

**KERRY CEMETERY.**

**RULES AND REGULATIONS FOR THE CONTROL AND MANAGEMENT OF KERRY CEMETERY BY KERRY COMMUNITY COUNCIL.**

**These Rules and Regulations for the control and proper management of the Cemetery are made under the provisions of the Local Authorities Cemeteries Order 1977 and replace all previous Rules and Regulations made before KERRY COMMUNITY COUNCIL.**

**If you need help in interpreting the Rules and Regulations, please contact the Clerk - [clerk@kerrycommunitycouncil.gov.uk](mailto:clerk@kerrycommunitycouncil.gov.uk)**

**Section 1 - Permissions**

None of the following can take place without specific permission of the Clerk and relevant legal permissions where applicable.

- I. Burials or exhumations (no exhumation of remains can take place without the specific approval of the Secretary of State and any additional relevant authorities)
- II. Scattering or burial of ashes.
- III. Erection or fixing of a memorial.
- IV. Inscription on a memorial.
- V. Renovation of a memorial.
- VI. Removal and /or replacement of a memorial.

**Section 2 – Interments (Burial/ Cremated remains)**

- I. The Community Council no longer allow graves to be reserved, under any circumstances.
- II. It is the responsibility of the Funeral Director to ensure surplus soil and stone is removed from Cemetery after any burial or associated works.
- III. Graves are only to be dug by approved personnel appointed for this purpose via the Council or funeral director and are dug at the expense of the person making the request.
- IV. Mounds of new graves to be turfed, leaving adequate space for mower between graves.
- V. No turf to be dug from the green area of the cemetery.
- VI. All mounds to be removed within twelve months, whether or not a headstone has been erected.
- VII. Ashes to be buried in cremation plot, except where added to existing grave. Not scattered.
- VIII. All Ashes to be buried in biodegradable containers.
- IX. Where ashes are added to a grave, no more than four per grave.
- X. Grave plots are sized as 2.7m x 1.2m and the cremation plots are sized as 0.6m x 0.6m
- XI. Grave plots allow for standard size coffin depths maximum 430mm (17 inches)
- XII. Notice must be given if a coffin exceeds these limits and an extra fee may be payable
- XIII. Grave plots allow 2400mm long x 1200mm wide 1300mm deep for 1 burial and 1900mm deep for 2 burials (8 feet long x 4 feet wide/4 feet 6 inches deep for 1 burial/ 6 feet 6 inches deep for 2 burials).
- XIV. All bodies for interment are to be contained within a sealed container such as a wooden/cardboard/wicker coffin. Such containers are to bear the identity of the person contained therein.
- XV. If a grave is re-opened for further burial, no human remains will be disturbed and no offensive soil will be removed.

### **Section 3 - Memorials**

- I. A temporary wooden marker can be used following burial. The marker is to be removed after twelve months or when a permanent headstone or memorial is installed (whichever is sooner).
- II. Permission is to be sought to erect a memorial, but not before six months after the interment.
- III. Headstones / Memorials should be in proportion and installed by Memorial Masons accepted on the NAMM or BRAMM Business Accreditations Registers, employ a licensed Fixer, and maintain appropriate Public Liability and Employers Insurance policies.
- IV. Memorial sizes:-
  - Graves maximum 3 ft / 92cm high by 3 ft / 92cm wide and
  - Cremation Plots maximum 2 ft / 61cm high by 2 ft / 61cm wide.
- V. No kerb stones allowed.
- VI. Memorials to be approved by council before erection.
- VII. No permanent shrubs.
- VIII. No Glass containers allowed on the graves.
- IX. Dead wreaths and flowers to be removed from Cemetery – Please take floral wrapping etc home.
- X. Anyone authorised by the Community Council has the right to remove dead wreaths etc.
- XI. The Council will not be responsible for any accidents or damage to any memorial caused by vandalism, storm, wind, lightning, subsidence, general grounds maintenance or any cause that is beyond the Council's control. Owners of memorials are advised to take out appropriate insurance cover against theft or damage.
- XII. Memorial benches will be permitted by a Kerry Community Council Ordinary Meeting resolution and the Council's decision is final.
- XIII. Should a bench be permitted the maintenance of the bench is the responsibility of the deceased's representative/ next of kin and the Council reserve the right to remove the bench if the memorial bench is not appropriately maintained.
- XIV. Applications for memorial benches should be submitted in writing to the Clerk
- XV. Memorials, flower holders & items placed on graves remain there entirely at the owner's sole risk and the Council cannot accept responsibility for loss or damage. Owners of memorials are responsible for keeping them in repair and good order.
- XVI. Change of address - We request that relatives notify the Clerk of any change of address as soon as possible so that the appropriate records can be updated.
- XVII. The representative or appointed Funeral Director should advise the Clerk if the deceased to be buried has died of an infectious disease which may require special arrangements.

### **Section 4 - Inspection**

- I. The Community Council will undertake periodic safety inspections and have the right to lay flat any unsafe headstones in accordance with the provisions of Schedule 3 and Article 10 of the Local Authorities' Cemeteries Order 1977.
- II. Where memorials are found to be loose or otherwise defective the nominated relatives will be advised, if possible, and given ninety days to make the memorial safe
- III. The Council may remove any memorial, or inscriptions thereon, placed in the cemetery without authorisation and recover any costs so incurred.

### **Section 5 - Conduct**

The Local Authorities Cemeteries Order 1977 provides that "No person shall:

- I. Wilfully create any disturbance in a cemetery.
- II. Commit any nuisance in a cemetery.

## KERRY CEMETERY RULES & REGULATIONS – FEBRUARY 2024 MR

- III. Wilfully interfere with any burial taking place in a cemetery.
- IV. Wilfully interfere with any grave, tombstone or other memorial, or any flowers or plants.
- V. Play at any game or sport in the cemetery.

None of the acts described in the foregoing paragraph are therefore permitted in the cemetery and in particular:

- I. No person is to enter, leave, seek to enter, or seek to leave the cemetery other than through the marked entrances/ gates.
- II. No person is to interrupt or delay a burial by his or her behaviour or his or her presence, nor is any person to obstruct, disturb or annoy any person lawfully using the cemetery.
- III. No person is to wilfully destroy or damage any grave, memorial, wall, fence, tree, plant, or shrub in the cemetery.
- IV. No person is to mark or disfigure any memorial, wall or fence in the cemetery or put up any printed paper, handbill, or sign.
- V. No motor vehicles may enter or leave the cemetery without specific permission from the Clerk.
- VI. Members of the public are not to cycle on the paths in the cemetery.
- VII. No music is to be played in the cemetery except with the specific agreement of the Council.
- VIII. Dogs in the cemetery must be kept on a lead and any dog waste collected and disposed of appropriately.
- IX. No consumption of alcohol or drugs/intoxicating substances.
- X. Children under 12 are not allowed in the cemetery unless they are under the care of a responsible adult.
- XI. Any damage of any kind in the cemetery is to be made good at the expense of the person causing it – this includes bench seats, fences, or gates.

### **Section 6 – Fees/ Required Documents**

- I. No interment or erection of a memorial can take place before agreement to abide by the Council cemetery Rules and Regulations is given in writing, by completing the Kerry Community Council – Notice of Burial, along with the appropriate invoiced fees having been paid in advance.
- II. The scale of charges shall be as prescribed by the Council and shall be revised when the Council feels it necessary to do so.
- III. Proof of residency will be required if claiming a resident fee.
- IV. Certificate for Burial or Cremation to be submitted to Clerk in accordance with the current prevailing legislation.
- V. A completed Kerry Cemetery Notice of Burial – available from the Clerk.
- VI. Interments can take place on any day, other than public holidays as agreed with the Clerk.

### **Section 7 – Additional Information**

- I. Although these regulations are a necessary requirement for the management of the Council's cemetery, every effort has been made to avoid restricting the rights and choices of the individual. These regulations have therefore been prepared to maintain a balance between
- II. individual rights and the need to regulate for safe and tidy grounds. For example, the prohibition of glass and plastics is based upon these items becoming potential hazards when mowers are used and not for aesthetic purposes.
- III. The above Rules and Regulations are not exhaustive and where matters arise that are not specifically covered the Clerk is authorised to make such decisions as considered to be reasonable and necessary for the day-to-day management and control of the Cemetery.

## KERRY CEMETERY RULES & REGULATIONS – FEBRUARY 2024 MR

- IV. Any person or persons who knowingly or wilfully contravenes the Cemetery Rules and Regulations maybe the subject of criminal prosecution (Local Authorities' Cemeteries Order 1977(Section 19)).
- V. Difference or Disputes - Should any difference or dispute arise as to the real intent, meaning or interpretation of these Rules and Regulations, the decision of an authorised officer and representative of the Burial Authority shall be final.
- VI. Alterations to Regulations - The Council reserves the right to alter these Regulations from time to time as they see fit.

Cemetery Rules approved by Kerry Community Council – Meeting 28<sup>th</sup> February 2024 Item 4 (d).