

Marcham and Frilford Joint Burial Committee

Cemetery Regulations

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1. INTRODUCTION

- 1.1 The following regulations shall apply to the Marcham Cemetery under the control of Marcham and Frilford Joint Burial Committee situated along the public footpath to the West of the Church.
- 1.2 The Committee's cemetery regulations form the basis for the management of the cemetery and are designed to ensure a pleasant environment and ease of maintenance.
- 1.3 Visitors are welcome to the Cemetery and are requested to respect the dignity of this peaceful and tranquil place. The regulations should be observed and the Committee reserves the right at any time to make amendments or variations to them.
- 1.4 For enquiries regarding the regulations, please contact the Clerk
c/o 90 Howard Cornish Road
Marcham,
Abingdon,
Oxon.
OX13 6PU
- Tel/Fax – 01865 391833 during reasonable office hours or by email to
Clerk@marchamparishcouncil.gov.uk

2. INTERPRETATION

- 2.1 In these regulations, the following words and expressions are defined as below:
- 2.2 The Committee refers to Marcham and Frilford Burial Committee being the Burial Authority for the parishes of Marcham and Frilford.
- 2.3 The “memorial tablet border” shall mean the area of the cemetery where only cremated remains may be interred.
- 2.4 “A Lawn grave” shall mean a grave in the cemetery which is not part of the memorial tablet border. Memorials and floral tributes are only permitted at the head of the grave and shall not encroach upon the grass areas.
- 2.5 “A grave” shall mean a Lawn grave or a plot in the memorial tablet border.
- 2.6 “Unpurchased grave” means a grave space wherein the exclusive right of burial has not been purchased. The Committee has the right to undertake the interment of an unrelated person in an unpurchased grave after a period of 14 years. The only type of memorial permitted on an unpurchased grave is a vase.

- 2.7 “The owner of Exclusive Right of Burial” shall mean the person registered by the Committee as the grantee of exclusive right of burial.
- 2.8 The Clerk is the Officer appointed by the Committee to carry out the administration of the Cemetery.

3. MANAGEMENT OF CEMETERY

3.1 Maintenance and details and location of permitted tributes

- 3.2 It is not permitted to place floral tributes or to plant small annual bedding plants or miniature or large shrubs or trees within the grave area. The creation of decorative borders is not permitted.
- 3.3 It is not permitted to place inappropriate items such as lanterns, solar lighting, candles, night lights, chippings, balloons, toys or any other ornaments on any part of the grave.
- 3.4 It is not permitted to place railings, kerbs or wire fencing or other low level fencing around a grave. Foot markers are not allowed.
- 3.5 You may place two vases made of either stone or metal at the head of the grave, in addition to one in the headstone. These must not encroach upon surrounding grass areas as this will restrict mowing.
- 3.6 The Committee shall endeavour to reinstate all newly excavated graves within 12 months of an interment, subject to ground conditions and to the season of the year being appropriate for these works to be undertaken. This period is necessary to allow the natural subsidence of the earth used to fill the grave. The reinstatement may include the levelling and seeding of the grave surface.
- 3.7 No mound will be permitted over any new grave other than to allow for settlement.
- 3.8 Funeral wreaths will generally be disposed of within 14 days after interment, however, they may be left longer depending upon how well the flowers have lasted.
- 3.9 The Committee respectfully requests that all lawn areas are kept clear and remain intact. The removal of turf is not permitted.
- 3.10 Planting is not permitted in any area of the cemetery.
- 3.11 The Committee reserves the right to remove without prior notice any shrubs, trees or plants, floral tributes, or other items mentioned in 3.3, not considered to be in accordance with these regulations, infringing on adjacent grave spaces or that in its opinion have become unsightly and to dispose of the same in such a manner as deemed fit.

- 3.12 Grass cutting, leaf and litter clearing, upkeep of grounds, trees, shrubs, hedges will be carried out by the Committee or its contractor, at a frequency determined by the Committee and by weather conditions. The Committee reserves the right to disconnect the water supply to avoid freezing, when the tap is defective or the water supply provided is abused.
- 3.13 The Committee reserves the right to change the appearance of the Cemetery and therefore the demeanours of the surround adjacent to a specific grave may change as may any amenity or feature adjacent to a grave.

3.2 **Admission to Cemetery**

- 3.2.1. Entry to the cemetery is restricted to the hours between sunrise and sunset.
- 3.2.2 The Committee reserves the right to temporarily close to the public access to the cemetery or any part of it without notice.
- 3.2.3 All persons entering the cemetery will be subject to the orders and control of the Committee.
- 3.2.4 Children are not permitted in the cemetery except under the care and control of an adult.
- 3.2.5 Dogs are not permitted in the cemetery other than trained guide dogs.
- 3.2.6 Cycling is not permitted in the Cemetery
- 3.2.7 The Committee reserves the right to exclude from the cemetery, for such period as the Committee determines, any person offending against these regulations.

3.3 **Conduct of visitors**

- 3.3.1. All persons shall conduct themselves in a decent, quiet and orderly manner and should keep to the walks as far as possible. They are reminded of the provisions of Article 18(1) of The Local Authorities' Cemeteries Order 1977. These state that no person shall:
- Wilfully create any disturbance in the cemetery
 - Commit any nuisance in the cemetery
 - Wilfully interfere with any burial taking place in a cemetery
 - Wilfully interfere with any grave, walled grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter or
 - Play at any game or sport in the cemetery
- 3.3.2. Every person contravening any of the above provisions is liable on summary conviction (currently £1000,) and in case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues conviction thereof.
- 3.3.3 Musical instruments may be played only with the prior consent of the Committee.

3.3.4 Visitors are requested to deposit litter and spent flowers in the bins provided.

3.3.5 Any enquiries, complaints and requests by members of the public should be made to the Clerk.

3.3.6 All visitors must refrain from interfering with trees, shrubs and flowers.

4. INTERMENTS

4.1 Booking of interments

4.1.1 Prior telephone booking is required for every interment and a Notice of Interment, on the forms provided by the Committee must be submitted to the Clerk during normal office hours at least 2 clear working days before the date and time of the interment.

4.1.2. The Notice of Interment is also the confirmation of the telephone booking which is provisional until the Clerk checks the Notice of Interment. The Committee will not accept any responsibility for consequences arising from the loss or delay of any such notice, order or any other document sent by post nor for the accuracy of the details contained in the Notice of Interment.

4.1.3 The Notice of Interment must contain full details of the deceased, the proposed interment date, the grave to be used, the size of the coffin, and is to be signed by one of the following persons.

- The applicant for Exclusive right of Burial
- The owner of Exclusive Right of Burial or the person authorising the opening or re-opening of the grave for his interment
- A person instructing an interment in an unpurchased or common grave

4.1.4 The person/s arranging the interment shall be responsible for the attendance of a Minister of Religion to officiate at the burial service (if desired) and for the payment of any fee to which the Minister is entitled.

4.2 Hours of interments

4.2.1 Interments may only take place in accordance with these regulations, subject to availability and between the hours of:-

Monday to Friday 0900 to 16.00 in Spring /Summer

Monday to Friday 0900 to 14.30 in Autumn/Winter

4.2.2. No burials may taken place on Saturdays, Sundays, Christmas Day, Good Friday or on Bank or other Public Holidays without special consent. In special circumstances and by prior arrangement interments may take place outside of these hours.

4.2.3 Certificate of disposal

4.3.1 No burial will be allowed to take place unless one of the following certificates is delivered to the appropriate representative of the Committee before an interment takes place.

- A Coroner's Order for burial or the disposal certificate issued by the Registrar of Births, Deaths, Marriages.
- In the case of a stillborn child, the appropriate certificate under the Births of Deaths Registration Act 1953
- In the case of a non-viable foetus the Medical Practitioner's or Midwife's certificate of delivery will be required
- In the case of interment of cremated remains, the cremation certificate issued by the Cremation Authority

4.4 Infectious diseases

4.4.1. Where a funeral is of a person who has died of an infectious disease, the Notice of Interment must contain a statement to this effect.

5. COFFINS/CASKETS

5.1 Every body brought into the cemetery for interment shall be contained in a suitable coffin/casket bearing a name plate establishing the identity of the body contained therein.

5.2 Traditional wooden coffins or ecologically friendly coffins only shall be used. No metal or plastic type coffins/cremated remains caskets will be allowed.

5.3 The exact dimensions of the coffin shall be entered on the Notice of Interment.

5.4 The responsibility for providing sufficient bearers to carry the coffin rests with the funeral director or person arranging the funeral.

6. GRAVES

6.1 Excavation of graves

6.1.1 The allocation of grave spaces in all cases shall be at the discretion of the Committee. If requested at the time of booking the interment, new graves may be available for selection subject to the approval of the Committee and payment of the appropriate fee. Graves will not be available for selection in areas not currently active.

6.2 Excavation of graves

6.2.1. All graves shall be prepared by persons employed by the Committee or its contractors.

- 6.2.2. Every grave shall be dug central to the allocated grave space. All new graves shall be excavated to at least 1.50 m. subject to ground conditions. Children's graves shall be excavated to at least 1.20 m. and cremated remains plots at 0.60 m. for urns and 0.80 m. for caskets.
- 6.2.3 Two cremated remains interments may take place in each plot in the memorial tablet border.
- 6.2.4 Cremated remains interments may take place in a lawn grave, however the depth at which the cremated remains are placed depends on whether any previous interments have taken place. It is the Committee's policy to safeguard burial space.
- 6.2.5. The Committee reserves the right to place excess spoil on graves, which may temporarily restrict access, when adjoining graves are excavated, and will endeavour to clear the spoil and leave the area tidy as soon as possible after the funeral.
- 6.2.6 No body shall be buried in a grave in such a manner that any part of the coffin is less than 0.90 m below the level of any ground adjoining the grave; provided that the Committee may, where it considers the soil to be of suitable character, permit a coffin to be placed not less than 0.61 m below the level of any ground adjoining the grave.
- 6.2.7 No new brick graves or vaults will be allowed to be constructed.

6.3 Re-opening of graves

- 6.3.1 Graves may be re-opened for further interments subject to space being available.
- 6.3.2 Where any grave is re-opened for the purpose of making another burial therein no person shall disturb any human remains interred therein or remove them from any soil which is offensive.
- 6.3.3 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by a layer of earth not less than 15 cm. thick.

6.4 Exhumation

- 6.4.1 After interment no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or Licence for exhumation required by law. The original documents will be required for this purpose.

7 EXCLUSIVE RIGHT OF BURIAL

7.1 What is an Exclusive Right of Burial?

7.1.1 The Exclusive Right of Burial entitles the registered owner:

- To be interred in a grave subject to space being available in the grave
- To determine who is buried in the grave and
- To apply for the right to erect a memorial on the grave, in accordance with the regulations

7.2 When can the Exclusive Right of Burial be purchased?

7.2.1. The Exclusive Right of Burial may be purchased in advance of an interment taking place to reserve a grave space subject to availability.

7.2.2 The Exclusive Right of Burial in a grave may be purchased at the time of interment.

7.2.3 The Exclusive Right of Burial may be purchased after an interment has taken place in order to erect a memorial and/or prior to the re-opening of the grave for the interment of another person in the grave.

7.2.4 The option to purchase the Exclusive Right of Burial of an unpurchased grave is open to relatives at any time subsequent to the interment and must be exercised before an interment of an unrelated person has taken place in the same grave. If the grave remains unpurchased, the Committee has the right to undertake the interment of an unrelated person in that grave, after a period of 14 years.

7.3 Period of exclusive right of burial

7.3.1 The Exclusive Right of Burial will be granted for a period of 30 years and will be renewable for successive periods of 30 years by the Owner of the Exclusive Right of Burial.

7.3.2 Application should be made for renewal of the Right within 12 months of the expiry of the previous grant.

7.3.3 Where the period of grant of Exclusive Right of Burial has elapsed and no notification of an intention to renew has been received from the person who was granted the Exclusive Right of Burial or his/her successors, the Committee may grant a renewed Right of Burial to any other person, but before doing so will where possible, attempt to notify the previous owner of the Right, or his/hers successor (if known) and give the option of renewal.

7.3.4 The owner of the Exclusive Right of Burial is responsible for informing the Committee of any change of address.

7.4 Transferring the Exclusive Right of Burial

7.4.1 The owner of an Exclusive Right of Burial may assign the Right of Burial to another person. A form of assignment shall be submitted to the Committee and the Grant of Exclusive Right of Burial must be produced for endorsement by the Committee.

7.4.2 After the death of the owner of an Exclusive Right of Burial, the Committee will need to re-establish the new legal owner of the Exclusive Right of Burial. Any transfer of ownership will be subject to the submission of an application to transfer grave ownership and the production of satisfactory evidence and title such as a Grant of Probate, a Grant of letters of Administration or a Statutory Declaration. Such transfer shall be registered in the records and the Grant of Exclusive Right of Burial should be produced for endorsement by the Committee and the appropriate transfer fee paid.

7.5 Buy back of Exclusive Right of Burial

7.5.1 Where no interment has taken place in the grave, the owner of the Right of Burial may surrender the same to the Committee and receive from the Committee, a payment not exceeding the original purchase price. An administration fee is also payable to the Committee in such instances. No refund will be made where the Exclusive Right period has lapsed.

8. THE ERECTION OF MEMORIALS

8.1 A memorial may only be erected on a grave space within the Committee's cemetery in accordance with the regulations in force at the time of the application.

8.2 Who can apply for the Right to Erect a memorial?

8.2.1. The Right to erect a memorial may be applied for only when the Exclusive Right of Burial for a grave space has been purchased. The right to erect a memorial rests with the registered owner of the Exclusive Right of Burial.

8.2.2. The Right to Erect and maintain a memorial in the lawn graves area will be granted for a period of 30 years and will be renewable for successive period of 30 years dependant on the memorial being safe. The right to erect and maintain a memorial in the memorial tablet boarder will be for the duration of the Grant of Exclusive Right of Burial, renewable for a further 30 years.

8.2.3 The period of Right to Erect a Memorial shall not exceed the period of exclusive right of burial.

8.3 Applying to erect a memorial

8.3.1. An application for the Right to erect a new memorial, to place a new memorial, vase, alter or add to any inscription, refurbish or refix, or replace an existing,

add to or remove from the cemeteries any memorial must be submitted to the Clerk on the appropriate memorial application form.

8.3.2 The application form must be submitted at least 14 days before undertaking any works and must include:

- The grave number, name of the deceased and date of burial
- A description of the proposed works, the text of any inscription, type of stone
- Size of the memorial together with a drawing thereof showing dimensions
- The name and address of the memorial mason instructed to undertake the work and if applicable the name of the agent, submitting the application
- The name, address and signature of the owner of the exclusive right of burial. If such an owner is deceased, the grave ownership will need to be transferred to a person who is legally entitled to receive this asset, prior to the memorial application being submitted. As the refurbishment of existing memorials is encouraged, a transfer of ownership is not required for such applications.

8.4 Approval of memorial applications

8.4.1. An application for the right to erect a memorial will be confirmed by a deed of grant to the applicant and the issue of a memorial permit. Memorial permits can only be issued to memorial masons registered by the Committee members of the British Register of Accredited Memorial Masons and any memorial work undertaken must fully comply with the terms and conditions specified in the registration scheme and each memorial erected or re-erected guaranteed in respect of safety and stability including faulty workmanship during the specified period.

8.4.2 A memorial can only be erected on the condition that it is inspected once every five years by the Committee and is found safe. Any necessary repairs must be carried out by a memorial mason as above. If this is not done, then the right is deemed to be terminated.

8.5 Memorials – Lawn graves

8.5.1 The Committee's cemetery is laid to lawn and the placing of memorial tablets or kerbs around the graves is not permitted. No new kerbstone shall be installed nor will any enclosure of any description be allowed. The erection of any form of railings is not permitted around any grave.

8.5.2 The memorial is to be erected at the head of the grave in alignment with other memorials.

(A) Permanent Memorials

The maximum size of memorials shall not exceed 90cm in height by 90 cm in

width by 30 cm in depth. Flower vases less than 30 cm in height are only permitted at the head of the grave. Memorial tablets (as defined in paragraph 8.6.1. below) and kerbstones are not permitted

(B) Temporary Memorials

A temporary wooden cross not exceeding 60 cm in height above ground level by 30 cm wide may be erected at the head of the grave for the first twelve months following an interment. This temporary memorial shall be removed by the owner of the exclusive right of burial when a permanent memorial is erected and before the 12 months has elapsed. The committee reserves the right to remove and dispose of the cross, should it fall in disrepair or if it remains on site at the expiration of the permitted period. The erection of a wooden cross is subject to the approval by the Committee of a memorial application.

8.6. Memorials – Memorial Tablet Border

8.6.1 Flat square memorial tablets not exceeding 5 cm in height by 39 cm in width by 38 cm in depth may be placed centrally over the site of a cremated remains plot. The tablet must be set flush to ground level and can incorporate one vase.

8.6.2 No other form of memorial is permitted in the memorial tablet border, so it is not permitted to erect any form of railings around the memorial tablet, or undertake any planting.

8.7. Memorials – General

8.7.1 All memorials shall be made constructed out of natural stone, granite, marble or other hard stone, which must be durable and sound.

8.7.4 It is the responsibility of the memorial mason to ensure memorials are erected on the grave space, at the appropriate levels to the adjacent ground and at the head of the grave in alignment with other memorials. All memorial masons shall carry out their work strictly under the direction of the Committee and shall fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.

8.8 Removal or re-erection of memorials

8.8.1 The removal and re-erection of a memorial to facilitate the re-opening of grave or to level such grave shall be at the expense of the grave owner or their personal representative. Such work shall be undertaken by a Memorial Mason who is a member of the British Register of Accredited Memorial Masons and such memorial shall be replaced as soon as practical after the interment. An application to re-erect the memorial with an additional inscription shall be submitted to the Committee.

8.9 Responsibility for memorials

- 8.9.1 Any monument or memorial erected in the Cemetery remains the property and responsibility of the owner of Exclusive Right of Burial for the grave or their personal representative and therefore, remains in the Cemetery at the sole risk of, and must be kept in good state or repair, by the said owner or personal representative.
- 8.9.2 The Committee will not accept liability for damage to any grave space or memorial or injury to any person within a cemetery except where such damage is directly attributable to the negligence of the Committee or its employees.
- 8.9.3 The Committee recommends that memorial owners take out insurance to protect their property.

8.10 Inspection of memorials

- 8.10.1 The Committee periodically inspects all memorials and if any are found to be in an unsafe condition, the Committee will make the memorial safe, which may mean laying the memorial flat and a notice being posted on the memorial or take such other remedial action to remove the danger as it thinks fit.
- 8.10.2 Memorial owners shall be responsible for the cost of repairing or re-instating memorials which have been laid down. The Committee will endeavour to notify memorial owners of unsafe memorials but if not repaired or contact not made within two months of this action, the memorial may be removed by the Committee.
- 8.10.3 Where a necessary action has been taken in regard to any unsafe memorials and the costs of repair or removal has been borne by the Committee, such costs will be recovered from the owner of the memorial or subsequent claimant to the Exclusive Right of Burial, should they become known to the Committee.

8.11 The Committee reserves the right

- 8.11.1 The Committee reserves the right to:
- 8.11.2 Remove, without notice, any memorial or other item that is placed upon a grave in contravention of these regulations.
- 8.11.3 Remove, without notice, any memorial and take any necessary precautions to safeguard the Committee's employees or contractors when digging graves adjacent to any memorial.
- 8.11.4 To re-fix, move, line-up or otherwise alter the position of any memorial in the cemetery as it may require.
- 8.11.5 Remove any monument or memorial, which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.

8.11.6 Remove any monument or memorial where the periods of Exclusive Right of Burial and Right to erect a memorial have elapsed or when the Right to Erect a Memorial is deemed to be terminated.

9. FEES

9.1 Fees for cemetery services will be determined by the Committee.

9.2 All fees are payable in advance to the Committee.

These regulations were approved by the Marcham and Frilford Joint Burial Committee on 10th December 2008, subject to annual review. Last reviewed 11th December, 2013.