

BENTHAM TOWN COUNCIL

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CEMETERY RULES & REGULATIONS.

Bentham Cemetery is operated in accordance with the following rules and regulations. These also impose certain restrictions and requirements on users of the cemetery which we expect users to observe.

This version of the rules & regulations was last revised and approved by Members of Bentham Council in January 2020.

If you need help in interpreting the rules and regulations, please do not hesitate to contact the Town Clerk on 015242 62587, or email us at townclerk@benthamtowncouncil.co.uk.

Definitions

In these Rules and Regulations, unless the context otherwise requires, the word:

"The Council" means the Bentham Town Council.

"Cemetery" means the cemetery on Butts Lane

"Superintendent" means the Town Clerk

Fees & Charges

The fees and charges payable to the Council in respect of interments in the Cemetery, and in respect of grave spaces, monuments, headstones, memorial stones, inscriptions and other matters in connection with the Cemetery shall be as are approved from time to time by the council. Copies of such fees and charges are available on request from the Town Clerk.

Offences

Attention is drawn to The Local Authorities Cemeteries Order 1977 and any amendments thereto: -

This order provides that no person shall: -

- wilfully create any disturbance in a cemetery,
- commit any nuisance in a cemetery,
- wilfully interfere with any burial taking place,
- wilfully interfere with any grave or other memorial, or any flowers or plants on any such matter,
- play at any game or sport in a cemetery, or
- enter or remain in a cemetery at any hour when it is closed to the public, unless being a person so authorised by the burial authority.

The Cemetery will be open to visitors from Dawn until Dusk. For Health and Safety reasons no persons should enter the Cemetery after dark.

When making funeral arrangements two clear days notice must be given to the Cemetery Superintendent for interment

Interments must take place between 09.00 hours and 16.00 hours each day Monday to Saturday, the last burial is 15.00 hours in the Summer months and 14.30 hours in the Winter months, and are not permitted on Sundays and specified holidays which include Good Friday, Christmas Day, Easter etc.

Selection and Ownership of Graves

The selection of sites for graves shall be determined at the discretion of the Superintendent. The wishes of the applicant will be met where reasonably possible. A plan of the cemetery showing the position of graves is kept by the Town Clerk. This may be viewed without charge at any reasonable time.

No body shall be buried or cremated remains interred or scattered in any grave in which an exclusive right of burial for the time being subsists, except with the consent in writing of the owner of the right.

Full settlement of all fees and charges in respect of burial must be made payable to Bentham Town Council and sent to the Town Clerk, The Town Hall, Station Road, High Bentham, LA2 7LH, within seven days upon receipt of invoices.

Coffins

Traditional wooden coffins or ecologically friendly coffins only shall be used in all graves and must bear a name plate establishing the identity of the body contained therein.

Headstones & Memorialisation

Temporary memorials

- 1) For the first twenty-four months immediately following an interment, a temporary wooden memorial may be erected. The dimensions of the wooden cross or other religious emblem shall not exceed 3' (91.44 cm) in height above ground level and 2'3" (68.58 cm) in width and not exceed 4" (10.16 cm) in thickness.
- 2) At the end of the twenty-four-month period following an interment, the owner must remove and dispose of the temporary memorial and reinstate the surface of the grave to the satisfaction of the Superintendent. If the memorial is not so removed it will be disposed of by the Cemetery staff at the expiration of this period following consultation with relatives.

Permanent memorials

- 3) Memorials will be admitted into the Cemeteries during daylight hours, provided all fees have been paid. The Burial Authority reserves the right to remove a memorial if for any reason the prescribed fees have not been paid. The grave owner will be advised sensitively of their responsibilities.
- 4) Permanent memorials must be made of best quarried materials. Limited use of etched and enamelled ornamentation will be accepted subject to the approval of the Superintendent. All dowels shall be in accordance with the specification detailed in the National Association of Memorial Masons Code of Working Practice. Portland, Caen, Bath or other free stone and soft York stone must not be used. Permanent memorials may not be of wood or metals. Foundation bases could be of either best-quarried materials or reinforced concrete conforming to BS 7263.
- 5) Trade inscriptions other than the supplier's name and district will not be permitted.
- 6) All new memorials and where practicable re-fixed memorials are to be fixed in the Cemetery in accordance with the Code of Working Practice from the National Association of Memorial Masons.
- 7) Only lawn memorials are permitted and shall: -
 - a) be without kerbing,
 - b) not exceed 3'0" (91.44 cm) in height above ground level,
 - c) be a maximum width of 2'6" (76.20 cm), and
 - d) be not less than 3" (7.62 cm) nor more than 6" (15.24 cm) in thickness.
- 8) Memorials may be erected providing they comply with these Regulations. Notice must be given before removing a memorial or carrying out any work in connection therewith.

- 9) Drawings and specifications of all memorials or alterations thereto and any inscription thereon shall be submitted for approval to Superintendent.
- 10) Responsibility for the safety and upkeep of memorials rests with the owner of the burial rights; the Burial Authority can accept no responsibility for damage to memorials.
- 11) It is the responsibility of the grave owner to keep any memorials in repair, good order and in a safe condition. In default of this regulation the council may remove the same at their discretion, or after 6 months' notice given in writing to the registered grave owner execute any necessary work and charge the owner with the cost thereof.
- 12) All Grants of Right for the placing of all Memorials of any type or description are so issued at the owner's risk and responsibility and no claims for any damage or vandalism of any kind will be accepted by the council. Similarly, the upkeep and maintenance of any such memorial are the owner's responsibility and should any memorial become unsafe or neglected they may be removed without notice.
- 13) Memorials or other objects moved on the occasion of the re-opening of a grave will be moved and replaced at the risk of the owner
- 14) The council will carry out regular checks on all memorials in the cemetery and will make safe any memorial found to be in a dangerous condition.
- 15) The Burial Authority is obliged under the Health & safety at Work Act 1984 and the Public Liability Act 1951 to ensure memorial safety within the cemetery and take appropriate action. It also has a duty of care under the Health & Safety at Work Act 1984 to protect the health and safety of all visitors, staff, funeral directors, monumental masons, clergy and contractors using the cemetery.
- 16) If any memorial is laid down or otherwise made safe (e.g. by staking and tying) it is the responsibility of the grave owner to arrange for the appropriate work to be carried out by an approved monumental mason.
- 17) The Council may remove any memorial on a grave if it is dilapidated by long neglect and,
- a) Notice has been posted conspicuously at the Cemetery gates and in the vicinity of the tomb for two weeks, and
 - b) Notice has appeared in two consecutive local newspapers.
- 18) Photographs of the deceased may not be affixed to memorials.
- 19) Wind chimes will not be permitted in the Cemetery.

Vases and flower containers

- 20) A vase of quarried material bearing a personal inscription shall be regarded as a memorial and is subject to the fees payable under the Table of Fees and Charges.
- 21) Vases shall not exceed: -
- a) 18" (45.72 cm) in height,
 - b) 12" (30.48 cm) in width and
 - c) 12" (30.48 cm) in thickness including base.
- 22) Flower containers may be placed on graves without a fee provided they are not made of glass, bear no personal inscription and do not exceed 12" (30.48 cm) in height and 9" (22.86 cm) in thickness and do not exceed the width of any memorial as specified in the Regulations for the specific memorial types. There is no restriction on the colour for containers provided they are in accordance with the dignity of the Cemetery.

Borders and enclosures / turf style cemetery / planting

- 23) No iron, plastic, wooden, brick or stonework or other material will be erected to provide a border or enclosure around any new grave space. The council may after serving proper notice remove any such unauthorised memorialisation.
- 24) No grave mound, kerbing or other surround will be permitted in any section of the Cemetery and grave spaces will be turfed at ground level as soon as possible after an interment.
- 25) An area of 2'6" is allowed from the head of the grave to incorporate all memorialisation including the base of the headstone. Items placed outside this area may be removed by the council 2 weeks after notification is given in writing to the grave owner.
- 26) The area at the head of the grave designated for private memorialisation may not be enclosed or bordered in any way.
- a) If the grave owner wishes they may remove an area of turf at the head of the grave (remaining within the 2'6" area) and plant seasonal bedding plants.
 - b) Shrubs, trees or any other type of large or fast-growing plant are not permitted and may be removed without notification.
 - c) Before any planting takes place on graves the permission of the Superintendent must be obtained.
 - d) Plants when fully grown must not exceed 2 ft (60.96 cm) in height in order to prevent damage to memorials or injury to passers by.
 - e) The right is reserved to prune, cut down or remove any shrubs, plants, flowers or wreaths that have become unsightly or overgrown.
 - f) Before removing / cutting down any flowers / trees / shrubs etc. which do not satisfy these Regulations the grave owner will be advised sensitively of their responsibilities.

Maintenance

- 27) No hewing or dressing of memorials will be permitted within the Cemeteries and all materials shall be conveyed into them in such a manner as will avoid annoyance to persons or damage to the grounds and walks. All refuse and materials shall be removed in like manner.
- 28) No article placed upon a grave may be taken from the Cemetery without the Superintendent's permission.
- 29) Shrubs, plants or flowers must not be taken out of the Cemetery without the consent of the Superintendent.
- 30) All dead flowers and wreaths, garden refuse or litter must be conveyed to the nearest wastebasket.

Interment of cremated remains / Memorial plaques

- 31) There are two alternatives available for the interment of ashes:
- a) In an existing family grave,
 - b) In a plot close to the Remembrance Wall.
- 32) In all cases ashes should be either poured into the ground from a container or interred in a suitable casket (supplied by the funeral director).
- 33) Please note there are no facilities for ashes to be scattered.
- 34) For cremated remains it is possible to purchase a memorial plaque to be placed on the stone wall within the Cemetery. The Council requirement for these memorials is a 7 x 4-inch cast bronze plaque, to maintain uniformity.

General Regulations

- 35) The permission of the Superintendent shall be obtained before any object in a Cemetery is photographed or a video recording is commenced.
- 36) Motor vehicles must not enter the Cemetery.
- 37) No child apparently under the age of 12 years shall enter the Cemetery unless under proper supervision.
- 38) No dogs except Guide Dogs for the visually and hearing impaired shall be permitted in the Cemetery.
- 39) No smoking shall be permitted in the Cemetery premises or within the vicinity of a funeral.
- 40) No person shall canvass or solicit orders in a Cemetery.
- 41) Musical instruments or appropriate sound reproducing equipment shall be permitted in the Cemetery with the permission of the Superintendent.
- 42) Any Rules and Regulations previously in force in respect of the Cemetery are hereby superseded.

The Council may from time to time make alterations to the foregoing Regulations, and any Right of interment in any grave will be subject to these Regulations, and any others that may be made by the Council or any other authority, and subject also to any present or future Statutory Regulations

Bentham Town Council
January 2020