



Midhurst Town Council

Midhurst Town Council (MTC) Rules and Regulations for Carron Lane Cemetery

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Introduction

Midhurst Town Council welcomes all visitors to its Cemetery, which is based at Carron Lane in Midhurst.

Visitors are asked to respect the peace, dignity and reverence of the facilities.

The Cemetery is managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' Cemeteries (Amendment) Order 1986 and such other legislation or regulations as may be made or enacted. Government departments currently responsible for any legislative or regulatory change are the Ministry for Housing Local Government and Communities and the Ministry of Justice.

1. Times of Burials

Monday to Friday 9.30 am – 5:00 pm, excluding Bank and Public Holidays, providing the light is adequate.

2. Visiting the Cemetery

The Cemetery will be open to the public daily during April to September between 08.00 and 20.00 hours and during October to March between 08.00 to dusk.

No person other than a person authorised by Midhurst Town Council shall enter or remain in the cemetery at any hour when it is closed to the public.

All persons entering the Cemetery will be subject to the orders and control of Midhurst Town Council or any person authorised by the Council.

3. Children

Children under 12 years of age are not permitted in the Cemetery except under the care and supervision of a responsible adult.

4. Dogs

In accordance with the Byelaws, dogs shall not be admitted to the Cemetery. Guide dogs accompanying a blind person are allowed in the Cemetery.

5. Vehicles

No person shall ride a bicycle, skateboard or other similar machine in the Cemetery.

6. Conduct within the Cemetery

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977 article 18(1) whereby no person shall:



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- Willfully create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Willfully interfere with any burial taking place in a cemetery
- Willfully interfere with any grave, any tombstone or any other memorial or any plants on any such grave, or
- Play at any game or sport in a cemetery

Under article 19(c) of the Local Authorities' Cemeteries Order 1977, any person who contravenes article 18 shall be liable on summary conviction to a fine and in the case of a continuing offence to a fine for each day during which the offence continues after conviction thereof.

- Any person found vandalising any part of the Cemetery or desecrating any grave plot will be liable for prosecution by the Council.
- No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same within the Cemetery.
- No employee of the Council is to demand or receive any gratuity.
- No person shall drop, throw or otherwise deposit and leave in the Cemetery wastepaper or refuse of any kind except in the litter bins provided.
- No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.
- No photographs for commercial use or publication may be taken in the Cemetery without the prior consent of the Council.

7. Fees

Fees for all cemetery services are determined by the Council on an annual basis and take effect on 1st April each year. Fees can be accessed from the Council's website <https://www.midhurst-tc.gov.uk> or by contacting the Assistant Town Clerk on 01730 816953.

All fees are payable to the Council and should be paid by bank transfer or cheque.

Current Fees are also at the end of this document

8. Graves and land ownership

When a new grave is purchased, it is not the land that is purchased but the rights to have burials in that space. Ownership of the land itself remains with the Council and the Council retains the right to make rules and regulations to benefit all cemetery users.

9. Buying graves

Your funeral director will arrange this for you, or you can contact us directly. You cannot pre-purchase graves. You will need to complete the relevant form, which can be accessed from the Council's website <https://www.midhurst-tc.gov.uk> or by contacting the Assistant Town Clerk on 01730 816953.

10. Ashes within Graves

Six caskets can be interred in a grave. Once interred, ashes cannot be disturbed unless a Ministry of Justice Licence and/or a Bishops faculty are obtained. In the case of an interment of cremated remains (ashes), the cremation certificate will be required for burial or scattering purposes.

No body or cremated remains (ashes) may be removed from a grave without the production of the ecclesiastical faculty and or Ministry of Justice licence for exhumation required by law. Original documents will be required for this purpose.



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Cremated remains (ashes) may be interred in caskets or other approved containers in conventional graves or graves for cremated remains (ashes) and must be interred by an approved funeral director.

11. What we allow on Graves

All memorials and mementos must be contained within the grave plot. The Council reserves the right to remove any memorials and mementos that do not conform to the specifications detailed below.

12. Memorials

- A Memorial Headstone - see para 23 for permissible design specifications
- A plinth with 1 or 2 vases

13. Mementos

The Town Council does not allow any mementos, including

- Photographs
- Soft Toys
- Artificial Flowers

14. Maintenance of Graves

The Council will maintain the grass within the cemetery. The maintenance of grave and memorials is the responsibility of the owner of the rights of burial.

15. Exclusive Right of Burial

A Deed of Exclusive Right of Burial in a grave may not be purchased in advance.

The grave owner is either the person who has purchased the grave or the person who has signed the legal interment notice for a burial (usually the next of kin).

A Deed is issued for a period of 100 years.

The Deed does not give the owner the right to erect and maintain a memorial on the grave. A formal application for the erection of a memorial is required.

16. Transfer of the Exclusive Right of Burial

The grave owner or their Legal Personal Representative may transfer the right of burial in a grave space, subject to the proper notice of such transfer being given to the Council in the appropriate form. For details of the relevant form please refer to the Council's website <https://www.midhurst-tc.gov.uk> or contact the Assistant Town Clerk. The Council will then register the transfer and endorse a note thereof on the grant.

17. Memorials in the Garden of Remembrance

One memorial and one vase only will be accepted per plot. Glass vases, plastic urns and bottles are not to be placed on any plot. The Council will remove these items

- Memorial Plaques - these shall measure 350 mm (14") by 230 mm (9") by 52 mm (2") and be of high durability materials
- 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.



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- 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.

18. Pet Ashes

The Council will not grant applications for memorials to pets, or to scatter ashes of pets.

19. Disposal Certificate/Cremation Certificate

No interment shall take place without the Disposal Certificate or the Cremation Certificate being presented to the Council's representative prior to the burial. In the case of a non-viable foetus, the Medical Practitioner or Midwife's certificate of delivery will be required.

20. Memorial Applications/Licenses

The right to erect a memorial rests with the Exclusive Right deed holder or their Legal Personal Representative.

If the memorial is not in a sound and safe state of repair the Exclusive Right deed holder or their Legal Personal Representative will be asked to make good.

The Memorial Application form, which can be found on the Council's website <https://www.midhurst-tc.gov.uk> must be submitted to the Council for the following:

- to place a new memorial or kerb set in the cemetery;
- alter or add any inscription;
- replace, add to or remove any memorial or kerb set from the Cemetery

With the application a drawing or photograph of the memorial and the proposed inscription must also be submitted.

Any question on the fitness of an inscription or the design or material construction of a monument erected or placed on consecrated ground shall be determined in the first instance by the Assistant Town Clerk. The Council's decision on the fitness of any inscription or design of any memorial shall be final.

The approval of the Council for any such application will be confirmed in writing. No works will be undertaken unless written consent has been issued. The consent is issued on the understanding that the work undertaken will comply with the details specified within the application form and the requirements of these regulations.

21. Memorial Installations

No monument of any sort will be allowed to be installed or placed on any grave or in any part of the Cemetery without the consent of the Council.

All memorials must be erected in accordance with BS8415 and the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good a safe condition during the term of each license.

22. Memorial Preservation

Owners of Exclusive Rights of Burial are responsible for keeping memorials in good repair and for ensuring that the graves are kept neat and tidy.



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In the event of any memorial falling into disrepair the Council will write to the owner requesting the necessary repairs are carried out within 6 months.

The Council will conduct annual headstone checks. If any headstones are deemed unsafe the Council will write to owners asking them to contact the Parish Clerk within 14 days to confirm whether they will arrange for the headstone to be repaired and made safe.

The Council reserves the right to:

- Lay flat any memorial that has become or is likely to become dangerous or which is in a derelict or unsightly condition.
- Remove any items placed or planted on the graves that may interfere with the grass cutting and maintenance of the Cemetery grounds or are deemed inappropriate.

The Council will not accept responsibility for any accidents to memorials etc., occasioned by storm, wind, lightning, subsidence or other cause, or by third parties.

The Council will not be responsible for any criminal damage to memorials. Any incidents of criminal damage or theft are to be reported to the Police.

23. Memorial Specifications

On full memorial grave plots, no memorial must exceed the following dimensions:

- Single grave 1.9812m x 0.762m x 0.9144m (6ft 6in x 2ft 6in x 3ft 5in)
- Double grave 1.9812m x 1.9812m x 1.2192m (6ft 6in x 6ft 6in x 4ft 7in)
- Triple grave 1.9812m x 1.9812m x 2.1336m (6ft 6in x 6ft 6in x 7ft 1in)

Memorials on grave plots must:

- be at the head of the grave.
- have the grave number cut conspicuously on the back.

Metal clamps or dowels for memorials shall be of a non-corrosive type.

24. Memorial Removals

- The Council must be informed in advance of the removal of any memorial from the cemetery.
- Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable, but in any case, no less than 6 months (for a headstone) and 9 months for a kerbed memorial.
- When memorials are removed from graves to enable the opening of the grave to take place, all monumental masonry and other debris should be removed from site. Any debris left on site will be removed by the Council may charge for this work.



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FOR THE EXCLUSIVE RIGHT OF BURIAL FOR A PERIOD OF 99 YEARS <u>TO INCLUDE FIRST INTERMENT IN A NEW GRAVE</u>	
1.1 In an earthen grave 9 feet by 4 feet	£809.00
1.2 In an earthen grave for cremated remains - subject to availability	£215.00
1.3 In an earthen grave for the body of a child whose age at death exceeded 1 month but not 12 years	£173.00
1.4 In an earthen grave for the body of a stillborn child whose age at death did not exceed 1 month	£145.00
1.5 In a plot for cremated remains in the Garden of Remembrance including the right to place a memorial tablet on the relevant plot (please refer to the Rules & regulations dated September 2003 paragraph 4b) [Maximum 2 caskets]	£205.00
INTERMENT IN A RE OPENED GRAVE OR FIRST INTERMENT IN GRAVE FOR WHICH ROB <u>PURCHASED PRIOR TO 01.09.11</u>	£263.00
SECOND INTERMENT IN GRAVE (RE OPEN)	£263.00
ASHES INTERMENT	£65.00
MEMORIALS	
3. FOR THE RIGHT TO ERECT OR PLACE ON A GRAVE IN RESPECT OF WHICH THE EXCLUSIVE RIGHT OF BURIAL HAS BEEN GRANTED	
3.1 an UPRIGHT headstone, rough block, scroll, cross or shield	£173.00
3.2 tablet or other memorial installed HORIZONTALLY	£103.00
3.3 kerbstones - where permitted	£347.00
3.4 a vase	£60.00
Fees 3.1 to 3.4 include the first inscription	
3.5 For each inscription after the first	£35.00

The fees above apply where a person to be interred, or in respect of whom the right of burial is granted, is, or immediately before his/her death was, an inhabitant or parishioner of the Parish of Midhurst. In all other cases the fees will be doubled

Fees quoted do not include digging costs - those arranging burials must arrange for a competent person to carry out digging

There is no additional charge for graveyard maintenance

1st. APRIL 2018



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