

Cemetery Regulations

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Introduction

Cemetery Regulations were introduced to maintain an acceptable standard for the cemeteries across the area of Westmorland and Furness Council.

Terms

- **"The Council"** means Westmorland and Furness Council.
- **"The Cemetery"** means any cemetery managed by us and includes any chapels or buildings therein which are not privately owned.
- **"The Bereavement Services Office"** is any office or department operating some or all of the cemeteries maintained by us.
- **"Memorial"** can refer to:
 - A headstone.
 - A Monument.
 - A Cross.
 - A Flat stone.
 - Kerbing.
 - Any other object placed over or on the grave.
- **"Burial"** means the interment of a deceased person and includes;
 - The interment of cremated human remains.
 - The interment of the bodies of still-born children or the cremated remains thereof.
 - The placing in a vault of human remains, cremated human remains or the bodies of still-born children, or the cremated remains thereof.

Purpose

Cemetery Regulations are made to maintain an acceptable standard for the cemeteries across the area of Westmorland and Furness Council. They form the basis of the rules for good management of the sites and to ensure continuity for the bereaved and visitors.

Scope

Cemeteries

These regulations will apply with effect from 1st April 2023 to all cemeteries operated by Westmorland and Furness Council.

1.0 Regulations

Cemetery Access

1.1 All Cemetery grounds are open every day between the hours of 8.00am and 8.30pm from 1st April to 31st October and between 8.00am and 6.30pm from 1st November to 31st March.

1.2 Children under the age of 12 are not permitted within the Cemetery grounds unless accompanied by an adult.

1.3 Cycling within any cemetery is prohibited.

1.4 Public Vehicle Access to Barrow, Dalton, Penrith, Appleby, Alston, Kendal and Ulverston cemeteries is permitted subject to the below conditions

- Vehicles admitted to a cemetery shall not exceed 5 m.p.h.
- Vehicles keep to the roadways and shall not be driven over any grassed area
- Vehicles must not cause an obstruction when parked

Vehicular access to all other cemeteries is prohibited unless by prior arrangement with the officer in charge of the cemetery

1.5 No dogs shall be admitted to a cemetery unless kept on a leash and under proper control and any fouling must be removed. All cemeteries are subject to Public Space Protection Orders, full details of which are available on our website or on request from the Bereavement Services Office.

1.6 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.

1.7 All persons entering the Cemetery grounds do so at their own risk. The officer in charge of the Cemetery reserves the right to remove any person deemed to be creating a nuisance in the grounds.

1.8 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.

1.9 The Council forbids any gratuity being given to or received by any of its employees

Burials

1.10 For an interment in any grave, a minimum of 72 hours' notice must be given in writing to the Officer in charge of that cemetery, and 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 where permitted, additional notice may be required.

1.11 Such notice cannot be given on Saturday, Sunday, Good Friday and Christmas Day and all Public Holidays.

1.12 The normal hours of interments shall be;

- Barrow, Dalton and Ireleth
 - Monday to Friday 10.00-15.00
- Kendal (Parkside Road and Castle Street), Bowness, Windermere, Grasmere, Grange, Ulverston and Sedbergh
 - Monday to Thursday 10.00-15.30
 - Friday 10.00-12.30
- Alston, Appleby, Garrigill, Nenthead, Penrith
 - Monday to Thursday 10.00-14.30
 - Friday 10.00-14.00

- 1.13 These may vary seasonally and by arrangements.
- 1.14 Interments on Saturdays or Public holidays (other than those mentioned below) may be carried out by special arrangement only where an extra fee will be payable. These are subject to mutual agreement and staff availability.
- 1.15 No interments will be carried out on Sundays, Good Friday or Christmas Day or Boxing Day, except in cases of emergency certified by the Coroner or registered Medical Practitioner.
- 1.16 The Registrar's Certificate or Coroner's Order for Burial must be handed to the Cemetery Office on or before the day of interment. If this is not produced a burial will not be allowed to proceed.
- 1.17 All interments must be correctly identified with the name of the deceased.
- 1.18 All interments must take place in a biodegradable container unless by special arrangement.

2.0 Graves

- 2.1 The size of a standard grave space shall be in accordance with the plan and layout of each individual cemetery.
- 2.2 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 scattering of cremated remains.
- 2.3 Graves have to be dug to a sufficient depth to allow for future burials to take place. The grave needs to be deep enough to allow the depth and shape of coffins/caskets. It must accommodate the legal requirements of undisturbed earth between each coffin. This is the amount of earth that must cover the last interment.
- 2.4 We reserve the right to place a soil box on a grave next to those which are being opened, without any notice. Cemetery staff will remove the soil box immediately after the interment and will leave the grave as it was before.
- 2.5 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.

Public Graves

- 2.6 All persons resident within the boundaries of The 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.
- 2.7 These are graves which are not purchased and do not have Exclusive Rights to the grave. You cannot erect a memorial.

Walled Graves / Vaults

- 2.8 Vaults can only be installed within the following cemeteries:
Kendal -Parkside Road, Bowness, Grasmere, Grange, Ulverston and Sedbergh

2.9 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.

- 2.10 Within 24 hours of any burial in a walled grave or vault, the coffin shall be:
- Embedded in concrete and covered with a layer of concrete not less than 150mm (6 inches) thick, or
 - 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

Exclusive Rights of Burial

2.11 The Council will 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.

2.12 No interment may take place, other than that of the deceased owner; without the written consent of the owner of the exclusive rights of burial to a grave. This includes the interment of cremated remains.

2.13 No memorial can be placed, altered or repaired without the written consent of the owner of the exclusive rights to the grave. If the owner is deceased then the ownership must be transferred.

2.14 Exclusive Rights of Burial will be granted for a period of no longer than 100 years.

2.15 The Exclusive right of burial may be assigned to another person with consent from the owner in writing

2.16 If the owner is deceased a will or probate would have to be produced for a transfer to take place. If these documents are not available a Statutory Declaration must be done, witnessed by a solicitor or magistrate and returned to the Council for registration.

2.17 If the family do not wish to purchase the Right of Burial to a baby grave the rights remain with the Council. However, the family are permitted to place a memorial on the grave and any mementoes. The grave will be maintained in the manner of the section unless the family make it known that they wish to maintain the grave themselves.

3.0 Memorialisation

Memorial Stones

3.1 Erection of a memorial shall only be permitted on a grave or vault in which the exclusive right of burial has been purchased.

3.2 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.

3.3 We may at our discretion permit a wooden cross or stone vase on a grave for a temporary period as a temporary grave marker in lawn cemetery areas, before the installation of a permanent memorial. You must then remove the temporary memorial from the cemetery.

- 3.4 The maximum size and types of memorials permitted in each cemetery are contained within this document as Appendix 1.0
- 3.5 No memorials will be allowed to be erected in areas designated as Woodland Burial Areas – any materials or markings placed in this area will be removed.
- 3.6 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.
- 3.7 For memorials placed in Kendal -Parkside Road, Kendal – Castle Street, Bowness, Windermere, Grasmere, Grange, Ulverston and Sedbergh Cemeteries; the presence of a NAMM approved ground anchor must be indicated by the engraving of an asterisk * or (anchor) before the grave number.
- 3.8 Headstones and memorials shall be fixed at the head of the grave in the space provided and nowhere else. All memorials must be fixed onto a NAMM approved foundation and be securely fitted in.
- 3.9 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.
- 3.10 We may temporarily remove fixed memorials without prior notice to allow a nearby grave to be safely dug in preparation for use.
- 3.11 If the memorial has been erected without the required approval and permission, the council reserves the right to remove it at the expense of the owner.
- 3.12 The responsibility for the safety and upkeep, including repairs to any gravestone or memorial, remains solely with the owner(s) of the grave or their successor(s) in title.
- 3.13 The Council shall not be held responsible for any injury or damage to a memorial through any cause whatsoever.
- 3.14 Memorials will be managed in line with the Memorial Management Policy for each individual cemetery.

Stone Masons

- 3.15 A competent stonemason registered with the Council must construct and install all permanent memorials to the satisfaction of the Supervising Officer. This is under the current National Association of Memorial Masons Code of Practice. A copy is available on request.
- 3.16 All monumental masons undertaking work in the Cemeteries must have adequate Public Liability Insurance. The current value required may be ascertained by application to the Cemetery Office.
- 3.17 Before fixing any memorials, all stonemasons must contact the Cemetery Office and submit the appropriate permit.
- 3.18 Any memorial removed for interment must be removed from the area. Before reinstating the mason must ensure that the grave number is marked on the memorial.

- 3.19 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.
- 3.20 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.
- 3.21 Monumental masons must suspend work for the duration of a funeral.
- 3.22 You must submit an application for all proposed memorials and inscriptions to us for approval.
- 3.23 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.
- 3.24 The Council reserve the right not to approve any memorial or inscription which they deem unsuitable.

Memorabilia

- 3.25 Cut Flowers and other personal tributes may be placed within the area of the headstone base in a suitable vase or container. Glassed Jars and bottles are not permitted as they are breakable and prove dangerous to the public and ground staff.
- 3.26 The council cannot accept responsibility for the safety of flower holders or their contents, and other items and reserves the right to remove any such articles including artificial flowers, which may have become broken or unsightly.
- 3.27 The council do not accept responsibility for any personal items which families place on their graves and reserve the right to remove any items not contained within the footprint of the headstone base (36"x18"); or which we deem as dangerous, a nuisance, or inappropriate.

Grave Surrounds

- 3.28 In all cemeteries fences are not permitted on the grave. The Council reserves the right to remove any fencing, surround or other obstruction that interferes with the efficient maintenance of the grave.
- 3.29 In all cemeteries except Barrow, Dalton and Ireth; 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.
- 3.30 In Barrow, Dalton and Ireth cemeteries new kerbstones and grave surrounds are permitted if supplied and fixed by an approved Monumental mason. When fitted the kerbstones must not be raised above the 152mm height. All other edgings are not allowed and will be removed by the cemetery staff.

Flowers

- 3.31 Immediately after any interment, cemetery staff will backfill the grave to the level of adjoining ground and will place any floral tributes left at the time of burial on the grave.

- 3.32 Cemetery staff will remove floral tributes placed at the time of burial after no less than three weekends following a burial taking place.
- 3.33 Cemetery staff will remove Christmas wreaths before the commencement of the grass cutting season.
- 3.34 Cemetery staff have the right to decide to remove floral tributes if they become unsightly.

Planting

Barrow, Ireleth and Dalton Cemeteries

- 3.35 The Council will permit members of the public to plant their own grave within an 18" x 12"; border area at the head of the grave. The remainder of the grave plot will be turfed flat and maintained within the general maintenance programme. Planting is not permitted on the cremation graves.

Kendal -Parkside Road, Kendal – Castle Street, Bowness, Windermere, Grasmere, Grange, Ulverston and Sedbergh Cemeteries

- 3.36 No trees, plants, flowers, shrubs or seeds shall be planted on any grave without the approval of the Council.
- 3.37 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.

Alston, Appleby, Garrigill, Nenthead and Penrith Cemeteries

- 3.38 You cannot plant shrubs, plants, bulbs and trees without our permission and then only in the immediate surrounds of the memorial space at the head of the grave (36"x18"). We reserve the right to prune or remove, without notice, any tree or plant that becomes a hazard, a nuisance or an obstruction.

Appendix 1.0 - Memorial Sizes

Barrow, Ireleth and Dalton Cemeteries

Item	Height/Length	Width	Depth
Headstones	914 mm	914 mm	152 mm
Kerbstones	2,133 mm	914 mm	152 mm
Cremation Headstones	610 mm	610mm	101 mm
Cremation Kerbstone 1877 >	610 mm	762 mm	101 mm
Cremation Kerbstone 1 -1876	610 mm	457 mm	101 mm
Vase for Full Grave	254 mm	254 mm	254 mm
Cremation & Tree Vases	152 mm	152 mm	152 mm
Standard Tablets & Books	457 mm	457 mm	152 mm
Small Tablet	152 mm	254 mm	152 mm
Desk Tablets	457 mm	457 mm	152 mm

Kendal (Parkside Road and Castle Street), Bowness, Windermere, Grasmere, Grange, Ulverston and Sedbergh

Item	Height/Length	Width
Headstones	1,000 mm	914 mm
Cross	1,500 mm	914 mm
Cremation Tablets	450 mm	520 mm

Alston, Appleby, Garrigill, Nenthead, Penrith

Item	Height/Length	Width
Headstones (single space)	1,200 mm	750mm
Headstones (double space)	1,200 mm	1,800 mm
Cremation and Child Rows	685 mm	750 mm