

## **RULES AND REGULATIONS**

### **DISS CEMETERY & GARDENS OF REST**

Heywood Road, Diss, Norfolk, IP22 4DL

A facility owned and operated by Diss Town Council

#### **1. NOTICE OF INTERMENT**

Four clear days notice must be given to the Town Clerk for an interment in an earthen grave and five clear days notice if a vault or brick grave is required. In each case, Saturdays, Sundays and public and Bank Holidays are excluded in reckoning the length of notice. **This rule will not apply in cases of death from infectious diseases where urgent burial is considered necessary upon medical certification or on specific religious grounds.**

#### **2. ARRANGEMENTS FOR INTERMENT**

All interments must be arranged by a Member of the National Association of Funeral Directors or similar nationally recognised organisation such as the British Institute of Funeral Directors, except at the discretion of the clerk.

#### **3. CERTIFICATION OF DEATH**

The certification for the disposal of a body, or in the case of an inquest, the Coroners Order for Burial, must be produced before interment and delivered to the Town Clerk. 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.

#### **4. PAYMENT OF FEES**

All orders must be given and fees and charges paid at the Council Offices, 11-12 Market Hill, Diss, Norfolk, IP22 4JZ at the time of application or, in the case of headstones and memorials, before they are erected.

#### **5. TIME OF INTERMENT**

The time fixed for the funeral must be that at which the procession is at the Cemetery. No interment will take place on 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 or on specific religious grounds. Interment may otherwise take place at the Cemetery upon payment of the appropriate fees, on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays between the hours of 09:00 and 15:30. The Clerk must be notified of the time of the interment. Requests for interments outside of these hours will be considered by the Clerk and decided based on the merits of each request.

The interment of ashes will also be permitted between the hours of 09:00 and 12:00 on Saturdays.

#### **6. ADMISSION OF VEHICLES**

Motor vehicles are prohibited from entering the Cemetery other than for the purposes of grave digging, funerals, in connection with the erection of memorials or by authorised Council personnel for the purpose of maintaining the Cemetery.

This rule does not apply to those vehicles displaying a valid blue disabled badge or to any approved means of invalid carriage.

Parking spaces for Cemetery visitors are available at the Roman Catholic Church car park off Shelfanger Road.

#### **7. DIGGING GRAVES**

Grave digging in Diss Cemetery will only be permitted by those authorised to do so by the Town Council. Grave diggers contracted to the Council are required to adhere to the Town Council's grave digging policy, adopted on 15<sup>th</sup> June 2011 and last reviewed on 17<sup>th</sup> June 2015.

#### **8. RE-OPENING OF GRAVES**

The owner or executor shall be responsible for arranging the removal of all memorials on the re-opening of graves and the replacement of same within 18 months, but must be carried out according to the NAMM Code of Working Practice and comply to BS8415. The cost of such removal must be borne by the owner, and the Council will not be responsible in the event of a monument or stone becoming broken or damaged, lost or destroyed

during the work.

When re-erecting a memorial if it is intended to change or add wording a copy of the proposed inscription with a drawing in duplicate showing the form and dimensions proposed to be erected must be left at the office of the council one month prior to installation for approval.

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

## **9. DEPTH OF GRAVES**

No grave shall be deeper than 8 feet, but the Council, if they find it impractical for any reason, reserve the right to specify the maximum depth to which the grave can be dug. 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.

## **10. SITE OF GRAVES**

Allocation of rights to grave plots and burials will be on application as per the plan kept by the Town Clerk. Burials will not be allowed in the Chapels, or within 10 feet from the walls thereof. The Southern portion of the grounds are Consecrated and the Northern portion is Unconsecrated.

## **11. EXCLUSIVE RIGHT OF BURIAL**

**The purchase of Exclusive Rights of Burial refers to the right to be buried in the grave space mentioned in the Exclusive Right Certificate and NOT the purchase of the land itself. It is only the Right of Burial which expires at the end of the term (currently 100 years) and present legislation does not allow any human remains to be disturbed. As registered Owner of the Grant of Exclusive Right of Burial, you have the automatic right to be buried in the grave. You may also allow others to be buried in the grave (space permitting).**

- a) The charge for exclusive right of burial is payable in addition to the ordinary interment and other fees, and entitles the person to whom the grant is made, to the exclusive right of burial in that grave for 100 years after which time the Council may permit burials in any unused space. Once the grant owner has deceased, the Exclusive Right of Burial must be transferred to a new owner, for which a fee is payable. This transfer must take place before consent for any memorial to be erected or any further interments other than that of the owner will be granted. The Council will permit a memorial to be placed only over a grave in which exclusive right of burial has been granted, subject to the Council's regulations and charges relating to Monuments.
- b) The fee payable for exclusive right of burial is per person, plots purchased for two interments will incur two ERB fees

b) Where no exclusive right of burial has been purchased or the term of Exclusive Right of Burial has expired the Council reserves the right to make further burials in the same grave at a later date and therefore it is not possible to permit the erection of kerbstones, headstone or other memorials.

c) No assignment of the exclusive right of burial in a grave will be allowed unless the Deed of Grant has been properly endorsed by the Town Clerk.

## **12. MONUMENTS**

For the avoidance of doubt, 'monuments' is defined as any headstone, kerbstone, plinth, flat stone, tablet or stone vase for which permission to erect or install must be obtained.

No monument of any sort will be allowed to be erected or placed on any grave where the exclusive right of burial has not first been purchased.

All foundations of monuments, the fixing of or removal of the same and other work connected with the installation of monuments, must be carried out in accordance with best practice guidance as provided by the Association of Burial Authorities, copies of which are available from the Town Clerk upon request.

Any persons undertaking such works must use such means as are deemed necessary by the Council for the protection of the grass and the paths 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 or other such officer as may be nominated by the Council.

All memorials must be erected in strict accordance with the current NAMM Code of Working Practice and comply with BS8415. Details in relation to these are obtainable from The National Association of Memorial Masons.

With effect from May 2010, a Certificate of Compliance must be issued with every memorial installation and a copy provided to the Town Clerk. The Certificate of Compliance is designed to replace period guarantees and ensures that the manufacture and installation has been carried out to the highest industry standard of the day. This undertaking stands throughout the life of the memorial. The Council reserves the right to remove any memorial installed after May 2010 which does not have a Certificate of Compliance.

The Council requires that all memorials over 20" (apart from Cremation Memorials), must be erected on a foundation measuring a minimum of 18" back to front, insuring a higher degree of stability. Unless hard natural stone is used, reinforced concrete must be at least 3" thick. Apart from memorials commemorating cremated remains, no memorial may be erected until at least 6 months have elapsed from burial and the Memorial Mason will be responsible for realignment if tilting of more than 5 degrees occurs within five years on any memorial erected before the first anniversary. During the period between burial and erection of a memorial, temporary vases may be placed. Because of the risk of Tetanus infection and injury from broken glass, no glass flower containers are permitted.

No monument of any sort will be allowed to be erected or placed on a grave in any part of the Cemetery without the consent of the Town Clerk, and a copy of every monument and inscription proposed with a drawing, in duplicate, showing the form and dimensions proposed to be erected must be left at the office of the Council one month prior to installation for approval. The Council reserves the right to remove any monument that has been installed without the consent of the Town Clerk.

The grave reference number must be inscribed on all monuments.

All questions as to the fitness of any Monumental Inscription in the Consecrated part of the ground are ultimately determinable by the Bishop of the Diocese.

All monuments shall, after erection, be kept in good repair by the owner and unless this is done, Council reserves the right to cause them to be repaired or removed at the owners' expense.

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 Council reserve 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.

The placement of glass in any form (vases, bottles, trinkets or any item) in the Cemetery is expressly forbidden.

Any item placed in the Cemetery (and on graves in particular) without the express permission of the Town Clerk, is done so at the owners' risk and the Council does not accept any liability for such items. The Council reserves the right to remove any item which causes an obstruction to grass cutting or the general maintenance of the Cemetery.

Council reserves the right to periodically test the memorials for safety and take whatever action is deemed necessary.

### **13. GARDENS OF REMEMBRANCE**

The size of each plot shall not exceed 26" x 15" and after interment will be covered by a concrete or similar slab 26" x 15".

This plot is for one interment but a spouse or other close relative may be interred at a later date under the same base slab.

No other ashes may be interred in the same plot without the express wish or consent of the nearest relative.

All Cremation urns should be interred with a minimum of 18" depth to the top of the casket.

There is no provision for exclusive rights of burial and plots are allocated in rotation.

A memorial may be erected not exceeding 24" x 12" x 4" in size - no memorial shall be more than 24" high and made of natural stone not less than 2" thick. Provision may be made in the base stone for a flower container. No free standing containers or glass vases are permitted. No flat stones are permitted.

The memorial may be lettered to allow if desired, space for a second inscription and all memorials must be fixed to the bases by half inch diameter, non ferrous dowel pins.

The initial fee is for a period of 20 years and in the case of a double interment the period of 20 years begins from the date of the second interment.

The plot may be secured for a further 20 years for half the original fee.

**14. SCATTERING OF ASHES**

Scattering of ashes is permitted in Diss Cemetery, by agreement of the Town Clerk and must be completed in accordance with the Cremation Act 1930 and The Local Authorities Cemeteries Order 1977 Section 10.6.

**15. CHAPEL OF REMEMBRANCE**

Plaques, the design of which must be submitted to the Town Clerk for approval, may be erected in the Chapel of Remembrance.

**16. REGISTER OF BURIALS**

A Register of the Burials, both in the consecrated and unconsecrated portions of the ground is kept at the Council Office where, at all reasonable times, searches may be made and photocopies obtained upon payment of the proper fees.

**17. PLAN OF THE CEMETERY**

A plan of the Cemetery showing the situation of the graves and interments is kept at the Council Offices and may be seen without charge any week-day when the Office is open.

**18. PUBLIC ACCESS**

The Cemetery will be open to the public between 8am and half an hour before sunset daily. Outside these hours, the Cemetery gates will be closed and access is prohibited except by personnel authorised by the Town Clerk.

**19. PROHIBITIONS**

Children under the age of ten years of age will not be admitted, except under the care of a responsible person and all visitors will be expected to observe perfect decorum in all respects.

No dogs except guide dogs.

Smoking within the Cemetery is strictly prohibited.

Consumption of alcohol within the Cemetery is strictly prohibited.

The riding of horses, cycles and motorcycles within the Cemetery is strictly prohibited.

No persons shall be allowed to offer goods for sale or to solicit orders for the sale of any goods within the Cemetery. Offenders will be liable to expulsion.

No pet/animal remains will be allowed.

**20. CONDUCT**

Every person who shall wilfully destroy or injure any building, wall, or fence belonging to the Council, or destroy or injure any tree or plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any Monument, Tablet, Inscription or Grave Stone, or do any other wilful damage, play at any game or sport, or discharge fire-arms (save at a military funeral) in the Burial Ground, or wilfully and unlawfully disturb any person assembled therein for the purpose of burying any body therein, or commit any nuisance within the grounds, is liable to prosecution.

**21. VARIATION OF REGULATIONS**

The Council reserves the right from time to time to make alterations or additions to the foregoing Rules and Regulations consistent with the Burial Acts. The Regulations of Her Majesty's Secretary of State, under the Burial Acts and applicable to the Cemetery must be considered as incorporated herewith.

**22. NON-COMPLIANCE WITH THE REGULATIONS**

The 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 that is considered to be in contravention of these regulations, the Council will notify the grave holder in writing of the 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.
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 Council. The decision of the Council is final.

Approved by Diss Town Council at a meeting of its Heritage & Facilities Committee held on 21<sup>st</sup> February 2018

## **APPENDIX I**

### **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. Wilfully create any disturbance in a Cemetery
  - II. Commit any nuisance in a Cemetery
  - III. Wilfully interfere with any burial taking place in a Cemetery
  - IV. Wilfully 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.