



Cemeteries Rules and Regulations

Bereavement Services Office,
Directorate of People and Place,
Wyre Civic Centre, Breck Road, Poulton-le-Fylde,
Lancashire, FY6 7PU
Tel. 01253 891000

www.wyre.gov.uk

wyre
council

Parks and Open Spaces Cemeteries and Bereavement Services

Rules and regulations

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1. Introduction to Rules and Regulations

All local authority managed cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. These are designed to inform all cemetery users of the aspects of management of the cemeteries and reasonable requirements applicable to them.

The regulations are in accordance with the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, together with any relevant legislation that governs this service.

The rules and regulations made in 1974 are hereby rescinded and these regulations and management rules shall apply to the following Wyre Cemeteries which are at present operated and used by the council:

- Fleetwood, Beach Road, Fleetwood, FY7 8PH
- Poulton New Cemetery, Garstang Road East, Poulton-le-Fylde, FY6 8JH
- Moorland Road Cemetery, Moorland Road, Poulton-le-Fylde, FY6 7EU
- Preesall Cemetery, Cemetery Lane, Preesall, Poulton-le-Fylde, FY6 0JA

The rules and regulations will also apply to any cemetery hereafter established by the council or used or operated by them to be reviewed every five years.

2. Cemetery Office Location and Opening Times

All enquiries should be made to:

People and Places, Bereavement Services Office, Wyre Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU

Monday – Friday 9.00 am – 4.00 pm

Saturday & Sunday CLOSED

Public Holidays CLOSED

The cemeteries will be open to the public during light hours Summer 8.00am to 6.00pm Monday to Sunday, Winter 9.00am to 4.30pm Monday to Sunday.

The vehicle access gates at Poulton New Cemetery are open to the public;

April to September 7.30 am to 3.00pm Monday to Friday

October to March 8.30am to 3.00pm Monday to Friday

Access is available to pedestrians at all times while open to the public.

3. Interpretation of Terms

- a) The Council means Wyre Borough Council.
- b) The expression 'Registrar' means the registrar, bereavement services officer or manager of cemeteries for the time being of the council, or the person who shall be acting for him/her in their absence.
- c) The expression 'Grantee' and or 'Owner' means the person who has exclusive right of burial in a grave, or the person or person deriving title under him or her.
- d) Unless the context otherwise states the expression 'Burial' includes the interment of cremated remains and the expression 'Cemetery' includes any place set aside for the interment of cremated human remains.

4. Fees and Charges including Non Resident Charges

The fees and charges in respect of interments, grave spaces, monuments, headstones, memorial stones, inscriptions and other matters in connection with the cemeteries shall be approved by the council from time to time and are payable in advance to the council unless agreed otherwise. Copies of such fees and charges are available on request from the Cemetery Office and to view on the council's web site.

Residents contribute to the council's fund during their residency and in turn this contributes to the ongoing maintenance of the burial land and will continue to do so after they are full for burials. Any person who is not resident in the district at their time of death will be charged a premium. The premium is double. The term resident means to which single fees apply are;

- a) A person who lives in wyre.
- b) A person who may have moved directly from wyre in to a nursing home, hospital or families home outside wyre in the twelve months before their death due to supported full time care requirements.

5. Conduct within Cemeteries

Attention is drawn to the Local Authorities Cemeteries Order 1977 (the Order) and any amendments thereto: -

- a) The Order provides that no person shall: -
 - I. wilfully create any disturbance in a cemetery
 - II. commit any nuisance in a cemetery
 - III. wilfully interfere with any burial taking place
 - IV. wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter

- V. play at any game or sport in a cemetery, or
- VI. enter or remain in a cemetery at any hour when it is closed to the public unless being a person so authorised by the burial authority

The Order also provides that every person who contravenes any prohibition specified in (a) above together with any prohibition specified in Article 19 of the order shall be liable on summary conviction to a fine.

Children under the age of 12 years will not be admitted into the cemeteries unless they are in the care of a responsible person.

All persons shall refrain from sitting, standing or climbing upon any gravestones, headstone, monument, palisade, gate, wall, fence or building belonging to the cemetery.

The registrar may at any time exclude from the cemeteries any person who shall conduct himself in a noisy, disorderly, or unseemly manner or who shall be intoxicated or shall use improper language, or shall trespass upon or refuse to quit any portion of the grounds, or enclosures when called to do so. No person shall be permitted to enter or leave the grounds except by the proper entrance gates.

6. Dogs in Cemeteries

Dogs must be kept on a lead at all times and dog faeces must be removed and deposited in an appropriate and responsible manner by the dog owner. Any offence will be subject to the fixed penalty notices as defined under the Public Open Space Protection Orders 2017.

7. Pre Selection of Grave Spaces

Every interment shall take place either in a private grave or in a public grave that will be selected by the cemetery manager or other suitable officer.

Upon request families can choose while advised and in agreement with the cemetery manager a suitable plot for a burial. Arrangements must be made to meet the cemetery staff 5 days prior to burial. During busy periods or with short notice the plot may be chosen by the cemetery manager or other suitable officer.

On purchase of the exclusive right in a grave a form of Grant shall be issued to the person whom, or on whose behalf, the exclusive right of burial is purchased. Such person shall be registered as owner of the grave in the records held by the council with the right to request a memorial for his or her named burial plot.

All new grave rights are purchased for a period of 50 years unless otherwise stated on the deed of right of burial.

The purchase is for the rights to bury, the council remains the land owner.

8. Cemetery Plans

Plans of the cemeteries showing the lay-out of the grave spaces and vaults therein are kept at the cemetery office and may be inspected free of charge by persons making application.

9. Permission for Interment

No burial will take place, no cremated human remains shall be scattered and no tombstone or other remains shall be placed in a cemetery without the council's permission.

10. Production of Deeds

Whenever an interment takes place in a grave the form of grant and interment notice shall be produced at the cemetery office, to be endorsed with the date of such interment and the name of the person interred and the burial number.

No purchased grave, including walled graves or vaults, in which the exclusive right of burial has been purchased, shall be opened without the production of the form of grant and the written consent of the owner, or his or her legal representative. In cases where the form of grant has been lost or mislaid a Statutory Declaration Form B (see Appendix 1) should be completed.

Where the consent of the owner cannot be obtained, the grave will be opened on the application of any person whom the council considers is entitled thereto. In cases of an Executor of a Will being appointed then he/she may apply for the burial of the deceased in any grave space that the deceased is entitled to be buried in.

11. Transfer of Ownership

Any transfer of the exclusive right of burial in any grave shall not be deemed valid unless such transfer has been previously registered at the cemetery office.

Where the current grave owner is still alive and wishes to transfer ownership to another person a Deed of Assignment must be properly completed and returned to the cemetery office. A deed of Assignment Bur2 (see Appendix 2) is available upon request from the cemetery office.

12. Procedures prior to and on day of Interment

Application for interment forms should be submitted to the office no less than 48 hours (excluding Saturdays, Sundays and Bank Holidays) prior to the proposed burial date. All forms MUST be submitted with the exact coffin size included.

All Burials will take place between the hours of 9.30 am and 3.00 pm Monday to Thursday and between 9.30 am and 2.30 pm on Fridays. Burials may be accepted at other times at the discretion of the Cemetery Manager.

All funerals at the cemeteries are under the control and direction of the registrar or appointed representative, and all hearses and carriages must be taken to the places directed. Carriages and hearses accompanying funerals will be admitted to any area of the cemeteries as sanctioned by the registrar after application.

Visitors or persons attending funerals shall not interfere with the workmen at their duties, nor employ them to plant graves or execute any private work whatsoever within the cemeteries. No interment shall be allowed on any Bank Holiday or Sunday in any of the cemeteries.

If any alteration be made in the day or hour previously fixed for an interment to take place, notice therefore shall be given to the registrar not later than 9.00am on the day of the interment. An extra fee may be charged to the person having the conduct of any funeral, which arrives after the appointed time.

All grave spaces are excavated by trained cemetery personnel. No grave shall be dug or excavated by any person unless appointed by the council.

Adjacent graves affected by the interment will be reinstated to their original appearance as soon as possible after the interment has been completed.

The council reserves the right to delay or re-schedule a funeral if any part of the burial area or excavated grave becomes unstable or dangerous due to severe weather or other naturally occurring instances or acts of god.

13. Certification

No burial will be permitted unless correct and adequate paperwork has been received at the cemetery office and inspected by the appropriate officer. This also applies to official papers obtained from either the Registrar of Births and Deaths or the Coroner.

The Bereavement Services Officer must be informed of any bodies, which have died from an infectious disease. An up to date list of infectious diseases is available from the BMA or from the Crematorium Medical Referee.

14. Coffins

A body will not be accepted for interment at the cemetery unless it is enclosed within a suitable coffin. Alternative, cardboard, wicker or home made coffins will be accepted provided that they have first been approved by the Bereavement Services Officer or other suitable officer.

Any coffin entering the cemetery must bare a nameplate or other suitable form of identification and must contain the name of the deceased.

It is the responsibility of the funeral director or other person conducting the funeral to ensure that enough people are available to assist in transporting the coffin to the graveside and to assist with its lowering.

No coffin will be permitted to be buried within less than 3 feet of ground level unless the Manager considers the soil to be of suitable character and the coffin

made of perishable materials, which are suitable to be placed less than 2 feet below the level of any adjoining ground.

Every coffin placed in a walled grave or vault must be covered and sealed with a concrete slab of not less than 50 mm (2 inches) and entombed in such a manner as to make the vault airtight.

15. Poulton New Cemetery Chapel

Services can be held prior to burial within Poulton cemetery chapel. There is no restriction on service length but in general 30 minutes is considered adequate. Any additional time requirement must be confirmed with the cemetery manager when making the provisional booking. Music facilities are available for CD/Tape. The funeral director is responsible for providing all music.

On arrival at the chapel the funeral director or person taking charge of the funeral must supply adequate bearers to transport the coffin from the hearse to the chapel.

Any person may inspect the chapel at any reasonable time while no services are taking place. Permission for this is granted exclusively by the cemetery manager who will make an appointment to meet those wishing to inspect the chapel.

16. Grave Maintenance and Aftercare

All Wyre cemeteries are lawned cemeteries. All new graves are sold for a maximum of 2 interments (not including cremated remains), including graves in the woodland burial area. However a maximum of 3 interments can be sold at Poulton New Cemetery ground in areas agreed with the bereavement services officer.

Following a burial all graves will be tidied up and left in an acceptable condition by the cemetery staff. The levelling of graves during the period of settlement will be carried out by the cemetery staff on a regular basis for a period of 6 months after the burial.

The council will undertake the turfing, seeding and maintenance of the lawn areas. No cost will be incurred to the owner of the right of burial.

Any planting is at the owners risk as weed spraying and strimming is used to maintain the cemetery.

The cemetery reserve the right to remove all funeral flowers and oasis displays when they become unsightly.

All Christmas wreaths will be removed by cemetery staff by the end of February.

The council has the right to remove from any grave any items that may interfere with the grounds maintenance of that area after serving notice to the registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.

17. Headstones and Memorialisations

A number marker is in place on all new burial sections this will remain until it is replaced with a headstone or other suitable memorial by an approved memorial mason.

No memorials will be permitted on any unpurchased grave and nothing shall be placed upon such graves without the consent of the cemetery office.

No raised mounds, turfed banks, iron, plastic, wooden, brick or stonework or other material will be erected to provide a border or enclosure around a full grave space within any section designated as a lawned section. The council may remove any such unauthorised memorialisation without prior notification see the Grave Space Memorabilia Policy 2019 for further information.

The council reserves the right to remove any headstone or other memorial stone erected without the approval of the council.

Only monumental masons approved on the British Register of Memorial Masons (BRAMM) or Register of Qualified Memorial Fixers will be allowed to carry out work in the cemetery. Inclusion onto the list of Approved Masons is subject to agreement to abide to the cemetery rules and regulations and agreement to the National Association of Memorial Masons (NAMM) Code of Working Practice for Stonemasons.

All new memorials will be erected to the BS8415 standard and in accordance to the NAMM code of practice and recommended fixing methods.

An application form supplied by the council must be properly completed and submitted to the Cemetery Office. Once the applicable fee paid and approved by the Bereavement Services Officer or authorised officer a permit to carry out work will be issued to the monumental mason who has applied to do the work.

It is the responsibility of the grave owner to keep any memorials or monuments in repair, good order and in a safe condition. In default of this regulation the council may remove the same at their discretion or after 3 months notice given in writing to the registered grave owner execute any necessary work and charge the owner with the cost thereof.

The council will carry out 5 yearly checks on all memorials in the cemetery and will temporarily make safe any memorial found to be in a dangerous condition. (see Memorial Management and Safety Policy 2018 for further details).

If any memorial is laid down or otherwise made safe it is the responsibility of the grave owner to arrange for the appropriate work to be carried out by an approved monumental mason.

All permissions for the placing of any memorials of any type or description are so issued at the owners risk and the council will accept no responsibility or claims for any damage or vandalism of any kind.

No new memorial exceeding 3'6" in height x 3' width x 1'2" depth (measured from ground level) will be permitted in the cemetery unless prior approved by the council.

Headstones being fixed to burial plots without concrete beams must have a base minimum 36inch x 15inch x 3 inch thickness and allow up to 6 months before being fixed, earlier fixings must be approved by the registrar or officer of the council.

The section number, letter and name of the monumental mason completing the work will be cut on the base of all new memorials.

Monumental masons will not tout for business within the cemetery.

All rubbish, materials, soil, old memorials or temporary markers being replaced must be removed from site by the monumental mason carrying out the work immediately after the completion of the work. All work is subject to checks by the Bereavement Services Officer.

Masons will be held responsible and charged for any damage done by them in the cemetery.

Plastic Memorials or any type of metal memorials will not be permitted. Wooden memorials will only be permitted as a temporary memorial and must be removed or replaced within 12 months of the burial date. If the grave owner does not remove these within this time the burial authority without prior notice being given may remove them.

The council recommends that any memorial being placed in its cemetery should be covered with insurance. Details can be obtained from the stonemason completing the work or directly from the cemetery office.

18. Cremated Remains Graves

The cremated remains sections within Wyre Cemeteries are for the interment of cremated human remains. Full details of memorials permitted can be obtained from the cemetery office, plots are available for the interment of between 2 and 4 caskets. Plots are also available for the scattering of cremated remains.

19. Columbariums

A columbarium is a wall structure of niches for the placing of cremated remains caskets and are located at Moorland Road Cemetery and Fleetwood Cemetery. Further information on their purchase, interments and inscription can be obtained from the bereavement services office or a funeral director. They are available for 1 to 4 cremated remains depending on location.

20. Woodland Burial Area

The woodland burial area is located in the Poulton New cemetery, Garstang Road East, Poulton-le-Fylde. All graves in this section can be for a single or double interment.

No memorialisation is permitted in this section except that provided by the burial authority. Namely; memorial mushroom or seat plaques within designated areas.

After burial a tree will be planted within the woodland area and maintained by the burial authority. If purchased for two interments the tree will not be planted until after the final interment.

The person buying the grave can select the type of tree to be planted. English native trees will be permitted.

21. Cemetery General Regulations

No person shall intentionally obstruct any officer or contractor of the council in the proper execution of his/her duties.

No person shall intentionally obstruct any other person in the proper use of the grounds, or behave so as to give reasonable grounds for annoyance to other persons in the grounds.

Any officer of the council or a police constable may remove any person offending against any of these rules and regulations from the grounds.

Vehicles their contents and any other items left in the grounds are at the owner's risk.

We believe that to keep the gardens in a clean and well ordered condition is the best mark of respect we can give and we ask that all visitors to the cemeteries help us to maintain this standard.

The Council reserves the right to make alterations to these regulations consistent with the Acts referred to above.

22. Exhumations

The current law relating to the removal of individual buried human remains is contained in Section 25 of the Burial Act 1857 which states that it is not lawful to remove any body or the remains of any body, which have been interred in any place of burial, without a licence from the Secretary of State or, in certain circumstances, the Church of England.

From 1 January 2015 Section 25 of the Burial Act 1857 is amended by the Church of England (Miscellaneous Provisions) Measure 2014 and only approval from either Ministry of Justice (Secretary of State) or Church of England is needed and not both depending on current location of remains.

It is illegal to exhume any human remains without first obtaining the lawful authorities necessary. Contact the cemetery staff and they will provide you with the guidance on all aspects of the exhumation.

In addition to the exhumation fee, the following costs must be considered.

1. Cemetery fees for disinterment – including the removal of any memorials
2. Funeral directors charges including new coffin/casket and removal to new site

3. Bishops faculty if required
4. The Home office do not charge for issuing a licence
 - Complete a separate form for each set of remains
 - It takes approximately eight weeks for a licence to be issued if there are no problems
 - Exhumations are carried out with decency and decorum but you are not allowed to attend an exhumation.

Those present are:-

1. The funeral director – who is your representative
2. An Environmental Health Officer – who ensures there is no public health threat to the staff carrying out the exhumation and for subsequent visitors to the cemetery. An Environmental Officer does not have to be present for the exhumation of cremated remains.
3. The cemetery staff carrying out and supervising the exhumation.

There are conditions attached to the Home Office Licence and Bishops Faculty, which must be adhered to. The cemetery staff will explain these to you.

Each exhumation is different, with its own set of circumstances, which often are not known until the day of the exhumation when the grave is opened.

An exhumation can be a distressing event and a decision should not be made lightly, please consider the emotional and financial implications with your family before making the decision.

By Order of the Council (Revised) July 2019

Appendix 1

Form of Indemnity

Executors of the Will/Administrators of the Estate of the late, **(name of deceased)** who was the (lawful successor to the registered owner of the exclusive right of burial in **(address of cemetery)** In the County of Lancashire, HEREBY INDEMNIFY Wyre Borough Council from and against all claims actions, demands, loss, expenses, proceedings costs or damages which may now or hereafter be made against them by reason of the opening of:

GRAVE No:

SECTION: of the consecrated portion of:

FLEETWOOD/PREESALL/POULTON – NEW/OLD

Cemetery for the purpose of the Interment therein of:

Name of Deceased:

I/we do solemnly and sincerely declare also as follows:

The original owner of the grave was:

My relationship to the Owner:

That I have made a careful search for the Deed of Grant No:

but have been unable to find the same.

That the right of burial has not been sold or transferred to any other person

Signed: Date:

Name/Address:

Witness:

Signed: Date:

Name/Address:

Occupation:

Appendix 2

Wyre Borough Council

Cemetery and Bereavement Services

Assignment of Exclusive Right of Burial

I _____ now assign to _____ the exclusive right of burial in, and the right to erect a memorial having first obtained Wyre Borough Council's written approval to the erection of such memorial on, _____ numbered on the plan of _____ cemetery made under the Local Authorities Cemeteries' Order 1977 which was granted to me (or original grantee if been assigned before) for the term of 50 years by Wyre Borough Council by a deed of grant on the _____ day of _____

and all my estate, title or interest in such exclusive right of burial and right to erect an approved memorial TO HOLD to _____ the remainder of the period of the original grant subject to the conditions on which such right was held immediately before the execution of this deed

(Certificate of Value - if appropriate)

DATED this _____ day of _____

SIGNED as a DEED

By

In the presence of **(witness)**

To Wyre Borough Council

(date)

You are now notified that by an assignment dated the _____ day of _____ the exclusive right of burial in, and the right to erect a memorial having first obtained Wyre Borough Council's written approval to the erection of such memorial on, _____ granted to _____ on the _____ day of _____ was assigned to me _____ of _____

I understand that as the remainder of the rights have been transferred to me I am responsible for the upkeep and safety of any memorial on the said grave space

AND I now request you to record the particulars of the assignment of the right to me in the register of such rights maintained by you

Signed _____ (New Owner)

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