

Re-appointment of Sole Operative to Cemetery & Revised Cemetery Regulations

In January 2022 (Min.22.01.10.3 refers), the parish council resolved to appoint Mr Gary Smith as the sole operator at Wickhambrook Cemetery for the purposes of grave digging until 31.03.2023. This appointment was renewed for the financial year 2023-24 (Min. 23.02.9.3).

No adverse comments have been received from Funeral Directors, and the arrangement has worked well. As reported at the February meeting of the Estates Committee, the grave digger has confirmed that he would be pleased to continue with the arrangement.

The Cemetery Regulations were last reviewed and adopted in January 2022, and subsequent to this the clerk has made some progress with the cemetery records project, with the assistance of a dedicated volunteer who has spent a lot of time transcribing records.

One of the outcomes of this has been that the clerk has identified a need to review and revise the cemetery regulations to make clear that, where grave deeds were granted in perpetuity (1895 – 1949), the ownership of the land does not pass from the council.

As a consequence of this, the clerk has undertaken a full review of the regulations, using the regulations for West Suffolk Cemeteries as the basis for the necessary revisions (attached as Appendix A to this report).

Recommendation:

- 1. The parish council appoint Mr Gary Smith, be appointed as sole operative for the purpose of grave digging in Wickhambrook Cemetery, and the Cemetery until March 2027; and**
- 2. The parish council adopt the revised Cemetery Regulations, attached as Appendix B to report WPC.24.02.04.**

Wickhambrook Parish Council Cemetery Regulations

Effective from 1 April 2024

The foregoing rules and regulations will come into operation from 1 April 2023. All previous rules and regulations previously made by the council are hereby superseded. The council reserves the right to make alterations, additions or amendments to these rules and regulation specified herein. These rules and regulations will be reviewed at annually.

Introduction

We seek to observe the rights and choices of any individual wherever possible, to keep everyone safe, and to maintain our cemeteries to high standards we do need some regulations.

Everyone visiting our cemeteries needs to follow these regulations.

When we mention 'cemetery' in the regulations we are referring to Wickhambrook Cemetery, Cemetery Road, Wickhambrook.

Wickhambrook Parish Council (referred to as 'the council' or 'we in the regulations) is legally responsible for managing and controlling the cemetery. The council authorises the cemetery registrar to act with its authority and enforce the regulations.

To comply with the relevant laws, we run the cemetery 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.

If you have any questions about these regulations, please contact:

Parish Clerk
Wickhambrook Parish Council
3 Farriers Close, Great Barton
Bury St Edmunds, Suffolk IP31 2FP

E-mail: parishclerk@wickhambrook.org.uk

Website: <https://wickhambrook.org/>

Telephone: 07508 039810

Opening Times

1. The cemeteries are open daily to visitors from dawn to dusk.
Rights of use and admission
2. (a) we reserve the right to:
 - close or limit access to the cemeteries when necessary and
 - withdraw the use of the cemeteries from any person or organisation.
 - (b) You may bring dogs into the cemeteries, but they must be kept on a short lead and under your control at all times.
 - (c) Dog fouling is prohibited.
 - (d) Only vehicles associated with a funeral cortege or works undertaken by or for the parish council, or those displaying a valid disabled parking permit (blue badge) may enter the cemeteries. Any vehicle entering must be parked in a way that does not inconvenience visitors or staff.

Fees

3. All fees are payable in advance.
4. All cemetery fees and charges are reviewed annually and are displayed on the parish council website: <https://wickhambrook.org/cemetery/>

Exclusive Right of Burial

5. At the time of the interment you may buy an exclusive right of burial in 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(s) (who then become(s) the deed holder). The exclusive rights of burial vary between grave types.
6. A Deed of Exclusive Right for Interments and Memorials will be for a period of:
 - Lawn type grave (50 years)
 - Cremated Remains (25 years)

Ownership of the ground does not at any time pass from the control of the council.
7. Interments can only take place in a plot with
 - the Exclusive Right of Burial
 - with the consent in writing of the owner of the right or in a public grave.
8. The exclusive right of burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the council has given permission).
9. The location of a burial plot within the cemetery shall be allocated on the next available plot basis for both burial plots and cremated remains plots. We will try to meet the wishes of applicants who buy grave spaces if it is practical to do so.
10. When the exclusive right of burial period comes to an end the buyer (or his or her heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time. Deed holders will need to apply to renew the exclusive right of burial within 12 months of the previous grant finishing.
11. The council may grant a renewed right of burial to another person if the exclusive right of burial grant period has finished, and nobody has informed us that they want to renew it. Before we do this, we will where possible, notify the previous owner (or his or her personal representative) to give them the option to renew it.

12. Where no interment has taken place in the grave, the owner of the exclusive right of burial may surrender it to the council. We will pay the owner an amount set out in the fees and charges table. We will not make a payment if the exclusive right of burial has lapsed or finishes within ten years.
13. If the council gives permission, the owner of an exclusive right of burial may transfer it to another person if he or she provides 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. The number of deed holders, which can be entered onto each Deed of Grant, is restricted to a maximum of two persons. When one deed holder dies the remaining deed holder will then become the sole deed holder of the grave. Where a family dispute results in a stalemate and relevant consents are withheld, the ownership cannot be transferred. This can only be resolved if the various next of kin reach an agreement possibly with the mediation of a solicitor or other parties. It is not the responsibility of the parish council to facilitate this action.

Coffins and caskets

15. To help us all respect the environment, all bodies entering the cemetery for burial must be contained in a coffin/wrapping made of a perishable material bearing the full name, age, and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the parish clerk. Any type of metal coffin or casket is not permitted. A coffin or casket which is 6 feet 10 inches or over in length or 30" or over in width will be regarded as extra-large and may be liable to an additional fee

Interments

16. You can apply for a burial by contacting the Parish clerk (contact details are shown in the introduction section of this document). You must deliver a completed interment notice, the burial order, the coroners burial order or the certificate of cremation and the deed to the parish clerk at least five clear days before the interment (excluding Saturdays, Sundays, and bank holidays).
17. 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 2.75 metres (approximately 9ft). This will enable the grave to accommodate three interments. The council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments.
18. Provided that there is sufficient room and subject to receiving consent from the clerk (or other delegated officer of the parish council), cremated remains can be interred in any adult grave in the cemetery for which you have the exclusive right of burial. Before the reopening of a purchased grave the ownership for exclusive right of burial must be proven.
19. Up to two sets of cremated remains may be buried in each grave
20. The interment fee includes all administration, entries into the burial registers and onto the burial database. The fee does not include the
 - i. removal or reinstating of any memorial (whether the memorial belongs to the grave to be opened or other graves within the area which need to be removed to provide access)
 - ii. the excavation and preparation of the grave, matting, and backfilling on the day of service
 - iii. any works necessary to prepare for and undertake an exhumation or re-burial.The cost of any of these actions must be covered by the applicant
21. Full burial interments normally take place between Mondays and Friday beginning at 9.30am.

22. 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. We will need to see and verify the deed document before a grave is re-opened. If the deed is lost or mislaid then a statutory declaration must be made before the interment takes place.
23. We must receive the registrar's certificate for disposal or coroner's Order for Burial before any burial can take place We will require a medical practitioner, midwife, or nurse's certificate if the interment is for a non- viable foetus.
24. We reserve the right to delay or reschedule a funeral if any burial area or excavated grave becomes unstable or dangerous due to severe weather, or other naturally occurring instances or an act of God/state of emergency.
25. Once we have a Notice of Interment, we reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The applicant will pay the cost of removal and reinstating of all affected stones
26. 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 memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial (see 24 & 29 above).
27. The Council has appointed a sole operative for the purpose of digging lawn graves in the cemetery. Undertakers may only use this operative for the preparation of a grave space for the interment of a body in Wickhambrook Cemetery, and the operative shall invoice the undertakers directly according to his fees and charges.
28. Undertakers may prepare a space for the interment of cremated remains in Wickhambrook Cemetery. When commissioning work in the cemetery to inter cremated remains undertakers shall provide a copy of their Public Liability Insurance and risk assessment(s) to the parish council.
29. Should an exhumation be necessary, the person requesting the exhumation is responsible for obtaining all the relevant documents from the Ministry of Justice. The completed documents must then be submitted to the Parish Council for approval prior to prior to any authorisation being granted for an exhumation to take place.
30. Financial assistance is available from Central Government to families who have lost a child (under the age of 18) to allow choice with regards to burial options. Information and advice can be given by the parish clerk.

Management of memorials

31. We will give you the correct form to complete if you wish to apply for permission to erect a memorial add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. The form will include:
 - i. name and address of the memorial mason who will carry out the work
 - ii. material and measurements of the memorial
 - iii. details of inscription and a diagram of the proposed memorial including fixing methods and
 - iv. full names and signatures of the registered grave owner(s) to give permission for the work.
32. Issuing a permit to work confirms that approval for any such application is given. The applicant must not start any work until they have received the authorised permit. We will give permission as long as the work undertaken fully complies with the details specified within the Application for memorial/re-inscription Permit, the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM) schemes and the requirements of these regulations.

33. You may be required to remove any work that you do, or any memorials or kerb sets – and pay all the costs of removal – if these do not comply with the Cemetery Regulations.
34. All memorials must be erected in accordance with BS8415 and the National Association of Memorial Mason's (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 memorial in a good and safe condition. The parish clerk is permitted to instruct the removal any memorial that becomes unsafe or is otherwise dilapidated.
35. All memorial mason companies who work within the cemetery must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM). Fixing teams will contain at least one mason in possession of a BRAMM or NAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.
36. We do not permit any kerb sets in the lawned sections New South Side and New North Side of Wickhambrook cemetery.
37. You may only use granite, marble, slate, or other suitable material of durable and sound quality for memorials.
38. All memorials shall be sited on the extreme head-end of the grave, (or for flat memorials, in line with) in line with all other memorials in that row.
39. You may fix photographic plaques either ceramic or other material, of an approved size to memorials if you have the council's written approval.
40. The grave number 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 25 millimetres (1") in height, to match the main inscription.
41. Trade names must be inscribed on any memorial in the lower left corner of the rear of the base or other location approved by the council in characters of not more than 12 millimetres (1") in height to match the main inscription.
42. All contractors engaged on work in the cemetery must comply with all council directions and requirements. Proof of Public Liability Insurance and membership to one of the national associations for memorial masons should be supplied to the parish clerk prior to working in the council's cemetery.
43. Memorial mason companies working in our cemetery must be on the [British Register of Accredited Memorial Masons \(BRAMM\)](#)
44. All materials and equipment must 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 must be removed in a like manner.
45. Masons must notify the council of intent to work in the cemeteries at least 24 hours before arrival at the cemetery. No work will be permitted outside of the opening times of the cemetery or at weekends unless specifically approved by the council.
46. Any person removing a memorial to permit a further interment may only do so after informing the council. This removal must be completed 3 full working days before the interment is due to take place. Failure to remove the stone within this time frame may result in the council appointing an alternative stone mason to carry out the work and the cost of which will be passed to the Funeral Director who has booked the interment. Upon reinstallation of such memorials, 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.
47. We will remove any unauthorised memorial and charge the cost to the grave owner or their personal representative

Grave maintenance

48. Graves in all sections of the cemeteries will be grassed, with no mounds unless there is a kerb sets fitted by a registered stonemason.
49. You may install a memorial of the dimensions indicated below at the head of the grave.
50. You may not place any other memorial or other items in or around the grave space or on the grassed area in front of the grave including shrubs, plants, and bulbs. Artificial grass or flowers are not to be laid on graves at any point after an interment has taken place or at any other time. Any artificial grass or flowers laid will be removed without notice.
51. Graves in all sections of the cemeteries will be made good with turf or grass seed during the months that follows a burial. All sections of the cemetery will have natural grass covering the graves except in compartments where a kerb set is permissible.
52. The Council advises that least 12 months lapse between a full burial and the setting of a memorial headstone (unless there is a continuous headstone base). The Council will not accept any responsibility for stone movement if the stone is fitted before the advised time frame.
53. The release of air filled or helium balloons or sky lanterns from the cemetery is strictly forbidden due to the adverse effect the balloon material, cords, ribbons and lantern parts potentially have on the environment. It is prohibited to bring any type of balloons into the cemetery to display on graves, headstones, benches or in trees.

Memorial sizes

54. Headstones and memorials must not exceed 975 millimetres (3'3") in height (above ground level) and 750 millimetres (2'6") in width. The stone must be of sufficient thickness to support its height and any reasonable force exerted upon it to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with or below the adjoining ground level. The foundation stone should have a projection of no more than 3 inches (75mm) to the length and width of the base and should be 3 inches (75mm) deep. All foundation stone dimensions should be included on the memorial application. (Headstones, headstones bases, or foundations may not be linked over two or more graves).
55. Separate flower vases are not permitted for new memorials – the headstone may incorporate a vase. A drilled base which should not exceed 3 feet in width by 18 inches in depth and 6 inches in height, may accommodate:
 - up to two flower containers or
 - up to two natural stone vases not more than 300 millimetres (1'0") high and not more than 175 millimetres (7") square or
 - a natural stone tablet not more than 300 millimetres (1'0") high not more than 300 millimetres (1'0") wide and not more than 50 millimetres (2") thick or
 - up to two natural, reconstituted, stone figures, not more than 375 millimetres (1'3") high provided the stone is not covered, coated in plastic, gilded, glazed, or painted.
56. Any such vase, tablet or figure must not extend beyond the perimeter of the base. Flat Memorials shall not exceed 2'4" in width and 6' (1800 mm) in length, and shall be set flush to the level of the grass.
57. Within the Cremated Remains area memorials shall consist of a tablet not exceeding 2' x 2' (620 mm x 620 mm) set flush to the level of the grass.
58. Within the Cremated Remains (Rows Na, Nb & Pa), memorials may consist of a tablet 2' x 2' (620 mm x 620 mm) not exceeding 2" in height (either wedge or book)

Memorial Maintenance

59. The owner of the exclusive right of burial shall be responsible for the cost of maintaining the grave space.
60. Headstones will be checked twice annually to ensure they are fixed safely and memorial inspections should be carried out after the initial installation. In the event that a

memorial is considered damaged or requires remedial work, the Parish Council will contact the owner of the exclusive right in the first instance to make good the work.

61. Wickhambrook Parish Council Council reserve the right to test all headstones for safety every five years or at any time if it is suspected that the stone maybe unsafe.
62. Memorial headstones that fail the safety test will be required to be repaired as soon as possible by the deed holder. If the repair is not undertaken within six months from notification the council will fund the repair to the stone (which may include laying flat or sinking the headstone), this cost must then be repaid to the council before the exclusive right of burial is further exercised
63. If remedial work to a damaged memorial is not undertaken within a period of six months by the owner of the Exclusive Right of Burial, or that owner cannot be contacted the parish council will make it safe and may seek to recover the cost of this after the work has been completed. No further responsibility for any damage will be accepted by the Council.
64. All floral tributes including artificial will be removed two weeks following the interment unless we are told in writing that the family wish to arrange for their removal.
65. It is forbidden to place glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic, or other material on graves. The council may remove these without notice.
66. No shrubs or trees may be planted on any grave space. The council may remove these without notice.
67. The council will remove Christmas wreaths from 1 February each year.
68. Temporary wooden markers are permitted subject to the council's approval. These should be removed from the grave if and when the permanent memorial headstone is set.
69. The undertaker shall be responsible for levelling the grave for a period up to six months following the burial, or until the memorial headstone is installed, whichever is the later.
70. The council reserves the right to remove and dispose of from any grave space flowers, plants, floral tributes, or wreaths which have deteriorated or become unsightly.
71. All grassed areas of the cemeteries including graves will be cut with a mechanical mower and strimmer.

Oversized graves in lawn compartments

72. When purchasing a grave within a lawn compartment of the cemetery for a coffin or casket over 6 feet 10 inches or over in length or 30 inches or over in width, families must be aware that any proposed headstone dimensions will need to be the same as a standard sized grave. Larger memorials will not be authorised under any circumstances.

Photography in the cemetery

73. Photographs and videos taken in the cemetery and posted on social media could cause additional upset and distress to bereaved families. Due to this we request that anyone wishing to take photos in the cemetery first seek agreement from the parish clerk.

Public graves

74. 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.

Scattering of cremated remains

75. The scattering of cremated remains on purchased or unpurchased graves or in any other area in the cemetery is forbidden.

Guidance Notes:

Ownership of Exclusive Rights must and should be transferred. The Parish Council recommends doing this as soon as owner of plot has deceased as this prevents a delay on any further interments.

Transfer will be to the next of kin or a person nominated by the owner. However, if there are many siblings, and only two can own right, the other siblings have to consent to give up their right by way of a "Form of Renunciation". To transfer ownership there are several legal documents depending on the financial situation of the deceased that will need to be provided to the Clerk.

Forms of Transfer:

Form of Assignment – used by a living owner to transfer or change the ownership to a new owner.

Grant of Probate – granted to the executors of the will once document has been proved in Court.

Grant of Letters of Administration – when one is named by the deceased during their lifetime or when a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate.

Form of Assent – used to transfer ownership from an executor or administrator after ownership has been transferred into their name by production of probate or letters of administration.

Statutory Declaration – used to confirm the results of investigations when no official documents have been issued.

Form of Renunciation – used together with a Statutory Declaration when a grave is being claimed by more than one person.