

# Cemetery Rules And Regulations

## Governing:

Bacup Cemetery, Brunswick Terrace, Bacup.  
Haslingden Cemetery, Grane Road, Haslingden.  
Rawtenstall Cemetery, Burnley Road, Rawtenstall.  
Whitworth Cemetery, Edward Street, Whitworth.

Rossendale Cemeteries are operated in accordance with the following Rules and Regulations. These also impose certain restrictions and requirements on users of the Cemeteries which we expect users to observe. This version of the Rules and Regulations were last revised and approved by Members of Rossendale Borough Council in February 2008. Below are the proposed revisions to the Cemetery Rules and Regulations – pursuant to Article 3 of the Local Authority Cemeteries Order 1977 for the proper management, regulation and control of the cemeteries in the area of the Borough.

## 1. Definition of Terms

1.1. In the construction of these rules and regulations, the following words have the meanings assigned. In these regulations, unless the context otherwise requires – “burial” includes:

- (a) The interment of human remains or cremated human remains;
- (b) The interment of bodies of stillborn children or of the cremated remains ; and
- (c) The placing in a vault of human remains cremated human remains, or the bodies of stillborn children or the cremated remains thereof.

1.2 ‘The Council’ means the Mayor and Councillors of the Borough of Rossendale.

1.3 ‘The Cemeteries’ means the Cemeteries provided by the Council at Bacup, Haslingden, Whitworth and Rawtenstall.

1.4 ‘Purchased Grave’ means a grave space where the exclusive right of burial has been granted.

1.5 ‘Public Grave’ means a grave space in respect of which no exclusive right of burial has been granted.

1.6 ‘The Registrar’ means the person for the time being holding office by that designation under the Council, Pursuant to Article 3 of the Local Authorities Cemeteries Order 1977, this person is designated as the Bereavement Services Manager, and the person who shall be acting for him or her in his or her absence.

1.7 ‘Bereavement Services Manager’ means the person for the time being holding office by that designation under the Council and hereinafter referred to as the Manager.

1.8 ‘Memorial’ means any gravestone, tomb, monument, cross, flatstone, or other monumental work.

- 1.9 The word 'resident' means a person who at time of death was a resident or Council Tax payer of the Borough of Rossendale.

## 2. Cemetery Office

The Cemetery Office is situated at:

Henrietta Street Depot  
Bacup  
Rossendale  
Lancashire  
Tel – 01706 878660  
Email – xxxxxxxxxxxxxxxxx@

The Office shall be open for business Monday to Friday from 9.00am to 4.30 pm. The office will not be open Weekends or Statutory holidays. The Bereavement Services Manager may be out of the Office from time to time attending appointments at other cemeteries.

## 3. General

- 3.1. All persons using the Cemeteries shall pay the fees and charges relating to services provided, as fixed by the Council from time to time. These fees will be reviewed periodically by the Council.
- 3.2. If payment is made by cheque or card a receipt must be provided for audit purposes. No cash is taken. Should the Funeral Director have an account, a purchase order must be provided. Funeral Directors and Monumental Masons who regularly use the councils Bereavement Services will be required to set up electronic payment methods.
- 3.3. Where there is a grave search required for interment purposes the cost of the search is included in the Fee. Where requests are made for grave searches for any other reason the Council will impose a Charge. (See table for Fees & Charges).
- 3.4. The Cemeteries Records date back to the early 1800's and are irreplaceable. The books are becoming more and more fragile and therefore we cannot continue to allow the public to access them directly. Should the public wish a search of the cemetery records to be carried out, they must submit their request in writing, and a Charge will be incurred.
- 3.5. A Non-Denominational Chapel is provided at Haslingden and Rawtenstall Cemeteries. Plans showing the general divisions and particular sections of each Cemetery together with the grave spaces therein, are available for inspection at the Cemetery Office.
- 3.6. The selection of any grave space shall be subject to the approval of the Council, but the wishes of the applicants will be met as far as practicable.

- 3.7. Title Deed of Grave – On the purchase of the exclusive right of burial in a grave or vault, a deed of grant shall be issued to the person by whom or on whose behalf, the exclusive right of the burial is purchased, and such person shall be registered in the books of the Council as the owner of the same. The deed of grant shall indicate the number of persons to be interred in the grave, and whenever an interment takes place in the grave, the deed of grant shall be produced to the Council which shall endorse thereon the date of such interment and the name of the person interred.
- 3.8. In the event of the death of the owner of the exclusive right of burial in a grave or vault etc., the person claiming to be entitled to the said right, shall, within six months, of the death, produce the deed of grant at the Cemetery Office and furnish proof of his/her title to the said right and pay the appropriate fee.
- 3.9. Transfer of Grave – No transfer of the exclusive right of burial in a grave, vault, etc., will be valid unless such transfer has been registered at the Manager's office. In the case of a transfer from a Resident in the District to a Non-Resident (except on the death of the original purchaser) the transferee shall pay the difference between the Charge made to a Resident and that made to a Non-Resident for graves of the appropriate class.

#### **4. Admissions to the Public**

- 4.1 The Cemeteries shall be open to the public from 9.00am daily. The time of closing will vary according to the arrangements in place at each location.
- 4.2 Flowers and wreaths shall not be removed without the consent of the Council. The Council reserves the right of having any of these articles removed from the grave when they deem removal necessary. Any unauthorised person detected picking or stealing flowers or plants will be liable to prosecution.
- 4.3 Any person who wilfully destroys or damages any building, wall or fence shall be liable to reimburse the Council for any such damage caused.
- 4.4 Dogs must be kept on a leash and under proper control within the Cemeteries.
- 4.5 Children under 10 years of age will not be admitted except under the control of a responsible person.
- 4.6 No motor vehicles are allowed in the Cemeteries without prior permission of the Council, excepting where a notice is displayed allowing such vehicles access. No vehicle shall at any time exceed a speed limit of 5 mph within the boundaries of the Cemeteries. No person shall be allowed to trespass on or use the Cemetery roads or walks for the conveyance of goods or other materials not intended for use in the Cemetery. Cycling and horse riding within the Cemeteries is prohibited.

- 4.7 No band or music will be allowed to play in the Cemeteries except at a military funeral or by special permission of the Council.
- 4.8 Committing Nuisance etc. – All persons shall conduct themselves in a quiet, orderly and decorous manner, and no person shall commit any nuisance within the Cemetery.
- 4.8 No person shall play at any game or sport within a Cemetery.
- 4.9 Discharge of firearms is prohibited; no person shall discharge firearms within a Cemetery except with expressed permission from the Council.
- 4.10 No person shall sit, stand, or climb upon or over any gravestone, headstone, tombstone, or other monument or any gate, wall, fence or building belonging to the Cemetery.
- 4.11 No person shall throw or discharge in a Cemetery any stone or other missile.
- 4.12 Type of Service and Demonstrations – any religious service or ceremony may be performed at interments provided the service or ceremony is conducted in a proper manner. No demonstration of any kind shall be held within the Cemetery or any religious service other than the service at the time of interment, without the consent of the Council.
- 4.13 Exclusion of Persons – Any Officer of the Council employed in or about a Cemetery may remove or exclude from the Cemetery any person guilty of any breach of the regulations.

## **5. Burials**

- 5.1. All notices of interment and applications for grave spaces, construction of vaults, brick graves and the erection of monuments shall be given in writing on the forms provided by the Council.
- 5.2. Any order or instructions given by telephone will be received at the sole risk of the person giving such orders or instructions, and the Council will not be responsible for any misunderstanding which may arise with regard to such orders or instructions, unless they are immediately confirmed in writing in the manner prescribed by the regulations.
- 5.3. At least 48 hours notice is required of an intended interment or in the case of a bricked interment, or new grave, then 72 hours notice must be given. Saturdays, Sundays and Statutory Holidays are excluded from the period of notice.

- 5.4. In exceptional cases, interments may, if possible, be arranged at shorter notice than mentioned above, on payment of an additional Charge as tabled in the Fees and Charges.
- 5.5. When a vault is to be constructed, special arrangements must be made with the Council and the notice period is to be agreed at the outset of negotiations.
- 5.6. No purchased grave or vault shall be opened unless the deed of grant has been produced, or an indemnity signed by any person whom the Council shall consider entitled thereto and who becomes responsible for indemnifying the Council against opening the grave without such deed of grant.
- 5.7. All orders for interment must be made on the 'Notice for Interment' issued by the Council, and the person ordering the interment is responsible for the completing of this notice. Funeral Directors are requested to inform the Council if there are a large number of mourners expected at an interment.
- 5.8. Hours of Interment shall be from;
- Monday to Thursday  
9.30am to 11.30 am  
1.15pm to 3.30pm
- Friday  
9.30am to 1.30pm
- There are no interments during weekends and Statutory Holidays.
- 5.9 Punctuality should be observed by the Funeral Director and the time allocated adhered to in order to prevent one funeral interfering with another.
- 5.10 Any coffin entering the cemetery must bare a nameplate or other suitable form of identification and must contain the name of the deceased. It is the responsibility of the Funeral Director or other person conducting the funeral to ensure that enough people are available to assist in transporting the coffin to the graveside and to assist with its lowering.
- 5.11 No coffin will be permitted to be buried within 3 feet of ground level. Every coffin placed in a walled grave or vault must be covered and sealed with a concrete slab of not less than 152 mm (6 inches) and entombed in such a manner as to make the vault airtight.
- 5.12 The Bereavement Services Manager must be informed of any bodies which have died from an infectious disease. An up to date list of infectious diseases is available from the BMA or from the Crematorium Medical Referee.

- 5.13 The Certificate for Burial or Cremation of the person to be interred, or the Coroner's Order for Burial authorising the interment must be produced and given up before any interment takes place. In the case of a stillborn child, the Certificate of Disposal (Stillbirth) issued by the Registrar or Births and Deaths must be produced and given up before interment.
- 5.14 The sale of grave plots for the exclusive right of burial shall be as directed by the Council who will, where practicable, concur with the wishes of the purchaser.
- 5.15 The Certificate for Burial Vaults and bricked graves shall be constructed or repaired at the owner's expense. All work in this respect will be carried out by the Council except in the case of erection of monuments, external and above ground work.
- 5.16 All work in connection with a burial to be carried out by the staff in the employ of the Council.
- 5.17 All purchasers of the exclusive right of burial will be charged with the cost of a number stone, showing the number of the grave space.
- 5.18 No grave will be excavated to a depth greater than 7 feet 6 inches.
- 5.19 Every coffin in a bricked grave or vault must be covered with concrete flags and entombed in an airtight manner.
- 5.20 No Purchaser of any right of burial of a grave space in the ownership of the Council shall convey, assign, or transfer such right without the approval of the Council.
- 5.21 Removal of Remains – No coffin or cremated remains can be removed after burial except with the consent of the Home Secretary, or under the Faculty of the Bishop of the Diocese in the case of a removal from on a consecrated place of burial to another (other than in exceptional circumstances and then only with the correct authorisation and documentation).

## 6. Flowers and Shrubs on Graves

- 6.1 Shrubs, plants, or flowers may, with the approval of the Council, be planted over any purchased grave. Such shrubs, plants, or flowers must not exceed 2 feet in height. The Council reserves the right to prune, cut down, dig up, or remove, any such shrubs, plants or flowers when, in the opinion of the Council, they have become unsightly or overgrown.
- 6.2 If the owner neglects to attend to a grave space, the Council may keep it free from weeds etc, the cost of this work shall be charged to the owner by the Council.

- 6.3 Metal or other flower holders of an ornamental character may be placed upon private graves, but glass jars, glass bottles or other unsightly articles will not be allowed. The Council shall be at liberty to remove from graves any movable article which is broken or unsightly and any flowers which are withered or dead.

## 7. Memorials

- 7.1. All memorial work undertaken must be in accordance with the National Association of Memorial Masons, Recommended Code of Working Practice or as amended or superseded by Government Regulation.
- 7.2. The Council recommends that any memorial being placed in its Cemeteries should be covered with insurance. Details can be obtained from the stonemason completing the work.
- 7.3. An application must be made on the approved form and submitted to the Council before any monument or stone is erected or altered in any way. The application must be accompanied by a drawing to scale including side elevation of 25mm to 300mm (one inch to one foot) of the proposed memorial or monumental work showing the form and dimensions accompanied by a specification and the name of the material to be used in the proposed construction. No soft stone, concrete or artificial stone of any kind shall be used in the construction of a memorial, only marble, granite or natural stone shall be used.
- 7.4. All applications including those for supplementary inscriptions must be supplied to the Bereavement Services Manager with the following:-
- A copy of the proposed inscription;
  - Authority from the owner of the grave or vault to the Mason to erect or inscribe the monument;
  - A copy of the deed of grant or an indemnity signed by a responsible person indemnifying the Council against allowing third parties to undertake work on behalf of the owner; and
  - A signed copy of our terms and conditions.
- 7.5. Under no circumstances will applications be considered until the deed of grant has been produced, or an indemnity signed by a responsible person indemnifying the Council against allowing third parties to undertake work on behalf of the owner without such deed of grant.
- 7.6. All brick or stone work in vaults or graves as well as foundations for, and removals and re - fixing of materials are to be undertaken by the Council at the expense of the owner of the grave.

- 7.7. All private graves with monuments and gravestones are to be kept in repair by the owners. Should remedial work be required, a notice will be sent to the owner (if known) or his or her representative and arrangements must be made to have the appropriate work undertaken. In cases where there is no known owner or where the owner does not comply with the notice within three months, the Council will remediate and/or remove the memorial and the cost of any remedial work and/or removal will be charged to the owner.
- 7.8. The Council will not be responsible for memorials damaged through any cause whatsoever nor for any injury or damage caused by the same. Headstones or other memorials may only be erected on private graves or vaults.
- 7.9. No hewing or dressing of stone will be permitted within the cemetery walls, and all materials for monuments and memorials shall be conveyed into the Cemetery by hand or in such a manner under the direction of the Council so as to avoid damage to the road or walks.
- 7.10. No Monumental Mason's work in connection with the erection of memorials or cutting of inscriptions will be allowed to be carried out at the Cemetery until a permit has been issued by the Council for the work to proceed.
- 7.11. No monumental work will be undertaken outside of the general office hours of the Bereavement Services Office.
- 7.12. All memorials shall be lawn type headstone design and shall be in accordance with the following dimensions:
- i. The overall height of any memorial shall not be less than 600mm (24 inches) and not exceeding 900mm (36 inches) above the surface of surrounding ground level;
  - ii. The headstone shall have a minimum width of 450mm (18 inches) and a maximum width of 800mm (31.5 inches);
  - iii. The headstone itself shall have a minimum thickness of 75mm (3 inches) and a maximum thickness of 100mm (4 inches); and
  - iv. The headstone shall be securely fixed to a base stone of the same material as the headstone and of the following dimensions:  
  
Width 900mm (36 inches)  
Depth 450mm (18 inches)  
Thickness not less than 75mm (3 inches) or more than 150mm (6 inches)
- 7.13. The base and the headstone shall be supported by and securely fixed to a base stone of the same material as the headstone and undertaken in accordance with

the National Association of Memorial Masons Recommended Code of Working Practice or as amended or superseded by Government Regulation.

- 7.14. All memorials must be inspected by a Council Officer before they are installed in the Cemetery. Each memorial will be measured in accordance with the drawing as submitted in the application process. Post inspection a certificate of conformity will be issued for the memorial where after installation can be completed. All memorials must be issued with a certificate of conformity before installation can take place.
- 7.15. Any new memorial not meeting the dimensions or the process as detailed above will be deemed as unauthorised and will be removed at the expense of the applicant. Where the applicant has commissioned a Monumental Mason to act as their agent, the Monumental Mason will, at their own expense, remove the memorial within five days of notice being served. Failure to remove the unauthorised memorial within five days may result in automatic exclusion from the future right to erect or inscribe memorials within the Council's Cemeteries.
- 7.16. An 'inscribed' vase not exceeding one cubic foot may be placed on a grave in lieu of a headstone, but must be permanently fixed to a stone of concrete plinth 2ft x 2ft base, and bear the section and number of the grave. Up to four inscriptions only may be allowed on the vase. One vase only shall be permitted on each grave. In the event of a headstone eventually being placed on the grave, the vase must then be removed from the grave space. A Charge will be made by the Council for each inscription after the first.
- 7.17. An inscribed number stone in natural York Stone measuring 12" by 9" (300mm x 225 mm) may be placed on the grave. This must bear the section and number of the grave and only 4 inscriptions will be allowed on this stone. A Charge will be made by the Council for each inscription after the first.
- 7.18. All headstones are to be supported with brick or concrete foundations as required by the Council. Kerbstones, full length memorials, or any memorial not covered by these Regulations are not allowed in any circumstances. However, the Council acknowledges that prior to the implementation of these amended Regulations some memorials may not conform to the dimensions as detailed above. In these circumstances, the Council will not apply the Regulations retrospectively but reserves the right to remove the memorials at any time should these cause a problem to the management and maintenance of the Cemetery.
- 7.19. Chippings will not be allowed in any circumstances, for example, marble or stone chippings.
- 7.20. Every memorial shall have the number of the grave, cut distinctly, in a prominent position.

- 7.21. Masons employed in the fixing of memorials will be required to perform their work under the direction of the Council, to remove all spare soil or other material and to leave the ground to the satisfaction of the Council. They will be responsible for any damage either to the ground or to the memorials. Masons must provide their own tools, plants, etc. Fixing must cease each day in accordance with the normal working hours of the Cemetery. No work will be allowed on Saturdays, Sundays, or Statutory Holidays. Work of every description must be carried out continuously and completed with due dispatch without disturbance to other graves.
- 7.22. No Mason or other person shall be permitted by himself or herself, or by any agent to solicit orders, exhibit designs, distribute business cards, ask or attempt to obtain from employees any information as to grave owners.
- 7.23. Memorials are only allowed to be erected upon graves or vaults in which the exclusive right of burial has been purchased.
- 7.24. The Council has the power to remove, at the expense of the owner, any memorial which has have been placed within a Cemetery without the requisite authority and/or to delete any unauthorised inscription appearing on any memorial.
- 7.25. No memorial shall be altered or interfered with after it has been erected according to the design submitted and approved by the Council, nor shall any additional inscription be added without the consent, in writing, of the Council. A copy of every additional inscription arranged exactly as intended to be executed must be submitted to the Council for their approval.
- 7.26. The Council strictly prohibits any gratuity being received by any member of staff. Members of staff are not permitted to undertake the planting of graves or the execution of any private work whatsoever within the Cemeteries.

## 8. General

- 8.1. The Council reserve the right to make alterations in the abovementioned regulations in consultation with members.