

BURNTWOOD CEMETERY

RULES AND REGULATIONS

With effect from April 1, 2025

Definitions

In these Rules

'The Council'	means Burntwood Town Council.
'Cemetery'	means Burntwood Cemetery situated on St Matthews Road, Burntwood, Staffordshire WS7 9QD
'Grave'	means a burial place formed in the ground by excavation and without any internal walls or artificial lining.
'Private Grave'	means a grave or cremated remains plot to which the Council grants a deed conferring on the purchaser an exclusive right of burial. An adult grave is at least 1.5 metres wide and 2.5 metres long and one, two, or three persons may be interred subject to the initial interment. A child grave is at least 1.5 metres wide and 1.5 metres long and is for a single child. A cremated remains plot is at least 1 metre wide and 1 metre long and up to four caskets may be interred.
'Deed'	Is a document granting to a purchaser an exclusive right of burial in a private grave
'Resident'	means a person who was at the time of his or her decease a permanent resident within the Burntwood Civil Parish boundaries or whose last normal place of residence before confinement elsewhere in a hospital, hospice, a residential care home or assisted living in a retirement home or village due to ill health or age was within Burntwood Civil Parish boundaries. In the case of a deceased child the residential qualifications of the parents will be the deciding factor.
'Non-Resident'	a non-resident is defined as 'a person who, at the time of their death, was not a permanent resident of Burntwood, or had not been a resident before confinement in a residential care home or assisted living facility', according to the Electoral Register. All fees are multiplied by four for non-residents of the Parish of Burntwood.
'Memorial'	Permanent memorials will be either, 'Lawn Type' for adult and child graves or 'Desk-Top' for cremated remains plots. See Memorial Appendix 1 for details of shape and size [Attached].
'Regulations'	The rules and regulations of the operation and management of Burntwood Cemetery which will be in effect from time to time. The current rules and regulations that are in force from time to time will be available on the website of Burntwood Town Council.

'Assisted Living
in a retirement
home or village'

Means a Resident that is receiving either domiciliary or nursing care and has no other place of residence. Evidence of the domiciliary or nursing package must be provided to the Council to exercise the exclusive right of burial.

Exclusive Right
of Burial (ERoB)

if you are the registered owner of the 'Exclusive Right of Burial (ERoB)', you have the automatic right to be buried in the grave. You may also allow others to be buried in the grave. No memorial may be placed on the grave without the written permission of the grave owner during the period of the Exclusive Right of Burial

1. Deed of Grant of Exclusive Right of Burial (EroB)

On the purchase of the Exclusive Right of Burial in a grave, a deed of grant shall be issued to the person whom, or on whose behalf, the said Exclusive Right of Burial is purchased.

The Deed between the Council and the Lessee will be subject to the Regulations that are in force from time to time regarding interments in the said Cemetery that are in force at the date of death and are published by Burntwood Town Council from time to time.

2. General Arrangement of the Cemetery

Burntwood Cemetery is designated as a "Lawned Cemetery" with concrete plinths to which memorials may be fitted. Private Graves may only be excavated at right angles to the concrete plinth.

Interment in a private grave must be a person who was at the time of his or her decease a resident of Burntwood. If said resident lived outside of Burntwood the fee will be multiplied by four (see definition of 'resident' and 'non-resident').

Only human remains can be interred in any plot in this cemetery.

No specific private plot can be pre-purchased.

Private graves will be turfed at ground level as soon as possible after an interment and no later than 6 months after the interment.

The concrete plinth remains in the ownership of the Town Council in perpetuity.

3. Management and Maintenance

The management of the Cemetery will be undertaken by the Council or its appointed contractors and will include the maintenance of all lawns, trees and shrubs.

The Council will exercise proper care in its maintenance operations but will not accept responsibility for any damage which these operations may cause.

4. Exceptions

The Council reserves the right to decline, at its absolute discretion, to grant rights of burial whenever it thinks it proper to do so. In this instance, a decision would be made by the Proper Officer and notified to the Leader and Chair of the Council. Should the decision be disputed, this would be escalated to the appropriate councillor or council meeting for review.

The Council reserves the right, after reasonable notice to the Exclusive Right of Burial deed holder and failure on their part to take any necessary action, to remove or alter any works or other things which may be infringements of these Rules or which may, in its opinion, be in a state of disrepair or be a health and safety hazard.

The Council also reserves the right to exclude the public from the Cemetery whenever it may consider this to be reasonable and proper.

5. Rights of Burial – Exercise of Rights

No interment shall take place, and no memorial shall be placed in, removed from or altered in the Cemetery without the permission of the Council's Proper Officer and without a Council Officer being present.

No remains shall be buried in a grave where any part of the coffin is less than 90cm (3 feet) below the level of the ground adjoining the grave.

No remains shall be buried in a grave unless the coffin is separated from a coffin previously interred in the grave by a layer of earth not less than 15cm (6 inches) thick.

When a grave is reopened for another burial, no person shall disturb any human remains previously interred.

6. Rights of Burial – Registration and Proof of Ownership

When a Deed is granted conferring exclusive right of burial in a private grave, the details are registered in the Council Cemetery Records. Prior to any additional interment in a private grave, the Deed or Deed number must be provided (in person or by email) to the Proper Officer.

If the Deed has been lost or mislaid, or the consent of the Deed holder cannot be conveniently obtained, the grave may be reopened if the Council approves an application made by a person whom the Council consider entitled to make such an application.

The Council reserves the right to ask that person, at their own expense, to make a Statutory Declaration giving an Indemnity to the Council.

7. Notice of Interment

A Funeral Director requiring an interment in the Cemetery, must, in the first instance, contact the Council. Once a mutually acceptable date and time for the interment has been agreed between both parties, the necessary paperwork must be completed by the Funeral Director and delivered to the Council offices, in person or by email.

The details of all 'Notices of Interment' must be clearly and completely stated on the printed forms supplied by the Council. Responsibility for any error rests with the person(s) signing the Notice. These documents together with a Certificate of Disposal issued by the Registrar of Deaths in accordance with the Births and Deaths Registration Act 1926 or the Coroners Order, together with a Certified Copy of the Registration of Death (or a photocopy) must be delivered (manually or electronically) to the Council Offices.

For the burial of a stillborn child and/or a non-viable foetus, a certificate in accordance with the Births and Deaths Registration Act 1926 will be required.

The dimensions of the coffin must be supplied at the time the notice of interment is given. The documents must be received by the Council a minimum of three clear working days prior to the interment.

8. Hours of Interment

All interments shall take place between the hours of 9.30 a.m. and 3.30 p.m. on Monday to Friday, or by arrangement with the Council.

Interments outside these hours may be considered at the Council's discretion.

No interments will be allowed on Saturdays, Sundays, or other public or bank holiday and any other day set aside by the Council as a holiday, unless by special arrangement with the Council.

In urgent cases, on the production of a registered medical practitioner's certificate stating that the burial must take place quickly, the arrangements for the interment will be at the discretion of the Proper Officer.

9. Interments

All graves will be excavated by persons appointed by the Council.

No grave shall be deepened after the first burial.

Coffins shall be made of wood or bio-degradable materials.

10. Treatment of Remains

No buried human remains may be removed or disturbed, including relocating coffins in the same grave, without a licence from the appropriate Secretary of State.

11. Conduct

No person shall do anything likely to cause offence to other persons lawfully using the Cemetery.

All visitors shall keep to the pathways where possible and shall conduct themselves in a quiet and orderly manner. No person shall commit a nuisance within the Cemetery.

Children under ten years of age will not be admitted unless accompanied by a responsible person.

Dogs are not permitted in any part of the Cemetery unless they are a support dog for a person attending a funeral or tending a grave.

No person in the Cemetery shall smoke, vape or be in possession of alcohol or any illegal substance.

No vehicle (except a vehicle in attendance upon a funeral or a grave) is allowed to enter the Cemetery unless the permission of the Council is first obtained. Bicycles must not be ridden on the pathways. At all times a one-way system will be in operation and any speed must not exceed five (5) miles per hour.

No band or music will be allowed to play in the Cemetery save at a military funeral or by special consent of the Council.

Visitors or persons attending funerals shall not interrupt the Council's workmen or employees at their duties.

No person shall distribute any business card, advertisement or literature of any kind within the Cemetery.

No person shall leave any litter or refuse in any part of the Cemetery except in the trade refuse bins provided by the Council

No person shall cut or interfere with any turf, trees, shrubs, plants, flowers or lawns within the Cemetery, except in the execution of Council duties as described in these regulations.

12. Administration and Office Hours

The Council Offices are situated at:

The Old Mining College Centre,
Queen Street, Chasetown,
Burntwood
WS7 4QH

The offices are open for the transaction of business from 9.00 am to 4.30 pm on Monday-Friday. The Office will not be open on Saturdays, Sundays, public or bank holidays and any other day set aside by the Council as a holiday.

13. Admission of the Public

The Cemetery will be open to the public for visiting daily as follows:

9.00 a.m. until 4.00 p.m. 01 October – 31 March

9.00 a.m. until 8.00 p.m. 01 April – 30 September

14. Memorials

Memorials may be erected on the concrete plinth at the head of a private grave subject to the permission of the Proper Officer being granted to an approved memorial mason. Approved` memorial masons are those who have signed up to the Council's Memorial Registration Scheme.

The right to erect a memorial rests with the 'Exclusive Right of Burial' deed holder, their successor in title or next of kin or executor, and will be for the unexpired portion of the Grant of Exclusive Right of Burial. An application must be made to the Proper Officer and approval received, before carrying out any work. The Council reserves the right to remove memorials from a grave space or cremated remains plot when the period of the Exclusive Right of Burial has expired.

No grave mound, kerbing or other surround will be permitted in any section of the Cemetery and private graves will be turfed at ground level as soon as possible after an interment.

Prior to the production of a new memorial, or an alteration to an existing one, an application shall be submitted to the Council. The application shall show the name and address of the mason and will consist of two drawings detailing the specifications and showing the dimensions and shape of the base and headstone and the text of any inscription. The Council will have five clear working days from the date of receipt to consider the application.

On approval, a permit which may include a signed copy of the drawing will be returned to the applicant. If the mason commences work on the memorial prior to receiving the Council's permission it will be at their own risk.

All memorials shall be constructed of granite, marble, slate or other hard natural stone of durable and sound quality as approved by the Council and shall have the number of the grave space cut conspicuously on the side of the memorial or the base. Trade inscriptions other than the supplier's or mason's name will not be permitted.

Only lawn-type headstones may be erected on adult or child burial plots. They must be fixed centrally to the grave space and abutting the inner edge of the concrete plinth edging kerb.

The headpiece shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze, or other material as approved by the council as part of the design or inscription. They shall not exceed 90cm (36 inches) in height, 90cm (36 inches) in width or be less than 7.5cm (3 inches) in thickness.

The base must also be constructed of a single piece of stone.

The base of the memorial may be drilled to accommodate up to three (3) metal vases which do not protrude more than 2.5cm (1 inch) above the base.

The headpiece must be fixed to the base by the approved method complying with BS 8415:2005+A1 2009

The headpiece and base must be fixed to the concrete plinth by the approved method complying with BS 8415:2005+A1 2009

The overall height of the headpiece and base must not exceed 90cm (36 inches). The headpiece and base or any part thereof shall not protrude beyond the inner edge of the kerb (edging stone) and shall not be greater than 37.5cm (15 inches) in depth.

The text on any memorial shall be subject to the approval of the Council.

Only Desk Top style memorials may be positioned on Cremated Remains Plots. They must be positioned in the location indicated by the Proper Officer.

15. 4-Casket Remains Plots – Desk Top Style

The memorials shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze or other material as approved by the council as part of the design.

Memorial Size

The size shall not exceed 22.5cm (9 inches) or be less than 5.0cm (2 inches) in height, 60cm (24 inches) in width, and 45cm (18 inches) in depth. The memorial or part thereof shall not protrude beyond the inner edge of the kerb (edging stone). The memorial may be drilled to accommodate up to three (3) metal vases which do not protrude more than 2.5cm (1 inch) above the memorial. The memorial shall be fixed to the Cremated Remains plot abutting the inner edge of the concrete plinth edging kerb.

16. 2-Casket Remains Plots – Desk Top Style

The memorials shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze or other material as approved by the council as part of the design.

Memorial Size

The size shall not exceed 22.5cm (9 inches) or be less than 5.0cm (2 inches) in height, 45cm (18 inches) in width, and 45cm (18 inches) in depth. The memorial or part thereof shall not protrude beyond the inner edge of the kerb (edging stone). The memorial may be drilled to accommodate up to two (2) metal vases which do not protrude more than 2.5cm (1

inch) above the memorial. The memorial shall be fixed to the Cremated Remains plot abutting the inner edge of the concrete plinth edging kerb.

Subject to the permission of the Proper Officer, photographs of the deceased may be affixed to memorials provided that such photographs are of an approved material and do not exceed an overall size of 10cm by 7.5cm (4 inches by 3 inches) and not exceed one per interment. The Council reserves the right to remove these without notice.

All workmen employed on behalf of the owner of the exclusive right of burial to erect any monument shall carry out their work strictly under the direction of the Council and shall:

- (a) at the cost of the owner, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.
- (b) perform the work during the normal opening hours of the Cemetery with a Council Officer in attendance.

17. Memorial maintenance

Cut flowers and evergreens may be placed in approved vases prior to the placing of a memorial or for a period not exceeding 12 months from the date of interment.

Memorials of metal, pottery, plastic, glass or fibreglass are forbidden and may be removed without notice.

No more than two vases per grave or cremated remains plot will be allowed. The vases must be made of stone or pottery and measure no more than 22.5cm (9 inches) high or wide. The Council may remove a vase made of any other material.

No more than two 6-inch cubic memorial flower vases fixed with a plaque be permitted

After a memorial is fixed no other vase or decoration shall be placed on the grave or concrete plinth.

The Council reserves the right to remove flowers/wreaths for maintenance purposes and to remove them permanently when they are withered (after 14 days either by relatives and friends of the deceased or the Proper Officer).

No decorations or musical adornments may be placed on trees or on burial plots in the cemetery. The council reserves the right to remove any prohibited decorations from trees and graves in the cemetery.

18. Execution of Works

Works may not be commenced at the Cemetery until the appropriate information has been provided to the Proper Officer. No Deed will be provided until fees have been paid. In certain circumstances, the Proper Officer reserves the right to request payment prior to interment.

Masons will only be admitted into the Cemetery to install, remove or alter a memorial after an application is made to the Council and permission is granted. The application must be made at least five clear working days before the mason wishes to carry out the work. A mutually acceptable date and time for any work to be undertaken must be agreed between both parties. No application to fix a memorial can be made until the Council has agreed and returned to the mason the original memorial design application permit. A

Council Officer or representative must be on site when the work is commenced. All refuse, surplus soil, rubbish and materials shall be removed at the completion of the work to the satisfaction of the Council. No works may be executed on Saturdays, Sundays or other public or bank holiday and any other day set apart by the Council as a holiday.

The removal and re-erection of a monument to facilitate the reopening of a private grave or to level such grave shall be at the expense of the grave owner.

Any memorial removed from a grave to facilitate an interment shall be replaced as soon as possible, but in any case, no later than the first anniversary of the last interment.

Any unauthorised memorial shall be removed at the expense of the private grave owner.

Any memorial erected in the Cemetery remains the property and responsibility of the private grave owner. It remains in the Cemetery at the sole risk of the owner and must be kept in a good state of repair.

The Council shall not be held responsible for any damage or breakage which may occur to any memorial through any cause whatsoever.

Temporary grave markers with nameplates may be installed for a period not exceeding 12 months or until a memorial is erected or the grave or cremated remains plot is lawned.

19. Charges

The charges fixed by the Council for the granting of various rights connected with the Cemetery are available by contacting The Council. All charges are payable at the Council Office.

The Council may from time to time make alterations to the Rules and Regulations and any Rights of Interment in a private grave will be subject to these Rules and any others that may be made by the Council as well as any present or future Statutory Regulations that are in force at the date of death.

Any rules and regulations previously in force in respect of Burntwood Cemetery are hereby superseded.

Updated January 2025

Ratified 18th March 2025