

# **KIRBY MUXLOE PARISH COUNCIL**

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***KIRBY MUXLOE VILLAGE CEMETERY***

***DESFORD ROAD***

***KIRBY MUXLOE***

***LEICESTER***

***LE9 2BD***

***CEMETERY RULES AND REGULATIONS***

**KIRBY MUXLOE**

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## PART 1

### GENERAL

#### 1. Terms used in these Regulations

- “Burial Authority” means the Kirby Muxloe Parish Council;
- “Cemeteries Office” means the administration department of the Burial Authority that is responsible for day-to-day management of the Cemeteries;
- “Grant Holder” means the owner(s) of an Exclusive Right of Burial;
- “Approved Contractors” means those contractors who are employed by the Burial Authority
- “Exclusive Right of Burial” means a right that may be purchased from the Burial Authority which grants the purchaser, and his or her successors, the exclusive right of burial in a designated burial plot;
- “Opening Hours” means the times during which the Cemetery is open to the public as specified in paragraph 3, below;
- “Table of Fees and Charges” means the table maintained by the Burial Authority (available for inspection by contacting the Parish Office) setting out the matters in respect of which fees or other charges are payable to the Burial Authority and the amount of each such fee or charge.
- “Resident” is defined as being a resident of Kirby Muxloe Parish at the time of death or pre-purchase and who can be verified by inclusion on the electoral role (such inclusion indicates that council tax is being charged of which a proportion is released to the Parish Council in the form of a Precept and is used in provision of services to maintain Kirby Muxloe Cemetery.

#### 2. Administration

All enquiries regarding the Cemetery should be directed to the Parish Office at Kirby Muxloe Parish Council, Council Offices, Station Road, Kirby Muxloe, Leicester, LE9 2EN.

The Parish Office is open from: 9 am – 12 noon Monday - Friday with the exception of Bank Holidays and other Public Holidays.

#### 3. Opening Hours

The Cemetery is open to the public every day from 8.00am and closes at dusk.

# KIRBY MUXLOE

## **PART 2**

### **EXCLUSIVE RIGHT OF BURIAL**

#### **4. Pre-Purchase and registration of an Exclusive Right of Burial**

An application to pre-purchase an Exclusive Right of Burial shall be made on an application form, which is obtainable from the Parish Office. For the purposes of any such application, the applicant shall:

- Be a resident of Kirby Muxloe (the Burial Authority will however consider special exceptions where there has been a long association with the village). Residents of Leicester Forest East and residents from other parishes are not eligible to be buried in Kirby Muxloe Village Cemetery but can apply for an interment of cremated remains within the Rose Gardens in the Granart style kerb sets or the scattering thereof within the Rose Gardens. There is no provision for pre-purchase of these plots other than for residents of Kirby Muxloe.
- Deliver to the Burial Authority such documents and other information in writing as the burial Authority may require; and
- Pay the prescribed fee as set out in the Table of Fees and Charges.

The purchaser of an Exclusive Right of Burial will:

- Have their details entered into a register that will be maintained for this purpose by the Burial Authority; and
- Be issued with a Grant of Exclusive Right of Burial from the Burial Authority as proof of their ownership of the Exclusive Right of Burial.

**It is the responsibility of the Grant Holder to notify the Burial Authority of any change of name or address.**

#### **5. Grave selection**

When applying for an Exclusive Right of Burial an applicant's grave selection shall be subject to the Burial Authority's approval. However, the Burial Authority shall meet the wishes of the applicant as far as practicable.

#### **6. Transfer of an Exclusive Right of Burial**

A Grant Holder may transfer their right subject to:

- The Grant Holder completing a Form of Assignment (obtainable from the Parish Office) notifying the Burial Authority of the transfer

## PART THREE

### INTERMENT

#### 7. Notice of Interment

Notice of a proposed burial must be given to the Burial Authority by completing a Notice of Interment form (obtainable from the Parish Office) as early as possible. In any event not less than two working days, prior to the Interment

The two working days' notice can be reduced on request in order to comply with the customary or religious practice of any community group. Details for arranging such burials are available on request from the Parish Office.

All full burials must take place between 9am and 3pm.

All interments of cremated remains must take place between 9am and 3.30pm.

***Interments will not be allowed on Saturday, Sunday, Christmas Day, Boxing Day, Good Friday or Public Holidays. Exceptional circumstances will be considered by council, however no arrangements are to be made without their prior approval.***

In cases of emergency where the burial must take place on one of these days documentation must be produced to confirm that the immediate burial is necessary.

*The Certificate for the Disposal issued by the Registrar of Births and Deaths or in any case where a Coroner's inquest has been held, a Coroner's Order for Burial or a duplicate thereof must be delivered to the Burial Registrar by 09.30 the previous working day prior to the time of the funeral. In the case of a stillborn child the above applies if the birth does not come within the definition of "Stillborn" or "Stillbirth" as mentioned in the Stillbirth (Definition) Act 1992. If within the definitions of the Stillbirth (Definitions) Act 1992, a certificate from a Medical Practitioner or other responsible person attendant at the birth, stating that it took place before the twenty fourth week of pregnancy, must be produced.*

Before the interment of cremated remains of any person, a certificate must be produced from the appropriate officer of the Crematorium which carried out Cremation.

#### 8. Burial Authority authorisation

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

#### 9. Grave location

The Burial Authority shall specify the grave location.

#### 10. Proof of Exclusive Right of Burial

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

## 11. Grave dimensions

To ensure Health and Safety requirements are complied with, the Burial Authority reserves the right to determine the maximum depth of a grave depending upon the location within the Cemetery and the soil conditions.

*Standard plot size: 2.13m (7ft) in length and 0.91m (36 inches) width*

*NB. A coffin/casket over 36 inches in width will necessitate the purchase of an additional burial plot (fee as indicated in the Fee Schedule at date of interment).*

*An extra charge may also occur should any coffin/casket exceed these dimensions.*

**Only Approved Contractors may be used to dig graves.**

## 12. Burial register

The relevant certificate(s) for the Interment of the body issued by the Registrar and/or Coroner shall be produced to an officer of the Burial Authority prior to interment so an entry can be made in the burial register. Failure to produce the relevant certificate(s) will result in the Interment being delayed until such certificate(s) is produced.

## 13. 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 a Registered Memorial Mason for this purpose. Memorials refixed following interment must be installed in accordance with the current version of the National Association of Memorial Mason's Recommended Code of Working Practice.

## 14. Strewing or Scattering of Ashes

Kirby Muxloe Parish Council has created two "Rose Gardens", which although not consecrated, are dedicated to the deceased. The bereaved may visit this garden for some quiet solace and contemplation, the planting of a small shrub is permitted which must be maintained by family members.

The area in which the cremated remains are strewn is then recorded in the register for future reference. It is important to consider that once scattering has taken place **cremated remains cannot be removed, individually located**. Cremated remains scattered in the Rose Garden are not contained in a casket or urn.

The strewing of cremated remains **MUST** be under the supervision of your chosen Funeral Director.

**It is a criminal offence to dispose of cremated remains within the cemetery without permission.**

## PART FOUR

### MEMORIALS

#### 15. Memorial application

**ALL full burials, ashes interments and the strewing of cremated remains require the installation of a headstone or small plaque to ensure that the aesthetics of the Cemetery are not disturbed and to be able to identify an occupied plot.**

The Grant Holder must complete an application form (obtainable from the Parish Office), and receive written authorisation from the Burial Authority, before any memorial may be erected in the Cemetery or inscription placed on a memorial.

The Burial Authority reserves the right to remove any memorials not authorised by the Burial Authority. If the burial authority considers the item to be dangerous to cemetery users, under health and safety requirements this will be removed immediately, if not after 21 days' notice.

Removed unauthorised memorials will be kept for 28 days for collection. If not collected within this time they will be disposed of.

#### 16. Memorial dimensions

Memorials must **NOT** exceed the following maximum dimensions:

##### **Full Burial Memorial:**

###### **Memorial**

Height – 840 mm (30")

Width – 600 mm (24")

Depth – 100 mm (4")

###### **Memorial Granite Base:**

Height – 102 mm (4")

Width – 838 mm (33")

Depth – 381 mm (15")

**Maximum foundation sizes: 3" x 3' x 18"**

Memorial maximum height 34"

##### **Cremation Memorial:**

###### **Memorial**

Height – 530 mm (21")

Width – 406 mm (16")

Depth – 75 mm (3")

###### **Memorial Granite Base:**

Height – 76mm (3")

Width – 457mm (18")

Depth – 305mm (12")

**Maximum foundation sizes: 3" x 2' x 18"**

Memorial maximum height: 24"

**WALLED GRAVES ARE NOT PERMITTED IN THE CEMETERY**



## 17. Erection of memorial

The erection of a memorial will be permitted only where:

- An Exclusive Rights of Burial exists;
- The written permission of the Burial Authority has been granted;
- Payment of the prescribed fee as specified in the Table of Fees and Charges has been made to the Burial Authority; and
- An application is received from and signed by the owner of the exclusive right of burial.  
*(Where the owner is deceased a transfer of ownership must be completed before any memorial work is permitted).*  
*If it is impractical to trace the rightful owner of the Exclusive right of Burial you may apply for a memorial permit to be issued. However, should the rightful owner be traced or object to the memorial you must agree to remove the memorial at your expense.*

All memorials, including the refixing and refurbishment of memorials, must be constructed and erected:

- In strict accordance with the size and design approved by the Burial Authority;
- By a Memorial Mason who is Registered; and
- In strict accordance with the National Association of Memorial Masons Code of Working Practice;
- Prepared ready for fixing before being taken into the Cemetery;
- Erected using an appropriate foundation which where possible, must not be visible above the ground and which must be to the satisfaction of the Burial Authority;
- Secured into the ground using a fixing system that has been approved by the burial authority.
- Fixed in line with adjoining memorials.

Memorials may be fixed or erected on any working day during normal working hours (8.00am – 3pm) excepting Saturday, Sunday and Bank Holidays.

In the case of any departure from the approved design for which permission has been granted, the Grant Holder shall at their own expense, and to the satisfaction of the Burial Authority, carry out any work necessary to make the memorial comply with the approved design.

## 18. Memorial Mason's conduct in the Cemetery

While carrying out work within the Cemetery, all Registered Memorial Masons shall ensure they:

- Take all necessary precautions to protect the grass, trees, plants, walls, paths and adjacent memorials or vaults from damage. Any damage caused shall be made good at the Memorial Masons expense; and
- Completely remove all materials, tools and rubbish from the Cemetery when work is not in progress.

## 19. Memorial construction

All memorials must be able to bear continuous exposure to the weather and must not be made of the following materials:

- Artificial stone;
- Concrete;
- Terra cotta;
- Porcelain;
- Plastic;
- Glass;
- Polystyrene; or
- Any other material which in the opinion of the Burial Authority is unsuitable or incongruous with its surroundings.



## **20. 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.

## **21. Inscriptions**

Where an inscription has been cut without the prior approval of the Burial Authority the Grant Holder must, at their expense, remove the memorial and apply for the Burial Authority's approval.

## **22. Unsafe and neglected memorials**

The Grant Holder shall maintain their memorial in a safe condition, of which the Burial Authority shall be the sole judge. The authority reserves the right to periodically inspect and test memorials for stability and take actions considered appropriate in order to protect public safety.

The Burial Authority reserves the right to notify in writing any Grant Holder if in their belief a memorial is considered unsafe. If the Grant Holder does not comply with the notice the Burial Authority shall be entitled, at the Grant Holder's expense, to revert the memorial back to a safe condition.

## **23. Grave maintenance**

The Burial Authority reserves the right to clear and re-instate any grave following the:

- Planting of any unsuitable gardens, trees or shrubs either on the grave itself or within the headstone area;
- Placing of any grave furniture that is a risk to public safety; impedes the maintenance of the cemetery or is incongruous with its surroundings
- Placing of any unauthorised grave surrounds.

## **24. Loss or damage**

Memorials are placed at the Grant Holder's own risk. The Burial 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 Burial Authority or its employees or contractors. Grave owners are advised to obtain insurance cover for their memorials.

## **25. Removal of memorials**

- No memorial, or part of a memorial, shall be removed from a grave without written approval of the Burial Authority.
- The Burial Authority's approval of a proposed burial shall be considered consent to temporarily remove a memorial from the grave to be opened.

## **26. Hours of work**

Except with the written consent of the Burial Authority, all works in connection with the erection or restoration of memorials must be carried out between 8:00am to 3:00pm during daylight hours.

## **27. Memorial wreaths**

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

## PART FIVE

### 28. Special Conditions

- 1) Coffins of wood, cardboard or wicker may be used but cardboard coffins will only be accepted if the grave is dug an extra depth of one foot to allow for the insertion of board between two coffins.
- 2) Memorials erected in the cemetery must be erected vertically, in line with the memorial stones of adjoining graves.
- 3) As soon as convenient after a burial the Council will level the whole area of the grave and seed or turf the plot. The level of any grave surface shall not be built up so as to raise it above the normal ground level around it.

The council has a responsibility to maintain the grass within Kirby Muxloe cemetery and to ensure clear access is provided for new burials and re-opening existing graves for additional burials.

The council also has to guard against potential injury to visitors or staff, or damage to a memorial. To assist us in achieving these aims, the following items are **NOT** permitted within Kirby Muxloe cemetery.

<b><u>Artificial grass / Planting of trees shrubs and plants.</u></b>	<b><u>Glass items;</u></b>  <i>Glass items can cause a safety hazard if broken. In the interests of safety for visitors and cemetery staff these items will be immediately removed by cemetery staff without notice.</i>	<b><u>Stones / Chippings / Paving;</u></b>  <i>Stones, chippings and paving can present a safety hazard/damage when caught in machinery and shall not be placed on any grave. No other type of stones or chippings will be permitted to ensure consistency</i>
<b><u>Fencing / Surroundings / Edgings;</u></b>  <i>The placing of any surrounding items is not permitted as it prevents the operational management of the cemetery and causes a trip hazard.</i>	<b><u>Candles;</u></b>  <i>Unlit candles contained within a non-glass container are permitted. We appreciate that during anniversaries and other special occasions you may wish to have a lit candle during cemetery opening hours. This will be permitted provided the candle is not left unattended at any time and is completely extinguished on leaving the cemetery.</i>	<b><u>Other;</u></b>  <i>Certain items for example, Balloons are temporarily allowed to mark a special occasion or anniversary. Please contact the Parish Office to discuss your requirements.</i>

## **PART SIX**

### **CONDUCT WITHIN CEMETERIES**

#### **29. Maintenance of graves**

- The Burial Authority will act to maintain the grave in the most cost effective manner, which will usually be returning it to a grassed condition.
- Flowers and wreaths etc will be allowed to remain on a grave for up to four weeks after a burial. After that time such items will be removed by the Burial Authority. Therefore, anything to be kept for sentimental or financial reasons should be reclaimed from the grave within four weeks of an interment.
- Wreaths etc placed on graves at Christmas time will be left until the first week in February with the same conditions regarding removal applying as in the above item.
- All material suitable for composting e.g. floral, plant remains should be placed in the waste receptacles, where provided, located throughout the cemetery.

#### **30. Responsibility for injury or damage**

Responsibility for any injury or damage caused in the cemetery as a result of work done in erecting, repairing, altering or removing any memorial will be borne by the person carrying out the work or on whose behalf the work is done.

#### **31. Vehicles**

Vehicles are permitted in the cemetery only during opening hours and at the absolute discretion of the cemetery staff.

Any vehicles, including bicycles, entering the cemetery must:

- Keep within any speed limits of 5mph;
- Be driven with due care and attention;
- Comply with all directional signs;
- Comply with all Burial Authority employees' directions;
- Not use the Cemetery as a thoroughfare; and
- Not be taken onto grassed areas.

The Burial Authority shall not be held responsible for any damage to vehicles or other property left within the cemetery.

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### **32. Conduct within cemetery grounds**

All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of Articles 18(1) of The Local Authorities' Cemeteries Order 1977. These state that 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, walled grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter; or
  - Play at any game or sport in a cemetery.
- (i) The permission of the Burial Registrar shall be obtained before any object in a Cemetery is photographed or a video recording is commenced.
- (ii) Musical instruments or appropriate sound reproducing equipment shall be permitted in the Cemetery with the permission of the Burials Registrar.
- (iii) Visitors shall not interfere with Parish Council employees working in the cemetery, nor employ them to execute any private work whatsoever.
- (iv) Visitors are requested to deposit litter, spent flowers or any other unwanted items in the bins provided.
- (v) No persons shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders for the same, within the cemeteries.
- (vi) All enquiries, complaints and requests by members of the public should be made to the Burial Registrar.
- (vii) All visitors must refrain from interfering with trees, shrubs and flowers.

The Burial Authority, at its absolute discretion, reserves the right to ask any person to leave the Cemetery.

No person shall enter or remain in the Cemeteries except during Opening Hours.

### **33. Dogs**

Dog owners shall ensure:

- Their dog is kept on a lead and restrained from straying off paths and drives;
- Their dog does not interfere with, or disturb, any other person in the Cemetery;
- All faeces excreted by their dog are removed from the cemetery in an appropriate manner. Failure to do so will lead to prosecution under the Dog (Fouling of Land) Act 1996.

## PART SEVEN

### RESERVED RIGHTS OF THE BURIAL AUTHORITY

#### 34. 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 the Chair of the Parish Council as the designated representative of the Burial Authority shall be final.

#### 35. Alterations to Regulations

The Council reserves the right from time to time to make alterations or additions to the foregoing Regulations consistent with Burial Acts. 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.

#### 36. Rights

Kirby Muxloe Parish Council as the burial authority have in pursuance of their General Powers of Management contained in Article 3 (1) of the Local Authorities' Cemeteries Order 1977, made the Cemetery Rules and Regulations. These rules and regulations are to be observed in the cemetery under the management and control of the Council.

#### 37. Revocation

All other regulations for cemeteries made by the Council prior to 14<sup>th</sup> February 2017 are hereby revoked.

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#### Notice of acceptance of these Rules and Regulations Governing Kirby Muxloe Village Cemetery

I,

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*(Print name in full)*

*Confirm that I have received a copy of the Rules and Regulations in place at Kirby Muxloe Village Cemetery and agree to abide by them.*

**Signed:**

**Relationship to Deceased:**

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**Contact Number:**

**Dated:**

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#### FOR OFFICE USE ONLY

Plot No:	Section:	Name of Deceased:
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