**Misterton & West Stockwith Burial Committee**

**Regulations for Haxey Road Cemetery & Misterton Churchyard Garden of Remembrance (west of church)**

1. **Introduction**

These Regulations have been made by Misterton & West Stockwith Burial Committee acting as the Burial Authority for the parishes of Misterton & West Stockwith (“the Committee”). All enquiries regarding the Burial Grounds should be directed to the following address:

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Clerk to the Council & Burial Clerk

Misterton Parish Council

The Misterton Centre & Library

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Website: [www.misterton-notts-pc.gov.uk](http://www.misterton-notts-pc.gov.uk)

1. **Hours of Admission**

The Cemetery on Haxey Road & the Misterton Church Garden of Remembrance shall be open to the public at all times. The Committee may, on occasion, have to close the facilities due to maintenance, repair work, or safety concerns.

1. **Fees:**

Fees are reviewed periodically, and charges apply for: -

1. The purchase of an Exclusive Right of Burial/initial interment
2. Each individual/subsequent interment
3. The right to erect a memorial, kerbset or plaque.
4. The right to add an additional inscription to a memorial.

The current fees can be found on the Misterton Parish Council website: <https://www.misterton-notts-pc.gov.uk>

Residents

Resident fees apply when the person to be interred, or in respect of whom the right is granted is, or immediately before his/her death was, an inhabitant or parishioner of Misterton or West Stockwith or continued to be a Misterton or West Stockwith Council Tax payer at the time of their death.

(In the case of a stillborn child, where the parents (or one of them) are, or at the time of interment were, such inhabitants or parishioners).

(The payment of a resident fee in the case of a parishioner does not automatically mean that only resident fees will be charged upon interment and/or other services if the purchaser becomes a non-resident in the intervening years)

Non-Residents

Non-residents are charged an increased fee. (A non-resident is a person who immediately before his or her death was not an inhabitant or parishioner of Misterton or West Stockwith and have ceased to be a Misterton or West Stockwith Council Tax payer.

(In the case of a still-born child, that child will be considered to be a non-resident if neither of the parents was an inhabitant or parishioner of Misterton or West Stockwith or a Council Tax payer at the time of interment).

1. **Graves**

Burial Plots

A grave is 2.75m x 1.2m and may contain a maximum of 2 interments. A grave in which there have been two interments may be re-opened for the burial of cremated remains at the Committees discretion.

Cremation Plots

A cremation plot measures 60cm x 60cm and normally contains a maximum of 2 caskets. (Stones are 30x 30cm)

1. **Buying a Grave**

It is important to understand that when you buy a grave what you are purchasing is the Exclusive Right of Burial for a grave for an agreed period of time. You are not purchasing any land and no ownership of land is transferred to you.

A Grant of Exclusive Right of Burial is issued by the Burial Authority in respect of every exclusive right purchased. Any person who purchases the exclusive right of burial for a grave space/cremation plot, shall not convey, assign, or transfer such right without the consent of the Burial Authority.

A Grant of Exclusive Right of Burial gives you the right to:

1. Be buried in a designated grave if space is available (includes cremated remains).
2. Authorise further burials in the grave where space is available, or for the interment of cremated remains.
3. Apply for a permit to place an inscribed memorial on the grave or give permission for an additional inscription to be added.

By law, a purchased grave may only be opened for the burial of the grant holder or for the burial of another person with the written permission of the holder. You should therefore keep your Grant safe as it forms part of your estate.

Period of Exclusive Right of Burial

Exclusive Rights of Burial give an exclusive right to burial in the ground for a period of 99 years.

Pre-purchase

Graves and cremation plots may be purchased/reserved in advance.

Transfers

The owner of the Exclusive Rights of Burial may assign these rights to another person during their lifetime if they so wish by completing a Form of Assignment. After the death of the owner, rights may need to be transferred to the person(s) entitled to the rights and this can be done by following the correct legal process.

1. **Interments**

All written applications must be submitted on the prescribed form of Notice of Interment at least 5 working days prior to the proposed time of the interment. (A copy of the Notice of Interment can be obtained from the Burial Clerk and accompanied by the appropriate fee for interment and/or purchase of the grave). Failure to provide the necessary documentation may result in a delay to the burial.

Burial plots are dug with space for two coffins and cremated remains plots are dug with space for two interments. A maximum of two coffins and six cremated remains can be placed in a burial plot.

A maximum of two cremated remains can be placed in each cremation plot. All graves will be dug to double depth standards and shall not be less than 6’8” deep. No coffin shall be buried in any grave within 950mm (3ft) of the ordinary level of the ground.

Shoring must be used when digging graves.

Grave digging is arranged by the funeral director appointed by the purchaser for the interment and is not performed by the Committee or its staff or contractors.

The conduct of any funeral in the cemetery or remembrance garden shall be subject to the control and supervision of the funeral director in attendance.

Interment of Caskets

Grave owners must be aware that some disruption may occur to the surface of a grave if an adjacent grave is opened. This may be unavoidable. Disruption will be kept to a minimum and the grave will be tidied afterwards.

Scattering of Ashes

Cremated remains must at all times be interred. They must not be scattered on any part of the cemetery or remembrance garden.

1. **Memorials/ Headstones/Kerbsets**

The approval of the Burial Clerk to the Committee is necessary before a headstone or kerbset is placed in the cemetery, or a memorial plaque is placed in the remembrance garden, and before the alteration or addition of any inscription.

Older existing graves may have larger/additional memorials. This is historical and is not considered to have set a precedent for memorials.

The principal maintenance of the cemetery is by the use of mechanical mowers on the grass over the grave areas.

With the exception of the erection of a headstone at the head of a grave, the remainder of the grave space will be levelled, allowed to settle, and then turfed or seeded flat (other than where approved kerbsets are used as noted below).

The Committee does not permit the planting of grave spaces with trees, plants, shrubs, or flowers.

Kerbsets produced and installed by suitably qualified stonemasons will be permitted and, where installed, will be allowed to extend the area for the memorial and can include stone chippings or other types of material provided these are retained within the kerbset. Trees or large shrubs and plants should not be planted within the kerbset.

The Council reserves the right to remove any such extensions that do not comply with the above without notice to the burial grant holder.

There is no obligation to erect a memorial on a grave and the Committee do not appoint or nominate contractors to provide or erect memorials.

The right to erect a memorial rests with the grant holder (purchaser). Drawings and measurements of all proposed memorials, including kerbsets, with particulars of materials to be used and inscriptions shall be submitted to the Burial Clerk for approval prior to installation together with payment of the appropriate fee.

The Committee reserves the right to refuse permission for a memorial to be placed in the cemetery when the inscription is deemed to be unsuitable.

Any unauthorised memorials will be removed by the Committee in accordance with article 14 of the Local Authorities' Cemetery Order 1977 (LACO) and shall be at the expense of the grave owner or their personal representative.

Memorial specifications

Headstones/kerbsets should be of a traditional design – marble or granite - other natural materials may be considered subject to approval by the Committee.

Headstone size:

Not exceeding 90cm in height, 70cm in width, 15cm thick

Basic cement base not exceeding 90cm x 45cm

Base on which headstone stands not exceeding 75cm x 30cm.

Kerbset

Standard size 200cm x 76cm (or as agreed with the burial clerk)

Cremation memorials

Cremation stone positioned centrally 30cm x30cm.

Vases – any vase must be included within the base specification of the memorial and not placed on the grave space.

All memorials are subject to periodic safety inspections. The Committee reserves the right to remove a memorial headstone from a grave to allow for adjacent graves to be excavated or lay flat or make safe any memorial headstone that has been identified as unsafe and/or likely to cause injury.

The Committee will take all reasonable steps to contact the grave owner before taking such action.

All memorials shall be kept in good repair by the owners, and in the event of any memorial falling into disrepair and the necessary repairs not being carried out within 3 months after notice from the Council, the memorial may be removed by the Committee subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemetery Order 1977 (LACO).

The Committee will not be responsible for any damage/theft or vandalism of memorials which is outside of their control. The Committee recommends grave owners obtain appropriate insurance to protect the memorial from unforeseen circumstances where possible.

1. **Flowers, Floral Tributes & Ornaments**

The Committee reserves the right to remove all funeral flowers and oasis displays when they become unsightly, faded, or decayed. The families will not be contacted, and removal will be carried out as part of the regular cemetery checks.

The Committee reserves the right to remove any shrubs, plants, or flowers at any time when, in its opinion, they have become unsightly, or have been placed in an area outside of the permitted headstone base or kerbset or are in a vase which is not permitted. (This includes artificial flowers and plants).

All Christmas wreaths/plants/tributes will be removed by cemetery staff after the Christmas period, i.e., by the end of January.

The Committee does not allow glass containers/ornaments of any type to be left on grave/memorial bases. The cemetery staff will carry out regular removal of all unauthorised items relating to glass/ornaments or plants not contained within the memorial base or kerbset. Items will be kept for a short period of time before being disposed of. If you place an item on a grave which subsequently has been removed as not permitted within these regulations, contact should be made via the Burial Clerk to ascertain if they are still available to be collected.

1. **Cemetery Registers & Plans of the Burial Grounds**

The Registers of all burials and plans of the Haxey Road Cemetery and Garden of Remembrance are kept at the Council Offices of Misterton Parish Council (See 1. Introduction for details).

Copies of certified entries or searches for information contained within the registers can be requested. Staff will undertake the search and provide the applicant with all details (where found) within 10 working days. The information can be provided by phone, email or by the making of an appointment at the Councils Office.

1. **Conduct**

All persons shall conduct themselves in a quiet, decent, and orderly manner and no person shall remove any plants or flowers without lawful authority.

Any person who wilfully destroys or injures any property within, or forming part of the cemetery or burial ground, or wilfully and unlawfully disturbs any persons assembled for the purpose of attending a funeral or commits any nuisance within the grounds shall be liable to prosecution under Article 19 of the Local Authorities Cemeteries Order 1977.

No vehicles are allowed in the cemetery except for official Funeral cars (hearse and following car), grave diggers and memorial masons due to restricted space and there being no car parking available.

All visitors are asked to keep to the footpaths other than when attending a grave and, generally, respect the Cemetery at all times.

The playing of games and sports is not permitted.

The Committee reserves the right to exclude any person from the Cemetery.

Children under the age of 12 are not normally permitted in the Cemetery unless they are under the care and control of a responsible adult.

We would respectfully request that smoking is restricted to outside of the cemetery and remembrance garden boundaries)

No person shall deposit litter or other waste material within the cemetery. Green wheelie bins are placed around the cemetery for all litter and waste materials, including green and artificial waste.

No dogs or other pets shall be taken into the cemetery (other than assistance dogs).

In the churchyard and Remembrance Garden please be respectful to other users and do not allow your dog to urinate or defecate on or near memorials. If your dog defecates in the churchyard, please remove the faeces, and place them in the litter bins provided.)

1. **Amendment of Regulations**

Any grant, in addition to these regulations, will be subject to any order that the Secretary of State may, from time to time, make in respect of the Management of Cemeteries by Burial Authorities, and any regulations in force for the time being regarding the cemetery or the portion thereof, in which the grave space, which is the subject of the grant, is situated.

1. **Waste Management and Recycling**

The Council aims to provide and promote good waste management and recycling facilities within the Cemetery. General waste bins are provided for all flower tributes (including artificial), wrapping and other green waste.

1. **Miscellaneous**

To avoid accidents and to retain a well-maintained appearance, damaged/broken or discarded items found on all burial areas will be removed and disposed of.

The Council reserves the right to remove, cut down or prune any plant or shrub if it becomes neglected, unsightly, or overgrown or when it is necessary to enable the grave, or surrounding graves, to be used.

The installation of battery, solar or wind powered lights and other electrical equipment in the cemetery, old burial ground or remembrance garden will not be permitted.

No body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or licence for exhumation required by law. The original documents will be required for this purpose.

These regulations are effective from 14th June 2023 and supersede all previous regulations.