initial period of grieving, the council may ask for the number of objects/artefacts to be reduced to a manageable level to aid mowing and to facilitate the overall tidiness of the cemetery.
- 26) Additional benches within the cemetery are not allowed due to the lack of suitable space.
- 27) No person shall distribute any tract, business card, advertisement or literature of any kind within the grounds of the cemetery.
- 28) No person shall do anything that is likely to cause offence to any other person lawfully using the cemetery.
- 29) The council may from time to time make alterations in the foregoing rules and regulations without prior notice. All visitors will be subject to these rules and regulations and any others that may be made by the council, or any other authority, and subject also to any present or future statutory regulations.
- 30) Any rules and regulations previously in force in respect of the cemetery are hereby superseded.

SECTION 2

Memorials

The following regulations cover all the cemeteries under the control of the council.

1. Application for permit to place memorial on grave

A permit application form shall be completed, duly signed by the grave owner, and submitted to the cemetery manager for approval. If the grave owner is deceased, a transfer of the Exclusive Right of Burial will be required before the application will be approved. The only exception to this regulation is as follows:-

If the proposed work is as a result of the grave owner's interment, the form must be signed by a duly authorised person.

In the case of a new memorial the application form must contain the following minimum information:-

- a) Detailed drawing of memorial and its headstone.
- b) Position of flower vases
- c) Materials to be used
- d) Full dimensions (showing height, width and depth)
- e) Dimensions and position of ceramic photographs (if applicable)
- f) Proposed inscription in full
- g) Foundations
- h) Other as required

In the case of second or subsequent inscription or refurbishment etc., the application form must contain the following:-

- a) Inscription to be added
- b) Full details of proposed work
- c) Full details/sizes of additional materials to be used
- d) Foundations
- e) Other as required

2. Approval and issue of permit

If the manager has approved the application and the necessary fee has been paid (where applicable) written permission will be issued to the memorial mason.

A memorial mason will not be allowed to erect, remove, carry out any repairs or re-inscribe any memorial without an application form being submitted and written permission issued by the manager. A memorial shall not be erected or placed on the grave without the location being verified by an authorised officer of the council.

3. Hours of Working

At least 24 hours notice shall be given to the manager before any works are commenced on site. A memorial mason will be permitted to work in the cemetery between the following hours only:-

Monday to Friday 9.00 am – 5 pm

Work will not be allowed on Saturdays, Sundays and any day set apart as a Bank Holiday.

4. Memorial Masons - Qualifications

No works are permitted to be carried out on any grave space except by a monumental mason who is accredited to the ***British Register of Approved Monumental Masons (BRAMM)***.

5. Fixing

All memorials (including those being re-fixed after a burial has taken place, and those found to be unsafe after memorial testing has taken place) are to be fixed in line with the ***National Association of Memorial Masons (NAMM)*** approved current standard and code of safe working practice. All costs for this work must be met by the person to whom a permit to place the memorial was given or his/her heir.

6. Removal of Surplus Material

Memorial masons shall remove, to a place directed by the manager, all surplus earth or debris as a result of any work being carried out and leave the site in a clean and tidy condition.

7. Removal of Memorials

Any memorial, or any part of a memorial, removed prior to the opening of a grave shall be removed at the risk of the memorial mason and the grave owner, the council will not accept responsibility for its temporary storage, loss or damage whilst stored in the cemetery.

8. Unauthorised Memorials

The council may effect the removal of any memorial that has been placed within the cemetery without the required permission; any memorial that is not as approved on the memorial application form, or any memorial which, in the opinion of the manager, has become dangerous or unsightly.

If, as a result of memorial mason's work regarding the placement, removal or repairs to a memorial, the council incurs any costs, the council shall recover the costs incurred as a result of remedial work carried out by them from the memorial mason concerned.

9. Damage

Any damage caused to memorials on any grave as a result of work within the cemetery by a memorial mason will be made good or replaced to the standard specified by the grave owner or

the manager, whichever is appropriate. Replacements or repairs will be at the expense of the memorial mason and must be completed within 20 working days. If the memorial has not been made good in that time, the council will carry out the repairs and re-charge the memorial mason for all costs incurred.

Any damage to roads, turf, planted materials or any other items or area within the cemetery as a result of the memorial mason carrying out his work, will either be repaired or replaced to the standard specified by the manager and at the expense of the memorial mason. The repairs or replacement may be carried out by the memorial mason, but if the work has not been completed within 20 working days the council will carry out the repairs/replacement and re-charge the memorial mason for all costs incurred.

10. Insurance

Memorial masons shall satisfy the council that they possess adequate insurance to cover damage to materials and/or memorials.

Memorial masons shall satisfy the council that they have a valid public liability cover of £5,000,000 minimum.

11. Health and Safety

All work carried out by the memorial mason whilst in the cemetery shall comply with all provisions of the Health and Safety at Work Act 1974 or amendments thereto.

12. Breach of Regulations

On a breach of these regulations, depending on severity, which shall be at the discretion of the manager, the manager shall implement the default procedure, which is as follows:-

In any 12 month period:

- a) On the first breach of the regulations, the memorial mason shall receive a written warning;
- b) On the second breach of the regulations, the memorial mason may be suspended from operating within the council's cemetery for a limited period of time;
- c) On the third breach of the regulations, the memorial mason may be suspended from operating within the council's cemetery indefinitely.

13. Memorial Safety Testing

All memorials shall be subject to periodic testing. This is currently carried out every 5 years as recommended by the Health and Safety Executive. Any memorials failing a safety test will be made safe by Harbury Parish Council. This may include being sunk into the ground vertically, laid flat, or cordoned off. The grave owner or his/her representatives are responsible for authorising, and covering the cost of, suitable repairs to be undertaken by an approved BRAMM accredited monumental mason.

Should it be necessary for any memorial to be removed from site due to it being a danger or where no person has come forward to arrange repairs after a reasonable time period, the council may carry out any such removal in accordance with the provisions of Section 3(1) of the Local Authorities Cemeteries Order 1977. Such provisions include the requirement for the council to display a notice in conspicuous positions at the entrance to the cemetery, publish the notice in two successive weeks in a local newspaper, and consider any objections made to the proposals. Please also see the council's 'Memorial Safety Policy', which contains full details of the inspection process.

SECTION 3

Memorial Regulations

General Requirements

1. Memorials, and/or any other objects removed by the manager on the occasion of re-opening of a grave, shall be moved and replaced at the risk of the owner.
2. No hewing or dressing of memorials shall be permitted within the cemetery and all materials shall be conveyed into the grounds in such a manner as will avoid annoyance to persons or damage to grounds, paths, planted areas and other memorials etc.
3. All memorials shall be kept in good repair by their owners and, if they are not kept in good repair, may be repaired by the council at its discretion and the owner will be responsible for all costs incurred by the council in carrying out such work.
4. Where it appears that a memorial is in a state of disrepair and, in the opinion of the manager, it is not possible or financially viable for the memorial to be repaired, the memorial shall be dismantled and placed within the grave and turfed over.
5. The manager shall determine the positioning of all memorials and graves.

Appendix A Guidance Notes for Grave Owners Concerning ‘Exclusive Right of Burial’

Owing to the limited number of available burial plots in Harbury Cemetery, the parish council has resolved that with effect from 23 September 2021, it will no longer be permissible to purchase the Exclusive Right of Burial in advance in order to reserve a plot except where a person's partner has just died and they wish to purchase the right to burial for themselves, in an adjacent plot to their partner's grave. No other exceptions will be made. Applicants will be offered the next available plot in the burial ground at the discretion of the cemetery manager. Any purchase of the Exclusive Right to Burial made prior to 23 September 2021 is not affected by this resolution.

The ownership of a Grant of Exclusive Right of Burial within a grave not only conveys certain rights upon the owner but also imposes a number of requirements and responsibilities.

The following guidance notes briefly describe your rights and responsibilities. If you require clarification on any of the information provided, or you require any further information relating to cemetery matters, please do not hesitate to contact the cemetery manager or the clerk to Harbury Parish Council who will be more than happy to assist you.

Burial Rights

The grant is in the form of a written document (Grave Deed) which is issued by the council on payment of the appropriate fee. The grant conveys the right for a single burial only in the grave space. The period for which any rights apply is stated on the document. During this period, the person registered with the council as being the owner of the grant has the sole right to decide who may be interred within the grave. At the end of the stated period, unless the owner has renewed the grant, all rights cease to exist.

Please Note:

The grant does not convey any ownership of the land itself, as this will remain in the ownership of Harbury Parish Council.

Memorial Rights

The Exclusive Right of Burial includes the right to have a memorial (which must be approved by the manager/council) installed on the grave plot.

Grant owners are required to apply for permission if they wish to have a memorial erected upon a grave. Normally, the application will be completed and submitted to the manager, on behalf of the grant owner, by the funeral director or memorial stonemason contracted by the owner to carry out the work.

There are restrictions upon the design of a memorial, the material used in its construction and the method used for fixing, i.e. NAMM guidelines (details of which can be obtained from local memorial stonemasons). Considerations will also have to be given to the potential for causing offence to other cemetery visitors.

In all cases the owner of the grant will be required to get permission for any inscription, any additional inscription or any refurbishment works carried out to the memorial placed on the grave.

Please Note:

Memorials placed on graves which have not been authorised, do not comply with memorial regulations or where a memorial is considered to be a danger to other visitors, will be removed by the council.

Assignment of Grant

At the time of interment or purchase, the grant will be registered with the council in the name of the person given on the application form. Where the original owner of the grave rights has died and the person holding the deed document has inherited the estate of the deceased, the possessor of the deed will need to prove legal entitlement to the grant in order for a transfer of ownership to be recognised by the council.

Maintenance of Grave Area

In order to ensure continual access and ease of maintenance of all grave areas, owners are permitted to place any memorials, flower containers etc. only on the memorial foundation area at the head of the grave. Owners are encouraged to maintain this area themselves in order that the council's grounds maintenance contractors do not have to disturb any flowers or articles present.

Flower containers should not be made of glass or porcelain as these materials will often fall over or crack due to water freezing during periods of zero temperature. Similarly, plastic materials become brittle due to prolonged exposure to sunlight.

In the period following an interment, the grave surface will be subject to settlement. The initial settlement lasts for 4 to 6 months. Once this initial settlement has taken place, the surface will be grassed over. Over future years the grave will continue to settle and may require re-instating from time to time, which will be carried out periodically by the council.

In the old traditional areas of the cemetery there are some enclosed grave surfaces. It is the responsibility of the grant owner to arrange for these enclosed grave surfaces to be maintained.

Please Note:

The placing of flower vases or artefacts within the grave area is only permitted during the first 12 months following the interment. After this time, all such items must be placed on the memorial foundation area only. The council reserves the right to remove and dispose of (at its discretion) any items placed on the turf that prevent or interfere with the maintenance of the grave.

Memorial Maintenance

If an interment (for cremated remains) is to take place in an existing grave, the grant owner will need to ensure that the memorial, or any pot plants etc. are removed prior to the grave being opened (if required). This may be carried out by arrangement with the funeral director or memorial stonemason.

Grant owners will need to arrange for their memorial supplier to install a foundation suitable for the purpose of ensuring the future stability of the memorial according to the NAMM guidelines.

There are some restrictions on the wording inscribed on a memorial. For further information, please contact your local memorial stonemason.

The grant owner is responsible for ensuring that any memorial installed on their grave plot has been properly constructed and has been installed in accordance with the best practices of the memorial industry. It is reasonable for the grant owner to expect their memorial supplier to guarantee their work for a limited period.

It is recommended that the grant owner should insure the memorial against theft, loss or damage. Most memorial stonemasons can arrange for appropriate cover.

The grant owner is responsible for the upkeep and maintenance of the memorial and any other items placed on the grave.

It is strongly recommended that the grant owner should have the stability and condition of the memorial checked annually. Failure to do so may result in the grant owner being held liable for any injury or damage caused to a third party, particularly if the injury or damage is shown to be due to the condition of the memorial or the manner in which it was installed.

The council has a duty of care towards cemetery visitors. In order to comply with this duty, the council will carry out safety inspections of memorials.

In the event that a memorial is identified as being a potential hazard, the council is duty bound to take action to reduce the risk to visitors. If the memorial is unstable and liable to fall, the memorial may have to be laid down onto the ground to reduce the risk of injury to others. The council will attempt to contact the grant owner, at their last known address, to inform them of the reason for taking such action. Regular memorial inspections arranged by the grant owners themselves could avoid the need for such action.

General Notes

Exclusive Right of Burial for a plot is for one interment only.

The council reserves the right to amend these guidance notes from time to time without prior notice.

The cemetery is maintained with money raised via the local council tax paid by the residents of the parish of Harbury and Deppers Bridge. The council has therefore adopted the following policy regarding applications from non-residents for burial in the cemetery.

To be eligible for burial in Harbury Cemetery a person who is not habitually resident in the parish must satisfy one of the following conditions:

1. They must already own the exclusive right of burial in an existing plot in the cemetery (subject to verification), or
2. They were previously resident in the parish for a minimum period of 10 years at some time during their life, or
3. They were resident in the parish until either
 - i. they were admitted to hospital, or
 - ii. they entered residential care or sheltered accommodation, or
 - iii. they went to live with relatives or friends who are providing long term care for them owing to age or infirmity.

Fees Payable

The fees payable in respect of non-residents who are eligible for burial by reason of either condition 1 or 2 as stated above, shall be twice the standard fees as published at their date of death, except where the death occurred within 6 months of the date they left the parish in which case the standard fees will apply as normal.

The standard fees will apply in respect of non-residents who are eligible for burial by reason of condition 3.

Where someone has previously purchased the exclusive right to burial in a plot in Harbury Cemetery and they decide that it is no longer required, they may complete a form of revocation of those rights in consideration of a sum payable by Harbury Parish Council at the current standard rate as published for the purchase of exclusive rights at the date of the revocation.

Appendix D

Definitions

“The council”	Harbury Parish Council
“The manager”	The person appointed by the council to be responsible for the management of the cemetery or any person empowered to act on behalf of the council.
“Cemetery”	Any cemetery, including the grounds and buildings, belonging to or operated by the council
“Grave owner”	Person to whom an exclusive right of burial has been granted
“Grave space”	A space available for interments which has been issued and referenced to in the burial book
“Private grave”	A grave space in respect of which the council has granted an Exclusive Right of Burial.
“Memorial”	Any grave monument, headstone, tablet etc. that has been erected on or surrounding a grave.
“Manager’s office”	The clerk to Harbury Parish Council

Front cover picture: Harbury Cemetery – June 2023