

ELLESMERE TOWN COUNCIL & ELLESMERE RURAL PARISH COUNCIL



Ellesmere Cemetery Regulations Relating to Swan Hill Cemetery, Ellesmere 2024

Adopted by Council: Ellesmere Town Council & Ellesmere Rural Parish Council:

Date: 13th December 2024

Reviewed: -

Date of next Review: December 2028

REGULATIONS RELATING TO SWAN HILL CEMETERY, ELLESMERE

1.0 INTRODUCTION

Ellesmere Town Council Cemetery Working Group is a body jointly appointed to manage Ellesmere Cemetery by Ellesmere Town Council and Ellesmere Rural Parish Council. The Group comprises ten members, six appointed by Ellesmere Town Council and four appointed by Ellesmere Rural Parish Council. The membership reflects the respective resident populations of the two Council areas and is reviewed from time to time.

The Chairman and Vice Chairman of the Group are elected annually from the membership of the Group from each of the appointing Councils. The posts normally rotate between representatives of the Councils on a two year and one year term reflecting the respective representation of the two Councils.

There is one paid Officer employed by the Group who is the Cemetery Co-ordinator.

The Group may receive funding to carry out its responsibilities almost entirely through grants from the Town Council (60%) and Rural Parish Council (40%). The Committee also receives income from rental of the Cemetery Lodge and from cemetery fees, which are reviewed annually.

The Group (and the appointing Councils) are committed to ensuring that the Cemetery is maintained in a dignified and respectful manner on behalf of the people of the Ellesmere Town and Ellesmere Rural areas and that it positively contributes to the character and beauty of the area.

2.0 TERMS AND MEANINGS

Throughout these Regulations, the terms used have the following meanings:

- The “Group” means the Ellesmere Town Council Cemetery Working Group.
- The “Cemetery” means the Cemetery or Cemeteries for which the Committee has responsibility at Swan Hill, Ellesmere and elsewhere within the boundaries of the two Parishes as may be determined.
- “Grave” means a burial place formed in the ground by excavation without any internal wall of brickwork or stonework or any other artificial lining.
- “Lawned Cemetery” means the areas of the Cemetery where exclusive rights to burial for all new graves are now granted.

3.0 ARRANGEMENTS FOR BURIALS

- a. Notice for any interment and of the day and hour at which it will take place must be agreed with the Cemetery Co-ordinator (or other authorised Council Officer) and given in writing on the form provided by the Committee to the Cemetery Co-ordinator at least **two full days** (i.e., at least **forty-eight hours**) prior to the interment. The notice period will be exclusive of Saturdays, Sundays, and Bank Holidays, which are not counted as days for the purpose of the notice period.

- b. In special cases, where a speedy interment is necessary, shorter notice may be permitted according to the circumstances and will be subject to agreement being obtained from the Cemetery Co-ordinator, or in his/her absence from the Chairman/Vice Chairman.
- c. The notice for all interments must be in the form provided, which may be obtained from the Cemetery Co-ordinator.
- d. The person or persons giving notice of the interment must make all necessary arrangements as to the attendance of any officiating Minister.
- e. The interment must take place punctually at the time given in the notice.
- f. Between the 1st of April and the 30th of September, no burial will be allowed before 10 o'clock in the morning or after 5 o'clock in the afternoon, or during the rest of the year before 10 o'clock in the morning, or after 4 o'clock in the afternoon.
- g. Interments may not take place on Sunday, Christmas Day, Good Friday, or Easter Monday.
- h. Interments must take place in grave spaces selected by the Cemetery Co-ordinator on behalf of the Group, except where the interment takes place into an existing grave.
- i. The consent, in writing, of the original purchaser of the grave, or his or her representative, to any subsequent interment in a purchased grave or vault, must be left with the Cemetery Co-ordinator with the notice of burial. The term 'representative' applies to the nearest next of kin of the deceased or the executor of their estate.
- j. Burials will not be permitted inside the Chapel or within **ten feet** (3050 mm) of the Chapel building or the Entrance Lodge premises.
- k. The Registrar's Certificate for Burial of the person to be buried must be given to the Cemetery Co-ordinator together with the relevant paperwork and fees at least two days prior to the due date of the interment or, in exceptional circumstances, to the Cemetery Co-ordinator immediately prior to the interment taking place. No interment may take place until the Certificate has been received by the Cemetery Co-ordinator.
- l. In the event of offensive smells issuing from any remains brought for interment it shall be in the power of the Cemetery Co-ordinator or any Minister officiating to order that the body be not brought within the doors of the Chapel.

4.0 BURIAL IN A GRAVE

- a. An exclusive right to burial for a period of 100 years will be granted by the Co-Ordinator on behalf of the Group upon payment of the fee ruling at the time of purchase. The Co-Ordinator on behalf of the Group will determine, at its sole discretion, the location of the grave allocated at the time of its purchase. No right to burial may be purchased unless notice of interment has been received under Regulation 3 above.
- b. Any person or persons who buries a body in a grave in the Cemetery in respect of which an exclusive right of burial has been granted by the Group, shall, as soon as convenient after the lapse of a reasonable period to allow for the natural subsidence of the earth with which the

grave has been filled, arrange for the surface of the grave to be properly filled up with earth and returned to lawn. Should this work not be carried out or completed to the satisfaction of the Group arrangements will be made by the Group for remedial works to be carried out and a charge made to the person or persons responsible for arranging the burial.

- c. A gravestone or monument may be erected on the grave only subject to the prior approval, using the form of application provided by the Group. The details of any gravestone or monument must include the proposed choice of material, and wording, the dimensions, and the arrangements for installation as well as payment of the appropriate fee ruling at the time of application (See paragraphs 8 and 10).
- d. No planting of shrubs or other vegetation will be permitted on any new grave, to assist with ease of maintenance of the Cemetery. The planting of spring flowering bulbs planted below soil level to maintain the existing turf level will be permitted subject to prior the permission of the Group. Any item planted in contravention of this rule may be removed.
- e. Coffins made of wood, bamboo, wicker, cardboard, willow, or re-cycled materials will be allowed in graves in which an exclusive right of burial is purchased.
- f. All earthen graves will be made by a person or persons approved by the Group, and, prior to any interment, the grave must be properly covered and shored from the top downwards to ensure that Health and Safety issues are maintained to the satisfaction of the Group. A representative of the Group may inspect the grave at any time prior to the interment. Failure to properly shore any grave will result in the gravedigger concerned not being allowed to carry out any such future work in the Cemetery until the Group decides otherwise.
- g. All works during the construction or re-opening of graves carried out within the Cemetery must be conducted in such a way as to minimise inconvenience or disruption to other graves or visitors to the Cemetery. The Group reserves the right to withhold approval for the carrying out of further works within the Cemetery for anyone failing to act in a responsible and satisfactory manner.
- h. Mats, canvas, or boards, and other such precautions must be used or taken by parties constructing graves or erecting headstones, monuments, or other memorials, to preserve the grass, turf, paths or roads and all damage done thereto must be forthwith made good by the parties doing or causing the same.
- i. The use of non-biodegradable materials (e.g., plastics) and other non-plant material items (e.g., photographs, wind chimes, solar lights or any illuminations, paving stones, fluorescent items, windmills, toys, or any other item at the Group's discretion) **are not permitted** to be placed on graves and will be removed by persons authorised to do so.

5.0 BURIAL IN A VAULT

There is no longer any provision for the construction of a vault or brick grave. These types of internment will not be permitted.

6.0 BURIAL OF CREMATED REMAINS

- a. The original Garden of Remembrance is now closed for new interments.

In the new extension to the Garden of Remembrance, cremated remains will be interred under pre-sited concrete plinths in the order determined by the Cemetery Co-ordinator on behalf of the Group. A single memorial vase will be permitted on top of the plinth.

This vase must be of either All Polished Black Granite or All Polished South African Dark Grey Granite sized 12" wide x 10" tall x 6" deep (300mm x 250mm x 150mm). The vase can have a suitable inscription placed on its front face and may have one container hole drilled centrally into the top for flowers, if desired.

Please note that no other forms of remembrance, decoration or flowers will be allowed on site and any such will be removed from the area by the Group. This is to ensure that the whole area is as uniform and tidy in appearance as possible and to allow easier access for anyone attending the area.

- b. In furtherance of Regulation 1(e) above any memorial, including any temporary memorial wreath or any other display on a plot should be dignified and aesthetically in keeping with the location within the Cemetery.
- c. The use of non-biodegradable materials (e.g., plastics) and other non-plant material items (e.g., photographs, wind chimes, solar lights or any illuminations, paving stones, fluorescent items, windmills, toys, or any other item at the Group's discretion) **are not permitted** to be placed on graves in the Garden of Remembrance and will be removed by persons authorised to do so.

7.0 SUBSEQUENT BURIALS IN A GRAVE

- a. Where a second or further burial of a body in a grave is arranged it may not take place unless the coffin is effectually separated from any other coffin already in the grave by means of a layer of earth not less than **six inches** (150 mm) in thickness.
- b. Where a grave is re-opened for the purpose of making another interment therein, the person responsible for the arrangements shall ensure that any work carried out does not disturb any human remains interred therein or remove from the grave any soil that is offensive.
- c. When more than one body is interred in a Common Grave, a layer of earth of at least **eighteen inches** (460 mm) in thickness shall be left between each coffin and that next interred therein.

8.0 PAYMENT OF FEES

- a. All burial fees and charges must be received by the Cemetery Co-ordinator or authorised Council Officer at the time of giving the notice.
- b. All other fees must be received by the Cemetery Co-ordinator before any work may commence.
- c. The Cemetery Co-ordinator will provide receipts as appropriate to parties whose work has been approved in relation to the construction of graves, the interment of ashes, the erection of monuments and any other activity that has been authorised.

9.0 CONDUCT OF PERSONS WITHIN THE CEMETERY

- a. Any person entering the Cemetery is expected to conduct him or herself in a dignified manner. No person may, through violent or indecent behaviour, prevent, interrupt, or delay the decent and solemn burial of any body.
- b. Any person who causes damage to any part of the Cemetery, or plays any game or sport, or discharges a firearm (save by the prior approval of the Group at a military funeral), or wilfully and unlawfully disturbs any persons assembled within the Cemetery for the purposes of a burial or other lawful purpose, or commits any nuisance within the Cemetery will be subject to action, as appropriate, under the law.
The term 'damage' for the purposes of these Regulations shall be inclusive and will include, by way of example, physical injury or destruction, defacing or disfiguring by graffiti or the unauthorised posting of a bill or notice to any physical object, including the external boundaries, constituting the Cemetery.
- c. The Cemetery Co-ordinator is instructed by the Group to warn all persons who are found trespassing and to inform such persons that in all instances they will be liable to be punished as the law directs.
- d. No dogs, except assistance dogs, will be admitted to the Cemetery. Notices will be maintained by the Cemetery Co-ordinator at the main entrance to the Cemetery for the information of visitors.
- e. Visitors to the Cemetery must on no account enter or leave the Cemetery by any other way than by one of the gates and they must not walk or trespass upon any of the shrubberies or grass but must confine themselves exclusively (wherever possible) to the surfaced paths in the Cemetery.
- f. No person will be allowed to solicit orders within the Cemetery.

10.0 HEASTONES AND MONUMENTS

- a. No permanent brick or stone or wooden memorial will be allowed to be used in, or upon, nor any monument, tomb, horizontal stone or head or foot stone will be allowed to be erected or laid upon or over any grave, except graves for which the exclusive right of burial has first been purchased. **No grave in the cemetery may have a kerbstone surround placed on them.**
- b. No monument or marker of any description may be placed at or upon any grave even where an exclusive right to burial has been granted, unless and until approved by the Group and the required fees paid to and receipted by the Cemetery Co-ordinator. No new headstone may be sited on a coffin grave until a minimum of six months have elapsed after the initial interment takes place. However, it is recommended by the Group that, ideally, a period of one year should elapse prior to installation of such a headstone.
- c. All memorial work carried out in the Cemetery must conform to the current British Register of Accredited Memorial Masons [BRAMM] (or other equivalent scheme's) Code of Working Practice.
- d. A current copy of a memorial mason's public liability insurance certificate, 'certificate from insurer (minimum value £5,000,000)' must be held by the Cemetery Co-ordinator before approval is given for any monument or work within the Cemetery is permitted to proceed.

- e. No tomb or horizontal stone exceeding **fifteen cwt** in weight shall be laid or erected, nor any headstone be erected exceeding **four feet and six inches** (1370 mm) in height.
- f. All materials for graves, headstones, monuments, or other erections must be conveyed in the Cemetery, either by hand or on trucks or wheelbarrows, with wheels not less than **four inches** (100 mm) in width at the bottom thereof. No hewing or dressing of stone will be permitted within the Cemetery or the approaches thereto and all rubbish, refuse and stones remaining after any erection must be removed from the site immediately upon completion of the work and the site left in a clean, tidy, and safe condition.
- g. Mats, canvas, or boards, and such other precautions must be used or taken by parties making brick graves or vaults, or erecting headstones, monuments, or other memorials, in order to preserve the grass, turf, paths or roads and all damage done thereto must be forthwith made good by the parties doing or causing the same.
- h. All gravestones, monuments, memorials and inscriptions are to be subject to the approval of the Group or Cemetery Co-ordinator on their behalf and a copy of every inscription (if containing anything more than the name, date of death and age of the deceased) and a drawing showing the form and dimensions of every tomb or monument proposed to be erected, must be provided to the Cemetery Co-ordinator in the required form. The Cemetery Co-ordinator may not refuse permission without reference to the Group.
- i. In case any party shall be dissatisfied with the decision of the Group as to the fitness of any monumental inscription proposed to be placed in the consecrated part of the Cemetery, the same shall be referred to and determined by the Lord Bishop of the Diocese of Lichfield.
- j. Any person or persons who removes a memorial or marker for the purpose of carrying out an interment or for any other purpose (e.g., for an additional inscription) must re-fix the same within **twelve months** of the date of its removal.
- k. A Memorial removed for an additional inscription must be re-instated according to British Register of Accredited Memorial Masons [BRAMM] (or other equivalent scheme's) Code of Working Practice. BS8415 applies.
- l. The Group will take action to require any person or persons failing to comply with the foregoing regulations to remove any unauthorised monument or marker within **twenty-eight days**, at their own expense. Should any such monument or marker remain after this period the Group will arrange for the removal of the monument or marker and a charge will be made to the person or persons responsible for the erection of the monument or marker to cover the costs incurred for its removal.

11.0 MAINTENANCE OF GRAVES/HEADSTONES/MEMORIALS

- a. **The maintenance and keeping tidy of a grave will be the responsibility of the owner (or his or her personal representative(s)).**
- b. The Group reserve the right to remove or cut any item on any grave at any time when in their opinion the items have become unsightly or overgrown. The cost of such removal or cutting shall be payable by the owner or their representative.

- c. Any flowers or plants (whether natural OR synthetic) left on a grave must be contained within the approved container within the base of the headstone in the lawn Cemetery or within the boundary of the grave within the traditional Cemetery area. The Cemetery Co-ordinator or another authorised person will remove all dead flowers or plants and any not being contained within the approved container on the grave.
- d. All non-paper wrappings must be removed from flowers and plants before being placed on graves.
- e. Any wreaths or flower memorials placed on a grave at the time of burial must be removed once they wilt and become unsightly. Christmas wreaths may be placed on graves after 1st December and should be removed by 6th January following. Arrangements may be made with the Cemetery Co-ordinator for wreaths to be removed at the due date, by prior request at the Town Hall.
- f. The use of non-biodegradable materials and other non-plant material items (e.g., photographs, wind chimes, solar lights or any illuminations, paving stones, fluorescent items, windmills, toys, or any other similar item **are not** permitted to be placed on graves and will be removed by authorised persons.
- g. Owners of graves may, if they so wish, enter into an agreement with the Group for the maintenance and upkeep of any grave. 'Forms of Agreement' are obtainable from the Cemetery Co-ordinator and the fees payable to the Group for each year ending 31 March shall be as stated on the forms.
- h. No person other than the owner(s) or their personal representatives or members of the owner's family or employee of such owner or family shall carry out any work on any grave to maintain its upkeep unless authorized by The Group.
- i. The use of weed killer, other than by the Ground Maintenance Contractor on or around the graves in the Cemetery is strictly forbidden.
- j. In the interests of safety of both the Cemetery Co-ordinator and members of the public and to comply with current Health and Safety at Work legislation, **no glass objects** may be placed in the Cemetery.
- k. The Group shall have power to remove any head or foot stone, monument, or other memorial which they consider to be dangerous, unsightly or offensive in line with the Councils Memorial Safety and Inspection Policy.
- l. The Group will not be responsible for any damage to memorials or gravestones caused by storm, wind, lightning, subsidence, acts by third parties or any other cause not occasioned by the negligence of its employee(s).
- m. In furtherance of Regulation 1(e) above any memorial, including any temporary memorial, wreath or other display on a grave should be dignified and aesthetically in keeping with the location within the Cemetery.

12.0 USE OF THE CHAPEL

- a. The Cemetery Chapel may be used for services associated with a burial or under other circumstances subject to the approval of the Group provided that this is undertaken under the direction of a recognised Minister.
- b. The Chapel may be made available for the purposes of a viewing of a body by relatives and other mourners, or for use by such persons on the day of a burial as a Chapel without a service taking place between the hours of 10 o'clock in the morning to 4 o'clock in the afternoon (5 o'clock in the afternoon between 1st April and 30th September), provided that notice is given at the same time as the notice of burial in regulation 3a. above and that the applicant is responsible for the conduct of persons within the Chapel at all times.
- c. No body may be left within the Chapel overnight or enter the Chapel before 9 o'clock in the morning or remain within the Chapel after 4 o'clock in the afternoon, except by the approval of the Cemetery Co-ordinator on behalf of the Group.
- d. All fees for the use of the Chapel must be paid to the Cemetery Co-ordinator or Council Officer at the time of requesting its use.

13.0 MISCELLANEOUS PROVISIONS

- a. A Register of all burials within the Cemetery will be kept by the Cemetery Co-ordinator, where searches may be made and certified extracts obtained, on payment of the prescribed fees.
- b. The Group reserves the right from time to time to make any additions, alterations, or amendments to the foregoing Regulations consistent with current burial legislation.

14.0 CLOSURE OF THE CEMETERY FOR NEW BURIALS TO NON-PARISHIONERS

In relation to the **burial in a new grave** of people who live outside the Ellesmere Town and Rural Council boundaries this service will no longer be available.

- Re-openings and interments in an **existing grave** remain available to residents of Ellesmere Town and Rural Council areas as well as to people from outside the Ellesmere Town and Rural Council boundaries.
- Interment of ashes remain available to both local residents and to people from outside the Ellesmere Town and Rural Council boundaries.

SCHEDULE OF APPROVALS AND AMENDMENTS

Nature of Approval / Change	Affected Sections and Paragraphs	Date of Approval by the Committee	Effective Date of Approval / Change
Approval of Regulations	All	18 th February 2004	1 st April 2004
Amendment	3. j.	26 th March 2007	1 st April 2007
Amendments	1,3. a.b.i. k,4. e. f,6.b.c,8.a.b.c,9. c. d,10. b.d. g 11.d.f.h.j.k,12. d,13. a	28 th May 2012	1 st June 2012
Amendments	1,4(a)(f),6(a)(b)(c),9(e),10(h), 11(f)(m)	28 th January 2016	1 st February 2016
Amendment	6.a	25 th January 2018	1 st February 2018
Amendment	10.b	30 th January 2020	1 st February 2020
Amendment	10 a	6 th October 2022	7 th October 2022
Amendments	1,3e,g,h,i,4,a,b,d,g,h,5(all),6a,c,7(all),8,a,c,10,a,b,c,e,f, g,l,j,k,n,11,a,b,c,d,e,f,h,l,j,k12,d,13,a,b,c.	6 th July 2023	

Reviewed and re-adopted	
Adopted by Full Council	13 th December 2024