

2023

Deddington Parish Council

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CEMETERY RULES

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Section 1: General Information

As a burial authority, Deddington Parish Council will comply with the Local Authorities Cemeteries Order 1977 and other relevant statutory instruments.

The council strives to offer a sensitive and professional service to the residents and relatives of the Parish of Deddington, Clifton and Hempton.

The following rules and procedures have been adopted by the Parish Council to govern activities within the cemetery which it owns and manages. The cemetery is usually open to the public between dawn and dusk every day.

Administration

1. Please note that only residents of the parish or people with a strong link to the parish will be eligible to purchase a plot or be buried in the Hempton Road cemetery as their final resting place.
2. No burial shall take place and no memorial shall be placed or inscription added without the permission of the officer appointed by the authority.
3. A fully completed interment notice and the appropriate disposal certificate must be presented to the administrative staff in the parish office (during office opening hours) at least five working days before the proposed day of the interment. This is in order that staff can then allocate the plot.
4. All fees and charges for interments shall be paid at the time of application and an Exclusive Right of Burial will not be issued by Deddington Parish Council until the funds have cleared. The right to erect a memorial can be purchased for 25 years (renewable). Since memorial owners are responsible for the upkeep of their memorial, owners must *either* take out an insurance policy for their memorial for five years (to be extended for the life of the memorial) *or* provide an indemnity acknowledging they will be responsible for maintenance and repair for the life of the memorial (or until it is insured); the insurance or indemnity document and any guarantee of conformity given by the mason should be retained with the deed.
5. Grave spaces and cremation plots are allocated by Parish Council staff and will usually be allocated in strict numerical order.
6. Relatives of a family member who is already buried, or is about to be buried, in the cemetery can reserve up to two more plots near the existing or proposed grave if they are available.
7. Proof of ownership is required by production of the grave deed before an interment can take place in a reserved grave space or cremation plot. An existing grave will only be reopened for a further burial following receipt of the written consent of the registered grave owner. The registered owner must give such written consent by signing the burial

application form. Following the death of a registered owner the nearest relative(s) should contact the parish clerk to arrange a transfer of ownership. Where relatives fail to do this a transfer of ownership will be required before any further burials or work to a memorial can be carried out by the new owner.

8. All funeral directors and grave diggers working in the Hempton Road cemetery must be on the Parish Council's approved list. This is to ensure that they have appropriate insurance, have formally agreed to comply with the Parish Council's rules and have undertaken a risk assessment.
9. Masons working in the Hempton Road cemetery must be on the British Register of Accredited Memorial Masons (BRAMM) or on The Register of Qualified Fixers (operated by NAMM) to ensure that acceptable standards of fixing are maintained. All memorials must be erected in accordance with BS8415 (latest version). The BRAMM Blue Book and the National Association of Memorial Mason's code of working practice inform masons on how to comply with BS8415.
10. There is no legal requirement to use a funeral director when organising a funeral but if a funeral director is not employed a representative of the burial authority (the Parish Council) shall be in attendance to oversee the burial and assist where required.
11. A trained grave digger shall be employed to excavate all graves. This is to ensure that they are dug centrally within the respective grave space to the correct dimensions, adequately shored and properly backfilled following the interment, and that turf is then laid to provide a level surface suitable for mowing.
12. A plan of the burial ground showing the position of every grave is kept at the parish office and may be inspected by arrangement without charge. A register of burials is kept at the parish office and searches may be made by arrangement and certified extracts obtained. A fee may be charged for this when an officer of the Parish Council conducts a register search on behalf of an enquirer. No funerals can take place until an appropriate disposal certificate has been received by Deddington Parish Council.
13. The Parish Council may grant Exclusive Rights of Burial (ERB's) for a period of 75 years to residents or others with strong Deddington connections. These are legal agreements between the burial authority and the purchaser of the ERB for a grave or cremation plot. It does not constitute a purchase of land just the right to burial.
14. Families can purchase an ERB for up to two additional reserved plots to secure a grave space adjacent to a close relative already buried (if a plot is available). This ERB

14.1 shall extend for 75 years from the date of purchase; and

- 14.2 where the owner is deceased the executor or nearest relative(s) should contact the Parish Council to arrange a transfer of ownership.
15. After interment no human remains, including ashes, can be moved or removed without the faculty and/or licence required by law being produced to the Parish Clerk.
16. It is a legal requirement that all excavation work should be carried out in accordance with The Construction Regulations 1996 regulation 12. This means that all graves being dug for the interment of bodies must be excavated and shored in accordance with the results of the risk assessment and system of work designed to eliminate or significantly reduce the risks identified.
17. Section 18 (1) of The Local Authorities Cemetery Order 1977 states that no person shall-
- a. wilfully create any disturbance in a cemetery
 - b. commit any nuisance in a cemetery
 - c. wilfully interfere with any burial taking place in a cemetery
 - d. wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter, or
 - e. play at any game or sport in a cemetery.

2. General Conditions Concerning Interments

18. Cremation plots can accommodate multiple ashes (up to three caskets) if this is requested on purchase of the plot.
19. Double depth graves are available at the Hempton Road cemetery at no extra cost and requests for double depth graves should be notified to the Parish Clerk before the grave is prepared.
20. Interments can only take place between sunrise and one hour before sunset for health and safety reasons.
21. Where a funeral procession is likely to cause significant traffic congestion, the Parish Council and Thames Valley Police should be advised in good time so that assistance might be provided and appropriate arrangements made.

3. The Cemetery Environment

22. Visitors should respect the character and purpose of the cemetery and no-one may seek to obstruct, interrupt or delay a funeral.
23. Planting trees and shrubs within the cemetery is not allowed other than set out below and the Parish Council reserves the right to take appropriate remedial action as required.
24. Any planting within the grave area must not exceed the footprint or obscure the grave stone. The Parish Council reserves the right to maintain the plot or take other appropriate remedial action as required.
25. The Parish Council has approved a small number of locations for memorial trees within the Hempton Road cemetery. Details on availability, permitted species, location and the fees for a memorial tree are available from the Parish Clerk. No alternative locations will be considered.
26. The memorial trees will be maintained by the Parish Council and that cost is reflected in the fees charged. All trees in the cemetery are routinely inspected by a qualified Arborist and will be subject to his or her professional recommendations. Ashes are therefore not permitted to be buried under or beside a memorial tree in case the tree subsequently needs to be removed and replaced for any reason.
27. The maintenance of memorial trees is the responsibility of the Parish Council. No vases, photos, planting of plants, containers or items tied to the tree are permitted.
28. The south west corner of the cemetery is designated as a location for the scattering of ashes. The appropriate fee and an application to scatter must be submitted to the Parish Council and approved by the proper officer before the scattering can take place. Ashes may not be scattered anywhere else within the cemetery.
29. The Parish Council wishes to inform people that the Parish Church has a Book of Remembrance into which the name of an interred person may be entered. Applicants should contact the Vicar or Church Wardens for further information and a separate charge payable to the Church applies. This facility is not administered by the Parish Council.
30. The general maintenance of the cemetery is the responsibility of the Parish Council but families are responsible for maintaining their family plots and their memorials throughout the duration of their exclusive right of burial and right to erect and maintain a memorial.
31. In default thereof the Parish Council reserves the right to take whatever action it deems fit to preserve the safety and amenity of the site.
32. All memorials shall remain the risk of the owner of the Exclusive Right of Burial of the grave plot including for any damage or breakages which may occur through adverse weather

conditions or vandalism.

33. Dead flowers and wreaths should be removed by the family and placed in the bins provided for this purpose. These are to the right of the cemetery gates as you leave the cemetery.
34. Glass receptacles are not allowed as these can become broken and a danger to you and our grounds staff.
35. Wind chimes are not permitted in the Hempton Road cemetery to avoid disturbing other users of the cemetery.
36. Any seats or other external furniture in the cemetery shall be subject to the Parish Council's prior consent.
37. No animals shall be permitted to enter the cemetery other than guide dogs, hearing dogs or assistance dogs. It is understood that for sentimental or emotional reasons people may wish to take a dog to visit a grave but this dog must remain on a lead and under control at all times.
38. Vehicles should not be parked on the verge or the grass areas of the cemetery ground in Hempton Road. Parked vehicles shall not obstruct other vehicles or pedestrians and the turning circle must be kept clear at all times. No vehicles other than mobility scooters are permitted to enter the cemetery and do so at their own risk.
39. When a grave needs to be dug or re-opened, the soil may temporarily cover an adjacent grave. We recognise that this may cause distress and apologise for any inconvenience that this may cause. During such an operation the gravedigger will protect adjacent graves and memorials from damage and soiling.
40. For safety and practical purposes, memorials removed for the purpose of interments shall be taken away from the cemetery by the funeral directors or their agents pending reinstatement.

4. Memorials and Monuments

41. The right to install a memorial or monument (hereafter called memorial) on a grave or cremation plot can be purchased for a period of 25 years (renewable) on plots where an ERB has already been purchased. Grave owners are advised to inform the Parish Council should they change address otherwise a renewal notice or other communication may not be received.
42. No memorial or vase shall be erected except over a grave in respect of which exclusive right of burial has been granted.

43. Under no circumstances will headstones or memorials be permitted that bridge multiple graves.
44. A stone or granite cremation urn not exceeding 10" (25cm) in diameter and 8" (20.5cm) in height will be permitted where exclusive rights have been purchased.
45. All memorials must be approved by the Parish Clerk prior to installation.
46. The scale, style and wording of monuments in the cemetery are matters of personal choice by the applicant which the Parish Council would not wish to influence unless (a) they do not comply with the Parish Council's existing conditions regarding size etc. (see below) and/or (b) they might cause gross offence; applications shall be dealt with by the Parish Clerk except that any applications which could be deemed to cause gross offence shall be submitted to the Parish Council.
47. The Parish Council accepts its duty of care and will inspect and test memorials periodically to check that they have not become unstable or a danger to cemetery users. If a memorial poses a safety risk to the public, the Parish Council shall attempt to notify families in order that they can arrange for remedial action as required. The Parish Council reserves the right to take reasonable action to mitigate such risk, for example by installing a temporary support or laying down unstable head-stones, and to charge the responsible families for such works.
48. The Parish Council will periodically employ the services of an Arborist to report upon the health and condition of all trees within the Cemetery and if this report suggests pruning, treatment or felling the Parish Council will act in accordance with the recommendations to preserve the safety of users and/or preventing damage to graves or memorials. Whilst the Parish Council will attempt to contact those who requested the memorial tree this process will not delay any Health and Safety work recommended by the Arborist. A copy of the report will be available in the Parish office.
49. Any unauthorised memorial, seat, bench, tree etc. may be removed without notice.

Section 2: Information for Funeral Directors and Grave Diggers

General

1. All funeral directors and grave diggers working in the Hempton Road cemetery must be approved by the Parish Council, providing a copy of their insurance and indemnities and agree to comply with the risk assessment that has been drawn up by Deddington Parish Council. Grave diggers must also provide evidence that they have been adequately trained. A certificate from an appropriate grave digging training course should be provided e.g. a City & Guilds qualification from the ICCM Cemetery Operatives Training Scheme (Training tab – COTS). If grave diggers have been working in this industry prior to formal qualifications being

available Deddington Parish Council will take references from other burial authorities for whom they work.

2. Funeral directors and/or grave diggers on the approved contractors list will represent Deddington Parish Council at funerals in the council's cemetery.
3. Funeral directors may sub-contract a grave digger from the approved contractors list.

1. Grave Digging Requirements

4. Funeral directors and grave diggers must ensure that all funerals are undertaken in a safe environment. They have a duty of care and must comply with the Parish Council's rules, current legislation and best practice.
5. Parish office staff will mark out- with paint the grave. This indicates the position of the grave for the grave digger who will then comply with current legislation when digging the plot.
6. All graves must be carefully dug with due regard to applicable health and safety rules and the sensitivities of other families using the cemetery.
7. The Parish Council have conducted a risk assessment which identified areas of a high risk factor for grave diggers and requests that grave diggers conduct their own risk assessment.
8. Care must be taken not to damage any adjacent grave, memorial or floral tribute.
9. The minimum depth for a single depth coffin grave in the Hempton Road cemetery will usually be 5 foot.
10. The standard grave space size will be 8 foot long by 4 foot wide.
11. Staff from Deddington Parish Council will undertake periodic spot checks to confirm that graves are being dug in the correct location and to the correct depth and dimensions, that shoring is being used and that the environment is safe and also tranquil for visitors to the cemetery.
12. Under schedule 2 of The Local Authorities Cemetery Order 1977 no body shall be buried in a grave in such a manner that any part of the coffin is less than 3 feet below the level of any ground adjoining the grave. If a family instructs a Funeral Director the Funeral Director will notify the grave diggers of the required depth and dimensions of the grave required and ensure it complies with the Local Authorities Cemetery Order 1977. The Funeral Director must confirm the size and depth of the grave in the paperwork that is supplied to the Parish Clerk prior to the internment taking place. If a family does not use a Funeral Director the clerk will liaise with the grave digger directly. Grave diggers MUST excavate graves to the

depth requested.

13. The grave digger must be mindful of the sensitivities of the site. Sometimes it may be necessary to pile grave excavations on adjacent graves if the new grave is situated in a populated area of the cemetery. In such cases, in order to avoid upsetting the relatives of those buried in adjacent graves, the new grave should not be dug too far in advance of it being needed.
14. The soil and stone excavated for a grave must be left in a neat pile and covered in green matting. Adjacent graves, turf and memorials must be protected against soiling or damage.
15. The grave digger will backfill the grave after the interment and at least twelve inches of top soil must be used to complete the backfilling. The grave digger will also remove any excess rock and soil from the cemetery within one week of the funeral.
16. The grave digger will subsequently lay turf so as to give a level surface suitable for mowing
17. If any grave or memorial in the cemetery is damaged by an agent of Deddington Parish Council or the agent's sub-contractors whilst working in the cemetery the agent concerned shall be liable to arrange repairs to a standard approved by the family and cover the costs thereof.

Section 3 Information for Memorial Masons

1. Memorials may be erected on plots where exclusive rights of burial have been purchased.
2. No memorial may be installed until the memorial has been officially approved by Deddington Parish Council and the appropriate fees have been paid.
3. No memorial or vase shall be erected except over a grave in respect of which exclusive right of burial has been granted.
4. Under no circumstances will headstones or memorials be permitted that bridge multiple graves.
5. No kerb stones are permitted.
6. Masons working in the Hempton Road cemetery must be on the British Register of Accredited Memorial Masons (BRAMM) or on The Register of Qualified Fixers (operated by NAMM) to ensure that acceptable standards of fixing are maintained. All memorials must be erected in accordance with BS8415 (latest version). The BRAMM Blue Book and the National Association of Memorial Mason's code of working practice inform masons on how to comply with BS8415. The masons must have their own professional and public liability insurance.
7. Before the erection of any memorial a detailed drawing and description showing the size, type and finish of stone or other material to be used, the sizes of dowels and ground anchor and the wording of any inscription, including type and size of lettering, shall be sent to the Parish Clerk, together with the applicable fees, for approval. Any additional inscriptions also require the approval of the Parish Clerk. No liability will be accepted by the Parish Council for orders placed before approval has been obtained.
8. The Parish Council must be notified of the proposed removal of a headstone in advance.
9. Headstones must comply with current British Standards. The maximum overall footprint of a headstone in Hempton Road cemetery (inclusive of the foundation stone and plinth) should not exceed 36 inches (90 cm) in height and 36 inches (90 cm) in width. The depth from the front to back of the foundation stone should not exceed 18 inches (45 cm). The memorial stone itself should not exceed 4 inches (10cm) in thickness. The Foundation stone must comply with the BRAMM Blue Book or NAMM code or working practice.
10. The maximum overall footprint of a cremation headstone in Hempton Road cemetery (inclusive of the foundation stone and plinth) should not exceed 29 inches (77.5 cm) in height and 24 inches (60 cm) in width. The depth from the front to back of the foundation stone should not exceed 18 inches (45 cm). The memorial stone itself should not exceed 4 inches (10cm) in thickness.

11. Please contact the Parish Clerk on 01869 337447 for an illustration of these headstone dimensions.
12. All inscriptions, additional inscriptions and memorial designs must be approved by the Parish Clerk before work is started.
13. The scale, style and wording of memorials in the cemetery are matters of personal choice by the applicant which the Parish Council would not wish to influence unless (a) they do not comply with the Parish Council's existing conditions regarding size etc. and/or (b) they might cause gross offence; applications shall be dealt with by the Parish Clerk except that any applications which could be deemed to cause gross offence shall be submitted to the Parish Council.
14. Memorials should include the name of the memorial masons in an inconspicuous place such as the back of the stone.
15. If any damage is done to the Parish Council's land or premises the cost of repair will be recoverable by the Parish Council from the person responsible.
16. If any grave or monument in the cemetery is damaged by a memorial mason the mason concerned shall be liable to undertake repairs to a standard approved by the family and cover the costs thereof.

Section 4 – Appendices

Appendix 1 - Surface scattering of ashes

Deddington Parish Council has provided an area in the Hempton Road cemetery for the surface scattering of ashes. This area is in the south west corner of the cemetery and is defined by low hedging.

This policy does not relate to the scattering of ashes on a specific grave or cremation plot. That is covered in the cemetery policy.

The applicant must provide contact details and show the cremation certificate to the Clerk before ashes are scattered. The Clerk is required to keep a record of the name and address of deceased, age, name of crematorium where cremation took place, date of scattering and the name of applicant.

The Clerk will offer a date when the family can scatter ashes to ensure there is not a clash with another ceremony (the Steward to be informed when to tidy up) once the family have provided the relevant information and have paid the appropriate fee (see separate schedule of fees).

The family are requested to take any urns or container from the site.

Families are not allowed to place commemorative markers in the surface scattering of ashes area.

Costs

Fees are listed in the cemetery fee schedule.

Appendix 2 – Memorial Trees in the Hempton Road Cemetery

Adopted 18th March 2015

There is currently space for a total of three memorial trees in the Hempton Road Cemetery. The trees will be planted in the area shown as yellow rectangle in the plan below. The planting order can be at the request of the applicant but only in the area shown. No other locations will be considered and once these plots have been filled.



Only native trees shall be planted; acceptable species are:
English Oak, Yew, Beech, Hornbeam or Lime.
Ornamental Rowan and Acer trees are also acceptable.

The tree should be sourced from and planted by Nicholson's Nurseries to ensure the health of the tree and the depth of its planting. Once the applicant has selected a tree the species, size and date of planting should be communicated with the Clerk. Planting may not take place until the Clerk has confirmed that this is acceptable and the date for planting will not coincide with a funeral.

The memorial trees will be maintained by the Parish Council and that cost is reflected in the fees charged. All trees in the cemetery are routinely inspected by a qualified Arborist and will be subject to his or her professional recommendations. Ashes are therefore not permitted to be buried under or beside a memorial tree in case the tree subsequently needs to be removed and replaced for any reason. No vases, photos, planting of plants, containers or items tied to the tree are permitted. A memorial plaque no bigger than 20cm wide and 15cm high can be affixed to the tree but the wording on the plaque must be agreed with the Clerk.

The applicant shall provide the Clerk with contact details in case the tree becomes damaged or diseased.

If the state of the tree represents a health and safety issue the Parish Council reserves the right to remove the tree without notice.

Costs

The cost of purchasing the tree and planting the tree is borne by the applicant.

The Parish Council charges a fee for a ten-year period to cover the costs of maintaining the tree, arborists report and lifting the crown of the tree if required.

This fee is payable every ten years and if the applicant does not wish to renew then the parish council reserves the right to remove the tree.

Fees are listed in the cemetery fee schedule.

Appendix 3 – Memorial Benches across the Parish

Adopted 18th March 2015

1) The Parish Council will consider requests for memorial benches across the parish but wishes to ensure that the benches are sited in locations that will not cause an obstruction, are of maximum public benefit and will not hamper grass cutting or maintenance. Ideally, they should replace existing benches within the parish that are showing signs of wearing out with age. These may include one in Hempton, one in Clifton, and two on Gaveston Green. Benches may be made either of robust wood or recycled material. A hardwood bench would require a sum for its future maintenance.

2) The Parish Council has a number of safety requirements:
memorial benches must be sourced from an approved supplier of public grade furniture;
benches must be firmly fixed to the ground by a contractor with suitable 3rd-party public liability insurance for working in public areas or on the highway or verge;
where possible the bench should be bolted to a concrete slab.
Therefore, the Parish Council will supply an approved bench agreed by the purchaser and will arrange for its installation.

3) The Parish Council will accept ownership, maintenance responsibility and liability for the bench only if it is supplied and installed in conformity with the conditions set out in section 2) above.

4) The applicant must provide contact details to the Clerk and is responsible for informing the Clerk if these contact details change. If the Clerk is unable to contact the applicant regarding the memorial bench, then the Parish Council reserves the right to act in the interests of health and safety.

5) Possible locations for memorial benches

Replacing an existing non-memorial / non-OCC bench that is in poor condition.

On grass verge opposite Duke of Cumberland's Head (via OCC)

Welford's Piece (space for 3)

War Memorial Graveyard (if the PCC agree)

On Hempton Green (Duns Tew Road Junction via OCC)

Goose Green (via OCC)

One more in Hempton Road Cemetery to the east of the footpath

Windmill Centre

Costs

The cost of the bench, its installation and the base - and a suitably inscribed plaque, if wished – will be borne by the person or family wishing to establish a memorial.

Appendix 4 – Safety policy

Adopted 17th April 2019

Memorial owners' responsibility

* Memorial owners are responsible for the upkeep of their memorials. They must either hold an insurance policy or provide indemnity as detailed in the Cemetery Regulations above. When the owner of an ERB and memorial dies, the Parish Council must be informed of the new owner.

* If the memorial fails within six years due to poor workmanship, the original mason may be required to make good.

Burial authority's responsibility

- The Burial Authority (Parish Council) is responsible for safety at the cemetery. The Burial Authority will hold adequate public liability insurance (and employee insurance) and will maintain safety records of the cemetery and individual graves and memorials.
- An inspection will be carried out at a minimum of every five years by a properly qualified and equipped contractor. Inspection involves a hand test to detect any movement and then if necessary, a test using an instrument exerting a 25kg force.
(From Institute of Cemetery and Crematorium Management guidance: "A dangerous or unstable memorial is defined as one that will move and continue to fall to the ground with the exertion of a force of 25kg or less. It should be noted that a memorial that moves under pressure does not necessarily pose a danger and should be judged against the aforementioned definition.")
- Moveable, but not yet unsafe, memorials should be re-inspected every year.
- If the cemetery contains consecrated ground, a faculty has to be obtained from the church diocese (local Consistory Court) giving permission to carry out inspection and make repairs
- The public should be made aware of inspections and any potential improvements.
- Once a memorial is found to be unsafe, the burial authority shall ensure that a warning notice is posted on it, a temporary support system put in place and, if necessary, the grave will be cordoned off. Very unsafe memorials will be laid flat but this will be as a last resort.
- Memorial owners whose memorial has failed will be contacted at the last known address and asked to employ a suitably qualified memorial mason to reinstate the memorial to British Standard 8415. Owners must be informed of an unsafe memorial if it is less than 25 years old (or within a subsequently purchased 25-year period of ownership). Owners should also be warned if a memorial is showing signs of failure so they can forestall subsequent deterioration.
- If the owner of a dangerous memorial cannot be reached, the burial authority has the authority to make it safe. This may be by laying the memorial on the grave, refixing to British Standard 8415, or burying one third of the memorial in the ground. The burial authority will select the most appropriate method in each case.

NB: Under the Local Authorities' Cemeteries Order 1977 (LACO) there is a legal power for the Burial Authority to remove memorials that are dilapidated due to years of neglect, where the owner cannot be contacted and the inscription is no longer legible.