ASTON-CUM-AUGHTON PARISH COUNCIL



CEMETERY REGULATIONS

ASTON CEMETERY

SWALLOWNEST CEMETERY

Adopted On: 20 January 2022

Minute Number: 584

**A BACKGROUND**

Aston Cemetery is located off Piper Lane, Aston and Swallownest Cemetery is located off Alexandra Road, Swallownest.

The cemeteries are controlled and administered by Aston-cum-Aughton Parish Council, hereinafter called the ‘Council’, under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977. All burials and interments must comply with the above legislations and/or any successor legislations.

Aston Cemetery – Interments at Aston Cemetery are for re-opened graves only due to the lack of grave space

Swallownest Cemetery – Is a ‘lawn cemetery’ which has specific regulations to enable easier maintenance.

**B INTERPRETATION**

The following regulations shall apply to Aston and Swallownest Cemeteries.

In these rules and regulations, unless the context otherwise requires, the following words and expressions shall have these meanings assigned to them:

* Exclusive Right of Burial – means the exclusive right of the registered owner to determine who may be interred in or commemorated on the grave in question; such exclusive right to be for a limited period determined by the Council, currently 100 years.
* ‘Grave’ – means a burial place formed in the ground by excavation and without any internal wall or brickwork, stonework, or any other lining.
* ‘Grave Space’ – means that area allowed by the Council for the establishment of a grave or a cremated remains plot.
* ‘Inscription’ – means a reference on a new memorial to ONE deceased person.
* ‘Additional Inscription’ – means each inscription, inscribed after the first inscription.
* ‘Memorial’ – a headstone, monument, vase, or tablet placed on a grave space that commemorates the memory of a deceased person.

**1. Conditions for use**

1.1 All persons entering the Cemetery will be subject to the orders and control of the Council.

1.2 Everyone is welcome to visit the Cemetery. We ask that all visitors treat the cemetery with respect by:

* Conducting themselves in a decent, quiet, and orderly manner
* Not interfering with any graves or cremated remains plots, or with any burial taking place
* Playing no games of sport
* Taking no alcohol or illegal substances into the Cemetery

1.3 Adults visiting with children are welcome in the cemetery but children must be supervised at all times by a responsible adult. It is particularly important that children are not allowed to climb on or jump over any monuments within the cemetery as this could pose a danger to their safety. Children under 12 years old are not allowed in the cemetery unless under the care of an adult.

1.4 Dogs must be on leads, any dog waste must be removed and deposited in the red dog waste bins adjacent to the cemetery.

1.5 There is no access to any motor vehicle in the Cemetery, except for Council operated vehicles and funeral vehicles, and vehicles that display a disabled blue badge.

1.6 The use of motorcycles, cycles, skateboards, rollerblades, roller skates, scooters, or any other vehicle, whether propelled by mechanical or powered means, will not be allowed in the Cemetery, except mobility scooters.

1.7 No person shall sit, stand or climb upon or over any gate, wall, fence or building or and grave/tablet or other property of or in the Cemetery.

1.8 No person shall drop, throw or otherwise deposit and leave in the cemetery any wastepaper, or refuse of any kind except in the bins provided for the purpose.

1.9 The use of lawnmowers is only permitted by employees or contractors of Aston-cum-Aughton Parish Council.

**2. Interments**

2.1 Interments are organised by Rotherham Cemeteries and Crematorium only.

2.2 All graves will be prepared by persons approved by the Council. During the preparation of the grave, soil may be kept on the adjacent plot(s) and removed upon interment.

2.3 Where more than one burial takes place in a grave there shall be a layer of earth of not less than 15cm (6”) in thickness, plus the thickness of the coffin board, between each coffin.

2.4 When any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein, or remove there from, any soil that is offensive.

2.5 After interment, no body or cremated remains may be removed from a grave without the production of the ecclesiastical faculty and/or license for exhumation required by law. The original documents will be required for this purpose.

2.6 In the case of the re-opening of a private grave, written consent of the owner of the burial rights, or other reasonable evidence of ownership cannot be produced, the Council will require to be indemnified against any action arising as a result of permitting the interment.

2.7 Full reinstatement of the grave will be carried out by Rotherham Cemeteries and Crematorium and the Council in due course.

2.8 Scattering of ashes is only permitted by contacting the Council office and completing the relevant paperwork and paying the designated fee.

**3 Exclusive Rights of Burial**

3.1 Grants by the Council of exclusive rights of burial in grave spaces in the Cemetery provide the owner of the Grant the right to:

* Be buried in the grave
* Authorise other burials in that grave (where space is available), or the interment of cremated remains in that grave, subject to it being contained in a casket/cylinder
* Erect or place a memorial on that grave subject to the Regulations of the Council relating to this matter
* Please note: permission of the Grant does not provide ownership of the actual land but only the right see 3.2

3.2 The plot may be used for a period of 100 years, at the expiry of that period, all the rights of the grantee (i.e. the person purchasing the rights of burial) will cease. Under no circumstance will any Grant be made for periods exceeding 100 years.

3.3 At the end of the said period 100 years, the right to use the plot shall cease and any person interested may, before the expiry of the said period, give notice in writing to the Council that he/she wishes to retain any memorial erected or placed upon the plot, and if no such notice is given or if, after notice has been given the memorial is not within one month from the expiry of the period of 100 years removed at the expense of the person giving notice, the memorial may be removed by the Council and disposed of in such a manner as the Council shall choose and proof of the posting of the said notice shall not be deemed to proof of a receipt thereof by the Council.

3.4 This grant signed on behalf of the Council will at all times be accepted as evidence of the grantee’s title to the aforementioned rights of burial.

3.5 The grant will be subject to, in addition to these Regulations, any order that the Secretary of State may, from time to time, make in respect of the management of the cemeteries by burial authorities, the Council’s table of fees, any regulations in force for the time being respecting the Cemetery or the portion thereof in which the plot, which is the subject of the Grant, is situated.

**4. Transfer of Right of Burial**

4.1 It is advisable to transfer the ownership of the Exclusive Rights of Burial to another family member after the death of the owner, although transfers may also be carried out whilst the owner is still alive. This will prevent delays should the grave need to be reopened in the future. If ownership has not be transferred, no further interments can take place in the grave or cremation plot and no memorial can be placed or have an additional inscription.

**5. Lawn Cemetery**

5.1 ‘Lawn Cemetery’ – the whole of the grave, excluding the memorial, will be grass seeded and maintained as a lawn. No flowers, shrubs or plants may be placed on the grave, except in a space at the head of the grave measuring 900mm (3ft) in width by 450mm (1ft 6”) in depth. Flagstones, kerbstones or borders for enclosing graves shall **NOT** be permitted in either cemetery.

**6. Memorials**

6.1 A memorial may only be erected on a grave space within the Cemetery in accordance with these regulations and upon payment of the appropriate fee. The right to erect a memorial will be for the unexpired portion of the Grant of exclusive right of burial.

6.2 Any memorial placed or erected on the plot shall be of such dimensions as the Council shall approve and may bear a suitable inscription, provided that such inscription is not, in the opinion of the Council, libellous or likely to cause offence to any person or body or persons.

6.3 Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Parish Clerk on the appropriate form supplied by the Council, and the relevant fees paid. The grave owner must sign the form to give their permission for the proposed memorial/works. On approval by the Council a permit will be issued to the responsible Memorial Mason.

6.4 All memorial work MUST be undertaken by a BRAMM accredited Memorial Mason who must be fully insured before they are permitted to carry out work in either cemetery.

6.5 The Council MUST be informed of the removal of any memorial from the Cemetery.

6.6 The removal and re-erection of a memorial to facilitate the re-opening of a private grave or to level such grave shall be at the expense of the grave grantee.

6.7 **Any unauthorised memorial, including grave surrounds, are subject to removal by the Council without notice and the cost of removal and disposal shall be charged to the owner of the Right of Burial or other responsible person.**

6.8 Any memorial erected in the Cemetery remains there at the sole risk of, and must be kept in a good state of repair by, the owner of the Exclusive Right of Burial. The Council does not accept any liability in the event of a memorial being vandalised. In this respect it is strongly recommended that any memorial be adequately insured by the owner.

6.9 A rolling 5 year inspection programme of memorial safety testing operates within our cemeteries, in full compliance with the national guidance and our legal requirements under health and safety legislation. The Council reserves the right to make safe any memorial which is identified as unsafe or falls into disrepair, and if necessary, recover any expenses from the registered owner. Where the grave owner is notified they will be given a period of 3 months from the date of the letter to affect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or make safe the memorial at the owner’s expense. As the memorial remains the responsibility of the grave owner, they will be responsible to pay such expenses claimed by the Council.

Grave spaces must be kept in a neat and tidy condition by the deed holder or visitors to the grave.

**7. Other Commemorative Features**

7.1 **Garden Seats:** The provision of a garden seat with inscription plate attached will be considered by the Parish Council. The style of the seat/inscription plate, and the position of the seat, shall be subject to consultation with the Parish Council.

7.2 Following the introduction of these Regulations any seat or other form of memorabilia to appear at the Cemetery site which is not authorised, or for which the appropriate renewal fee is not paid will be subject to removal by the Parish Council without notice.

**8 Maintenance and upkeep**

8.1 After an interment has taken place and a reasonable time has elapsed for the natural subsidence of the earth used to fill the grave, the Council will level the surface of the grave and turf and seed. All superfluous soil shall be disposed of as the Parish Council may from time to time direct.

8.2 In respect of the grave the Council reserves the right to prune, cut down, or dig up and remove any shrubs, trees, plants or flowers at any time when, in their opinion, the same are unsuitable or have become unsightly or overgrown.

8.3 With the exception of approved memorials any other articles, for example, items of pottery, wood, metal, plastic, clothing, chimes, lanterns and holders will not be allowed unless they are contained within a previously authorised grave surround.

Glass items of any kind are not allowed in the cemetery because of the safety risk if damaged.

8.4 The Council reserves the right to remove from any grave flowers, plants or wreaths that in their opinion have become unsightly and to dispose of the same in such manner as they may deem fit.

**9. General**

9.1 The Council will publish a scale of fees and charges annually. Residents of Aston-cum-Aughton Parish will qualify for reduced fees compared to non-residents. A Parish resident is defined as someone with an address/resides within the Parish and therefore contributing as a local taxpayer to the precept which contributes towards the maintenance and upkeep of the cemeteries.

9.2 The Parish Council reserves the right to amend any of the foregoing Regulations and to deal with any circumstances or contingency not provided for, as necessary.

**10. Exercise of the Parish Council’s Discretion**

10.1 Local Authorities’ Cemeteries Order 1977 states that:

‘No burial shall take place, no cremated human remains shall be scattered and tombstone or other memorial shall be placed in a cemetery and no additional subscription shall be made on a tombstone or other memorial, without the permission of the officer appointed for that purpose by the burial authority’

It is proposed that the Clerk to the Council be confirmed as the officer appointed for that purpose and authorised to act for the Parish Council on matters relating to the control and management of Aston Cemetery and Swallownest Cemetery in conjunction with the duly appointed Member with responsibility for the Cemetery or the Chairman of the Council.

**11. Office**

11.1 Any enquiries can be made at the Parish Council Office, Aston-cum-Aughton Parish Hall, Rosegarth Avenue, Aston. S26 2DD.

Tel: 0114 2879008 e-mail clerk@aston-pc.gov.uk