

**MIDHURST TOWN COUNCIL ACTING AS THE
BURIAL AUTHORITY FOR THE PARISH OF MIDHURST**

RULES AND REGULATIONS

1. BURIAL GROUND

- 1.2. The Burial ground will be open to the public from 8 am each day (excepting Sundays, Good Friday and Christmas Day) and will close at sunset.
- 1.3. Children under 12 years of age must be accompanied by a responsible adult.
- 1.4. No bicycles, dogs or other animals (except on a leash) will be allowed in the Burial Ground and no disorderly person shall be permitted to enter the ground. Visitors are expected to observe a reverent manner and behaviour and to keep to the paths.
- 1.5. No person shall enter the burial ground before the opening or remain after the closing of the ground, except in pursuance of lawful business with the Council.
- 1.6. No person, except on business, shall be allowed access to any of the offices or buildings in the burial ground, and no visitor will be permitted to enter or leave the burial ground except by the proper entrance gates.
- 1.7. The Council may at any time through their Amenity Worker cause to be removed from the burial ground any person offending against any of the rules or regulations of the Council for the management of the burial ground.
- 1.8. No person shall wilfully destroy or injure any wall, fence or building erected in the burial ground, or destroy or injure any tree, plant, shrub or flower therein.
- 1.9. No person shall mark or disfigure any wall therein or put up any printed or other paper, handbill or placard therein, or on any wall thereof
- 1.10. No person shall wilfully destroy, injure or deface any gravestones, monument, tomb, palisades, kerb, tablet, memorial or inscription within the burial ground, or do any other wilful damage therein.
- 1.11. No person shall play at any game or sport or discharge firearms in the burial ground (save at a military funeral by permission of the Council), or commit any nuisance within the burial ground.
- 1.12. No person shall wilfully and unlawfully disturb any persons assembled in the burial ground for the purpose of burying a body therein.
- 1.13. No person shall sit, stand or climb upon or over any gravestone, headstone, tombstone, monument, kerb, gate, wall, fence or building belonging to the burial ground.
- 1.14. The penalties prescribed in the Burial Acts for damaging the burial ground or committing any nuisance therein, will be strictly enforced by the Council.

2. INTERMENTS

2.1 Notices

- 2.1.i Notice of every intended interment in an earthen grave shall be given at least 48 hours previous to such interment to the Clerk.

2.1.ii Except under special circumstances no notices can be received on Fridays, Saturdays, Sundays or public holidays, which must be excluded from the period of notice.

An exception will be made on the production of a medical certificate stating that early interment is advisable.

2.1.iii The Notice of interment must be given on the form prescribed by the Council copies of which may be obtained from the Clerk on demand.

2.1.iv In all cases of burials in purchased graves, the notice of interment must be signed by the person for the time being entitled to the exclusive right of burial in such graves, signifying his or her consent to such burial. Where the owner of a purchased grave is the person to be buried, the consent in writing must be given by his or her legal successor.

2.1.v Fees and charges of every description in connection with an interment must be paid to the Clerk on giving the notice of interment.

2.2 Certificates.

2.2.i The certificate of the Registrar of Deaths or in cases where inquest has been held, the certificate of the Coroner must be handed to the Clerk or, in exceptional circumstances, to the Amenity Worker.

2.2.ii For the burial of a stillborn child the certificate of the Registrar of Deaths, or of a medical practitioner who was present at the birth or who saw the body after birth, must be delivered to the Clerk or to the Town Amenity Worker. If no medical practitioner was present or saw the body, then a declaration in the prescribed form must be completed and signed by the father or mother of the child, or the occupier of the house where the birth took place or failing those, by the midwife or other person who was present at the birth

2.3 Place for Interments

2.3.i Portions of the Cemetery are consecrated for burials according to the rites of the Church of England, and portions are unconsecrated, and any duly authorised and recognised official may perform burials therein provided the service ceremony be decorously conducted.

2.3.ii The selection of the grave space is in every case subject to the approval of the Council acting through the Clerk or the Town Amenity Worker but the wishes of the parties interested will be met as far as possible.

2.3.iii All graves will be excavated and dug by a person or persons approved by the Council.

2.3.iv The Council reserve the right to determine the position of any unpurchased or unreserved grave in the burial ground.

2.3.v Graves within the extended area of the burial ground (available after 27 February 2002) will not be reserved in advance of interments

2.4 Hours for Interments

2.4.i The hours for interments in the burial ground will be between 10 am. and 4 p.m.. Monday to Friday. **Interments may not take place on Sundays or on public holidays, except for special reasons**

2.4.ii Only one funeral shall be permitted to take place at any one time.

2.4.iii The Undertaker or person in charge of a funeral arriving at the burial ground must act under the directions of the Town Amenity Worker as to when the funeral service may proceed, and generally in connection with the interment.

2.5 Cremations

2.5.i Cremated remains may be interred in the cemetery either in the burial ground or Garden of Remembrance.

3. GRAVES

3.1 General

3.1.i The grave space set aside for each person shall not exceed 9 feet long by 4 feet 6 inches wide.[2740mm x 1370mm]

3.1.ii Mats, boards or canvas are to be used as the Town Amenity Worker may direct, in order to preserve the grass or roads in the burial ground from injury through any works.

3.1.iii All graves must be constructed under the direction of the Council acting through the Clerk and Town Amenity Worker.

3.2 Depths of Graves

3.2.i No interment will be allowed at less depth than 6'6" [1980mm] for a grave intended for the burial of two bodies and 5'6" [1680mm] for the body of any person.

3.2.ii A person shall not in the burial ground cause a body to be buried in a grave in such a manner that any part of the coffin is at a depth less than 3 feet [915mm] below the level of the surface of the ground adjoining the grave.

3.2.iii **Undertakers are responsible for engaging grave diggers 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.**

3.3 Coffins

3.3.i Only coffins made of biodegradable materials will be allowed .

3.4 Mounds

3.4.i Mounds on existing graves not already enclosed with a kerb shall be removed by the Council as and when they think fit.

3.5 Reopening of Graves

3.5.i A person shall not in the burial ground cause a body to be buried in a grave in which an interment has already taken place, unless the coffin containing the body is effectively separated from any other coffin previously placed and remaining in the ground by means of a layer of earth not less than 6 inches [150mm] in depth.

3.5.ii Where in the burial ground any grave in which an interment has previously taken place is reopened for the purpose of making a second interment therein, no person shall disturb any human remains interred or remove any soil which is offensive.

3.6 Planting of Flowers

3.6.i The person in charge of any grave space shall **not** be allowed to plant such grave with flowers or shrubs or to place thereon any ornament or fencing save those which have received the prior approval of the Clerk. ***Any unauthorised ornaments etc. shall be removed by the Council without further reference to the owner***

3.6.ii The Council reserve the right to remove any flowers at any time if they become unsightly or interfere with any other grave space.

3.6.iii **Domestic bottles, vases, jars, tins or other unsuitable receptacles for flowers will not be allowed on graves in the cemetery. Any such receptacles will be removed by the Council without further reference to the owner.**

3.7 Exclusive Rights

3.7.i No grave in which the exclusive right of burial has been purchased can be opened or reopened without the production of the written consent of the owner or owners, together with such evidence of the person or persons giving such consents as the Clerk may require.

3.7.ii After the interment of the owner of a grave, the personal representatives should produce to the Clerk the probate of the will, letters of administration, or other evidence, in order that the change of ownership may be registered.

3.7.iii The transfer of the exclusive right of burial in any grave must be entered in the Register kept by the Clerk at the office of the Council. The owner of a purchased grave cannot transfer his or her rights to the grave space without the consent in writing of the Council.

4. MEMORIALS

4.1 Memorials - General

4.1.i All memorials of any descriptions are subject to the approval of the Council.

4.1.ii A drawing showing the description, form and size of every memorial proposed to be erected or constructed over or at any grave, vault or tomb, and a copy of the proposed inscription and its position on the memorial must be submitted to the Council for approval.

4.1.iii All memorials will bear the plot number of the grave.

4.1.iv Lawn Memorials will only be permitted into the burial ground if the method of fixing is considered to be adequate and secure by the Council. Any application for such a memorial must include details of the proposed method of fixing.

4.1.v All memorials admitted into the burial ground or permitted to be erected over or at any grave shall be erected and remain at the sole risk of the owner of such memorial, and the Council shall not be responsible for any damage which may occur to the same.

4.1.vi The Council reserve the right to make safe any memorial which, in the opinion of the proper officers of the Council, is unsafe or unfit without further

reference to the owner of the Memorial in order to protect the safety of visitors to the burial ground. Inspections into the safety of all memorials shall be made by the Burial Authority at least once within each twelve month period.

4.1.vii The position for memorials shall be subject to the approval of the Council and the foundations of such works shall be executed to the satisfaction of the Council.

4.1.viii Kerb Stones will only be permitted in prescribed sections of the burial ground.

4.1.ix All memorials shall be completed before they are admitted into the burial ground, and no work of any kind thereon, apart from that of fixing and cleaning, will be allowed in the burial ground, except any inscription which cannot be made prior to the erection of the memorial within the burial ground.

4.1.x Masons or other persons employed in fixing memorials in the burial ground will be required to remove all spare soil and to clean up the ground carefully after completing their work. They will be held responsible for any damage caused by them either to the ground or memorials erected within the burial ground, and charged accordingly with the cost of such damage.

4.1.xii The Council reserve the right to remove any memorial not executed in a workmanlike manner, or one which disfigures the ground in any way.

4.1.xiii No mason shall display any advertisement within the burial ground. This includes, but is not limited to, marking memorials with the name address or other contact details of the supplier.

4.1.xiv No mason shall solicit orders, exhibit designs or distribute business cards in the burial ground.

4.1.xv No mason shall obtain from any employee of the Council information as to grave owners.

4.1.xvi No mason shall take measurements of, photograph or copy any memorial, unless the written permission of the owner is first produced to the Clerk.

4.1.xvii In case any dispute shall arise on the fitness or suitability of any inscription proposed on a grave or vault within the consecrated portion of the burial ground, it will be referred by the Council to, and determined by, the Lord Bishop of the Diocese. In all cases, expressions fairly recording the faith of the deceased, without offence to the feelings of other persons will be admitted.

4.1.xviii All materials of every description and all private graves, must be kept in reasonable repair at the expense of the owners. Reasonable efforts will be made by the Council to communicate with the owners when repairs are needed, but if such repairs are not carried out within six months (from the date of such notification or efforts to trace) the memorial or grave may be dealt with by the Council as they may think fit.

4.1.xix It shall not be lawful for any person, without the consent of the Clerk, to remove, alter or disturb any memorial which has been erected within the burial ground.

4.1.xx The erection of any memorial constructed of any material other than stone, marble or wood will not be allowed without the special permission of the Council.

4.1.xxi ***Any unauthorised ornaments, flower holders etc. shall be removed by the Council without further reference to the owner***

4.2 Memorials - Garden Of Remembrance

- 4.2.i Memorial Plaques - these shall measure 350 mm (14") by 230 mm (9") by 52 mm (2") and be of high durability materials
- 4.2.ii Flower Containers - *where there is already an existing plaque* a flower container, if required, shall be a flush to the ground receptacle or one incorporated with the plaque as have at present been used in the Garden of Remembrance..
- 4.2.iii Flower Containers - *on new plots* the memorial tablet, if required, shall provide for a flush to the ground receptacle of suitable material and shall not exceed 375 mm (15") by 350 mm (14") overall.
- 4.2.iv Loose flower containers or other ornaments shall not be permitted within the Garden of Remembrance.
- 4.2.v ***Any unauthorised ornaments, flower holders etc. shall be removed by the Council without further reference to the owner***

5. GENERAL

- 5.1. Motor vehicles, save those used by officials in connection with the management of an interment or installation of a memorial, are prohibited from the Cemetery. Visitors with reduced mobility who wish to take vehicles into the Cemetery should first seek the permission of the Clerk or Town Amenity Worker.
- 5.2. The fees and charges payable to the Council in respect of interments in the burial ground, and in respect of grave spaces, headstones, stones, tablets, inscriptions and memorials of the type specified, or in connection with the burial ground in any way, shall be those set out in the Table of Fees, and the list of charges approved by the Council.
- 5.3. A register of all burials will be kept at the office of the Council where searches may be made and verified extracts obtained at reasonable hours, on payment of prescribed fees.
- 5.4. Copies of the foregoing Rules and regulations, together with copies of the Table of Fees and List of Charges may be obtained from the Clerk.
- 5.5. The Council may from time to time make any alterations, additions or amendments in or to the foregoing Rules and Regulations.

The forgoing Rules and Regulations will come into operation on and as from
1st. April 2008

All previous Rules and Regulations are hereby superseded.

Midhurst Town Council