



Hatherleigh Town Council Cemetery Rules and Regulations

For all enquiries relating to the Cemetery, please contact Cllr. Kay Walters at cemetery.hatherleightc@gmail.com

Introduction

In the early 1980s, the churchyard within the grounds of St John the Baptist Church in Hatherleigh was heading towards the point where there would be no further space for burials. In preparation for this, Hatherleigh Town Council purchased land adjacent to the churchyard to establish a parish Cemetery. This land was consecrated by the Bishop of Plymouth in 1985.

The main pedestrian access to the Cemetery is through the parish churchyard over which Hatherleigh Town Council has a **permissive right of way**. Access can also be gained via the public footpath which runs through the cemetery – one entrance is from the Market and the other is just passed the entrance to Glebe Close on Oakfield Road. Hatherleigh Town Council acts as the burial authority and has the legal responsibility for the administration and maintenance of the Cemetery. Accordingly, all fees charged for use of the Cemetery are directed towards this purpose. Such income is ring-fenced and managed by Hatherleigh Town Council; it is strictly reserved for expenditure relating to the cemetery and for the future purchase of burial land. It is the intention of Hatherleigh Town Council to run the Cemetery to a high standard in a financially sustainable way.

All applications for the purchase of graves, burials, the interment of ashes and the installation of headstones and memorial tablets must be made to cemetery.hatherleightc@gmail.com.

Regulations

These regulations have been approved by the Town Council in accordance with the Local Authorities Cemeteries Order 1977 and become effective on 1st October 2022. They are by no means definitive and will be updated as required.

Hatherleigh Town Council welcomes visitors to the cemetery and asks that all visitors respect the peace and dignity of the facilities and other users. We thank you for your consideration of others as you use this space for reflection and remembering our loved ones.

Opening Hours

The cemetery will be open to the public daily. There may be certain times where access is restricted, for example where an adjacent grave is being dug. The Town Council reserves the right to close all or part of the cemetery at any time if in the interest of public safety. Any closures will be published via the town notice boards, website and social media.

If you require any assistance, please contact a member of Hatherleigh Town Council at the following email address: hatherleightc@gmail.com

Hours of interment

There are no restrictions regarding the time of an interment. The time arranged for the interment is the time it commences at the graveside. Please arrange timings with the Undertaker who will liaise with the officiator.

Notice of interment

A written notice of interment form must be obtained from the Town Council by emailing cemetery.hatherleightc@gmail.com. The completed form must be submitted to the Town Council at least 5 working days prior to an interment. All information must be clear and complete to avoid delays or errors on the day of interment.

A certificate of burial or cremation or a Coroner's Order for Burial must be submitted with the notice of interment form along with payment where possible. Not including a certificate or Coroner's Order may lead to the delay or postponement of a burial.

Fees

A full list of burial fees is available at www.hatherleightowncouncil.org/cemetery. All fees must be paid upon submitting a notice of interment form and are payable by BACS. Other methods of payment may be accepted at the discretion of the Town Council.

Grave Spaces

The depth of every grave is controlled by the Town Council. No grave shall be deepened after the first interment. Any requirement for a double depth grave should be arranged prior to the first interment. All coffins or other receptacles are interred in accordance with Part 1 Schedule 2 of the Local Authorities Cemetery Order (LACO),1977. No grave shall be excavated until verified and marked by a member of Hatherleigh Town Council. Funeral directors must notify the Town Council of all arranged grave digging.

Grave Rights

A Grant of Exclusive Right of Burial (EROB) may be purchased at any time. An Exclusive Right of Burial is currently granted for a period not exceeding 50 years from the date of purchase. The Exclusive Right of Burial can be issued in the names of up to two people. If two people are to be interred in the same grave, this must be indicated prior to the first interment.

A deed for the Exclusive Right of Burial will be issued to the purchaser/s of the grave upon payment of the appropriate fee. The Town Council's records contain the details of the registered grave owners; however, it is important that the grave owners keep safe their 'Exclusive Right of Burial' deed. Possession of the deed does not in itself signify ownership of the Exclusive Rights.

When an interment is not that of the deed holder, consent in writing from the deed holder(s) is required on the 'Notice of Interment' form prior to the interment taking place.

Ownership of the Exclusive Right of Burial can be transferred either during the owner's lifetime or after their death. Transfer of the Exclusive Right of Burial from the living owner(s) to another individual(s) is done so upon completion of an Assignment Form.

The Exclusive Right of Burial may be transferred on the death of the registered owner to the person or persons entitled to it. To establish grave ownership, the person or persons wishing to take up ownership must be able to produce a Grant of Probate or Letters of Administration. If these legal documents have not been applied for or issued, then ownership may be transferred to the executor by Statutory Declaration.

A transferred Exclusive Right of Burial is only valid if it has been registered and acknowledged by the Town Council.

Where no Exclusive Right of Burial exists the Town Council has the right to use unpurchased graves, that have sufficient depth, for further interments. No previous interments will be disturbed in such circumstances.

Funerals

The conduct of all funerals within the Cemetery is subject to the control of the Town Council. Coffins made from biodegradable materials only are accepted. After the interment the grave will be backfilled, and any floral tributes will be respectfully placed on the grave.

The Town Council reserves the right to place soil on the graves next to those which are being opened without any prior notice. The soil will be removed immediately after the interment and the grave will be restored to its previous condition. Any work completed will be done so in a respectful and sensitive manner.

Cremated Remains

Scattering of ashes is not permitted in the Cemetery. Please do not scatter ashes or attempt to bury them yourself. Cremated remains left at a graveside or scattered without consent may be removed without notice.

There is currently no area for cremated remains within the Cemetery. There is, however, still space for cremated remains within the church grounds. Please contact Rev. Leigh Winsbury for further information about this (01837 810680).

Exhumation

Once human remains or ashes have been interred, they can only be removed with the permission of the Town Council and a licence granted by the Secretary of State. Any disturbance of buried remains is deemed to be an exhumation.

Tributes and Memorials

Note: Hatherleigh Town Council are committed to safeguarding the natural environment and protecting our countryside. We have made the decision not to allow plastic flowers/tributes/memorials in our cemetery so that we can avoid plastic contamination and prevent animal endangerment. We kindly request that all users of the cemetery respect this policy.

- No memorial of any description may be placed on unpurchased graves. Only the deed holder/s or someone with written permission from the deed holder/s (when acting on their behalf) may place a memorial on a grave.
- No memorial may be placed on a grave without the approval of the Town Council. Memorials must be placed in accordance with British Standard 8425. The maximum size permitted is 0.91m (3ft) in height x 0.61m (2ft) in width, see the Schedule of Fees and Payments for more information.
- An application for a Permit to Undertake Monumental Work will only be accepted from approved monumental masons. The appropriate fee must be submitted with the application form.
- Memorials may not be placed on burial plots for 12 months from the date of interment. This is to allow the earth to settle and prevent possible damage to memorials. The cremated remains section is exempt from the 12-month waiting period.
- Temporary memorials may be placed on graves until a permanent memorial is placed or for a maximum of 12 months from the date of interment. There is no fee required.
- Kerbstones, border stones or any kind of boundary marking are not permitted in the Cemetery.
- When digging graves in certain areas of the Cemetery we may need to respectfully move memorials and flowers from surrounding graves without notice, to make room for equipment.
- We will replace memorials in their correct position as soon as possible after the burial.
- We recognise that you may wish to leave tributes, therefore we allow pot plants and suitable artefacts to be placed at the head of the grave where they are at less risk of damage by mowing. We reserve the right to remove any articles placed along the length of the grave and place them at the head of the grave. We ask that vases are made from non-breakable material, as glass or ceramic pots will shatter during winter due to the freezing of any water in them. Broken glass or pottery presents a danger to visitors, staff and wildlife in the cemetery and any such items found will be removed and disposed of without notice.
- Plastic flowers and astro-turf or similar are not permitted. All plastic wrapping or decoration should be removed from floral tributes before being placed on a grave.
- The planting of bulbs only on graves is permitted. Any other planting may be removed and disposed of without prior notification.
- Hatherleigh Town Council reserves the right to remove flowers placed on graves as part of routine care and maintenance. When funeral flowers and wreaths become unsightly, they will be removed for disposal. To avoid undue distress, bereaved family members who wish to retain wreaths or the attached memorial cards are advised to remove these prior to the third week after the interment.
- The Council shall not be liable for personal property brought into the Cemetery or for any damage or loss of memorials or memorabilia.

Maintenance

It is the responsibility of the grave owner to maintain the grave and memorial.

Records

The location of individual graves is recorded on the Cemetery plans, and in the Register of Burials in accordance with the Registration of Burials Act 1864, Births and Deaths Registration Act 1926 and 1953, Registration of Births and Deaths Regulations 1987 and the Local Authorities' Cemeteries Order 1977.

General Regulations

- The entrance to the Cemetery shall be kept clear to allow the entry and exit of emergency vehicles, funerals, and visitors.
- Bicycles, skateboards, or similar equipment may not be ridden in the Cemetery.
- Visitors shall not sit, stand, or climb on any memorial, gate, fence, tree, or hedge in the Cemetery.
- Visitors should stay well clear of any monuments marked with fluorescent tape as they may be unstable.
- No alcohol is to be consumed within the Cemetery grounds.
- Dogs must be on leads.

Offences

In accordance with Article 18 of Local Authorities' Cemeteries Order, 1977 it is an offence to:

- Wilfully create any disturbance in a Cemetery
- Commit any nuisance in a Cemetery
- Wilfully interfere with any burial taking place in a Cemetery
- Wilfully interfere with any grave, vault, tombstone or other memorial, or any plants or flowers.