



Groby Village Cemetery Rules and Regulations

1. INTRODUCTION

Groby Village Cemetery is provided for the benefit and use of the inhabitants of the Parish. As a result, the remains of persons who were not ordinarily resident in the parish at the date of their death may not be interred in the cemetery. However, if the deceased has lived for most of their life in Groby or has recently moved away they may, at the discretion of the Parish Council, be buried in Groby Cemetery.

These Rules and Regulations apply to Groby Village Cemetery, Ratby Road, Groby Leicester. They are made in addition to, and in accordance with, the Local Government Act 1972, Section 214 and Schedule 25, and the Local Authorities' Cemeteries Order 1977 (S.I. 1977 No. 204). The Cemetery is owned and managed by Groby Parish Council, the 'Burial Authority' for the Parish of Groby.

Visitors are welcome to the Cemetery and are requested to respect the dignity of this peaceful and tranquil place. Rules and regulations should be observed at all times and the Council reserves the right, at any time, to make amendments or variations to them.

For enquiries regarding the regulations, please contact the Parish Clerk at the following office:

Groby Parish Council

Leicester Road

Groby

Leicester

Tel: 0116 2876985 Email: parishclerk@groby.com Webpage: www.groby.com

The Parish Office is open for public business Monday to Friday from 10 a.m. to 2 p.m. with the exception of Bank Holidays and other Public Holidays.

2. INTERPRETATION

"The Council" means Groby Parish Council acting as the Burial Authority for the said Council in exercise of the powers and duties conferred upon them by the Local Government Act 1972, Article 3 of the Local Authorities' Cemeteries Order 1977, and of all other powers and duties regarding the general management, regulation, and control of the cemeteries provided by them.

"The Cemetery" means the Cemetery under the control of the said Parish Council and situated at Groby Village Cemetery, Ratby Road, Groby, Leicester.

"The Burial Registrar" means the Parish Clerk being appointed by the Parish Council to be in charge of the Cemetery and to act as Registrar thereof.

"Purchased Grave" means any earthen grave, where the Exclusive Right of Burial (subject to these Regulations) has been granted by the Council.

"Memorials" means all memorials that are authorised to be permitted within the cemetery.

3. MANAGEMENT OF THE CEMETERY

Access to the Cemetery

The Cemetery is open to visitors:

Month	Weekdays / Weekend / Public Holidays
October to March	08.00 - 16.30 hours
April to September	08.00 - 20.00 hours

The Cemetery is locked each evening after the times stated. All persons visiting the cemetery must vacate the cemeteries prior to these times in order to secure the cemetery. It may be necessary at times to lock the gates earlier than stated, due to circumstances beyond our control. If this is necessary, appropriate notices will be displayed advising visitors of this.

The Council reserves the right to temporarily close to the public access to the cemetery or any part of the cemetery at any time without notice.

All persons entering the cemetery will be subject to these rules and regulations approved by the Council. The Council reserves the right to exclude from the cemetery, any person offending against these regulations.

Vehicles

Admission of vehicles is subject to the following conditions:

- i. Access is only available during opening hours
- ii. Access is subject to absolute right of way being given to any funeral cortege
- iii. No vehicle is to be left in a position so as to cause an obstruction to other traffic
- iv. A maximum speed of 5 miles per hour within the cemetery grounds
- v. No vehicles allowed on the grass at any time

To the extent permitted by law no liability is accepted by the Council for loss or damage to a vehicle or its content, or injury to its drivers or passengers however arising.

Conduct of Visitors

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of Articles 18(1) of The Local Authorities' Cemeteries Order 1977. These state that 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, any memorial, or any flowers or plants or any such matter
- v. Play at any game or sport in a cemetery

Children are permitted in the cemetery but must be under the supervision of an adult at all times.
Dogs are **NOT** permitted in the cemetery with the exception of Guide dogs.

The permission of the Burial Registrar shall be obtained before any object in a Cemetery is photographed or a video recording is commenced.

Musical instruments or appropriate sound reproducing equipment shall be permitted in the Cemetery with the permission of the Burials Registrar.

Visitors shall not interfere with Parish Council employees working in the cemetery, nor employ them to execute any private work whatsoever.

Visitors are requested to place spent flowers and wreaths in the recycling bins and to deposit litter or any unwanted items in the general bins provided.

All visitors must refrain from interfering with trees, shrubs, and flowers.

Maintenance of Graves

The Council shall endeavour to reinstate all newly excavated graves within 6 to 9 months of an interment, subject to grounds conditions and to the season of the year being appropriate for these works to be undertaken. This period is necessary to allow the natural subsidence of the earth used to fill the grave. The reinstatement shall include the levelling and seeding / turfing of the grave surface.

Nothing may be placed on the area of the grave, except as provided in these regulations:

- Flowers and wreaths etc will be allowed to remain on a grave for up to 4 weeks after a burial, after which they will be removed at the discretion of the Burial Authority.
- Wreaths placed on graves at Christmas time may remain on graves until the 31st January after which they will be removed by the Burial Authority.
- Wreaths / flowers etc may be placed on graves for other religious festivals for up to one month, after which they will be removed at the discretion of the Burial Authority
- The planting of any flowers, trees or shrubs on the grave plot surface is not permitted

Articles are placed at the owner's risk. The Council reserves the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.

The following items are NOT permitted within Groby Village Cemetery:

- Glass of any sort
- Trinkets / ornaments
- Bottles
- Lanterns / Wind Chimes / Ornaments on hooks or spikes
- Solar powered lights
- Empty plastic or ceramic flowerpots / troughs
- The erection of any form of enclosure or low-level fencing and the placement of chippings, pebbles and stones together with wooden, brick or concrete edging on any part of the grave

Maintenance of the Cemetery

Grounds maintenance operations such as grass cutting, leaf and litter clearing, upkeep of trees, shrubs, flower beds, hedges and memorial borders will be carried out by the Council, at a frequency determined by the Council and by weather conditions.

Fees

Fees and charges for all cemetery services will be determined by the Council and are reviewed annually.

Records

All registers, records & plans of the cemetery are held in the Parish Office where, in accordance with GDPR regulations, searches can be made by appointment and certified extracts obtained on payment of appropriate fees.

4. EXCLUSIVE RIGHT OF BURIAL

Grave Ownership – Exclusive Right of Burial

When buying a grave, it is important to understand what you are actually buying is the Exclusive Right of Burial in a grave for a specified period of time. You are not purchasing land and no ownership of land is transferred to you.

At Groby Parish Cemetery, an Exclusive Right of Burial is granted for an initial term of 85 years which can then be extended for a further term should this be required. Groby Parish Council retains ownership of land at all times and therefore may determine how the land is used in its' Rules and Regulations.

The Exclusive Right of Burial is solely for the use of people who, at the date of death, were ordinarily residents in the Parish of Groby. However, if the deceased has lived for most of their life in Groby or has recently moved away through illness or for nursing home care, they may (at the discretion of the Parish Council) be buried in Groby Cemetery.

The Exclusive Right of Burial entitles the registered owner:

- To be interred in a grave subject to space being available in the grave;
- To determine who is buried in the grave;
- To apply for the Right to Erect a Memorial on the grave, in accordance with regulations.

Burial Law (Local Authorities Cemeteries Order 1977) states that no burial may take place in a grave and no memorial may be placed on a grave without the written permission of the grave owner during the period of the Exclusive Right, excluding the burial of the grave owner.

Upon payment of the appropriate fee, the purchaser of the Exclusive Right of Burial will:

- Have their details entered into the Council's statutory register; and
- Be issued with a Deed of Grant from the Burial Authority as proof of their ownership of the Exclusive Right of Burial.

It is important that grave owners keep safe their Deed of Grant as this is a legal document containing the grave details. For every interment into a grave the Deed of Grant, or any assignment thereof, and the written consent of the owner must be produced and given to the Burial Registrar on giving notice of burial. If the burial is to be that of the registered owner, written permission to open the grave will not be required, only production of the Deed together with all relevant documentation.

Possession of the Deed does not in itself signify ownership of the grave.

When can the Exclusive Right of Burial be purchased?

- The Exclusive Right of Burial may be purchased in advance, to reserve a grave space subject to availability.
- The Exclusive Right of Burial in a grave may be purchased at the time of interment.

Grave spaces will be allocated by the Council in accordance with the sequence marked on the Cemetery plans. Any specific requests regarding grave selection will be at the discretion of the Burial Authority.

The purchase of, and interment in, a grave space will be conditional upon the acceptance of Groby Parish Council's Cemetery Rules and Regulations.

Transferring the Exclusive Right of Burial

The grave owner can assign the Exclusive Right of Burial, during their lifetime, to another individual on completion of a Form of Assignment (obtainable from the Parish Council office).

The procedure for establishing grave ownership when the original owner has died is as detailed below:

i. Grant of Probate:

Normally granted to the executor(s) appointed in the will of the deceased person once the will has been proven in court. Only the original 'sealed' Grant will be acceptable at the Parish Council Office i.e. it must bear the embossed seal of the Court.

ii. Grant of Letters of Administration:

When a deceased dies intestate (i.e. without making a valid will) then the next of kin (or some other person of sufficient interest) can apply to the Court to be made Administrator of the Estate. As with Grant of Probate the original document must be produced bearing the embossed seal of the Court.

iii. Form of Assent:

Normally completed by the deceased's personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased's estate.

iv. Statutory Declaration:

An original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

Surrendering of the Exclusive Right of Burial

Where no interment has taken place in the grave, the owner of the Right of Burial may surrender the same to the Council in return for a payment not exceeding the original purchase price. An administration fee is also payable to the Council, on such instances. No refund will be made where the Exclusive Right period has lapsed.

5. INTERMENTS

Booking of Interments

Notice of a proposed burial must be given to the Burial Authority by completing a Notice of Interment Form (obtainable from the Parish Council).

The fully completed Notice of Interment must be delivered to the Council Office, together with full payment, at least two working days prior to the interment taking place.

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

Hours of Interments

Interments can take place during the following hours:

Monday to Friday 9.30am to 3.00pm

Interments will not be allowed on Saturday, Sunday, Christmas Day, Good Friday or Public Holidays.

In cases of emergency where the burial must take place on one of these days' documentation must be produced to confirm that the immediate burial is necessary.

Certificates of Disposal

The Certificate for the Disposal issued by the Registrar of Births and Deaths or in any case where a Coroner's inquest has been held, a Coroner's Order for Burial or a duplicate thereof

must be delivered to the Burial Registrar by 09.30 the previous working day prior to the time of the funeral. In the case of a stillborn child the above applies if the birth does not come within the definition of "Stillborn" or "Stillbirth" as mentioned in the Stillbirth (Definition) Act 1992. If within the definitions of the Stillbirth (Definitions) Act 1992, a certificate from a Medical Practitioner or other responsible person attendant at the birth, stating that it took place before the twenty fourth week of pregnancy, must be produced.

Before the interment of cremated remains of any person, a certificate must be produced from the appropriate officer of the Crematorium which carried out Cremation.

Officiating at an Interment

A burial can take place with or without a Religious Service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or other persons authorised to officiate at the burial. All interments must be attended by a Funeral Director or Minister as the officiator. Family-only interments are not permitted.

Funeral services

The Parish Council offers a grave digging service for cremation plots only.

Funeral Directors are responsible for engaging grave diggers for full burial plots and for ensuring that such agents work in a responsible and safe manner and observe all Health and Safety legislation in force at the time of the excavation.

Coffins and Caskets

Coffins and caskets for all burials, including those for cremated remains, must be made from suitable bio-degradable materials such as wood, wicker, cane, bamboo, cardboard etc.

The exact size of the coffin, casket, or container, including mouldings and any open handles, must be confirmed in writing to the Council as soon as possible prior to the interment. Every coffin, casket or container must have attached some permanent form of identification marker bearing the name of the deceased.

Burial Register

A Register of all burials shall be kept by the Registrar of Burials at the Parish Council Office. Searches may be made, in accordance with GDPR Regulations, during office hours and certified extracts or certificates may be obtained, on payment of the appropriate fees.

Scattering of Cremated Remains

Subject to the approval of the Parish Council, ashes, including those of non-Groby residents, can be scattered within The Garden of Remembrance. The scattering of ashes in this area does not convey any Exclusive Right of Burial.

Subject to formal approval a small memorial plaque (6" x 4" max), available only from the Parish Council Office, may be placed within The Garden of Remembrance.

The scattering of cremated remains MUST be under the supervision of your chosen Funeral Director / Minister.

No vases, ornaments, figures, or other additions to this area are permitted, however a dedicated area for flowers is provided.

6. GRAVES

Grave Dimensions

- i. All adult grave spaces are 8' x 5' (2440mm x 1524mm)
- ii. The children's section has one grave size, 8' x 3' (2440mm x 914mm).
- iii. All cremated remains plots measure 3' x 3' (914mm x 914mm).

Capacity of grave plots

- i. A full burial plot may contain a maximum of two (2) full burials and up to two (2) cremated remains thereafter, OR a maximum of four (4) cremated remains only.
- ii. Each cremated remains plot contains sufficient space for two caskets, although some caskets may need the handles removed as the internal size of each liner is a maximum of 9 ins x 11 ins (229mm x 280mm).

All new graves shall be excavated at 1.83m (6') subject to grounds conditions allowing for two burials to take place in each grave space.

There is a charge each time for opening the grave, to cover administration and subsequent ground maintenance to the plot.

In no case will a grave be allowed to be deepened after the first interment.

7. MEMORIALS

A six-month ground settlement period is required following a burial before a memorial can be installed, however, depending on ground conditions, this could be longer.

Within 12 months following an interment, the owner of the Exclusive Right of Burial MUST install a permanent natural quarried stone memorial. Prior to a permanent memorial being installed a temporary wooden memorial may be erected.

Memorial Application

Memorials may only be placed on graves plots for which an Exclusive Right of Burial has been granted, and only by the Deed holder of that right.

The Deed holder / Memorial Mason must submit a fully completed application form (obtainable from the Parish Office), and receive written authorisation from the Burial Authority, before any memorial may be erected in the Cemetery or any inscription placed on a memorial.

Permission may be refused, and memorial stone masons are advised to await receipt of the Memorial Permit prior to commissioning any work.

The Burial Authority reserves the right to remove any memorials not authorised by the Burial Authority.

Dimensions

Cremation Plots

Following the interment of ashes into a cremation plot a granite memorial plaque can be installed at any time for which a Memorial Permit does not have to be granted.

The flat memorial plaque tablet (obtainable through the Parish Council Office) measures 12" x 6" and is to be fixed onto the standard kerb stone. Headstones CANNOT be erected in the Cremation Plot sections.

Grave Plots

Foundation/ concrete landing stone:

Max width (Side to Side): 3 ft (36")

Max depth (front to back): 2ft (24")

Max height: 3"

Memorial Base:

Max width (Side to Side): 2ft 6" (30")

Max depth (front to back): 1ft 6" (18")

Memorial Headstone:

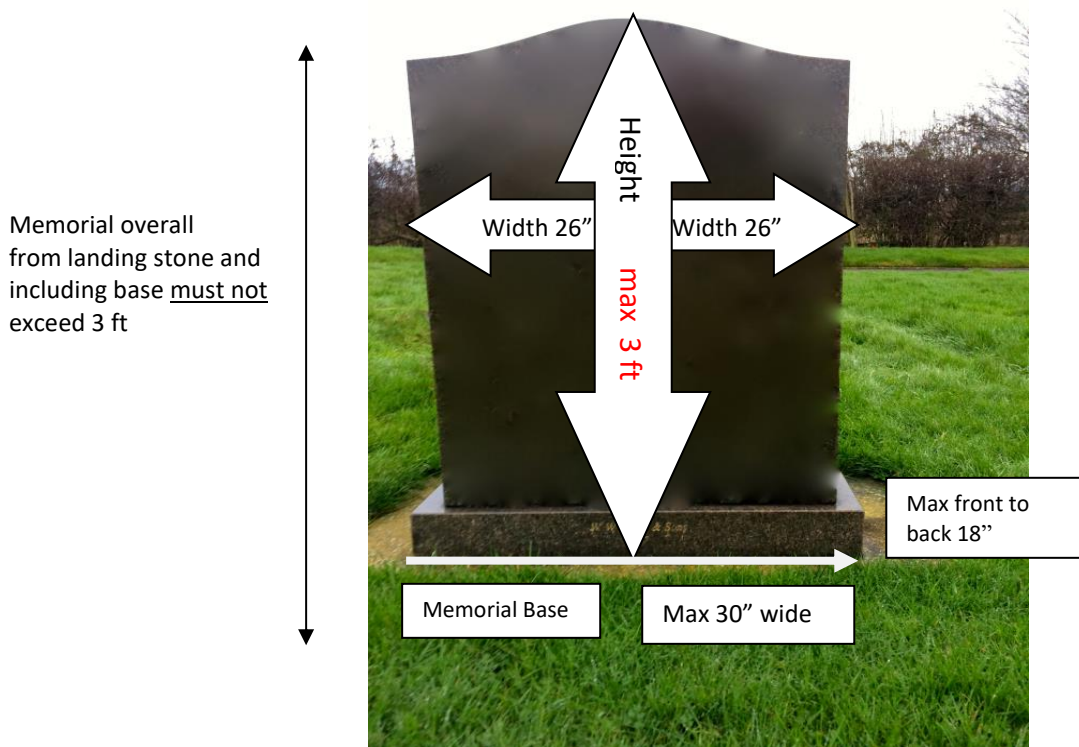
Max width (Side to Side): 2ft 2" (26")

Max depth (thickness): 4"

Max height: 2ft 9" (33")

Memorial Headstones cannot exceed 3ft high (36") including the memorial base

For children's graves, these dimensions have to be reduced to a maximum height of 30 inches



Concrete landing / Foundation base must not exceed 3' x 2' x 3" and must sit at ground level. It should be sunk level with soil and NOT sit on top of the grass.

Erection of Memorial

The erection of a memorial will be permitted only where:

- i. An Exclusive Right of Burial exists;
- ii. An application is received from and signed by the owner of the exclusive right of burial;
- iii. Payment of the prescribed fee as specified in the Table of Fees and Charges has been made to the Burial Authority; and
- iv. The written permission of the Burial Authority has been granted and a Memorial Permit from the Burial Authority issued.

All memorials, including the refixing and refurbishment, must be constructed and erected:

- i. In strict accordance with the size and design approved by the Burial Authority;
- ii. By a Memorial Mason who holds membership of a national registration scheme, such as the British Register of Accredited Memorial Masons (BRAMM);
- iii. In strict accordance with the National Association of Memorial Masons Code of Working Practice and BS8415 to ensure safe installation of memorials;
- iv. Erected using a foundation base of either best quarried materials or reinforced concrete conforming to BS7263.

- v. Fixed in alignment with adjoining memorials

Memorials may be erected or fixed on any working day during between the hours 8 a.m. – 4p.m., excepting Saturday, Sunday, and Bank Holidays.

In the case of any departure from the approved design for which permission has been granted, the Deed Holder shall at their own expense, and to the satisfaction of the Burial Authority, carry out any work necessary to make the memorial comply with the approved design.

Memorial Mason's conduct in the Cemetery

While carrying out work within the Cemetery, all Registered Memorial Masons shall ensure they:

- i. Work in a responsible and safe manner and observe all Health and Safety legislation in force at the time.
- ii. Take all necessary precautions to protect the grass, trees, plants, walls, paths, and adjacent memorials from damage. Any damage caused shall be made good at the Memorial Masons expense; and
- iii. Completely remove all materials, tools, and rubbish from the Cemetery when work is not in progress.

Unauthorised Memorials

The Council has a responsibility to maintain the cemetery. There are a variety of items which would be deemed as unauthorised by the Council. These unauthorised items are not grave furniture and can impede health and safety and grounds maintenance. They can make the cemetery look untidy or cause nuisance if they become loose and cause distress if they are blown onto another grave.

The following items are **NOT** permitted within Groby Village Cemetery:

- Glass of any sort
- Trinkets / ornaments
- Bottles
- Lanterns / Wind Chimes / Ornaments on hooks or spikes
- Solar powered lights
- Empty plastic / ceramic flowerpots / troughs
- The erection of any form of enclosure or low-level fencing and the placement of chippings, pebbles, and stones together with wooden, brick or concrete edging on any part of the grave
- Planting of flowers, shrubs, or trees on the grave surface.

Responsibility for Memorials

Any memorial erected in the Cemetery remains the property and responsibility of the owner of the Exclusive Right of Burial for the grave and therefore, remains in the Cemetery at the sole risk of, and must be kept in a good state of repair, by the said owner or personal representative.

Memorial owners shall be responsible for ensuring the memorial is in a safe condition and for the cost of repairing or re-instating memorials.

The Council will not accept any liability for damage 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 their employees.

8. RESERVED RIGHTS OF THE BURIAL AUTHORITY

The Council reserves the right to remove, without notice, any unauthorised memorial or any item placed on a grave which is not permitted under these rules and regulations.

Items removed will be stored for a period of 6 months.

Enquiries / Complaints

All enquiries, complaints, and requests by members of the public should be made to the Burial Registrar, Groby Parish Council, Council Office, Leicester Road, Groby, LE6 0DQ.

Alterations to the Regulations

The Council reserves the right from time to time to make alterations or additions to the foregoing Regulations consistent with Burial Acts. Questions arising for which no provision is made in the Regulations shall be referred to the Council (or any Committee or Officer of the Council to which the Council has delegated its powers on this behalf) whose decision shall be final.

Revocation

All other regulations for cemeteries made by the Council prior to 7th December 2020 are hereby revoked.

(Revised Rules and Regulations adopted by Full Council on 7th December 2020, Minute Reference COU/088/20-21)

**PLEASE SIGN AND DETACH THIS PAGE AND
RETURN TO THE ADDRESS BELOW.**

Conditions of Sale of the Exclusive Right to Bury

The purchaser of the exclusive right to bury in any plot must keep the plot tidy to contribute to the overall appearance of the cemetery and to make a pleasant place to visit. The purchaser is expected to observe the requirements set out in this document. If it appears that they are not being adhered to the Council will raise the matter with the purchaser so that it can be resolved amicably. The Council reserves the right to take appropriate action if agreement cannot be reached and the infringement continues.

I have read and understood the rules and regulations set out in this document and I agree to comply with them.

Signature:

Date:

Burial Registrar's Signature:

Date:

This document must be signed by the Burial Registrar (Parish Clerk) otherwise it is not a valid document. A copy of this signed page will be retained within the Burial records.

Cemetery Office

Groby Parish Council
Parish Council Office
Village Hall
Leicester Road
Groby
Leicester
LE6 0DQ