

# SOUTH LAKELAND DISTRICT COUNCIL

## CEMETERY REGULATIONS



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## CEMETERY REGULATIONS



The District Council prides itself in ensuring that its cemeteries are maintained in a safe and tidy condition to the benefit of all visitors.

In order to help achieve this please observe the following regulations and guidance.

### 1. INTERPRETATION OF TERMS

- 1.1 Throughout the Regulations the following interpretation shall apply unless the context otherwise requires;
- 1.2 "The Council" shall mean the South Lakeland District Council or a duly authorised officer of the Council.
- 1.3 "Burial" means the interment of a deceased person and includes;
  - (a) The interment of cremated human remains;
  - (b) The interment of the bodies of still-born children or of the cremated remains thereof;
  - (c) The placing in a vault of human remains, cremated human remains or the bodies of still-born children, or the cremated remains thereof.
- 1.4 "Cemetery" shall mean any cemetery or burial ground provided by and administered by the Council.
- 1.5 "Grave" shall mean a burial place formed in the ground by excavation and without any internal wall or brickwork or stonework or any other form of artificial lining.
- 1.6 "Vault" shall mean a chamber provided for the reception of human remains or cremated remains, together with the access thereto.
- 1.7 "Walled Grave" shall mean a grave , the sides of which are lined with walls.
- 1.8 "Private Grave or Vault" shall mean a grave, vault or walled grave in which the exclusive right of burial has been purchased from the Council.
- 1.9 "Public Grave" shall mean a grave for which no exclusive right of burial has been purchased or granted.
- 1.10 "Memorial" shall include any gravestone, headstone, tomb, vase, or other monumental work erected, constructed, placed or laid over or upon any grave space for the purposes of a memorial (excluding any stone or plaque or other plate placed upon a grave by the Council for identification purposes, or any inscription added to an existing memorial.

- 1.11 "Interment fee" shall mean all fees charged by the Council for an interment and without limiting its meaning includes any out of district fee properly chargeable.

## **2. RIGHTS OF BURIAL**

### **2.1 Public Graves**

- 2.1.1 All persons resident within the boundaries of South Lakeland District Council shall be entitled to be buried in a public grave in one of the Council's cemeteries on payment of the prescribed interment fees, subject to rights being reserved by the Council to select the grave space to be used and to refuse any application for such a burial in a cemetery not normally serving the locality in which the deceased had resided.
- 2.1.2 The Council reserves the right to refuse an application for burial in any of the Council's cemeteries to any person not normally resident within South Lakeland District.
- 2.1.3 The Council reserves the right to use a public grave as often as may be deemed expedient, or may be permitted by law.

### **2.2 Grant of Exclusive Right of Burial**

- 2.2.1 The Council may grant the exclusive right of burial in an unpurchased grave space, or an extension of such an existing right, on payment of the prescribed fee, subject to approval by the Council and as required by law.
- 2.2.2 The purchaser of the exclusive right of burial in any grave space will be furnished with a Deed of Grant of that right.
- 2.2.3 The exclusive right of burial in a grave space may be assigned by deed or bequeathed by will. The person to whom any such right is transmitted shall not be entitled to its exercise until he has notified the assignment to the Council in writing and furnished satisfactory evidence of title. On receipt of such satisfactory evidence the Council will cause an entry to be made in the Register of Purchased Graves of the date of the assignment or transmission and the name and description of the person to whom the right has been transferred.

## **3. INTERMENTS**

### **3.1 Hours of Interments**

- 3.1.1. The normal hours of interments shall be:  
 Monday to Friday: 10am to 3pm. Summer Months 1<sup>st</sup>. March until 31<sup>st</sup>.October  
 Monday to Friday: 10am to 2:30pm. Winter Months 1<sup>st</sup>. November until 28<sup>th</sup>.February  
 (2:00 p.m. if using Chapel)  
 Cremated ashes burial times as above, but may be flexible, by arrangement.
- 3.1.2 Interments on Saturdays or Public holidays (other than those mentioned below) may be carried out by special arrangement only and an additional charge will be applicable.
- 3.1.3 No interments will be carried out on Sundays, Good Friday or Christmas Day or Boxing Day, except on the production of a special medical certificate.

### **3.2 Notice of Interments**

- 3.2.1 Not less than 48 hours' notice must be given for any interment, and at least 72 hours in the case of a grave to be dug in excess of double depth, or if a walled grave or vault is to be constructed.
- 3.2.2 Such notice cannot be given on Saturday, Sunday, Good Friday and Christmas Day and all Public Holidays.
- 3.2.3 Notice of interment must be given in writing on a form provided for that purpose, available at <http://www.southlakeland.gov.uk/bereavement-services/cemeteries/>. Notification may be made by telephone or post, but preliminary telephone bookings must be confirmed immediately in writing and the Council can accept no responsibility for any delay which may occur if any notice sent by post does not reach the appropriate officer of the Council within the required time.

### **3.3 Certificate of Registry of Death**

- 3.3.1 No interment can take place unless the Registrar's Certificate for Disposal (the 'green'), or the Coroner's Order for the Burial is produced at the time of the interment. (Provided that if in exceptional circumstances neither of these documents can conveniently be produced at the required time, a burial may be allowed if the person effecting the disposal is satisfied by a written declaration, on a prescribed Form 18, from the person procuring the disposal, that such a Certificate or Order has in fact been issued in respect of the deceased).

### **3.4 Control of Interments**

- 3.4.1 No burial shall take place and no cremated remains shall be interred or scattered in any cemetery without the permission of the Officer appointed by the Council for the control of that cemetery. The Bereavement Services Officer, or other person in charge of the cemetery, shall be entitled to fix the time of the funeral, if another funeral has already been arranged for the time required.
- 3.4.2 The Council reserves the right to refuse admission to a cemetery during, or immediately before, a funeral service, to any person whose presence may be likely to cause a disturbance or infringe unduly on the privacy of the funeral service, if requested to do so by the person responsible for the funeral arrangements.

### **3.5 Cremated Ashes**

- 3.5.1 The interment or scattering underneath the turf of cremated ashes shall be permitted in any grave space in which the exclusive right of burial has been granted, and over such areas set aside for that purpose, subject to the regulations relating to interments and to opening of a private grave. In accordance with the Local Authorities' Cemeteries Order 1977 article (10), no cremated remains may be buried in, or scattered over, any grave without the consent in writing of the registered owner of the exclusive right of burial.

### **3.6 Alteration of Arrangements**

- 3.6.1 After notice of interment has been given, no alteration will be permitted as to the situation of the grave for which the interment has been reserved or the time of interment, unless 48 hours' notice thereof is given and payment made, of an amount to be fixed by the Council, in respect of any work which may already have been executed or any other expenses which may have been incurred.

### **3.7 Service at Interments**

- 3.7.1 A burial in consecrated ground or any portion of the cemetery set apart for the use of a particular denomination may take place without any religious service or with such Christian and orderly service at the grave, conducted by such person or persons as the person having charge of or being responsible for the service may think fit.
- 3.7.2 Any religious service or ceremony may be performed at a burial in any part of a cemetery which is not consecrated or set apart for any particular religious order, provided the service or ceremony is orderly and decorously conducted.

### **3.8 Arrangements with Ministers**

- 3.8.1 The funeral director or other person having charge of a funeral shall be responsible for making arrangements for a Minister of Religion to be present to perform any religious service required at a burial.

### **3.9 Punctuality**

- 3.9.1 All funeral processions must be at the cemetery at the time fixed to avoid inconvenience or interference with another funeral.

## **4. GRAVES & VAULTS**

### **4.1 Size of Grave Spaces**

- 4.1.1 The size of a standard grave space shall be in accordance with the plan and layout of each individual cemetery. Grave spaces of less than standard size may be provided where special areas are set aside for the burial of children or for the interment or pouring of cremated remains.
- 4.1.2 Graves shall be dug to such depth as the council may think fit and as may be allowed by law. The normal depth of a single interment shall be 1.37 metres (four feet six inches) with a further .6 metres (two feet) added for each anticipated interment. No grave will be allowed to be deepened after the first interment.

### **4.2 Opening of private graves**

- 4.2.1 No body shall be buried, or cremated remains interred or scattered, in or over any grave, walled grave or vault in which the exclusive right of burial for the time being subsists, other than the remains of the owner of the burial right or other person specified on the Deed of Grant, except by, or with, the consent in writing of the owner of the right. Provided always that where the written consent of the owner cannot be obtained, the grave may be opened for such an interment on the application of any person whom the Council shall consider entitled, on such person completing a Statutory Declaration to the Council.

### **4.3 Re-opening a Grave for a subsequent interment**

- 4.3.1 When any grave space is reopened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.

#### **4.4 Vaults and Walled Graves**

- 4.4.1 Every walled grave or vault shall be properly constructed of suitable materials, and all brick or stonework shall be executed by or at the expense of the owner of the grave. to the satisfaction of the officer in charge of the cemetery. Within 24 hours of any burial in a walled grave or vault, the coffin shall be:
- a) Embedded in concrete and covered with a layer of concrete not less than 150mm (6 inches) thick, or
  - b) Enclosed in a separate cell or compartment of slate, stone or precast concrete slabs of a 1:2:4 mix, in any case not less than 50mm (2 inches) thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.

#### **4.5 Grave Mounds & Enclosures**

- 4.5.1 After completion of a burial all graves will be filled to the level of the adjoining ground and no mound or enclosure by kerbstones or any other form of enclosure, will be permitted.
- 4.5.2 Any future extension (from 1974 onwards) or newly opened section of any cemetery shall be developed in the style of a lawn cemetery.

#### **4.6 Flower Holders etc.**

- 4.6.1. Metal flower holders may be incorporated in a memorial stone, or alternatively a stone vase of a type approved by the Council may be placed in the headstone position. In areas of the cemetery not designated as lawn sections metal or other flower holders designed as such may be placed on a grave, including a public grave, at the risk of the owner, provided they are sunk into the ground so as not to interfere with grass cutting. Glass flower holders or unsightly containers of any description shall not be used. The council can accept no responsibility for the safety of flower holders or their contents, and reserves the right to remove any such articles including artificial flowers, which may have become broken or unsightly. No glass cases or globes shall be permitted.

#### **4.7 Planting on Private Graves**

- 4.7.1 No trees, plants, flowers, shrubs or seeds shall be planted on any grave without the approval of the Council. Spring flowering bulbs such as snowdrops, crocus and daffodils will normally be permitted.
- 4.7.2 The Council reserves the right to cut or remove any tree, plant, flower or shrub or other vegetation whenever it is necessary for an interment, or if it is deemed to have become unsightly or overgrown.

#### **4.8 Lawn Sections – Special Regulations**

- 4.8.1 Any areas of the cemetery specifically designated as a lawn section shall be subject to the following additional regulations:
- a) No trees, shrubs plants or flowers shall be planted on any grave space; other than spring flowering bulbs immediately in front of the memorial, without the approval of the Council.
  - b) Headstones or other permitted memorials shall be placed in adjacent rows in such manner as the Council may direct;

- c) The only type of memorial permitted on adult graves shall be :
- 1) A headstone not exceeding 1 metre (3ft. 3ins.) in height and 150mm (6ins.) in thickness and 760mm (30ins.) in width, with a suitable base or plinth with a maximum width of 920mm (36") which may incorporate a metal flower holder;  
**or**
  - 2) A natural or artificial stone vase of a type approved by the Council in lieu of a headstone, placed in the headstone position.  
**or**
  - 3) A Desk plaque or flat tablet of a similar size to a headstone base, placed in the designated headstone line.

## 5. MAINTENANCE OF GRAVES

- 5.1. The Council may level the surface of any grave consisting wholly, or substantially so, of earth or grass, to the level of the adjoining ground.
- 5.2 The Council may, subject to and in accordance with the provisions of Schedule 3 of the Local Authorities' cemeteries Order 1977 :
- a) Remove from the cemetery and destroy,
    - 1) Any tombstone or other memorial on a grave of which all material particulars are illegible or which is dilapidated by reason of long neglect;
    - 2) Any kerbs surrounding a grave (whether containing any commemorative inscription or not) together with the foundation slabs of such kerbs;
    - 3) Any tombstone or other memorial, not falling within 5.2 (a) (i) or (ii), except where the owner of the right to place and maintain it in the cemetery has, before the date specified in the notice required to be given by the Council under paragraph 3 of the Local authorities' cemeteries Order as the date before which the carrying out of the proposals will not be commenced, requested that it shall be re-erected in the cemetery or elsewhere;
    - 4) Any surface fittings not falling within 5.2 (a) (i) ,(ii), or (iii) or any flowering or other plants on a grave, and;
    - 5) Any railings surrounding a grave, a tombstone or other memorial on a grave or grave space;
  - b) Alter the position on a grave of, or re-erect at another place in the cemetery, or elsewhere, any tombstone or other memorial on a grave;
  - c) Level the surface of any grave, other than a grave described in paragraph 5.1 to the level of the adjoining ground;
  - d) Alter the position of any railings surrounding a grave or vault, tombstone ro other memorial or a grave space;
  - e) Re-erect at another place in the cemetery a memorial other than the one on a grave or vault;
- 5.3 Any reference to a grave in 5.2 (a), (b) or (c) or in Schedule 3 of the Local authorities' Cemeteries Order other than paragraph 1 thereof, includes a reference to a vault constructed wholly or substantially so below the level of the ground adjoining the vault.

## 6. MEMORIALS

### 6.1 Memorials on graves and vaults.

- 6.1.1 Erection of a memorial shall only be permitted on a grave or vault in which the exclusive right of burial has been purchased.
- 6.1.2 No memorial shall be allowed on a private grave or vault without the consent in writing of the owner of the exclusive right of burial **or** of any person who satisfies the Council that he/she is a relative of the person buried or acting at the request of such a relative, and that it is impractical to trace the owner of the right so described.
- 6.1.3 Any person granted the right to place and maintain a memorial on a private grave or vault shall be provided with a grant to that effect, and such grant shall subsist for the remaining number of full years to complete a period of 100 years from the date on which exclusive right of burial was granted **or** 25 years, whichever is greater.

### 6.2 Design of memorials

- 6.2.1 No memorial shall be placed in a cemetery unless the proposed design and description has been approved by the Council and a permit to erect issued.
- 6.2.2 The Council reserves the right to refuse permission for any memorial which may be considered unsuitable in either, material, design or construction.
- 6.2.3 No permanent wooden memorial or erection of any kind will be allowed on any grave, and memorials which are not constructed of stone produced locally, or within the British Isles, will not be permitted where this is considered desirable to conform with previous practice or tradition. (n.b. The Council may, at its discretion allow a small wooden marker or stone vase on a grave for a temporary period not exceeding nine months, or earlier if a permanent memorial is erected.)
- 6.2.4 No memorial shall exceed 1 metre (3ft. 3ins.) in height from ground level except if it is a cross, when its height shall not exceed 1.5 metres (4ft. 10ins.). No memorial shall exceed 920mm (36ins.) overall, including base, in width.
- 6.2.5 All new memorials and memorials re-fixed following the inscribing of an additional inscription shall be fixed with a NAMM approved type of ground anchor fixing and comply with the current NAMM Code of Safe Working Practice.
- 6.2.6 All memorials must be properly mounted on a concrete foundation or flagstone of at least 75mm (3 ins.) greater dimension than the memorial base. The foundation to be so laid that its uppermost surface is not above the level of the surrounding ground.
- 6.2.7 Memorials placed in an area of the cemetery which has been designated as a lawn section shall comply with the special requirements for such sections, as described in paragraph 4.8 of these regulations under the subject heading 'Graves and Vaults'.
- 6.2.8 No new kerbstones or any other form of grave surround shall be permitted and the deposit of stone or other chippings on any grave space (full or ashes) shall be prohibited.
- 6.2.9 The only type of memorial allowed on a grave space provided in an area specifically for the interment of cremated human remains shall consist of a flat tablet or plaque (which may incorporate a flower holder) laid level with the surrounding soil. Maximum size 460mm (18ins.) by 533mm (21ins.)



### **6.3 Identification of Memorials**

- 6.3.1 Every memorial shall have cut upon it, or permanently affixed thereto, the number of the grave, and section if applicable, on which it is to be placed. The presence of a NAMM approved ground anchor must be indicated by the engraving of an asterisk \* before the grave number. The Mason's name may be engraved on lower reverse or base in letters no larger than 25.4mm (1").  
Should the grave number not be inscribed on the memorial the Council reserves the right to carry out the work and recharge the cost to the grave owner/stonemason.

### **6.4 Responsibility for Memorials**

- 6.4.1. Every memorial of whatever description admitted to a cemetery or permitted to be erected therein, shall be so erected and remain the sole responsibility of the owner thereof and shall be maintained in good repair and condition by them.
- 6.4.2 The Council shall not be help responsible for any injury or damage to any memorial through any cause whatsoever.
- 6.4.3 The Council reserves the right to take down or remove a memorial at the expense and risk of the owner, in any of the following circumstances:
- a) If the memorial is likely to become unsafe or dangerous during the opening of a grave for a further interment, or the excavation of an adjoining grave;
  - b) If the memorial is not properly erected or executed in a workmanlike manner;
  - c) If the memorial is not well maintained and falls into a state of disrepair, causing it to become dangerous or unsightly;
  - d) If the memorial has been erected without the required approval and permission.
- 6.4.4. Re-erection of a memorial taken down in any of the above circumstances shall be at the expense of the owner and subject to the approval by the Council.

### **6.5 Alteration of Memorials**

- 6.5.1 No additional inscription shall be put on any existing memorial, nor shall any alteration or obliteration of any existing inscription be made, unless it has been approved by the Council, and a permit has been issued.

### **6.6 Removal of Memorials**

- 6.6.1 No memorial shall be removed from a cemetery without the consent of the Council.

### **6.7 Work on Memorials**

- 6.7.1 All persons employed on fixing memorials shall be subject to the control of the Council's officer in charge of the cemetery, or its authorised representative.

- 6.7.2 Any contractor working within the cemetery must maintain, and provide evidence of, current Public Liability Insurance cover in a minimum amount of £5 million, against all claims and actions.
- 6.7.3 Work on memorials shall not be carried out outside the ordinary working hours of the cemetery unless special permission has been obtained from the officer in charge, and shall be continued from day to day until completed.
- 6.7.4 All materials required for the erection of a memorial shall be conveyed into the cemetery in such manner as the Council's officer in charge of the cemetery shall direct. Mats, planks, canvas or other materials as the officer may consider necessary to protect the grass or paths from damage shall be provided and used by persons fixing memorials. Masons will be held responsible for any damage caused by their workmen, either to the cemetery infrastructure or to any memorial placed therein. (See also Vehicles in Cemeteries 7.3.1 and 7.3.2)
- 6.7.5 No hewing or dressing of stone, nor similar operations of any kind, will be permitted in a cemetery unless specially sanctioned. All spare soil, cement or other materials shall be removed from the cemetery, and the ground left to the satisfaction of the Council's officer in charge of the cemetery.

## **7. OFFENCES IN CEMETERIES**

### **7.1 General**

- 7.1.1. No person shall, in accordance with the Local Authorities Cemeteries Order 1977 (Article 18(1)):
- 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.
- 7.1.2 By Article 18(2), No person not being an officer of the Council or another person so authorised by or on behalf of the Council shall enter or remain in a cemetery at any hour when it is closed to the public.

### **7.2 Penalties**

- 7.2.1 Every person who contravenes any prohibition under paragraphs 7.1.1 or 7.1.2 shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale (currently one thousand pounds) and, in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which the offence continues after conviction.

### **7.3 Vehicles in Cemeteries**

- 7.3.1 No vehicle, bicycle or tricycle will be admitted to a cemetery without the consent of the officer in charge of the cemetery, or his representative.
- 7.3.2 Vehicles admitted to a cemetery shall not exceed 15 k.p.h. (10 m.p.h.) and must keep to the roadways and shall not be driven over any grass verge.

## **7.4 Visitors to Cemeteries**

- 7.4.1 Persons not actually attending a funeral or visiting a grave shall not be permitted to walk upon the graves or grass portions of any cemetery but shall confine themselves to the cemetery paths.
- 7.4.2 No person shall be permitted to enter or leave a cemetery except by the proper entrance gates.
- 7.4.3 No child under 12 years of age shall be admitted to a cemetery except under the care of a responsible parent.
- 7.4.4 No dogs shall be admitted to a cemetery unless kept on a leash and under proper control. Cemeteries are subject to SLDC Dog Control Orders which came into force on 19<sup>th</sup>. August 2013. Details are displayed on notices at main cemetery entrances.
- 7.4.5 No person shall be allowed to solicit orders, exhibit, distribute tracts, business cards or advertisements or offer anything for sale in a cemetery.

## **8. Removal of Rubbish or Litter**

No person shall leave any rubbish or litter on any grave or path, but shall always deposit same in the bins provided for the purpose in the cemetery.

## **9. Cemetery Workmen – Obstruction of Employment etc**

- 9.1 No person shall wilfully impede, obstruct, disturb or interrupt any officer or workman of the Council or its appointed contractors in the proper discharge of their cemetery duties, nor shall use any such employee to execute any private work whatsoever in the cemetery.
- 9.2 The Council forbids any gratuity being given to or received by any of its employees.

## **10. Miscellaneous Matters**

### **10.1 Hours of Admission to Cemeteries**

- 10.1.1 Cemeteries shall be open to the public daily from 9 a.m. to 9 p.m. or sunset (whichever is earlier)

### **10.2 Cemeteries/Bereavement Services Office**

- 10.2.1 The Bereavement Services Office (Cemeteries Registrar) is situated at:

South Lakeland District Council,  
South Lakeland House,  
Lowther Street,  
Kendal  
LA9 4DQ

Telephone: 01539 793 167 or 01539 733 333

Email [cemeteries@southlakeland.gov.uk](mailto:cemeteries@southlakeland.gov.uk)

Should clarification or further information be required, please contact the office.