

STROUD CEMETERY

REGULATIONS

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STROUD CEMETERY

Bisley Road and Horns Road, Stroud

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NOTE TO THE REGULATIONS

1. The Cemetery is owned by Stroud District Council of Council Offices, Ebley Mill, Stroud, Gloucestershire GL5 4UB (the Burial Authority) and managed on its behalf by Stroud Town Council (the Managing Authority).
2. The Burial Authority's policy is that the New Cemetery, will be managed as a lawn Cemetery. In consequence of this policy the Managing Authority will only grant permission for Memorials in the New Cemetery consisting of a headstone or cross, a memorial vase or an ashes Memorial
3. The Managing Authority will also be pursuing a phased programme to remove all existing kerbstones, monuments or any other grave surrounds or furniture from graves in the New Cemetery. The provisions and requirements of Part 5 of the regulations as they affect the New Cemetery, accordingly need to be read and followed with this policy in mind.
4. Full details of the Managing Authority's strategy, including details of the phased programme, can be found in the document "Stroud Cemetery Management Plan" a free copy of which can be obtained from the Managing Authority upon request.

PART ONE

GENERAL

1. General Interpretation

In these Regulations:

1.1 "Approved Contractor" means those contractors who are employed by the Managing Authority or any other third party who satisfy the criteria as set by the Managing Authority from time to time (a list is available for inspection by contacting the Cemetery Office)

1.2 "Cemetery" means both Stroud Old Cemetery off Bisley Road Stroud and Stroud New Cemetery off Horns Road, Stroud

1.3 "Cemetery Office" means the administration department of the Managing Authority that is responsible for the management of the Cemetery

1.4 "Exclusive Right of Burial" means subject to paragraph 11 below a right that may be purchased from the Managing Authority which grants the purchaser, and his or her successors, the exclusive right of burial in a designated burial plot for a period of 70 years

1.5 "Grant Holder" means

1.5.1 the owner(s) of an Exclusive Right of Burial: or

1.5.2 if the Grant Holder is deceased then the appointed Executor(s) or Personal Representative(s) of the Grant Holder: or the person to whom the Executor(s) or the Personal Representative(s) of the Grant Holder have assigned the Exclusive Right of Burial

1.5.3 if the Grant Holder is deceased and no Executor(s) or Personal Representative(s) has/have been appointed then the next of kin

1.6 "Interment" includes:

(a) the interment of cremated human remains;

(b) the interment of the bodies of stillborn children or of the cremated remains thereof

1.7 "Managing Authority" means Stroud Town Council of Thanet House, 58 London Road, Stroud, Gloucestershire GL5 2AD

1.8 "Memorial" means any headstone, gravestone, monument, vault, kerbstone (which shall include the expression "kerb" or "kerbing"), grave furniture, or other grave surrounds

1.9 "New Cemetery" means that part of the Cemetery that lies to the south of Horns Road Stroud which is designated and shown as such on the plans maintained by the Managing Authority.

1.10 "Old Cemetery" means that part of the Cemetery that lies off Bisley Road Stroud which is designated and shown as such on the plans maintained by the Managing Authority

1.11 "Opening Hours" means the times during which the Cemeteries are open to the public as specified in paragraph 4

1.12 "Supervisor" means the officer of the Managing Authority responsible for the day-to-day management of the Cemetery

1.13 "Table of Fees and Charges" means the table maintained by the Managing Authority (available for inspection by contacting the Cemetery Office) setting out the matters in respect of which fees or other charges are payable to the Managing Authority and the amount of each such fee or charge.

1.14 References to the masculine and to the singular shall be taken to refer to the feminine and the plural and vice versa as the case may be.

1.15 The headings are for convenience only and shall not affect the interpretation of these regulations

1.16 References in these regulations to any statute, statutory provision or other legislation or regulations or codes of practice shall include a reference to the same as amended, extended, consolidated or replaced from time to time and include any order, regulation. Instrument or other subordinate legislation made under the same

2. Application of the Regulations

These Regulations apply to Stroud Old Cemetery, off Bisley Road and Stroud New Cemetery, off Horns Road.

3. Administration

(1) All enquiries regarding the Cemetery should be directed to the Cemetery Officer at Stroud Town Council,

58 London Road, Stroud, GL5 2AD. Email address: council@stroudtown.gov.uk

(2) The Cemetery Office is open for calls in person from:

(a) 10:00am to 1.30pm Monday to Thursday; and

(b) 9:30am to 12.30m on Friday,

with the exception of Bank Holidays and other Public Holidays.

Telephone enquiries may be made from 9.00 am to 5.00pm Monday to Thursday and 9.00 am to 12.30 pm on Friday. Telephone 01453 762817.

(3) Plans and registers may be inspected at the Cemetery Office by prior arrangement. A search fee may apply.

4. Opening Hours

(1) The Cemetery is open to the public every day from dawn until dusk unless otherwise indicated by notices placed in conspicuous positions at the entrances.

(2) Specified areas in the Cemetery may be temporarily closed to visitors by placing warning cones/tape in conspicuous positions identifying the areas of work.

PART TWO

EXCLUSIVE RIGHT OF BURIAL

5. Purchase and registration of an Exclusive Right of Burial

(1) An application to purchase an Exclusive Right of Burial, which is granted for a period of 70 years, shall be made on an application form, which is obtainable from local funeral directors or from the Managing Authority. For the purposes of any such application, the applicant shall:

(a) deliver to the Managing Authority such documents and other information in writing as the Managing Authority may require; and

(b) pay the prescribed fee as set out in the Table of Fees and Charges.

(2) The purchaser of an Exclusive Right of Burial will:

(a) have their details entered into a register that will be maintained for this purpose by the Managing Authority; and

(b) be issued with a Grant of Exclusive Right of Burial from the Managing Authority as proof of their ownership of the Exclusive Right of Burial.

(3) It is the responsibility of the Grant Holder to notify the Managing Authority of any subsequent change of name or address.

6. Grave selection

When applying for an Exclusive Right of Burial responsibility for selecting the location of the burial plot rests with the Managing Authority. The Managing Authority shall endeavour to meet the wishes of the applicant provided it is practicable to do so.

7. Transfer of an Exclusive Right of Burial

(1) Subject to the written approval of the Managing Authority a Grant Holder may assign (transfer) his Exclusive Right of Burial subject to:

(a) the Grant Holder completing and giving to the Managing Authority a signed Form of Assignment (obtainable from the Cemetery Office) notifying the Managing Authority of the assignment; and

(b) payment of any prescribed fee as set out in the Table of Fees and Charges.

(2) Upon receipt of the Form of Assignment and the prescribed fee, the Managing Authority will if it approves the assignment:

(a) provide written confirmation of the assignment to both the assignor and the assignee; and

(b) update the register.

8. Death of Grant Holder

(1) When a Grant Holder dies the Exclusive Right of Burial may be assigned to any Executor(s) or Personal Representative(s) by submitting to the Managing Authority the Grant of Probate or the Grant of Letters of Administration together with any prescribed fee as set out in the Table of Fees and Charges until such time as the Exclusive Right of Burial is assigned by the Executor(s) or the Personal Representative(s) to any beneficiary

(2) If a Grant Holder dies without bequeathing his Exclusive Right to Burial in his will or dies intestate it may be assigned to the name of the next of kin by submitting to the Managing Authority:

- a) The Grant of Probate and a completed Form of Assignment signed by the Executor(s) named in the Grant of Probate: or
- b) The Grant of Letters of Administration and a completed Form of Assignment signed by the Personal Representative(s) named in the Grant of Letters of Administration; or
- c) Where no Grant of Probate or Grant of Letters of Administration has been obtained, a Statutory Declaration by the next of kin

and payment of any prescribed fee as set out in the Table of Fees and Charges

PART THREE

INTERMENT

9. Notice of Interment

(1) Three working days written notice of a proposed burial must be given to the Managing Authority by completing a Notice of Interment form (obtainable from the Cemetery Office) as early as possible. Responsibility for any error therein will rest with the person signing the prescribed form.

(2) The three working days notice, as stated in paragraph 9(1) may, at the discretion of the Managing Authority, be reduced on request in order to comply with the customary or religious practice of any community group.

(3) All burials must take place between:

- (a) 9:00am - 3:30pm during March to October, Monday to Thursday inclusive and
- (b) 9:00am – 2:30pm during November to February, Monday to Thursday inclusive
- (c) 9.00am – 2.30 pm on a Friday

(4) In exceptional cases, by giving seven working days written notice to the Managing Authority, at the discretion of the Managing Authority, burials may be arranged for a Saturday morning

10. Managing Authority authorisation

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

11. Grave location

Unless the deceased is to be interred pursuant to a previously purchased Exclusive Right of Burial, the Managing Authority shall specify the grave location. The Managing Authority also reserves the right to offer an alternative site to an existing Exclusive Right of Burial should the ground conditions prove unsuitable and unsafe for grave digging in accordance with current Health and Safety requirements.

12. Proof of Exclusive Right of Burial

If the deceased is to be interred pursuant to an Exclusive Right of Burial, the Grant Holder must establish their identity and, if different, the identity of the deceased to the satisfaction of the Managing Authority as the Grant Holder of that Exclusive Right of Burial before the interment can take place.

13. Coffin dimensions

The exact size of the coffin, casket or container, including handles, must be given in writing to the Cemetery Office as soon as possible and no later than three working days before the interment.

14. Grave dimensions

(1) The maximum depth of a grave shall not be greater than 2400mm, and no burial shall be made without there being at least 900mm of soil between the ordinary surface of the ground and the upper side of the coffin. In a grave not exceeding:

- (a) 1800mm in depth, not more than two (2); and
- (b) 2400mm in depth, not more than three (3), adult coffins shall be interred.

(2) To ensure Health and Safety requirements are complied with, the Managing Authority reserves the right to determine the maximum depth of a grave depending upon soil conditions.

15. Burial register

The relevant certificate(s) for the interment of the body issued by the Registrar and/or Coroner or Health Trust or crematorium shall be produced to an officer of the Managing Authority prior to interment. Failure to produce the relevant certificate(s) will result in the interment being delayed until such certificate(s) is/are produced.

16. Bearing of coffin

The Funeral Director is responsible for:

- (a) conducting the coffin to the grave in accordance with standards of safe practice and orderliness acceptable to the Managing Authority; and
- (b) providing sufficient bearers to lower the coffin in accordance with safe working practices.

PART FOUR

CREMATION

17. Burial of cremated remains

Designated areas for the burial only of cremated remains are provided in the Cemetery. Plots in the designated area shall be capable of holding at least two sets of cremated remains. Cremated remains may also be buried in an existing grave.

18. Burial location

Unless the deceased is to be interred pursuant to an existing Exclusive Right of Burial, the Managing Authority shall specify the burial location.

19. Application for burial

An application for burial of cremated remains must be made in the same manner and providing the same information as in paragraphs 9, 10, 12 and 15.

20. Scattering of cremated remains

Cremated remains may not be scattered in any part of the Cemetery without the written permission of:

- (a) any Grant Holder whose grave would be affected by the scattering; and
- (b) the Managing Authority.

21. Garden of Remembrance

Plaques provided by the family will be affixed to the rails in the Garden of Remembrance on payment of the appropriate fee.

PART FIVE

MEMORIALS

22. Memorial applications

Without prejudice to any detailed provisions specified in the remainder of this Part of the regulations:

- (1) The Grant Holder must complete an application form (obtainable from the Cemetery Office), and receive written authorisation from the Managing Authority before
 - (a) any Memorial may be erected in the Cemetery, or
 - (b) any inscription is placed on any Memorial in the Cemetery
 - (2) Any Memorial or any inscription so authorized will be erected or placed (as the case may be) entirely in accordance with the terms and conditions of that authorization
 - (3) If any Memorial is erected or any inscription placed on a Memorial other than in strict accordance with the terms and conditions of the written authorization from the Managing Authority, the Grant Holder shall on being so required in writing by the Managing Authority carry out any work required by the Managing Authority to ensure compliance with the terms and conditions of the written authorization, any such work to be at the entire expense of the Grant Holder and to be carried out to the complete satisfaction of the Managing Authority
 - (4)
 - (a) In the event that the Grant Holder fails to comply with any such written requirements within a period of time satisfactory to the Managing Authority, the Managing Authority shall be entitled, at the expense of the Grant Holder, on giving not less than 21 days notice in writing to the Grant Holder to secure the removal of any such Memorial or to secure the removal of any such inscription.
 - (b) Any Memorial that has been removed in accordance with the provisions of paragraph 22(4)(a) above will be kept at the Chapel Depot Bisley Road Cemetery, Bisley Road Stroud Gloucestershire for 60 days from and including the date of the removal, for collection by or on behalf of the Grant Holder. If the Memorial is not collected within this period it will be disposed of by the Managing Authority.
- © In the event of disposal in the circumstances specified in paragraph 22(4)(b) above the Grant Holder will not be entitled to any recompense

23. Memorial dimensions

- (1) Memorials must not exceed the following maximum dimensions:
 - (a) Headstones:
 - (i) Height - 1000mm
 - (ii) Width - 600mm
 - (iii) Length - 300mm
 - (b) Ashes memorial:
 - (i) Height- 600mm
 - (ii) Width - 440mm
 - (iii) Length - 300mm
 - (c) Memorial vase:
 - (i) Height- 300mm
 - (ii) Width - 250mm
 - (iii) Length - 250mm
 - (d) Garden of Remembrance Plaque:
 - (i) Length - 150mm
 - (ii) Depth - 100mm
- (2) The area allocated for any kerbstone(s) or for planting in front of a headstone for any one burial plot shall not exceed 1 metre measured from the back of the memorial and be limited to the width of the Memorial. Any memorial vase must be located within this area.
- (3) Planting in front of a Memorial on a cremated remains plot shall not exceed 600mm according to space available measured from the back of the plot.

24. Erection of Memorials and placing Inscriptions

- (1) The erection of a Memorial or the placing of an inscription will be permitted only where:
 - (a) an Exclusive Right of Burial exists;
 - (b) evidence of the identity of the Grant holder is produced to the Managing Authority
 - (c) an application signed by the Grant Holder is received by the Managing Authority
 - (d) payment of the prescribed fee as specified in the Table of Fees and Charges

- has been made to the Managing Authority; and
(e) the written authorisation of the Managing Authority has been granted;
- (2) All Memorials, including the refixing and refurbishment of Memorials, must be:
- (a) constructed and erected:
 - (i) in strict accordance with the size and design approved by the Managing Authority;
 - (ii) by a mason who is an Approved Contractor; and
 - (iii) in strict accordance with the National Association of Memorial Masons Code of Working Practice;
 - (b) prepared ready for fixing before being taken into the Cemetery;
 - (c) erected using an appropriate foundation which where possible, must not be visible above the ground and which must be to the complete satisfaction of the Managing Authority; and
 - (d) fixed in line with adjoining Memorials.

25. Removal of Memorials

- (1) No Memorial, or part of a Memorial, shall be removed from a grave without the written approval of the Managing Authority.
- (2) The Managing Authority's approval of a proposed burial shall be considered consent to remove temporarily any Memorial from the grave to be re-opened.

26. Temporary removal of Memorials

The Grant Holder is responsible for the removal and re-fixing of a Memorial in connection with a burial and may only use Approved Contractors for this purpose. Memorials re-fixed following interment must be installed in accordance with the National Association of Memorial Mason's Recommended Code of Working Practice unless otherwise agreed by the Managing Authority

27. Memorial construction

All Memorials must be able to bear continuous exposure to the weather and must be made of durable natural stone. Teak and similar hardwoods may be used but the Managing Authority reserves the right to remove the Memorial when its condition has, in the opinion of the Managing Authority, deteriorated below that which is acceptable to the Managing Authority.

28. Memorial identification

The section, grave number, and the Memorial mason's name must be clearly but discreetly inscribed on the Memorial base. This includes Memorials that are removed for a second inscription or refurbishment.

29. Unsafe and neglected Memorials

- (1) The Grant Holder shall maintain their Memorial in a safe condition and to the complete satisfaction of the Managing Authority. The Managing Authority reserves the right periodically to inspect and test Memorials for stability
- (2) Subject to paragraph 29(3) below where the Managing Authority, in its absolute discretion, considers a Memorial to be unsafe or likely to become unsafe it shall, in order to protect public safety, notify any relevant Grant Holder in writing and give the Grant Holder a reasonable opportunity to make the Memorial safe to the complete satisfaction of the Managing Authority
- (3) If the Managing Authority, in its absolute discretion considers it appropriate or necessary it shall, at the expense of the Grant Holder, take immediate action and carry out such work as is necessary to restore the Memorial to a safe condition in order to protect public safety.
- (4) If the Grant Holder does not comply with the requirements of the Managing Authority under paragraph 29(2) above within the period the Managing Authority considers to be reasonable, the Managing Authority shall be entitled, at the expense of the Grant Holder's to take such action and carry out such work as is necessary to restore the Memorial to a safe condition in order to protect public safety.

30. Grave maintenance

If any of the following has not been previously authorized by the Managing Authority, the Managing Authority reserves the right to clear and re-instate any grave following the:

- (a) planting of any gardens, trees or shrubs;
- (b) placing of any grave furniture
- (c) placing of any grave surrounds.

31. Loss or damage

Memorials are placed at the Grant Holder's own risk. The Managing Authority is not responsible for loss or damage done 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 Managing Authority or its employees. Grant Holders are accordingly advised to obtain insurance cover for their Memorials.

32. Access

Except with the prior written consent of the Managing Authority, all works in connection with the erection or restoration of Memorials must be carried out between 8:30am to 4:00pm, Monday to Thursday and 8.30 to 12.30 on Fridays.

33. Floral tributes

The Managing Authority, at its sole discretion, reserves the right to remove memorial wreaths and floral tributes placed upon a grave after an appropriate interval following their placement.

PART SIX

CONDUCT WITHIN CEMETERIES

34. Vehicles

- (1) Vehicles are not permitted in the Cemetery unless authorised by the Managing Authority.
- (2) Any such authorised vehicles, including bicycles, entering the Cemetery must:
 - (a) keep within any speed limits specified within the Cemetery;
 - (b) be driven with due care and attention;
 - (c) comply with all directional signs;
 - (d) comply with all Managing Authority employees' directions;
 - (e) not be taken onto grassed areas.
- (3) The Managing Authority shall not be held responsible for any damage to vehicles or other property left within the Cemetery.

35. Conduct within Cemetery grounds

- (1) No person while in the Cemetery grounds shall:
 - (a) wilfully create any disturbance;
 - (b) commit any nuisance;
 - (c) wilfully interfere with any burial taking place;
 - (d) wilfully interfere with any grave, Memorial, or any flowers or plants; or
 - (e) play at any game or sport
- (2) The Managing Authority, in its absolute discretion, reserves the right to ask any person to leave a Cemetery.
- (3) Smoking is prohibited in the Cemetery near any place where a funeral or religious service is being performed.
- (4) Anyone who contravenes any of these provisions shall be liable on summary conviction to a fine not exceeding the limit as stated in the Local Authorities' Cemeteries Order 1977 as amended from time to time.

36. Extraordinary Processions

- (1) No extraordinary funeral procession will be permitted to enter the Cemetery except by permission of the Managing Authority (whose decision as to whether or not a procession is "extraordinary" shall be final). The Managing Authority may exclude from the Cemetery or any section thereof, any person or persons not being mourners or officially connected with such funeral.
- (2) Parties having charge of a military funeral or funeral procession connected with societies or public bodies are required to make such arrangements with the Supervisor as will in his opinion ensure the protection of the Cemetery from damage.

(3) No band or music will be allowed to play in the Cemetery save at a military funeral or by prior consent in writing from the Supervisor.

37. Dogs

Dogs' owners shall ensure:

- (a) their dog is kept on a lead and restrained from straying off paths and drives;
- (b) their dog does not interfere with, or disturb, any other person in the Cemetery; and
- (c) all faeces excreted by their dog is removed from the cemetery in an appropriate manner.

Failure to do so may lead to prosecution under the Dog (Fouling of Land) Act 1996.

38. Approved Contractors' conduct within Cemetery

(1) Contractors will notify the Managing Authority in advance of their intention to work in the Cemetery and will not commence work until they are in receipt of the written authorisation of the Managing Authority

(2) While carrying out work within the Cemetery, all Approved Contractors shall ensure that they:

- (a) take all necessary precautions and comply with any requests from the Managing Authority to protect the grass, trees, plants, walls, paths and any Memorials from damage. Any damage caused shall be made good entirely at the Approved Contractor's expense; and to the complete satisfaction of the Managing Authority
- (b) completely remove all materials, tools and rubbish from the Cemetery both when work is not in progress and following completion of the authorized work.

PART SEVEN

EXHUMATIONS

39. Exhumation

- (a) No body or container of cremated remains can be removed before the Managing Authority has received the necessary faculty or licence required by law.
- b) The fee for exhumation will be double that of the fee that would be chargeable for an interment.

PART EIGHT

RESERVED RIGHTS OF THE MANAGING AUTHORITY

40. Differences or disputes

Should any difference or dispute arise as to the real intent, meaning or interpretation of these Regulations, or Table of Fees and Charges, the decision of an authorised officer as the designated representative of the Managing Authority shall be final.

41. Amendment of Regulations

The Managing Authority reserves the right to alter these Regulations or any part of them from time to time as it may see fit.

Cemeteries under the control of Stroud District Council are managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' (Amendment) Order 1986 and such other regulations as may be made by the Secretary of State for Environment, Food and Rural Affairs.