



Stratfield Mortimer Parish Council

Cemetery Regulations

1 Interpretation

- 1.1 In these regulations (**Regulations**) words or phrases expressed in bold type shall have the meanings ascribed to them:

1847 Act	the Cemeteries Clauses Act 1847;
1977 Order	The Local Authorities' Cemeteries Order 1977;
Ashes	the cremated ashes of a deceased human body contained in an urn or like means of containment;
Burial	the interment of a deceased human body in a coffin or like means of containment within a Grave;
Burial Certificate	a Certificate for Burial (green form);
Burial Plot	a plot within the Cemetery identified in an ERI for the siting of a Grave;
Cemetery	the Council cemetery located adjacent to the grounds of St Mary the Virgin Church, Church Lane, Mortimer, RG7 3NX;
Cemetery Pamphlet	the pamphlet entitled "Cemetery Information" annexed to these Regulations as an appendix;
Coroner's Order	a Coroner's Burial Order (white form);
Council	Stratfield Mortimer Parish Council;
Cremation Plaque	a plaque commemorating the deceased sited adjacent to the relevant Cremation Plot in accordance with a Memorial Permit and these Regulations;
Cremation Plot	a plot within the Cemetery identified in an ERI for the interment of Ashes;
ERI	an Exclusive Right of Interment (to include an Exclusive Right of Burial within the meaning of s.40, 1847 Act and Reg 10, 1977 Order);
ERI Application	the application form for an ERI, obtainable via the Webpage and returnable to the Parish Clerk with any applicable Fee;
ERI Holder	the individual or individuals granted an ERI, or their successors agreed in accordance with these Regulations;
ERI Transfer Form	the application form requesting the transfer of an ERI to a new ERI Holder, obtainable via the Webpage and returnable to the Parish

	Clerk with any applicable Fee;
Fee	the relevant fee for a particular activity relating to these Regulations as set out in the current Fees Table;
Fees Table	the table of Fees published by the Council from time to time via the Webpage;
Grave	a grave within a Burial Plot used for a first and/or second Burial in accordance with an ERI;
Headstone	a headstone on a Burial Plot commemorating the deceased and erected in accordance with a Memorial Permit and these Regulations;
Interment	the interment of Ashes or a Burial;
Interment Application	the application form for an Interment, obtainable via the Webpage and returnable to the Parish Clerk with any applicable Fee;
Interment Ceremony	the act of Interment at a Plot, including any funeral, other commemoration or ceremony;
Memorial	a Headstone, Plot Marker or Cremation Plaque;
Memorial Application	the application form for a Memorial Permit, obtainable via the Webpage and returnable to the Parish Clerk with any applicable Fee;
Memorial Conditions	the dimensions, terms and conditions relating to Memorials as set out in the Memorial Application;
Memorial Permit	written permission from the Council to erect or site a Memorial in accordance with the Memorial Conditions and these Regulations;
Parish Clerk	the Clerk to the Council (see Cemetery Pamphlet for contact details);
Parish Office	the Council office (see Cemetery Pamphlet for address, and Website for opening times);
Plot	a Burial Plot or a Cremation Plot;
Plot Marker	a simple wooden post, cross, etc on a Plot commemorating the deceased and erected in accordance with a Memorial Permit and these Regulations;
Register	the Register of Burials;
Webpage	www.stratfield-mortimer.gov.uk/what-we-do/cemetery ;
Website	www.stratfield-mortimer.gov.uk .

2 Introduction

2.1 These Regulations:

- supersede any previous regulations relating to the Cemetery,

- apply to the Cemetery and to any other burial ground owned or operated by the Council;
- should be read in conjunction with the Cemetery Pamphlet.

3 Who may be Interred in the Cemetery?

- 3.1 The Cemetery is open for the Interment of all deceased persons in compliance with these Regulations regardless of race, ethnic origin or creed.
- 3.2 The only persons with a right to Interment in the Cemetery are:
 - 3.2.1 residents at the time of death of the civil parishes of Stratfield Mortimer and Wokefield;
 - 3.2.2 former residents of one of those parishes, but who died elsewhere, and who had lived in one of the parishes:
 - 3.2.2.1 within the 5 years prior to death; or
 - 3.2.2.2 for at least 20 years during their lifetime.
- 3.3 Other persons do not have a right of interment but may apply to be considered if there is documentary proof of a strong connection to one of the parishes.

4 Exclusive Right of Interment

- 4.1 All Plots require the purchase of an ERI.
- 4.2 When an ERI is purchased, the Council (in pursuance of the powers conferred by s.214, Local Government Act 1972 and the 1977 Order) will issue relevant documentation for the specified Plot to the ERI Holder.
- 4.3 The maximum number of Burials permitted in a Burial Plot is two. The Council may, at its sole option and without being required to give reasons, permit (or deny) the additional placing of Ashes within a Burial Plot.
- 4.4 The usual maximum number of Ashes that may be interred in a Cremation Plot is two, but the Council may, at its sole option and with being required to give reasons, increase that limit in special circumstances.
- 4.5 An ERI will be for an initial period of 75 years from the date of Interment.
- 4.6 At the end of the initial period the ERI Holder will be given the opportunity to purchase further years - if they choose not to do so, the rights to the Plot will revert to the Council.
- 4.7 An ERI Holder may transfer the ERI and consequent rights to a Plot to another person or persons via an ERI Transfer Form.
- 4.8 Where a sole ERI Holder dies, their Executors or Personal Representatives will need to contact the Parish Clerk in order to effect a transfer to a new ERI Holder (so ERI Holders are encouraged to identify their chosen successors in their will).

5 Application for ERI and Interment

- 5.1 For an Interment a Burial Certificate or a Coroner's Order, an Interment Application, and the requisite Fees, must be submitted to the Council at least five working days prior to the intended date of Interment together with:

- 5.1.1 for a first Burial or Interment of Ashes, an ERI Application; or
- 5.1.2 for a second Burial or Interment of Ashes in the designated Plot, the ERI.
- 5.2 In all cases, following submission of the relevant forms and Fees, the Funeral Director or other individual organising the Interment must contact the Parish Clerk within office hours (see Cemetery Pamphlet and Website) to arrange the date and time of the Interment, and to allocate (first Interment) or confirm (second Interment) the Plot number.

6 Interments

- 6.1 The permitted hours for Interment Ceremonies are 10:00 to 16:00, Monday to Friday, only.
- 6.2 The surplus soil excavated from any Grave must be deposited on such part of the Cemetery as the Council may direct.
- 6.3 Ashes may be interred in the area of the Cemetery set aside for this purpose in accordance with an ERI.

7 Memorials

- 7.1 A Memorial Permit must be obtained by an ERI Holder in order to do any of the following:
 - 7.1.1 erect or site a Memorial;
 - 7.1.2 fix, renovate or clean a Memorial;
 - 7.1.3 add to or change an inscription on a Memorial (including following a second Interment in accordance with an ERI); or
 - 7.1.4 place a container (with or without an inscription) on a Grave in accordance with Regulation 8.1.
- 7.2 Any Memorial must comply with the Memorial Conditions set out in the Memorial Application.
- 7.3 Memorial Applications must be submitted to the Parish Clerk, including details of the proposed design, description, materials, measurements, inscriptions, etc of the Memorial.
- 7.4 Following an Interment, a Plot Marker may be erected, to be removed once the Council are satisfied the Grave has settled (and replaced by a Headstone – see below), or after a calendar month following an Interment of Ashes (and replaced by a Cremation Plaque – see below).
- 7.5 Headstones must not be erected (or re-erected after a second Interment into the Grave) until the Council are satisfied the Grave has settled (this will not normally be less than 6 calendar months following Interment).
- 7.6 Cremation Plaques may be installed after a calendar month following Interment.

8 Commemorative Items other than Memorials

- 8.1 Other than Memorials in accordance with Regulation 7 and wreaths, floral tributes and flowers in accordance with Regulation 8.2, the only item permitted on a Burial Plot where there is no Headstone is one non-breakable container for flowers, placed

at the head of the Grave in line with adjoining Memorials (the Memorial Conditions relating to Headstones allow for such a container).

- 8.2 Wreaths or floral tributes left on a Plot, and fresh or artificial flowers placed in any permitted receptacle/container, should be removed once withered or dilapidated, and will be removed at the Council's discretion if the ERI Holder fails to do so.
- 8.3 Any container for flowers must be non-breakable and may not be made of glass, pottery or plastic.
- 8.4 For the avoidance of any doubt, the following are all prohibited at any time on any Plot:
 - 8.4.1 the planting of flowers, bulbs, shrubs or trees on or in the Plot;
 - 8.4.2 the covering of the Plot in artificial grass;
 - 8.4.3 the placing of decorations such as artificial flowers (other than in accordance with Regulation 8.2), lanterns, photographs, ornaments or other items (but, for the avoidance of doubt, photographs and like images incorporated into a Headstone in accordance with the Memorial Conditions are permitted);
 - 8.4.4 flat stones laid horizontally (see section on Memorials);
 - 8.4.5 receptacles other than those in accordance with the Memorial Conditions or Regulation 8.1;
 - 8.4.6 railings, fencing, kerbstones or other structures enclosing the Grave or Plot.
- 8.5 The Council reserves the right to remove and dispose of any prohibited items.

9 Graves and Maintenance

- 9.1 The Cemetery is a lawn cemetery, and:
 - 9.1.1 each Grave mound will be levelled and grassed over by the Council after approximately six months following a Burial, once the Council is satisfied the Grave has settled;
 - 9.1.2 the Council will sow grass seed or lay turf at its own expense over the whole of the Grave;
 - 9.1.3 thereafter no person other than the duly authorised officers or employees of the Council shall interfere with or alter the grassed areas of the Grave except for the purpose of a further Interment therein (in accordance with an ERI and these Regulations);
 - 9.1.4 the Council shall keep the grassed areas mown at its own expense;
 - 9.1.5 the ERI Holder shall be responsible for cleaning and maintaining any Memorial.

10 Cemetery Records

- 10.1 A plan of the Cemetery, showing the position of every Plot, is kept in the Parish Office and may be inspected, by arrangement with the Clerk, without charge.
- 10.2 A search of the Register of Burials in the Cemetery can be conducted by The Clerk upon request.

11 Safety

- 11.1 In the event of an accident, or if any visitor becomes aware of a hazardous situation (for example an unsafe Memorial) or incident (eg vandalism), the Parish Clerk should be contacted as soon as reasonably possible.
- 11.2 The Council reserves the right, in the interests of public safety and without notice to an ERI Holder, to lay down, remove or repair any Memorial or other item where such is deemed by the Council to be unsafe or to fail to comply with these Regulations - in such a case the ERI Holder will be informed as soon as practicable.
- 11.3 If any damage is caused to the Council's land (including, but not limited to, damage caused by vehicles or the bringing in of any materials), the person or persons doing such damage will be held responsible for the same.
- 11.4 Attention is drawn to article 18 of the 1977 Order which establishes certain criminal offences:

18 (1) 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) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.*

