

Lifton Parish Council

Cemetery Rules and Regulations

Lifton Parish Council welcomes visitors to the Parish Cemetery on North Road, Lifton and asks that visitors respect the peace and dignity of the facilities as well as other users. This is a communal space for quiet reflection and remembering loved ones. We thank you in advance for your consideration.

Please make yourself familiar with the Regulations and ask the Parish Clerk if there is any aspect on which you require further clarification. Through the Rules and Regulations, we aim to provide a balance between individual rights and information and the need to regulate for a safe, tidy and dignified environment with respect for the bereaved and visitors to Lifton Parish Cemetery.

These Regulations have been approved by the Parish Council in respect of the Local Authorities' Cemeteries Order (LACO) 1977 and will subsequently be updated as required. A copy these regulations may be obtained via: <https://www.legislation.gov.uk/uksi/1977/204/contents/made> or from the Parish Council website at http://www.liftonpc.org.uk/Burial_Ground_40071.aspx

The Clerk to the Parish Council can be contacted on 01566 785672 or via email: clerk@liftonparishcouncil.gov.uk and will advise on any matters concerning the Cemetery (there is an answer machine for calls if the Clerk is unavailable).

The current list of Cemetery fees is available from the Clerk and is also published on the Parish Council website via: http://www.liftonpc.org.uk/Burial_Ground_40071.aspx
All fees are payable to Lifton Parish Council.

Lifton Parish Council is not responsible for funeral arrangements. Any requests relating to the funeral must be directed to a Funeral Director.

Hours of Opening

The Cemetery will be open to the public daily throughout the year however, please be aware that at certain times access to individual graves may be restricted, for instance when an adjacent grave is being dug. Any disturbance will be kept to a minimum. Lifton Parish Council reserves the right to close all or part of the Cemetery at any time and without prior notice in the interest of public safety. Such closures will be published on the noticeboard situated by the entrance and on the Parish Council website: <http://www.liftonpc.org.uk/>

Hours of Interment

Interments may only take place between the hours of 9.00am and 4.00pm or 1 ¼ hours before sunset, whichever is the earliest, this being the time the last interment at the grave side must be concluded.

No interments are allowed on public holidays. Only under exceptional circumstances (a coroner's or registered medical practitioner's request that an immediate interment is necessary) will interments be permitted to take place on these days – the certificate requesting that an immediate interment is necessary will be required with the appropriate fee.

Grave excavation is organised by the funeral directors. Lifton Parish Council does not offer this service and is not responsible for the excavation and excavated plot. No plot shall be excavated until its location is confirmed by the Parish Clerk. Contracted grave excavators

must be advised of the Parish Council's 'Burial Ground Risk Assessment' at Lifton Parish Cemetery by those arranging their services and shall work in accordance with this document.

Grave digging is not permitted on Sundays or after dusk and this also applies to backfilling. Where there is a second interment in an existing grave, the grave should be dug to the same day or as close as possible to the date of the funeral and weather permitting, spoil should not be left on an adjacent grave over a weekend. Backfilling of graves may only be carried out by the Funeral Director's own contractor.

Notice of Interment

A provisional telephone booking followed by a written 'Particulars for the Registration of Burials' form, provided by the Parish Clerk, must be submitted to the Parish Clerk at least 5 working days prior to an interment (exclusive of weekends, Public Holidays and the day of interment itself), except when an immediate interment under exceptional circumstances is required. **All information provided must be clear and completed on the Particulars for the Registration of Burials form in order to avoid delays or errors on the day of interment.**

The certificate of burial or cremation or the Coroner's Order for Burial and the appropriate fee must be submitted with the Particulars for the Registration of Burials form, wherever possible. The burial may be postponed or delayed if the certificate or Coroner's Order is not delivered prior to the arranged time for the burial.

Burial Fees

The list of burial fees and charges is available from the Parish Council and by visiting http://www.liftonpc.org.uk/Burial_Ground_40071.aspx

An invoice will be issued to the Funeral Director by the Parish Clerk. All fees and charges must be paid upon submitting the Particulars for the Registration of Burials form. Fees are payable either by BACS or by cheque, made payable to Lifton Parish Council.

Grave Spaces

No grave shall be deepened after the first interment. All coffins or other receptacles are interred in accordance with Part 1 Schedule 2 of the Local Authorities Cemetery Order (LACO), 1977.

No grave shall be excavated until the relevant plot has been identified and verified and the location has been provided by the Parish Clerk and/or Parish Chairman. Contracted grave diggers organised by Funeral Directors shall adhere to the Parish Council's Burial Ground Risk Assessment which is available from the Parish Clerk or via the Parish Council's website: http://www.liftonpc.org.uk/Burial_Ground_40071.aspx Funeral Directors must notify the Council of all arranged grave digging.

Excess soil should be placed away from the new or an existing burial plot/cremation space.

Grave Rights

A Grant of Exclusive Right of Burial (EROB) may be purchased at any time. An Exclusive Right of Burial is currently granted for a period of 100 years from the date of purchase.

The Exclusive Right of Burial can be issued in the names of up to two people.

A deed for the Exclusive Right of Burial will be issued to the purchaser/s of the grave upon payment of the appropriate fee. The Council's records contain the details of the registered grave owners; however, it is important that the grave owners keep safe their Exclusive Right

of Burial deed. Possession of the deed does not in itself signify ownership of the Exclusive Rights.

When an interment is not that of the deed holder, consent in writing from the deed holder(s) is required on the Particulars for the Registration of Burials form prior to the interment taking place.

Ownership of the Exclusive Right of Burial can be transferred either during the owner's lifetime or after their death. Transfer of the Exclusive Right of Burial from the living owner(s) to another individual(s) is done so upon completion of an Assignment Form.

The Exclusive Right of Burial may be transferred on the death of the registered owner to the person or persons entitled to it. In order to establish grave ownership, the person or persons wishing to take up ownership must be able to produce a Grant of Probate or Letters of Administration. If these legal documents have not been applied for or issued, then ownership may be transferred to the executor by Statutory Declaration.

A transferred Exclusive Right of Burial is only valid if it has been registered and acknowledged by the Parish Council.

The owner(s) of an Exclusive Right of Burial can surrender the right at any time if the plot has not been used for a burial (and if all owners agree if the right is jointly owned), upon completion of a Surrender Form. The surrender value being the original purchase price as specified on the Grant Exclusive Right of Burial.

Where no Exclusive Right of Burial exists the Parish Council has the right to use unpurchased graves, that have sufficient depth, for further interments. No previous interments will be disturbed in such circumstances.

All grave spaces and plots specifically for cremated remains will be allocated in sequence. All requests for pre-selection are at the discretion of the Parish Clerk.

Funerals

The conduct of all funerals within the Cemetery is subject to the control of Lifton Parish Council.

All coffins, caskets and urns for human and cremated remains must be constructed from bio-degradable materials (Plaques and ironmongery are exempt). Non-bio-degradable containers will not be permitted

After the interment, the grave will be backfilled by the grave digger, and any floral tributes will be respectfully placed on the grave.

The Parish Council reserves the right to place soil on the graves next to those which are being opened without any prior notice. The soil will be removed immediately after the interment and the grave will be restored to its previous condition. Any work completed will be done in a respectful and sensitive manner.

Cremated Remains

The scattering of ashes is not permitted in the Cemetery. Please do not scatter ashes or attempt to bury them yourself. Cremated remains left at a graveside or scattered without consent may be removed without notice.

Ashes may be interred into an existing plot or in a new cremation space once the services of a Funeral Director have been taken up and on application to the Parish Clerk; the payment

of the appropriate fee should also be made to the Parish Council. The correct legal ownership of a right of burial and permission will need to be established beforehand.

Exhumation

Once human remains or ashes have been interred, they can only be removed with the permission of the Parish Council and a licence granted by the Secretary of State. Any disturbance of buried remains is deemed to be an exhumation.

Memorials

No memorial of any description may be placed on unpurchased graves.

Only the deed holder/s or someone with written permission from the deed holder/s (when acting on their behalf) may place a memorial on a grave.

No memorial may be placed on a grave without the approval of Lifton Parish Council. Memorials must be placed in accordance with British Standard 8415 and meet all current Health and Safety standards.

For the right to place on any grave numbered 138 and upwards:
Headstones only, the maximum size permitted is 1.68m (5ft 6in) in height x 0.61m (2ft) in width (see the Burial Ground Fees document for more information). No other form of monument is permitted.

For the cremation area only: Tablets with a maximum size are permitted of 0.6 x 0.45m (2ft x 1ft 6in).

An application for a Permit to Undertake Monumental Work will only be accepted from approved monumental masons. The appropriate fee must be submitted with the application form.

Advice should be sought from a monumental stonemason regarding the placing of memorials on burial plots; ideally it is recommended that at least one winter should pass (after the interment) to allow the ground to settle (earth may not settle in the dry summer weather). The cremated remains section is exempt from this waiting period.

Any unauthorised memorials placed on graves shall be removed in accordance with Article 14 of the Local Authorities' Cemeteries Order (LACO), 1977.

When digging graves in certain areas of the Cemetery we may need to respectfully move memorials and flowers from surrounding graves without notice, to make room for equipment. We will replace memorials in their correct position as soon as possible after the burial.

Prior authorisation is required to be sought from the Council before any work is undertaken, including the move of a Memorial to allow the interment of a second burial.

To place an additional inscription on an existing memorial, an application must be submitted to the Parish Clerk along with the appropriate fee. Applications in-keeping with those in the part of the cemetery currently in use will only be permitted. All other applications will be considered on an individual basis by the Parish Council.

Grave/Memorial Maintenance and Unsafe Memorials

It is the responsibility of the grave owner to maintain the grave and its memorial. Should it become dilapidated or unkempt through neglect, the Council will take appropriate action in accordance with Article 16 (2) of Local Authorities Cemetery Order (LACO), 1977. This could mean the removal of the memorial.

(a) If a memorial is found to be unsafe Lifton Parish Council has a duty to minimise the risk to Cemetery users and its employees, and if it identifies an unsafe memorial, reserves the right to take one or more of the following actions:

1. Lay down the memorial.
2. Lash the memorial to a temporary stake to give support.
- Attach highly visible appropriate signage.
3. Remove the memorial from the burial plot/cremation space and/or the Cemetery.

(b) This action may be taken immediately following inspection; in all cases a warning note will be fixed to the memorial with a Lifton Parish Council contact number.

(c) Where a memorial is found to be unsafe the owner of the Exclusive Right of Burial will be informed, at the last address notified to Lifton Parish Council, and given a time limit to undertake repairs to make the memorial safe again. Where the time limit has lapsed or the owner cannot be traced, Lifton Parish Council may at its discretion either; undertake the repair, lay down the memorial or remove it from the Cemetery.

(d) Only approved test methods will be used by Lifton Parish Council to establish memorial safety.

(e) This duty applies to all memorials within the Cemetery.

(f) Lifton Parish Council is not responsible for repairs to any monument or memorial due to storm damage or vandalism; this is the responsibility of the owner.

(g) Lifton Parish Council will undertake safety testing of all memorials in accordance with its Burial Ground Risk Assessment.

- The Parish Council has the authority to remove any unauthorised memorials and recover the cost from the person upon whose order the memorial was placed (Article 14, Local Authorities' Cemeteries Order 1977).

Decoration Of Graves

No glass, porcelain or plastic vases, planters or pot plants may be placed around a memorial or grave which impedes grounds maintenance contractors in the Cemetery. Glass, porcelain and plastic containers in particular pose a dangerous hazard to grounds maintenance contractors and visitors. Such items will be removed and disposed of by the Contractors and/or Parish Council without notice.

Floral and plant-based tributes only are allowed. The Parish Council would encourage the use of biodegradable materials and the removal of non-bio-degradable wrappings.

The dressing of graves is not permitted. This includes scarves, ribbons, toys, ornaments, tinsel etc. Any such items found on a grave may be removed and disposed of by the Contractors and/or the Parish Council without notice.

The planting of seeds, bulbs, plants, shrubs, trees and Astro-turf around memorials or upon plots is not permitted as they impede grounds maintenance of the Cemetery. Such items will

be removed and disposed of or replanted in a more suitable area of the cemetery by the Contractor and/or Parish Council without notice. A section of the burial ground has been set aside as a wildflower garden which also contains wildlife houses and a wooden bench for quiet reflection and remembering loved ones.

Burial Ground Maintenance

Lifton Parish Council instructs a Contractor to carry out grass cutting, path clearance and hedge/tree works at the Cemetery; this is done under a separate contract and also in accordance with the Parish Council's Burial Ground Risk Assessment. These maintenance works may be subject to change due to unseasonal weather conditions.

Records

The location of individual graves is recorded on the Cemetery plans, and in the Register of Burials in accordance with the Registration of Burials Act 1864, Births and Deaths Registration Act 1926 and 1953, Registration of Births and Deaths Regulations 1987 and the Local Authorities' Cemeteries Order 1977. The records are available to view by appointment.

General Regulations

All visitors to the Cemetery must give due consideration and respect to other visitors, ceremonies and services that may be taking place at the time of their visit.

Grave owners must keep the Council advised of any change of address in writing, such notices must be signed by the registered owner.

The entrance to the Cemetery shall be kept clear at all times to allow the entry and exit of emergency vehicles, funerals, and visitors.

For their own safety children under the age of 12 are not permitted to visit the Cemetery unless accompanied by a responsible adult. Children must be supervised at all times.

Bicycles, skateboards or similar equipment may not be ridden in the Cemetery.

Visitors shall not sit, stand or climb on any memorial, gate, fence, tree or hedge in the Cemetery. Visitors should stay well clear of any monuments marked as unsafe as they may be unstable.

All Christmas wreaths will be removed by the Contractor and/or the Parish Council for disposal during the last week of January. Bereaved family members who wish to retain wreaths or the attached memorial cards are advised to remove these prior to the above date.

Lifton Parish Council shall not be liable for personal property brought into the Cemetery or for any damage or loss of memorials or memorabilia.

Photography is allowed for personal genealogy use only. Permission for all filming and photography for other purposes must be obtained in advance from Lifton Parish Council.

No alcohol is to be consumed within the Cemetery grounds.

No dogs other than assistance dogs are permitted within the Cemetery. Please contact the Parish Clerk prior to an interment, if you would like a dog/dogs to attend; such requests will be dealt with on a case-by-case basis.

Visitors shall not interfere with Parish Council employees working in the Cemetery, nor employ them to execute any private work whatsoever. Employees are not permitted to accept gratuities.

Those visiting or carrying out work in the Cemetery are required to follow these Rules and Regulations and any instruction given by Lifton Parish Council.

Offences

In accordance with Article 18 of Local Authorities' Cemeteries Order 1977, it is an offence to:

- Wilfully create any disturbance in a Cemetery
- Commit any nuisance in a Cemetery
- Wilfully interfere with any burial taking place in a Cemetery
- Wilfully interfere with any grave, vault, tombstone or other memorial, or any plants or flowers
- Play any game or sport in a Cemetery
- Enter the Cemetery when closed to the public unless authorised to do so by a member of Parish Council staff.

Lifton Parish Council reserves the right to update and amend these Rules and Regulations as and when deemed appropriate. Significant changes to the policy will be communicated as soon as reasonably practicable.

Lifton Parish Council can assist or advise on queries relating to the Cemetery. Please contact:

Mrs Sue Willis, Lifton Parish Clerk:

Telephone: 01566 785672

Email: clerk@liftonparishcouncil.gov.uk

Adopted by Lifton Parish Council on: 28th September 2023

Date of next review: September 2026