

South Petherton Parish Council Cemetery

Rules and Regulations

Adopted by South Petherton Parish Council.
Review date – May 2027

- 1. Interpretation.** In these Rules and Regulations, unless the context otherwise requires, the following expressions shall have the meanings assigned to them.

Council. Shall mean those Parish Councillors of South Petherton Parish Council to act as a Burial Authority.

Clerk. Shall mean the person for the time being holding the Office of Clerk to the Parish Council or the person who shall be acting for them on their behalf or under their direction.

Minister. Shall mean the person officiating as such at an interment in the Cemetery

Grave. Shall mean the burial place formed in the ground by excavation and with/without any internal wall of brickwork.

- 2. Hours of Admission.** The Cemetery is open to the public from dawn to sunset.

- 3. Purchase of Graves**

Grave spaces may be purchased at any time, enabling a family to plan ahead and decide where they would like their final resting place. The Exclusive Right of Burial (EROB) in a private grave is held for 60 years from the date of purchase.

An exclusive right of burial gives the grave owner the right to:

- Be buried in the grave if space is available.
- Authorise further burials or the interment of cremated remains in the grave if space is available.
- Place a memorial on the grave, subject to the Council's permission.
- Have an inscription or additional inscriptions on a memorial, subject to the Council's permission.

Upon purchase of a grave space, you will be issued with an exclusive right of burial. This will detail the name of the cemetery, grave number and duration of the grant. This should be kept in a safe place, as it will be required in the future when a burial takes place. It is important that you inform the Parish Clerk of a change of address.

A maximum of two people can become owners of the Grant of Exclusive Rights of Burial (EROB) of a grave space.

Should the registered owner of Exclusive Rights of Burial be deceased, a transfer of ownership must be arranged before any new interments can take place, or erection of any memorial.

Ownership of the grave can be transferred to another person where satisfactory evidence of entitlement is provided. This can be achieved by providing copies of the Grant of Probate/Letters of Administration, completion of a Form of Assignment or a Statutory Declaration.

4. Conduct of Persons in the Cemetery.

All persons admitted to the Cemetery will be subject to the orders and control of the Clerk, or any current member of the Council visiting the Cemetery for any purpose.

All Persons must conduct themselves in a quiet, decent and orderly manner in the Cemetery and must keep to the paths except when visiting a grave.

Dogs are only allowed in the Cemetery if on a lead at all times and all fouling cleared up and removed immediately.

Vehicles will only be allowed into the Cemetery when absolutely necessary. Vehicles are to be driven on the main driveway through the centre of the Cemetery, and are only to use the turning circle at the bottom for turning. Driving or passing on the grass is prohibited. Vehicles that need to use any other areas than this must have the prior consent of the Clerk.

Any person who wilfully destroys, damages any property belonging to, or connected with the Cemetery, or plays at any game or sport, discharges firearms (Except at a Military Funeral) in the Cemetery, or wilfully disturbs any persons assembled for the purpose of attending any Funeral therein, or commits any nuisance within the Cemetery, is liable on summary conviction.

5. Scattering of ashes

Ashes may only be scattered in a location agreed in advance by the Clerk at a predetermined time, day and date in consultation with the next of kin or executor. The turf must first be lifted, and ashes scattered thinly then the turf replaced. To apply, please use the Scattering of Ashes form.

6. Memorials

It is recommended that no Memorial be erected until at least 6 months have lapsed, to allow for ground settlement, 12 months is more desirable.

Memorials may be erected on graves but in the first instance a drawing showing, dimensions, proposed inscriptions, and description of the memorial accompanied by an application signed by the owner of the EROB or by the prescribed form must be forwarded to the Clerk for approval. Memorials should have the number of the grave space cut thereon.

No memorial may be erected until a permit has been granted and the Clerk may refuse to admit or may order the removal of any memorial not complying with the permitted conditions. Memorials, floral tributes, decorative items/ornaments are limited to the area of the grave space purchased.

Materials: Plot surroundings and kerbstones made of stone may be erected on graves but applications must be forwarded to the Clerk for approval and paid for before any installation happens.

Any surroundings that have not been given approval by the Clerk may be removed at the Council's discretion.

Any surrounding fencing not made of stone i.e. wood, wire etc will not be given approval. This is to ensure cemetery maintenance workers are able to maintain the ground without damaging plots.

Grave areas will be levelled and turfed. If no headstone is erected, a vase may be placed at the head of the grave.

Memorial Wall All memorial stones to be erected in this section to be of one size only.

7. Planting, Removal of Flowers and Shrubs and Trees, including Ornaments.

Planting of shrubs or trees is not permitted. Plants and flowers may only be placed on/at the headstone of any plot space and must be maintained in a tidy condition. Strictly no glass containers, vases or ornaments. These restrictions allow us to cut the grass and keep the grounds tidy.

Subject to the approval of the Clerk, flower holders/ornaments or certain types of vase may be placed on graves, but the Clerk may remove any such articles which are broken or have become unsafe.

8. Benches or other structures

No benches or other structures may be erected or placed within the Cemetery, without permission of the Clerk.

9. Control of Funerals. The conduct of Funerals inside the Cemetery shall be subject to the control of the Clerk.

10. Ceremonies. Ceremonies of a special nature are subject to the approval of the Clerk.

11. Large Congregations and Bands.

In every case in which a burial is one which a large number of persons may be expected to assemble, or which is likely to be attended by a band of music or banners, the facts must be notified to the Clerk by the person making the Funeral arrangements at least twenty-four hours before the funeral.

In the case of a funeral attended by a band of music, the band must cease playing at the Cemetery gates unless permission to play in the Cemetery has been obtained by writing from the Clerk.

12. Notice of Interment.

- Notice of Interment will be accepted by telephone, but must be confirmed in writing or by email immediately, together with all fees and charges due.
- Notice of Interment must be given on the printed forms supplied, on which all particulars required must be clearly stated. Responsibility for any error or omission will rest upon the person signing the notice.
- Not less than seventy-two hours' notice is required for interment in a private grave, exclusive in each case of Sunday, Good Friday, Christmas Day, and Bank Holidays. An Interment at shorter notice will, if possible, be arranged in an exceptional case by the Clerk, but an extra charge may be made to cover the extra work involved.
- After notice of an Interment has been given, any alteration required to the arrangements will be subject to an additional charge if the notice period is reduced or if as a result the Clerk incur any additional expense.

13. Documents sent by the Post.

The Council will not accept any responsibility for the consequences arising from the loss or delay of any notice order, or other documents sent by post.

14. Hours of Interments

The Cemetery is open for Interments from 9.30am until 4pm Monday to Friday. Interments at other hours may be arranged in special circumstances on payment of an additional fee. Except in cases of emergency, no Interments are permitted on Sundays, Good Friday, Christmas Day or Bank Holidays.

15. Punctuality to be observed

The time given on the Notice of Interment should be when the Funeral arrives at the Cemetery, the Clerk is aware of issues travelling and will allow the interment to be 45 minutes late, without additional cost.

16. Certificates required

A registrars Certificate (Green Disposal form) or a Coroners Order for Burial must be delivered to the Clerk at the latest during the time of Interment.

Any person failing to deliver the appropriate certificate will be required to make a written declaration in the prescribed form in accordance within the provisions of Section 1 of the Births and Deaths Registration Act 1953. Failure to comply with these requirements is an offence punishable on summary conviction by fine not exceeding fifty pounds (£50)

A registrars Certificate or a Coroners Order in respect of a still born child or a child under one month must be delivered to the Clerk or his representative when a body is brought for interment. A midwives certificate will not be accepted.

17. Officiating Minister

The person arranging a burial must be responsible for the attendance of a Minister to Officiate at the burial service.

18. Exhumation

No human remains will be removed from any grave after committal has taken place, without the proper authority from the Home Office and / or the Ecclesiastical Court.

In the first instance a request for Exhumation should be made to the Clerk before any application for licence or faculty is made.

The Exhumation will be carried out in strict accordance with Statutory provisions and any conditions imposed by the Secretary of State for the Home Office or the Ecclesiastical Court and any restrictions added by the local Area Health Officer. Nothing in these regulations should be construed as authorising the disturbance of Human Remains without the appropriate authority. Human Remains within these regulations is deemed to include cremated remains.

19. Caskets

Only caskets of wood or other biodegradable materials shall be used for interment.

20. Excavation of Graves

All work in connection with the excavation of a grave will be carried out by persons approved by the Clerk.

Excavation of Works. Persons undertaking the erection of memorials must prepare all the work for fixing before entering the Cemetery and must provide all the equipment for the work.

Work inside the Cemetery will be subject to the direction of the Clerk.

Admission of workmen, vehicles, and materials. No workmen will be admitted, or materials received into the Cemetery on Sunday, Good Friday, Christmas Day, Bank Holidays, or after 12 noon on a Saturday unless special permission is granted by the Clerk. Carts or trucks must not remain in the cemetery longer than is necessary for loading or unloading.

Damage. By erection of materials, any damage done in connection with the erection of any memorial will be the responsibility of the person doing such damage.

Soliciting Orders. Soliciting any orders within the Cemetery for the erection or repair for any memorials, or any other work connected with the graves is strictly prohibited.

Removal. The owner of a private grave is responsible for the removal and replacement of all memorials and stones when such grave is reopened.

21. Neglect of Graves or Memorials

The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good and safe condition. The Council cannot accept any liability for repairing damaged or fallen memorials or be responsible for any damage/theft or vandalism or any other circumstances beyond the control of the Council.

The Council has a duty to periodically inspect and test memorials. If a memorial is found to be in a dangerous condition, the Council has a responsibility to make the memorial safe. The registered owner will be informed and it is their responsibility to contact a stonemason and pay for the reinstatement work within a 12 month period.

The Council will not accept any responsibility for any damage to memorials resulting from storm, wind, frost, lightening, subsidence, or any cause other than their own negligence.

22. Flowers etc, not to be taken out of the Cemetery

No flowers, shrubs or trees may be taken out of the Cemetery, without permission of the Clerk.

23. Amendments of Regulations. The Parish Council reserves the right to amend any of the foregoing Rules and Regulations

All up to date records of Registered Burials, Copies of Exclusive Rights of Burials, and an up to date plan to identify each grave space will be kept by the Parish Clerk.