



Rules and Regulations for the Management of Sprowston Cemetery, Church Lane, Sprowston

Introduction

Sprowston Town Council respects the rights and needs of the individual, and has therefore prepared these regulations with a balance that will enable us to manage Sprowston Cemetery effectively, and, maintain the highest possible standards, without placing unnecessary restrictions on individual choices.

The Town Council aims to provide the highest possible standards of care, choice and dignity to those who suffer bereavement, and to create and maintain an environment where the bereaved can pay their respects and remember loved ones in the ways they feel most appropriate.

To assist with this the Town Council request that all visitors to our Cemetery follow these regulations.

Please be aware that the Town Council reserves the right to change these regulations from time to time, and, that compliance with any changes is required.

All funerals and cemetery administration will be under the control of the Town Clerk to the Town Council as the Town Councils' Delegated officer.

Administration

The Cemetery Office is situated at Sprowston Town Council, Sprowston Recreation Ground, Recreation Ground Road, Sprowston, Norwich, NR7 8EW Telephone: 01603 408063 email: townclerk@sprowston-tc.gov.uk The office is open from 9.30am - 4.30pm Monday to Friday. The office is closed on Saturdays, Sundays and Public Holidays.

Cemetery Opening

The main gates at the Cemetery will be open to the public daily between 8.00am and close, in the interests of security, at approximately 4.00pm. Access on foot will still be available. The Town Council reserves the right to make closures as may be necessary for repairs, or in the interests of public safety, at any time.

Vehicles

Motor vehicles are prohibited from entering the Cemetery other than for the purposes of funerals, in connection with the erection and maintenance of monuments, or carrying out work.

For safety purposes the speed limit within the grounds of the Cemetery is 5mph. Please do not drive on the grassed areas. To allow room for funeral corteges, members of the public attending that funeral are requested to park in Church Lane car park.

Cars displaying blue 'disabled' badges are, of course, exempt from this request, but are still requested to park with consideration.

Children

For safety purposes children under 12 years of age are only allowed in the grounds of the Cemetery when accompanied by and under the supervision of a responsible adult.

Dogs

Dogs are to be kept on a lead at all times within the Cemetery.

Gratuities

Please be aware that Town Council staff are not allowed to receive gratuities, tips or any other gifts.

Scales of fees and charges

Inspection of the list of scale of fees and charges can be made at the Cemetery Office. This document forms part of the Rules and Regulations.

Plans and Registers

Plans of the Cemetery grounds showing the sections of consecrated and un-consecrated graves, together with the registers are available for inspection at the Cemetery Office free of charge. A plan of the layout of the Cemetery is fixed to the wall of the Cemetery building.

Town Council Authorisation

All interments must be authorised by the Town Council prior to the funeral arrangements being publicly announced by the Funeral Director.

For the avoidance of doubt: Notwithstanding appropriate grave tributes (see heading "Grave Tributes" on page 5 for full rules), **no alteration, amendment, installation, addition, removal, planting or decoration of any kind whatsoever may be made to a grave space, cremation plot, memorial wall plaque, memorial tree or plant, or other part of the cemetery without express written consent from the Town Council.**

Charge on grave

Please note that no interment or memorial work will be allowed to any grave for which an unpaid charge is outstanding.

Bearers

The Funeral Director is responsible for arranging sufficient bearers to carry and lower the coffin in a dignified manner. We understand that family members and mourners often wish to assist with this, and we respect that decision. We do ask you to be aware, however, that any mourners who do assist with the bearing or lowering of a coffin do so at their own risk.

Cremated remains, caskets and urns

Please be aware that cremated remains will only be interred in a casket or urn, and, cannot be interred directly into a grave space.

Selection of Grave Space

The selection of grave spaces, in all cases, is at the sole discretion of the Town Council.

Exclusive Right of Burial

A purchased grave (sometimes referred to as a private grave) is one where the Exclusive Right of Burial has been purchased for a period of 100 years from the date of purchase, and will be excavated to a depth which will allow the eventual interment of one or two coffins. Cremated remains as well as coffins can be interred in this type of grave but only after the last coffin burial has taken place. The exclusive right of burial entitles the purchaser to determine who else shall be interred in the grave to a maximum of two bodies (the word 'body' refers to either a coffin burial or cremated remains burial, and additional burial or cremated remains burial, and additional burials at the discretion of the Town Clerk) and permits the holder of the rights to erect a memorial if they so wish.

Please be aware that when a grave in Sprowston Cemetery is purchased, what the purchaser is actually buying is the Exclusive Right of Burial for a period of 100 years, which may be renewed for a further period on expiry.

The purchaser is not buying the grave freehold, and will not own any land. He or she has purchased the right to determine who may be buried in the grave, and remains may also be interred in the grave. Exclusive Right of Burial will only be granted in the case of where there is sufficient burial space.

A deed of grant is an important document issued by the Town Council and should be kept in a safe place. Purchased graves are subject to Cemetery Regulations.

Change of Address for an Exclusive Right of Burial

Please write to Sprowston Town Council to change your address on your Deed of Grant, giving your old address and your new address.

Ownership of a Deed

Possession of a Deed does not necessarily give the person in possession ownership of an Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid Will. The law concerning this matter can be very complex and it is strongly recommended that a Solicitor be consulted to establish new ownership. Ownership of a Deed may also be transferred, or assigned, by the use of the relevant form (Declaration, Indemnity and Application in respect of the transfer or Assignment of an Exclusive Right of Burial) obtainable from the Town Council. The transfer of ownership of a deed is at the discretion of the Town Clerk, in many cases change of ownership can be made on the presentation of documentation requested by the Town Clerk to support such a request for change of ownership.

Unpurchased Grave

It is possible to arrange for a burial to take place in an unpurchased grave (sometimes referred to as a common or public grave). The Exclusive Right of Burial, as explained above, is not sold, and the rights to the grave are retained by Sprowston Town Council and it could be that future unrelated burials could take place within the grave. Memorials are not permitted on unpurchased grave spaces.

Child's Grave

There are sections in Sprowston Cemetery which are slightly shorter than normal and are for the interment of children. These graves are only excavated to a depth which will allow one interment but cremated remains may also be interred, space permitting. Prior Exclusive Right of Purchase (as above) is not permitted in the children's' section due to lack of space.

Walled Grave or Vault

The brickwork of every walled grave must be carried up to within twelve inches of the surface and may be executed by any person appointed by the purchaser, subject to the Regulations of the Town Council.

No body shall be buried in any vault or walled grave unless the coffin is separately entombed in an airtight manner, i.e., by properly cemented stone or brickwork, which should never be disturbed.

Lawn Cemetery

Sprowston Cemetery is a lawn Cemetery; the memorials allowed are headstones, flat stones or flush markers. Whilst visitors are welcome to place flowers in pots and floral tributes on the headstone base, the planting of shrubs, trees and flowers, including annual plants, in the grave is not permitted. The Town Council reserves the right to remove such planting without notice or payment of compensation.

- On sections 1,2,3,4,5,6,7,8,9,10,11 and 12 at the Cemetery burial and cremation land is consecrated.
- On section 12 there is an area of unconsecrated land for burial and cremation burials.
- On section 9 at the Cemetery please be aware that at the end of the grave is a 914mm x 457mm (4'0" x 1'6") border where a memorial may be placed on a shingle base. No memorial is allowed on any other portion of the grave.

The Town Council reserves the right to remove anything which becomes neglected, unsightly, overgrown or encroaches on adjacent graves.

Interment

Only human remains may be interred in the Cemetery (plus any small articles that can be reasonably contained in a standard coffin or casket).

- (A) A Certificate of the Registrar of Births and Deaths, or a Coroner's Order for the Burial, must be delivered to the Town Clerk, or other authorised officer, prior to the interment.
- (B) For the burial of a stillborn child; the Certificate of the Registrar of Births and Deaths, that he or she has registered the stillbirth, or that he or she has received official notice of the stillbirth, or a Coroner's Order for Burial, must be delivered to the Town Clerk or other authorised officer, being the person effecting the burial, at least 21 hours prior to the interment.

(Note: By section 1 of the Births and Deaths Registration Act 1926, it is both prohibited and an offence punishable on summary conviction by a fine not exceeding Level 1 on the standard scale (currently £200) for anyone to dispose of the body of a deceased person without delivery of the Registrar's Certificate for Disposal or the Coroner's Order for Burial).

Interment fee

Please be aware that in addition to the fee charged for the Exclusive Right of Burial, an Interment Fee for opening and closing the grave is charged. The Interment Fee is charged every time the grave is opened for an interment and the level of the fee depends on the depth to be opened and the scale of charges applied at the time.

Opening graves for interment

Please be aware that a grave for which an Exclusive Right of Burial applies can only be opened with the written permission of the registered owner of the exclusive right unless the interment is to be that of the registered owner.

If the registered owner has died then the Exclusive Right of Burial must be transferred; no excavation will be carried out until a satisfactory written explanation of who is the current owner of the rights has been received at the Cemetery Office.

Please note that only persons employed by the Town Council can carry out excavations for interments.

It should also be noted that from time to time the soil excavated from one grave, which is being readied for an interment, may be laid on an adjacent grave. The Town Council will endeavour to ensure this is for a short a time as possible. The Town Council may have to place boards over the grave, and perhaps a spoil box and this may prevent you visiting the grave for a short period. Please be prepared for this, and rest assured that the Town Council only do this if we cannot place the soil or boards elsewhere. After the funeral, the Town Council will clean the grave and leave the area neat and tidy. Indeed, when a burial next occurs in the grave you have exclusive rights for; the Town Council could be covering the adjacent graves and causing a similar problem for other grave owners.

Length of notice

To ensure that we have the necessary time to make the arrangements for an interment, the length of notice required is normally one clear working day for a cremated remains grave, two clear working days for a single or double depth grave in an earthen grave, and three clear days-notice if a vault or brick grave is required. In each case, Saturday and Sundays are excluded in reckoning the length of notice.

In some cases, usually for cultural or religious reasons such as the Jewish faith, or in the case of death from epidemic or endemic disease after medical certification, the burial must be

completed within a 24-hour period, and the Town Council will make every effort to comply with such a request. However, such situations should be viewed as exceptional, and under all normal circumstances, these Rules would be enforced by the Town Council.

No interment will take place Saturdays, Sundays, Good Friday, Christmas Day, or Bank Holidays, except on the certificate of a Coroner or Registered Medical Practitioner that immediate interment is necessary.

If the ownership of the Exclusive Right of Burial requires clarification, then additional time could be required.

The certificate for the disposal of a body, or in the case of an inquest, the Coroners Order for Burial, must be produced before interment. For the burial of a still-born child, an appropriate certificate issued by the Registrar of Births and Deaths or the Coroner will be required.

Grave Mounds

All grave mounds will be removed after the expiry of six months from the date of interment.

Grave Tributes

No shrubs, plants or flowers may be planted within the Cemetery or on any grave therein nor may any shrubs, plants or flowers be cut or carried away without consent. The Town Council reserves the right to prune, cut down or dig up and remove any shrub, plant or flower planted without authorisation or which in their opinion has become unsightly or overgrown. **Plastic fencing, and stone chippings and wooden surrounds around the grave or cremation plot are not permitted.** Any items deemed to present a safety risk may be removed without notice being given by the Town Council. **Wooden cremation surrounds are not permitted on sections 11, 12 and higher**, or any section where they are not already permitted to be present.

Floral decorations may be placed on the grave. When these are seen to be decaying, the Town Council reserves the right to remove and dispose of them if the owner fails to do so.

The Town Council reserves the right to remove any receptacle for flowers, damaged wreaths, mementos etc. that it considers unsuitable, or which are broken, without notice. Containers and ornaments made of breakable materials such as glass, ceramic, plastic etc., solar lights, windmills and burning of candles, incense, Yew twigs or similar items are strictly prohibited.

The list of prohibited items stated under this paragraph ("Grave Tributes") is not an exhaustive list. The Town Clerk may consider the suitability of other items on a case-by-case basis.

Holly Wreaths

At Christmas many holly wreaths are left on graves. Our grounds staff will remove them 5 or 6 weeks after Christmas. If you wish to remove them yourself, please do so before 31 January.

Other Memorials

Memorials in the form of the donation of seats, shrubs, trees, roses, bird boxes, etc. may be permitted at the discretion of the Town Clerk to the Town Council, dependent upon the memorial schemes being operated by the Town Council at that time.

Theft

Expensive fresh flowers and silk flower arrangements are occasionally stolen or removed and placed on other graves. We constantly monitor the situation and routinely talk to police about any problems. Please let us know if you experience theft.

Right to Erect a Memorial

The Right to Erect a Memorial is issued with the Exclusive Right of Burial, for a period of 100 years, and gives the purchaser the right to erect a memorial (which must conform to the Town Council's current regulations) on the grave.

Please note that the cemetery is an active and fully working cemetery. Council staff take every care not to damage memorials, but on rare occasions, overtime a memorial may become subject to some wear and tear. This can happen to parts of a memorial near ground level which may come into contact with maintenance machinery.

Applications for memorial work

The permission of the Town Council is required before any memorial may be erected, renovated or removed. Permission is also necessary for additional inscriptions to be inscribed.

All memorials must be fixed or re-fixed compliant and in accordance with the BS8415 as recommended to the standard set out in the BRAMM Code of Working Practice the "Blue Book".

Inscriptions and designs, on the front of the memorial only, must be discreet; the Town Council may refuse to allow a design if considered to be inappropriate. Any question touching the fitness of any inscription, or the design or material construction of any monument erected or placed on consecrated ground, shall be decided by the Town Clerk to the Town Council. Appeal against any decision may be made to the Town Council, in the case of consecrated land only the final outcome being determined by the Bishop of the Diocese. In the case of non-consecrated land, the decision of the Town Council is final.

If any monument is erected in violation of the Regulations of the Town Council, the same may at any time be removed by the Town Council, without notice.

All foundations of monuments, the removal of or refixing of same and other work connected therewith must be done under the supervision of the Town Clerk of the Town Council. Any person undertaking such work must use such means as the Town Clerk of the Town Council shall direct, for the protection of the grass and the walks during the progress of the work. Such persons shall, upon completion of the work, clear away any materials not used, or any other rubbish deposited on the site of the works, to the satisfaction of the Town Clerk of the Town Council, and shall be responsible for any damage done in carrying out and completing any of the above works.

Types of Memorials

In order to give the best possible choice, we allow most designs of memorials in our Cemetery although memorials with surrounding kerbs are not allowed, but please note that any memorial erected in our Cemetery must be of natural quarried stone.

All monuments shall be inscribed with the grave section, row and number to which they relate.

Maximum dimensions

Please be aware that the allowable dimensions, excluding foundations are: -

- I. a headstone with or without base not exceeding 914 mm (3' 0") wide
 - (a) not exceeding 914 mm (3' 0") in height; or
 - (b) exceeding that height but not exceeding 1269 mm (5' 0") in height
- II. a flat stone / flush markers not exceeding 2100 mm x 900 mm (7' 0" x 3' 0")
- III. a cremation tablet not exceeding 456 mm x 380 mm (1' 6" x 1' 3").

Safety of Memorials

Although as much choice as possible is allowed when selecting a memorial, please be aware that any memorial erected in our Cemetery must be done so in a manner that ensures it is safe. Thus, all memorials being erected or re-erected, other than vases, must be fixed using a ground anchor or shoe system that will withstand a pull/push force of 35 Kg.

In addition, all “book type” and similar memorials must be dowelled to the base to ensure stability.

Please be aware that all memorials erected in our Cemetery are erected at the owner’s risk and it is advisable to have them insured against damage. The responsibility of maintaining a memorial in a safe condition, rests with the owner of the memorial.

The Town Council will inspect each memorial in our Cemetery periodically, to ensure its stability, and the owner will be responsible for any repairs or maintenance. If any required work is not carried out within three months of the owner being notified, the Town Council reserves the right to carry out repairs and place a charge on the grave space.

Maintenance of Memorials

We ask all registered owners to be aware that memorials are erected at their own risk and it is their responsibility to keep memorials in a good, safe condition. The Town Council cannot accept any liability for the making good of any damaged or fallen memorials.

Please understand that the Town Council reserves the right to re-fix, move, line up or otherwise alter the position of any memorial as may be required.

Fees

The Town Council may charge such fees as it thinks proper for, or in connection with, interments in the Cemetery; and for the grant of right to place a memorial in the Cemetery; or inscribe an additional inscription thereon.

The Town Council may amend the fees from time to time.

Non-compliance with the regulations

The Town Council in exercising its powers under these regulations will adhere to the following procedure where non-compliance with the regulations has occurred.

1. Before any action is taken with regard to the removal of any memorial or object that is considered to be in contravention of these regulations, the Town Council will notify the grave holder in writing of the Town Council’s intentions at their last known address.
2. One month’s notice of any intended action will be given.
3. The grave holder will have the right to appeal against any decision made. Any appeal should be in writing and addressed to the Town Clerk to the Town Council within 14 calendar days of the notification.
4. If the grave holder is still not satisfied with the outcome, they will be given the opportunity to have the matter considered by the Town Council. The decision of the Town Council is final.

Extracts from Legislation applying to Cemeteries

Attention is drawn to articles 18, 19 and Sections 1, 2, 3, 4 and 7 of Part 1 of Schedule 2 to the Local Authorities Cemeteries Order, 1977

18 (1) No person shall: -

- I. Willfully create any disturbance in a cemetery
- II. Commit any nuisance in a cemetery
- III. Willfully interfere with any burial taking place in a cemetery
- IV. Willfully interfere with any grave, walled grave or vault, any tombstone or any other memorial, or any flowers or plants or any such matter, or
- V. Play any game or sport in a cemetery
- VI. Deposit any litter or rubbish, other than floral tributes, within the cemetery grounds other than into the receptacles provided

(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.

19 Every person who contravenes: -

- (a) Any prohibition under article 5(6),
- (b) Article 10(6),
- (c) Article 18,
- (d) Part 1 of Schedule 2,

Shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale and (currently £1000), and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after convictions thereof.

Criminal Damage Act 1971

Section 1(1)

“A person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, shall be guilty of an offence.

A person guilty of such an offence on indictment is liable to imprisonment for a term not exceeding ten years. For a similar offence tried summarily with the consent of the accused, the maximum penalty is six months imprisonment and/or a fine of up to £2000.