



# **Dursley Town Council**

## **CEMETERY REGULATIONS**

### **Main Contact Details:**

Dursley Town Council, Jacob's House, Castle Street, Dursley, GL11 4BS Tel:  
01453 547758 Email: [admin@dursleytowncouncil.gov.uk](mailto:admin@dursleytowncouncil.gov.uk)

**These Regulations cover Kingshill Cemetery and St Mark's Burial Ground,  
where relevant.**

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## ***NOTE TO THE REGULATIONS***

1. Kingshill Cemetery is owned and managed by Dursley Town Council of Jacob's House, Castle Street, Dursley, Gloucestershire GL11 4BS (the Burial Authority).
2. The Garden of Remembrance at Kingshill Cemetery has been established on either side of the entrance to the burial ground. The Garden of Rest is located at the top of Kingshill Cemetery on the left hand side (looking up the Cemetery from Kingshill Road).
3. St Mark's Burial Ground is owned by the Church and managed by Dursley Town Council of Jacob's House, Castle Street, Dursley, Gloucestershire GL11 4BS (the Managing Authority). The ground is only available for the interment of ashes. The Diocesan charge /Rector fee is payable direct. The Rector must be notified whenever any business is to be conducted in St Mark's Burial Ground.
4. The Council administers the burial grounds for the benefit of the whole community, and therefore bases its decisions and maintenance policy on the needs and safety of the majority.

## **PART ONE GENERAL**

### **1. General Interpretation**

In these Regulations:

- 1.1 "Approved Contractor" means those contractors who are employed by the Council or any other third party (e.g. Funeral Director/Grant Holder) who satisfy the criteria as set by the Council from time to time.
- 1.2 "Exclusive Right of Burial" means subject to paragraph 7/8 below, a right that may be purchased from the Council which grants the purchaser, and their successors, the Exclusive Right of Burial in a designated burial plot for a period of **30** years.
- 1.3 "Grant Holder" means:
- a) the owner(s) of an Exclusive Right of Burial: or
  - b) if the Grant Holder is deceased then the appointed Executor(s) or Personal Representative(s) of the Grant Holder: or the person to whom the Executor(s) or the Personal Representative(s) of the Grant Holder have assigned the Exclusive Right of Burial
  - c) if the Grant Holder is deceased and no Executor(s) or Personal Representative(s) has/have been appointed then the next of kin (a statutory declaration would need to be completed based on the facts in each case – ownership can't transfer automatically to the next of kin).
- 1.4 "Interment" includes:
- a) a full body in a suitable container eg coffin, casket or shroud
  - b) the interment of cremated human remains;
  - c) the interment of the bodies of stillborn children or of the cremated remains thereof
  - d) the interment of the bodies of babies under 24 weeks gestation
- 1.5 "Memorial" means any headstone, gravestone, monument, vault, kerbstone (which shall include the expression "kerb" or "kerbing"), grave furniture, or other grave surrounds designated and shown as such on the plans maintained by the Council.
- 1.6 "Opening Hours" means the times during which the Cemeteries are open to the public as specified in paragraph 4.
- 1.7 "Supervisor" means the officer of the Council responsible for the day-to-day management of the Cemetery.
- 1.8 "Schedule of Fees and Charges" means the schedule maintained by the Council (available for inspection on the Council's website [www.dursleytowncouncil.gov.uk](http://www.dursleytowncouncil.gov.uk) or by contacting the Council Office) setting out the matters in respect of which fees or other charges are payable to the Council and the amount of each such fee or charge.
- 1.9 References to the singular shall be taken to refer to the plural and vice versa as the case may be.

1.10 The headings are for convenience only and shall not affect the interpretation of these regulations.

1.11 References in these regulations to any statute, statutory provision or other legislation or regulations or codes of practice shall include a reference to the same as amended, extended, consolidated or replaced from time to time and include any order, regulation, instrument or other subordinate legislation made under the same.

## **2. Application of the Regulations**

2.1 These Regulations cover Kingshill Cemetery and, where relevant, St Mark's Burial Ground.

## **3 Administration**

3.1 All enquiries regarding the Cemetery should be directed to the Town Clerk at Dursley Town Council, Jacob's House, Castle Street, Dursley GL11 4BS.

3.2 The Council Office is open for calls in person from:

- a) 10:00am to 3:00pm Monday to Friday with the exception of Bank Holidays and other Public Holidays.
- b) Telephone enquiries may be made from 9.30 am to 4.00pm Monday to Friday.

3.3 Plans and registers may be inspected at the Council Office by prior arrangement. Searches can be made free of charge. Certified extracts from the registers can be obtained on payment of the appropriate fee.

## **4. Opening Hours**

4.1 The Cemetery is open to the public every day as outlined below unless otherwise indicated by notices placed in conspicuous positions at the entrances.

*Pedestrian access March to October 8am-8pm, November to February 9am-4pm.  
Vehicular access is Monday to Friday 9am-3:30pm.*

Alternative access arrangements to be confirmed by prior agreement of the Town Clerk.

4.2 Specified areas in the Cemetery may be temporarily closed to visitors by placing warning cones/tape in conspicuous positions identifying the areas of work.

## **5 Fees and Charges**

5.1 The Cemetery Schedule of Fees and Charges is maintained and reviewed annually by the Council (available for inspection on the Council's website [www.dursleytowncouncil.gov.uk](http://www.dursleytowncouncil.gov.uk) or by contacting the Council Office) and should be referred to in conjunction with the regulations.

5.2 To qualify as a resident of Dursley, the deceased must have lived in the town during the 3 years prior to death. In all other cases, with the exception of those relating to the Garden of Remembrance/Rest, the fees, payments and sums will be equivalent to the resident's fee

times two and a half rounded up, and are shown in brackets and italics where applicable. (Proof of residency may be required).

- 5.3 Where retrospective requests for Exclusive Right of Burial and/or memorials are made at least one person so interred must qualify as a resident of Dursley to attract the lower fee. (Proof of residency may be required).
- 5.4 Attention is drawn to cancellation and failure charges set out in the Schedule of Fees and Charges.

## **6 General Grass Cutting**

- 6.1 General grass cutting will be carried out by the Council within the burial grounds at a frequency determined by weather conditions and by the Council. Maintenance may differ from the normal grass cutting cycle in any areas identified by Council as conservation/wildlife zones.

## **PART TWO EXCLUSIVE RIGHT OF BURIAL**

### **7. Purchase and registration of an Exclusive Right of Burial**

- 7.1 Purchase of the Exclusive Right of Burial is not mandatory for a burial to take place, but it is essential prior to installing a memorial and reopening a Garden of Rest plot in Kingshill Cemetery.
- 7.2 An application to purchase an Exclusive Right of Burial, which is granted for a period of 30 years, shall be made on an application form, which is obtainable from local funeral directors or from the Council.
- 7.3 For the purposes of any such application, the applicant shall:
- a) deliver to the Council office such documents and other information in writing as may be required; and
  - b) pay the prescribed fee as set out in the Schedule of Fees and Charges.
- 7.4 The purchaser of an Exclusive Right of Burial will:
- a) have their details entered into a register that will be maintained for this purpose by the Council; and
  - b) be issued with a Grant of Exclusive Right of Burial from the Council as proof of their ownership of the Exclusive Right of Burial.
- 7.5 It is the responsibility of the Grant Holder to notify the Council of any subsequent change of name or address.
- 7.6 At the expiration of the 30 year period of the Exclusive Right of Burial the purchaser, or Grant Holder, will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at the time and on payment of the appropriate fee.

7.7 Application should be made for renewal of the Right within 12 months of the expiry of the previous grant. If no application to renew has been received the Council may grant a renewed Right of Burial to another person, but before doing so will, where possible, notify the previous Grant Holder and give the option of renewal.

## **8. Grave selection**

8.1 When applying for an Exclusive Right of Burial responsibility for selecting the location of the burial plot rests with the Council (see paragraph 15). The Council shall endeavour to meet the wishes of the applicant provided it is practicable to do so.

## **9. Transfer of an Exclusive Right of Burial**

9.1 Subject to the written approval of the Council a living Grant Holder may assign (transfer) an Exclusive Right of Burial subject to:

- a. the Grant Holder completing and giving to the Council a signed Form of Assignment (obtainable from the Council Office) notifying the Council of the assignment; and
- b. payment of any prescribed fee as set out in the Schedule of Fees and Charges.

9.2 Upon receipt of the Form of Assignment and the prescribed fee, the Council will if it approves the assignment:

- a. provide written confirmation of the assignment to both the assignor and the assignee; and
- b. update the register.

## **10. Death of Grant Holder**

10.1 When a Grant Holder dies the Exclusive Right of Burial may be assigned to any Executor(s) or Personal Representative(s) by submitting to the Council the Grant of Probate or the Grant of Letters of Administration together with any prescribed fee as set out in the Table of Fees and Charges until such time as the Exclusive Right of Burial is assigned by the Executor(s) or the Personal Representative(s) to any beneficiary.

10.2 If a Grant Holder dies without bequeathing their Exclusive Right to Burial in their will or dies intestate it may be assigned to the name of the next of kin by submitting to the Council:

- a) the Grant of Probate and a completed Form of Assent signed by the Executor(s) named in the Grant of Probate: or
- b) the Grant of Letters of Administration and a completed Form of Assent signed by the Personal Representative(s) named in the Grant of Letters of Administration; or
- c) where no Grant of Probate or Grant of Letters of Administration has been obtained, a Statutory Declaration by the next of kin and payment of any prescribed fee as set out in the Schedule of Fees and Charges.

## **11. Surrendering the Exclusive Right of Burial**

11.1 Where no interment has taken place in the grave space, the owner of the Exclusive Right of Burial may surrender the same to the Council and receive from the Council payment proportionate to the number of years remaining, as determined by the Council, to purchase such Exclusive Right of Burial. No refund will be made where the Exclusive Right of Burial has lapsed or will lapse before the expiration of ten years.

## **12. Public (Common) Graves**

12.1 A public (common) grave is a grave in which no Exclusive Right of Burial has been granted by the Council and in which unrelated persons may be interred. The Council may consider and agree to grant the Exclusive Right of Burial of such a grave at any time following an interment.

12.2 Should the Exclusive Right of Burial not be purchased at the time of interment the Council reserves the right to determine the initial depth of the grave.

## **PART THREE INTERMENT**

### **13. Notice of Interment**

13.1 Three working days written notice of a proposed burial must be given to the Council by completing a Notice of Interment form (obtainable from the Council Office) as early as possible. Responsibility for any error therein will rest with the person signing the prescribed form. Failure to submit the written notice within the agreed time will act as a cancellation of any verbal arrangements previously agreed and incur a cancellation fee.

13.2 The three working days notice, as stated in paragraph 13.1 may, at the discretion of the Council, be reduced on request in order to comply with the customary or religious practice of any community group.

13.3 All interments must take place between:

a) 10:30am - 2:30pm from 1<sup>st</sup> November to 31<sup>st</sup> March inclusive Monday-Fridays

b) 10:00am – 3:00pm from 1<sup>st</sup> April to 31<sup>st</sup> October inclusive Monday-Fridays

There is no facility for interments on Saturdays or Sundays.

13.4 Interments outside the hours stated in 13.3 will only be permitted in exceptional circumstances e.g. if a certificate can be produced from a Coroner or registered medical practitioner stating that immediate interment is necessary.

### **14. Council authorisation for burial**

14.1 Upon receipt of a completed Notice of Interment, the Council must authorise the proposed burial before any funeral arrangements are publicly announced.



## **15. Grave location**

- 15.1 Plans showing the grave spaces are kept by the Council and may be viewed during Council office opening hours. New graves will be allocated in strict rotation within each section of the cemetery.
- 15.2 Unless the deceased is to be interred pursuant to a previously purchased Exclusive Right of Burial, the Council shall specify the grave location. The Council also reserves the right to offer an alternative site to an existing Exclusive Right of Burial should the ground conditions prove unsuitable and unsafe for grave digging in accordance with current Health and Safety requirements.
- 15.3 Grave spaces will be marked with an identification marker by the Council prior to grave digging.

## **16. Proof of Exclusive Right of Burial**

- 16.1 If the deceased is to be interred pursuant to an Exclusive Right of Burial, the Grant Holder must establish their identity and, if different, the identity of the deceased to the satisfaction of the Council as the Grant Holder of that Exclusive Right of Burial before the interment can take place.

## **17. Coffin dimensions**

- 17.1 The exact size of the coffin, casket or container, including handles, must be given in writing to the Council Office as soon as possible and no later than three working days before the interment.

## **18. Grave dimensions**

- 18.1 All graves will be prepared by persons employed by the Funeral Director who satisfy the criteria as set by the Council and detailed in paragraph 43.
- 18.2 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 provided, the Council may, where they consider the soil to be of a suitable character, permit a coffin to be placed not less than 2 feet below the level of any ground adjoining the grave.
- 18.3 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 means of a layer of earth not less than 6 inches thick.
- 18.4 Use of a rod to test the depth of a grave to determine if there is sufficient room for a further burial is permitted subject to the Funeral Director consulting with and obtaining permission from the Council prior to the work.
- 18.5 Where any grave is reopened for the purposes of making another burial therein no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.

- 18.6 If a 'shallow grave' is encountered at the time of reopening for a further interment the Institute of Cemetery and Crematorium Management Policy relating to Shallow Depth Graves must be followed.
- 18.7 To ensure Health and Safety requirements are complied with, the Council in consultation with the Funeral Director/gravedigger, reserves the right to determine the maximum depth of a grave depending upon soil conditions.

## **19. Burial register**

- 19.1 The relevant certificate(s) for the interment of the body issued by the Registrar and/or Coroner or Crematorium shall be produced to an officer of the Council prior to interment. Failure to produce the relevant certificate(s) will result in the interment being delayed until such certificate(s) is/are produced.
- 19.2 If the death has been registered but the certificate of disposal has not been brought to the cemetery prior to the funeral, the person procuring the burial may sign a Form 18 to allow the burial to proceed, but must undertake to deliver the certificate of disposal to the office as soon as possible. In the case of interment of cremated remains a copy of the death certificate can be produced if the certificate for burial purposes has been lost or misplaced.
- 19.3 The Medical Practitioner's or Midwife's certificate of delivery will be required for the interment of a baby of less than 24 weeks gestation.

## **20. Burial service**

- 20.1 The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion, celebrant or other person to officiate the burial service (if one is required) and for payment of any fee to which the minister is entitled.
- 20.2 Any form of service may be used subject to the approval of the Council. Alternatively the coffin/casket may be committed without a service.

## **21. Bearing of coffin**

- 21.1 The Funeral Director is responsible for:
- a) conducting the coffin to the grave in accordance with standards of safe practice and orderliness acceptable to the Council; and
  - b) providing sufficient bearers to lower the coffin in accordance with safe working practices.
- 21.2 Every body brought into the cemetery for interment shall be contained in a suitable bio-degradable container, coffin or shroud. No container, coffin or shroud shall be accepted unless it bears adequate particulars of the identity of the deceased person therein.

## **PART FOUR CREMATION**

### **22. Cremated remains**

- 22.1 Designated grave spaces for the burial only of cremated remains are provided in the Cemetery.
- 22.2 Cremated remains may be interred in an existing grave, either in a suitable bio-degradable container or by pouring.
- 22.3 Cremated remains may not be scattered in any part of the cemetery.
- 22.4 Cremated remains may be interred in the Garden of Remembrance/Garden of Rest. (Refer to paragraphs 25.1- 25.6)

### **23. Burial location**

- 23.1 Unless the deceased is to be interred pursuant to an existing Exclusive Right of Burial, the Council shall specify the burial location (refer to paragraph 15).

### **24. Application for burial**

- 24.1 A Notice of Interment for the burial of cremated remains in a grave space or Garden of Remembrance/Garden of Rest must be made in the same manner and providing the same information as in part 3.

### **25. Gardens of Remembrance and Rest (Kingshill) /Garden of Rest (St Mark's).**

- 25.1 In the case of the Garden of Remembrance at Kingshill Cemetery, the area is closed for the interment of cremated remains, unless there is a strong case presented by a family and accepted by Council. No record is made of the exact location of cremated remains in this area and no special interest is recognised by the Council. Both the choice of position of any memorial (plaque) and the location where cremated remains are to be interred will be at the discretion of the Council.
- 25.2 No urn or casket may be buried in the Garden of Remembrance or Garden of Rest at Kingshill Cemetery.
- 25.3 Purchase of the Exclusive Right of Burial is not mandatory for an interment to take place in the Garden of Rest in Kingshill Cemetery, but it is essential to reopening a plot.
- 25.4 Memorial plaques purchased by the family through the Council will be placed in the Garden of Remembrance/Garden of Rest on payment of the appropriate fee (an application form is obtainable from the Council Office). Council reserves the right to remove memorial plaques from the Garden of Remembrance at Kingshill Cemetery after the expiration of a period of 30 years from the date of purchase.
- 25.5 All planting in the Garden of Remembrance and Garden of Rest areas is directed by the Council, planting by others is not permitted. The Council reserves the right to remove unauthorised planting.
- 25.6 Floral tributes placed will be removed 48 hours after the interment of cremated remains if not previously claimed by relatives. The placing of privately owned flower vases or other receptacles is prohibited with the exception of robust spiked memorial vases of a type approved by the Council.

## **PART FIVE MEMORIALS**

### **26. Memorial applications**

- 26.1 Without prejudice to any detailed provisions specified in the remainder of this Part of the regulations:
- a) The Grant Holder must complete an application form (obtainable from the Council Office), and receive written authorisation from the Council before:
    - 1. any Memorial may be erected in the Cemetery, or
    - 2. any inscription is placed on any Memorial in the Cemetery
  - b) Any Memorial or any inscription so authorised will be erected or placed (as the case may be) entirely in accordance with the terms and conditions of that authorisation.
  - c) If any Memorial is erected or any inscription placed on a Memorial other than in strict accordance with the terms and conditions of the written authorisation from the Council, the Grant Holder shall on being so required in writing by the Council carry out any work required by the Council to ensure compliance with the terms and conditions of the written authorisation, any such work to be at the entire expense of the Grant Holder and to be carried out to the complete satisfaction of the Council.
  - (d) In the event that the Grant Holder fails to comply with any such written requirements within a period of time satisfactory to the Council, the Council shall be entitled, at the expense of the Grant Holder, on giving not less than 21 days notice in writing to the Grant Holder to secure the removal of any such Memorial or to secure the removal of any such inscription.
  - (e) Any Memorial that has been removed in accordance with the provisions of paragraph 26.1 d) above will be kept at Council premises for 60 days from and including the date of the removal, for collection by or on behalf of the Grant Holder. If the Memorial is not collected within this period it will be disposed of by the Council.
  - (f) In the event of disposal in the circumstances specified in paragraph 26.1 e) above the Grant Holder will not be entitled to any recompense.
  - (g) Council will attempt to contact the Grant Holder before action is taken but cannot be held responsible if prior contact is not or cannot be made.

### **27. Memorial dimensions**

27.1 Memorials must not exceed the following maximum dimensions:

- a) Headstones:

Headstones, including base (with or without vase) are not to exceed:  
5 feet in height,  
2 feet 6 inches wide,

2 feet deep.

b) Tablet:

Must not exceed the headstone dimensions specified above.

c) Memorial vase:

Must not exceed 18 inches in height.

Any memorial vase must be located on the area within the grave space that shall not exceed 2 feet 6 inches wide and 2 feet deep measured from the back of the headstone/ head of the grave.

d) Garden of Remembrance/Garden of Rest Plaques (paragraph 25.4 applies):

A single plaque should measure 6 inches x 4 inches (max 75 characters)  
A double plaque should measure 12 inches x 4 inches (max 150 characters)

e) Simple Wooden Cross/Wooden Marker\* pending the erection of a permanent memorial (paragraphs 29.1 to 29.4 apply).

Must not exceed 3 feet 6 inches in height.

Must not be less than 2 feet in height.

\*The style of Wooden Marker must be approved in writing by the Council.

## **28. Planting**

28.1 Other than in cases of historical precedence, permanent planting is restricted to the area immediately in front of the headstone/head of the grave and shall not exceed 2 feet 6 inches wide and 2 feet deep measured from the back of the headstone/head of the grave. The remainder of the grave space must be left level and grassed, in order that access to adjoining plots and maintenance are neither compromised nor inconvenienced.

28.2 Small annual bedding plants or bulbs may be planted on a grave in the area specified above in 28.1, as directed by the Council, but the planting of shrubs and trees is not permitted.

28.3 All planting in the Garden of Remembrance and Garden of Rest areas is directed by the Council, planting by others is not permitted. The Council reserves the right to remove unauthorised planting.

28.4 Council reserves the right, without notice, to eliminate the mound over any grave or otherwise to deal with such a grave space if, in its opinion it is untidy and/or could pose a risk to others.

28.5 The Council issues guidelines for memorials and planting in Kingshill Cemetery. These guidelines help explain the regulations relating to permitted memorials, flowers and planting in greater detail.

## **29. Erection of Memorials and placing Inscriptions**

- 29.1 The erection of a Memorial or the placing of an inscription will be permitted only where:
- a) an Exclusive Right of Burial exists;
  - b) evidence of the identity of the Grant Holder is produced to the Council
  - c) an application signed by the Grant Holder is received by the Council
  - d) payment of the prescribed fee as specified in the Schedule of Fees and Charges has been made to the Council; and
  - e) the written authorisation of the Council has been granted;
- 29.2 Any works to memorials shall not take place until 11 months from the date of interment to allow for settlement of the grave space (this *may* be waived in the case of interment of ashes, but authorisation of Council must be granted). The Council will not normally object to the marking of a grave by a simple wooden cross or wooden marker (subject to style approval (27.1 e) applies)) pending the erection of a permanent memorial, but reserves the right to remove any such grave marker.
- 29.3 The Council will permit a simple wooden cross or wooden marker (subject to style approval (27.1 e) applies)) to mark graves for an indefinite period of time if requested by the Grant Holder. Following, the first anniversary of any wooden cross/marker being insitu, a fee will apply and a maintenance inspection will be carried out and repeated on an annual basis until such times as the cross/marker is permanently removed. In the event of any maintenance works being required the Grant Holder will be contacted and requested to repair, remove or replace the wooden cross/marker. A three year review period will apply to wooden crosses/markers.
- 29.4 The Council reserve the right to remove any unsafe wooden crosses/markers without prior notice to the Grant Holder, to maintain the safety of staff and visitors in the cemetery.
- 29.5 All Memorials, including the refixing and refurbishment of Memorials, must be:
- a) constructed and erected:
    1. in strict accordance with the size and design approved by the Council;
    2. by a memorial mason who is an Approved Contractor (paragraph 43 applies); and
    3. in strict accordance with the National Association of Memorial Masons Code of Working Practice and BS8415 (latest version);
  - b) prepared ready for fixing before being taken into the Cemetery;
  - c) erected using an appropriate foundation which where possible, must not be visible above the ground and which must be to the complete satisfaction of the Council; and
  - d) fixed in line with adjoining Memorials.

### **30. Removal of Memorials**

- 30.1 No Memorial, or part of a Memorial, shall be removed from a grave without the written approval of the Council.
- 30.2 The Council's approval of a proposed burial shall be considered consent to remove temporarily any Memorial from the grave to be re-opened.

### **31. Temporary removal of Memorials**

31.1 The Grant Holder is responsible for the removal and re-fixing of a Memorial in connection with a burial and may only use Approved Contractors for this purpose.

31.2 Memorials re-fixed following interment must be installed in accordance with the National Association of Memorial Mason's Recommended Code of Working Practice and 29.5 above, unless otherwise agreed by the Council

## **32. Memorial construction**

32.1 All Memorials must be able to bear continuous exposure to the weather and must be made of durable natural stone. Teak and similar hardwoods may be permitted but the Council reserves the right to remove the memorial when its condition has, in the opinion of the Council, deteriorated below that which is acceptable to the Council.

## **33. Memorial identification**

33.1 The grave number must be clearly but discreetly inscribed on the back of the Memorial. The name of the memorial contractor shall not appear anywhere on the memorial.

## **34. Unsafe and neglected Memorials**

34.1 The Grant Holder shall maintain their Memorial in a safe condition and to the complete satisfaction of the Council. The Council reserves the right periodically to inspect and test Memorials for stability.

34.2 Subject to paragraph 34.3 below where the Council, in its absolute discretion, considers a Memorial to be unsafe or likely to become unsafe it shall, in order to protect public safety, notify any relevant Grant Holder in writing and give the Grant Holder a reasonable opportunity to make the Memorial safe to the complete satisfaction of the Council.

34.3 If the Council, in its absolute discretion considers it appropriate or necessary it shall, at the expense of the Grant Holder, take immediate action and carry out such work as is necessary to restore the Memorial to a safe condition in order to protect public safety e.g. lay the memorial down.

34.4 If the Grant Holder does not comply with the requirements of the Council under paragraph 34.2 above within the period the Council considers to be reasonable, or cannot be contactable, the Council shall be entitled, at the expense of the Grant Holder to take such action and carry out such work as is necessary to restore the Memorial to a safe condition or remove the memorial completely (subject to the notification period laid out in Schedule 3 of the Local Authorities Cemeteries Order 1977), in order to protect public safety.

34.5 In instances whereby it is not possible to trace the Grant Holder or complete an associated Transfer of the Exclusive Right of Burial for the affected grave space, the Council may allow the reinstatement of a memorial to a safe condition by another. If such work is permitted this would be carried out on the understanding that if the Grant Holder or somebody with a stronger claim to the Exclusive Right of Burial contacted the Council and objected, the work would be undone.

## **35. Grave maintenance**

- 35.1 The Council provides no service for the maintenance of graves and reserves the right to determine and to give directions as to how the Cemetery and any grave therein shall be governed and/or maintained.
- 35.2 If any of the following has not been previously authorised by the Council, the Council reserves the right without notice to clear and re-instate any grave following the:
- a) planting of any gardens, trees or shrubs;
  - b) placing of any grave furniture;
  - c) placing of unauthorised vases, containers, tins, plates, pots, candle holders, jars and ornaments made of breakable material (e.g. glass or porcelain) and memento articles such as wind chimes, flags, banners, toys, decorations hung on metal stakes stuck into the ground etc.;
  - d) placing of any unauthorised decorative fencing, edging, surrounds and chippings.
- 35.3 The Council issues guidelines for memorials and planting in Kingshill Cemetery. These guidelines help explain the regulations relating to permitted memorials, flowers and planting in greater detail.
- 35.4 It is the responsibility of the Grant Holder to keep the grave space free from weeds and in a tidy condition. The Council reserves the right to level and turf/reseed the grave.

### **36. Loss or damage**

- 36.1 Memorials are placed at the Grant Holder's own risk. The Council is not responsible for loss or damage done to any grave space or Memorial or injury to any person within the Cemetery, except where such damage is directly attributable to the negligence of the Council or its employees. Grant Holders are accordingly advised to obtain adequate insurance cover (public liability, accidental damage arising from storms, vandalism and any other damage), for their Memorials.

### **37. Access**

- 37.1 All works in connection with the erection or restoration of Memorials must be carried out at times to be agreed with the Council.

### **38. Floral tributes**

- 38.1 The Council, at its sole discretion, reserves the right to remove memorial wreaths and floral tributes placed upon a grave after an appropriate interval following their placement. Following an interment all funeral wreaths and floral tributes will be left on a grave for a period of not less than 4 weeks. After the 4 week period has lapsed, wreaths and flowers will be removed if this has not already been done so and the grave space will be re-seeded and included in the regular grass cutting schedule.

## **PART SIX CONDUCT WITHIN CEMETERIES**

### **39. Vehicles**



- 39.1 Vehicles are not permitted in the Cemetery unless authorised by the Council or when the public vehicle access gates are open.
- 39.2 Any such authorised vehicles, including bicycles, entering the Cemetery must:
- a) keep within any speed limits specified within the Cemetery;
  - b) be driven with due care and attention;
  - c) comply with all directional signs;
  - d) comply with all Council employees' directions;
  - e) not be taken onto grassed areas without Council permission.
- 39.3 The Council shall not be held responsible for any injury caused by a public vehicle, damage to vehicles or other property left within the Cemetery.

#### **40. Conduct within Cemetery grounds**

- 40.1 No person while in the Cemetery grounds shall:
- a) wilfully create any disturbance;
  - b) commit any nuisance;
  - c) wilfully interfere with any burial taking place;
  - d) wilfully interfere with any grave, Memorial, or any flowers or plants; or
  - e) play at any game or sport
- 40.2 The Council, in its absolute discretion, reserves the right to ask any person to leave a Cemetery.
- 40.3 Smoking is prohibited in the Cemetery near any place where a funeral or religious service is being performed.
- 40.4 Anyone who contravenes any of the provisions in 40.1 shall be liable on summary conviction to a fine not exceeding the limit as stated in the Local Authorities' Cemeteries Order 1977 as amended from time to time.

#### **41. Extraordinary Processions**

- 41.1 No extraordinary funeral procession will be permitted to enter the Cemetery except by permission of the Council (whose decision as to whether or not a procession is "extraordinary" shall be final). The Council may exclude from the Cemetery or any section thereof, any person or persons not being mourners or officially connected with such funeral.
- 41.2 Parties having charge of a military funeral or funeral procession connected with societies or public bodies are required to make such arrangements with the Council to ensure the protection of the Cemetery from damage.
- 41.3 No band or music will be allowed to play in the Cemetery save at a military funeral or by prior consent from the Council.

#### **42. Dogs**

- 42.1 Dogs' owners shall ensure:

- a) their dog is kept on a lead and restrained from straying off paths and drives;
- b) their dog does not interfere with, or disturb, any other person in the Cemetery; and
- c) all faeces excreted by their dog is removed from the cemetery in an appropriate manner.
- d) Failure to do so may lead to prosecution under the Dog (Fouling of Land) Act 1996.

#### **43. Approved Contractors' conduct within Cemetery**

- 43.1 Approved Contractors will notify the Council in advance of their intention to work in the Cemetery and will not commence work until they are in receipt of the written authorisation of the Council.
- 43.2 Approved Contractors will make available copies of insurance, health and safety risk assessments and method statements when required. Work should be carried out with due regard to the Code of Safe Working Practice for Cemeteries issued by the Institute of Cemetery and Crematorium Management, taking into account risk assessments made by the user in respect of local conditions, soil type, customs etc.
- 43.3 While carrying out work within the Cemetery, all Approved Contractors shall ensure that they:
- a) take all necessary precautions and comply with any requests from the Council to protect the grass, trees, plants, walls, paths and any Memorials from damage. Any damage caused shall be made good entirely at the Approved Contractor's expense; and to the complete satisfaction of the Council.
  - b) completely remove all waste, unwanted materials and tools from the Cemetery when work has stopped but is still in progress and following completion of the authorised work. If material/rubbish is left in the Cemetery following the work the Council will arrange for the removal of it from the site and will reserve the right to charge the contractor accordingly.

### **PART SEVEN EXHUMATIONS**

#### **44. Exhumation**

- 44.1 After interment no body or cremated remains may be removed from a grave before the production of the necessary ecclesiastical Faculty or Ministry of Justice licence required by law. The Council will require the original documents for this purpose.
- 44.2 The fee for exhumation is as specified in the Schedule of Fees and Charges.

### **PART EIGHT RESERVED RIGHTS OF THE MANAGING AUTHORITY**

#### **45. Differences or disputes**

45.1 Should any difference or dispute arise as to the real intent, meaning or interpretation of these Regulations, or Schedule of Fees and Charges, the decision of an authorised officer as the designated representative of the Council shall be final.

#### **46. Amendment of Regulations**

46.1 The Council reserves the right to alter these Regulations or any part of them from time to time as it may see fit.

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Cemeteries under the control of Dursley Town Council are managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986 and such other regulations as may be made by the Secretary of State for the Home Office.