

Mattersey Parish Council
Cemetery Rules and Regulations
Thorpe Road Cemetery

Introduction

Mattersey Parish Council welcomes all visitors to its cemetery and they are asked to respect the peace, dignity and reverence of the facilities.

The cemetery is managed and operated in accordance with the Local Authorities' Cemetery 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 the Home Office.

The Council shall not be responsible for carrying out any instructions to the Council made solely by telephone unless verified by the receipt of the correct documentation relating to the instruction within a specified time and delivered to the Clerk's office.

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1. Definitions

- 1.1 "Authorised Officer" means the officer for the time being appointed by the Council responsible for the cemetery provided by and under the control of the Council. This is normally the Clerk to the Council or the Cemetery Warden.
- 1.2 Council means the Mattersey Parish Council
- 1.3 Grave means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.
- 1.4 Parishioner means any person residing or owning land or property or dying within the Parish of Mattersey which includes Mattersey Thorpe.
- 1.5 Resident means a person residing or dying within the Parish of Mattersey which includes Mattersey Thorpe.
- 1.6 Scale of charges means the scale of charges from time to time in force for the use of the cemetery.
- 1.7 Unpurchased, public or common grave means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons may be interred.
- 1.8 Vault means an underground burial place of any description except a grave as defined above.

1.9 Legal Personal Representative means the Executor, the Next of Kin, the Administrator or the Agent of the deceased's estate.

2. Management Of The Cemetery

2.1 The cemetery will be open to the public daily from sunrise to sunset unless otherwise determined by Mattersey Parish Council. No person other than a person authorised by Mattersey Parish Council shall enter or remain in the cemetery at any hour when it is closed to the public.

2.2 All persons entering the cemetery will be subject to the orders and control of Mattersey Parish Council or any person authorised by the Council.

2.3 Application forms and forms of notice in connection with burials and interments may be obtained from the Clerk to the Council.

3. Conduct Within The Cemetery

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

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

Note: Under article 10 of the Local Authorities' Cemetery Order 1977, any person who contravenes article 18 shall be liable, on summary conviction, to a fine.

3.2 Any person found vandalising any part of the cemetery or desecrating any grave plot will be liable for prosecution by the Council under the provisions of the Local Authorities' Cemetery Order 1977.

3.3 Visitors to the cemetery shall not unreasonably interrupt the Council's employees or contractors at their duties or employ them to execute private works within the cemetery or extend to them any gratuity. All enquiries, complaints and requests by members of the public must be made to the Clerk to the Council and not to the workmen in the cemetery.

3.4 Subject to the provisions of the Byelaws with respect to the cemetery, dogs must be kept on a lead at all times within the boundary of the cemetery.

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

3.6 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.

3.7 Only vehicles carrying disabled persons, the hearse and one vehicle accompanying the funeral will be allowed into the cemetery at any one time.

Permits allowing other vehicles access to the cemetery must be obtained in advance from the Clerk to the Council.

- 3.8 No person shall ride a bicycle, skateboard or other similar machine in the cemetery.
- 3.9 No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper or refuse of any kind except in the litter bins provided.
- 3.10 No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.
- 3.11 No photographs may be taken in the cemetery without the prior consent of the Council.
- 3.12 No employee of the Council is to demand or receive any gratuity.
- 3.13 No burial shall take place and no monument or memorial shall be placed in the cemetery nor shall any additional inscription be made on a memorial without the prior consent of the Council.
- 3.14 Cremated Remains shall not be scattered in the cemetery.
- 3.15 Funerals should arrive on time as failure to do so may cause the interference of one funeral with another.

4. Interments

- 4.1 All requests for interment shall be made in writing in the first instance to the Clerk to the Council. The minimum periods required for notice of interments are:
 - o Interment in an earthen grave - 4 working days, excluding Sunday and Bank Holidays

All necessary documentation must be submitted to Mattersey Parish Council at least 72 hours prior to the appointed time of the interment, signed by the holder of the Exclusive Right of Burial (if applicable) and accompanied by the appropriate fee for interment. Failure to comply will result in the interment being deferred. The application forms are available from the Clerk.

- 4.2 The Council shall not be responsible for:

Any discrepancies, errors or omissions in any notice of interment or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors or omissions.

The late receipt of any notice of interment or other document which is required to be given to or served on the Council or for liability arising from such late receipt.

- 4.3 **Hours of Interment & work within the Cemetery**
The standard hours of interment and work within the Cemetery are 09:00 a.m. - 4:00 p.m. Monday to Friday. Interment may take place outside the standard hours and Saturdays subject to prior approval, in writing, by the Council.

- 4.4 Any form of religious service may be used, but any other ceremony is subject to the approval of the Council. Alternatively, the coffin may be committed without a service.
- 4.5 A certificate for disposal issued by the Registrar of Births and Deaths or a Coroners Order for Burial or a duplicate thereof must be delivered to the Council or their authorised officer prior to interment
- 4.6 No interment will take place unless the certificate for disposal is available.
- 4.7 In the case of an interment of cremated remains (ashes), the cremation certificate will be required for burial purposes.
- 4.8 In the case of a non-viable foetus, the Medical Practitioner or Midwife's certificate of delivery will be required.
- 4.9 All graves will be prepared by contractors employed by the funeral directors but approved by the Council. Graves must be prepared not less than 24 hours and not more than 72 hours prior to burial.
- 4.10 No interment will be permitted unless the body of the deceased person is contained in a coffin considered suitable.
- 4.11 Every coffin must bear details of the deceased person therein and may only contain one body except in the case of a mother and her baby(ies).
- 4.12 No body or cremated remains (ashes) may be removed from a grave without the production of the ecclesiastical faculty and or Home Office licence for exhumation required by law. Original documents will be required for this purpose.
- 4.13 Cremated remains (ashes) will be interred in caskets or other approved containers in the cremation garden area unless special application is made for burial in a previously occupied grave. Only two sets of ashes to be permitted per grave. The scattering of cremated remains (ashes) are not permitted within the cemetery.

5. Fees and Charges

- 5.1 Fees for all cemetery services will be determined by the Council periodically and are available on the Parish Council website (www.matterseypc.co.uk) or upon request to the Clerk to the Council. All fees must be paid in advance to the Council.

6. Non-Parishioners

- 6.1 Non-Parishioner fees will be charged at double the normal rates.
- 6.2 Non-Parishioners may be interred in graves where the Exclusive Right of Burial has been purchased. Parishioners shall include a person who at the time of purchasing a grave was a resident within Mattersey Parish or anyone resident in Mattersey Parish at the time of death.

- 6.3 Parishioner status may be granted to other persons at the discretion of the Council.
- 6.4 Where the exclusive right of burial in a grave space is owned by a parishioner, the spouse, widow or widower, father, mother, father in law, mother in law, sons, daughters (or their spouses) brothers, sisters (or their spouses) of such owners if residing outside the borough may be interred in such grave on payment of the parishioner fee prescribed in the scale of charges.
- 6.5 The personal representative of a deceased resident may purchase the exclusive right of burial in any grave for the interment of such resident, the fees for which shall be those charged to parishioners.

7. Exclusive Right of Burial

- 7.1 The Exclusive Right of Burial entitles the deed holder to determine who is buried in the grave and whether a memorial can be erected on the grave. All such private graves will be excavated to the standard depth determined by the Council. The Council will not be held responsible if, due to factors outside its control, the full number of interments cannot be achieved.
- 7.2 The Exclusive Right of Burial in a grave may be purchased at the time of the interment on payment of the appropriate fee and completion of the relevant application form, including the signature of the proposed owner. Existing rights will be honoured until they expire.
- 7.3 An Exclusive Right of Burial in a grave may be purchased in advance on payment of the appropriate fee and completion of the relevant application form, including the signature of the proposed owner. The Exclusive Right of Burial purchased in advance will be for a period of ten years from the date of the granting of the Right but may be renewed on, or no earlier than, three months before the date of expiry of the Right. Renewal of the Exclusive Right of Burial will be permitted for further recurring periods of ten years upon payment of an appropriate administration fee, such fees to be determined and reviewed from time to time by the Council. Allocation of an advanced purchased grave space will be at the discretion of and in accordance with current Parish Council policy.
- 7.4 An Exclusive Right of Burial purchased at the time of interment shall be granted for a period of 50 years in Mattersey Cemetery and subject to renewal upon payment of the appropriate administration fee
- 7.5 Exclusive Rights will not be sold to undertakers, their agents or other persons for re-sale.
- 7.6 New graves will normally be allocated in strict rotation.
- 7.7 Plans showing the divisions of the cemetery with grave spaces marked thereon may be inspected by prior arrangement with the Clerk to the Council during normal office hours.

Transfer of the Exclusive Right of Burial

- 7.8 The Grantee or his 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 (obtainable from the Clerk to the Council). The Council will then register the transfer and endorse a note thereof on the grant.
- 7.9 Following the decease of the grantee, the exclusive right of burial in any grave space, must be transferred and re-registered before the grave can be further re-opened or any stone or monument erected thereon or any existing stone or monument repaired, altered or removed. No grave space, in which the exclusive right of burial has been purchased may be open for an interment other than that of the grantee without the consent in writing of the grantee.

8. Walled graves and vaults

- 8.1 Walled graves and vaults are not permitted in Mattersey Cemetery

9. Memorials

- 9.1 Memorials may only be placed on a grave space for which the exclusive right of burial has been purchased. Holders of an exclusive right of burial shall employ their own workmen to erect any memorial or to remove and replace the same at the re-opening of a grave. Such workmen must be approved by the Council and carry appropriate public liability insurance. They must comply with regulations set out by the Council. In the case of any contravention of such conditions, the Authorised Officer of the Council shall be empowered to order any workmen to leave the cemetery and to prevent his re-entry thereto. Memorials shall be at the Western end of the grave, with the inscription facing East.
- 9.2 No masons, letter cutters or other workmen engaged in fixing, delivering, painting or repairing memorials will be admitted to the cemetery on Saturdays, Sundays, Christmas Day, Good Friday or any other public holidays, during a funeral ceremony, or on any other day before 9.00am and after 4pm.
- 9.3 Any person removing a memorial to permit a further interment shall, in agreement with the Council, place it in a position indicated by the Council.
- 9.4 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.
- 9.5 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, but reserves the right to remove any damaged article subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemetery Order 1977.
- 9.6 Any persons found soliciting orders within the cemetery for the erection or repair of memorials will be required to leave the cemetery and will not be admitted again without the permission of the Council.

Memorial applications

- 9.7 A memorial may only be erected on a grave space within the cemetery with the consent of the Parish Council and upon payment of the appropriate fee. (The relevant application form may be obtained from the Clerk to the Council.) The right to erect a memorial rests with the Exclusive Right deed holder or their Legal Personal Representative, and will be for the unexpired portion of the grant of Exclusive Right of Burial.
- 9.8 The erection of a memorial on an unpurchased/public/common grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a memorial on such a grave, it will be subject to the right of the representatives of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a memorial on an unpurchased/public/common grave, such a memorial does not in itself confer any rights and remains at the discretion of the Council.
- 9.9 Application for the approval to place a new memorial in the cemetery, alter or add any inscription, or replace, add to or remove from the cemetery any memorial or kerbset, must be submitted to the Council on the appropriate Memorial Application Form provided by the Council. All such work must be undertaken in accordance with the current Code of Practice issued by the National Association of Monumental Masons.
- 9.10 In accordance with the condition specified in the application evidence of a policy of insurance taken out to cover the liability of the stonemason to the sum of at least £2 million and the receipt in respect of the premium paid under such policy must be produced.
- 9.11 The name, address and signature of the person placing the order for the memorial work to be undertaken must be the owner of the Exclusive Right of Burial. No other signature will be accepted. If such owner of the Exclusive Right of Burial is deceased, the applicant must apply to transfer such exclusive rights or on production of proof of identity, make application as the Legal Personal Representative for the deceased.
- 9.12 The approval of the Council for any such application will be confirmed in writing and will be valid for 6 months but this may be extended at the discretion of the Authorised Officer. 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.
- 9.13 Anyone erecting a monument or repairing an existing kerb set or who undertakes any Memorial work within the cemetery who does not comply with these regulations will be required to remove the said memorial or kerb set and pay all costs involved.
- 9.14 All memorials shall be kept in repair by the owners, and in the event of any memorial falling into disrepair and the necessary repairs not being carried out within 6 months after notice from the Council, the memorial may be removed by

the Council subject and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemetery Order 1977.

9.15 The Council reserves the right to:

- Remove any memorial that has become or is likely to become dangerous or which is in a derelict or unsightly condition.
- Exclude or remove from the cemetery any memorial not executed in a workmanlike manner or from sound materials, or which in the opinion of the Council disfigure the cemetery or offend public decency.
- Remove any memorial for which prior consent has not been granted by the Council in writing.
- Exclude any contractor from work within the cemetery at their discretion.

Memorial Specifications

9.16 Wooden crosses are permitted as temporary grave markers for a maximum 12 month period, prior to the installation of a permanent memorial, but must then be removed from the cemetery. They must not exceed 3' (914mm) in height.

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

Headstones marking a single grave constructed in materials as described in 9.20:

- Will be at the head of the grave.
- Must not exceed 3' 6" (1.07m) in height and 2' 3" (0.69m) in width.
- If not exceeding 2' 6" in height shall be not less than 2" in thickness.
- If exceeding 2' 6" in height shall be not less than 3" nor more than 4" in thickness.
- Will have the grave number cut conspicuously on the back.

Headstones marking a double grave constructed in materials as described in [9.20](#):

- Will be at the head of the grave.
- Must not exceed 3' 6" (1.07m) in height and 4' 6" (1.37m) in width.
- If not exceeding 2' 6" in height shall be not less than 2" in thickness.
- If exceeding 2' 6" in height shall be not less than 3" nor more than 4" in thickness.
- Will have a kerb across the rear of the headstone extending to the outer confines of the double grave space to show that the memorial covers two grave spaces.
- Will have the grave number(s) cut conspicuously on the back of the memorial .
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Tablets – Main Cemetery grave spaces constructed in materials as described in [9.20](#):

- Must be manufactured in one piece and must be 1' 8" from front to back, 1' 6" wide and 4" thick at the back and 2" thick at the front.

- Set on a foundation slab of minimum 2” thickness, and exceeding the dimensions of the memorial by not less than 2”, nor more than 4”.

Tablets – Cremated Remains Section constructed in materials as described in 9.20:

- Must be manufactured in one piece and maximum dimensions of 1’ 6” by 1’ 6” and 2” minimum thickness or 1’8” from front to back, 1’6” wide and 4” thick at the back and 2” thick at the front.
- Set on a foundation slab of minimum 2” thickness, and exceeding the dimensions of the memorial by not less than 2”, nor more than 18”.

9.18 Drawings of all proposed memorials with particulars of materials to be used and inscriptions shall be submitted on the appropriate form to the Council together with the appropriate fee.

9.19 All memorials must be installed with stainless steel ground anchors which comply with the NAMM Code of Practice. Every memorial shall have the grave number cut conspicuously on the rear of the memorial

9.20 No memorials constructed of Caen, Bath or other free stone of a soft nature will be permitted in the cemetery.

9.21 Photographic plaques of an approved size and material may be affixed to monuments, subject to approval of size and material in writing by Mattersey Parish Council.

9.22 Railings, chains, wind chimes or other objects are not permissible on graves or monuments. Planting of shrubs, plants, bulbs and trees are not permitted. No artefact or fence constructed of plastic, wood, glass, ferrous metals or tiles are permitted. Any unauthorised memorial or tombstone will be removed by the Council in accordance with article 14 of the Local Authorities' Cemetery Order 1977, and shall be at the expense of the grave owner or their personal representative.

9.23 All workmen employed on behalf of the owner of the exclusive right of burial or personal representative of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:-

- At the cost of the owner, or personal representative, 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 work.
- Perform the work between 9am and 4pm Provide their own tools and equipment and complete the work with due dispatch.

9.24 Council must be informed in advance of the removal of any memorial from the cemetery.

10. Miscellaneous

10.1 The Registers of burials are kept at the Clerk to the Council's office. The registers are in the process of being computerised and searches may be

requested and extracts obtained therefrom upon payment of the fees prescribed in the Scale of Charges.

10.2 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.

10.3 The Council reserves the right to revise these regulations at any time.

10.4 The Council reserves the right to remove faded plastic and dead flowers from time to time.

10.5 Any complaint relating to any aspect of the Cemetery facilities should be made in writing to the Clerk to the Council

11. Revocation

11.1 All other regulations for the cemetery previously made by the Council are hereby revoked.

Contact details:
Clerk to the Council
Millstream House
Low Street
Carlton in Lindrick
Worksop
S81 9EJ

clerk@matterseypc.co.uk

Tel: 01909 731565

Dated: December 2019

Frequently Asked Questions

This Section Is for Guidance and Does Not Form Part Of The Regulations

How can I buy a grave space?

Your Funeral Director will usually purchase the grave on your behalf, however you can also do this yourself. Contact the Clerk to the Council.

How long can I have a grave for?

The lease of a grave at Mattersey Cemetery is 75 years. Leases will be renewable 12 months before the expiry date.

Can I reserve a grave for future use?

Yes. Grave spaces may be purchased in advance on a time-limited basis, normally ten years, and may be renewed on or before expiry of the term.

What if I have already purchased a grave space in advance?

Existing arrangements will be honoured for the remainder of the purchased term of 75 years.

Who is the grave owner?

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

Is a grave owner really necessary?

Yes - it is important should the grave need to be re-opened. Also the owner's signature will be required if work to the memorial is requested.

What happens if the grave owner dies?

The person who signs the legal interment notice will be offered the opportunity of transferring the ownership to them. This is usually the nearest next of kin but if this is not possible, it may then be offered to another member of the family, an executor of other responsible adult. The Council, however, will require the new owner of the grave to provide evidence or sign an indemnity against any claim to the right of ownership of the grave.

Who maintains the grave?

It is the responsibility of the owner to keep the grave and memorial neat and tidy.

Does the Council have facilities for dealing with Cremated Remains?

Yes - there is a small section set aside for this in the Cemetery.

Are there chapel facilities at the cemetery?

No, there are no facilities available in the Cemetery.