

## **Buckinghamshire Council**

### **Regulations for the management of High Wycombe Cemetery and**

#### **Penn Road Cemetery, Hazlemere**

Made under S214 and S266 of the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977

#### **Interpretation**

1. In these Regulations:-

" the Council" means Buckinghamshire Council acting as the Burial Authority for the said County;

" the Cemeteries" means the Cemeteries provided by the Council at Hampden Road and Penn Road in the said County;

"the Cemeteries Manager" means the person for the time being appointed by the Council to be in charge of the Cemeteries and to act as Registrar thereof.

"Private Grave" means any earthen grave where the Exclusive Right of Burial has been purchased.

"Public Grave" means any earthen grave where the Council has not granted the Exclusive Right of Burial.

"Memorials" means all memorials that are authorised to be permitted within the Cemeteries.

#### **Admission to cemeteries**

2. The Cemeteries will be open from 9.00 am and close at **9.00 pm or Sunset (whichever is earlier) from February to October inclusive, and close at 4.00pm from November – January (Inclusive)** including weekends and public holidays.

The Council reserves the right to close the Cemeteries at any time without prior notice and limit the entry of any persons.

#### **Conduct in cemeteries**

3. All visitors must conduct themselves in a quiet and orderly manner. The Cemeteries Manager has full power to exclude or remove any member of the public at their discretion.

It is an offence for a person to wilfully:-

- Create any disturbance in the Cemeteries;
- Commit any nuisance in the Cemeteries;
- Interfere with any burial taking place in the Cemeteries;

- Interfere with any grave, memorial, or any flowers or plants;
- Play any game or sport in the Cemeteries;
- Enter or remain in the Cemeteries when it is closed to the public, unless authorised by the Council to do so.

Persons who contravene these provisions shall be liable to prosecution.

Vehicles must not exceed 10 mph in the Cemeteries grounds. The Cemeteries Manager may exclude any vehicle which may be considered unsuitable.

**All** visitors to the Cemeteries must keep to the roads or paths, except whilst visiting a grave.

No children under twelve will be admitted except under the care of a responsible adult.

No cycling is permitted in any part of the Cemeteries.

No dogs, except Registered Assistance dogs, may be taken into or allowed to enter the Cemeteries.

**The permission of the Cemeteries Manager shall be obtained before carrying out any photography in the Cemeteries.**

## **Interments**

4. Except on the production of the certificate of a Coroner or Medical Manager of Health that immediate burial is necessary on the grounds of public health, interments shall not take place on Sundays or Public Holidays. All notices of interment must be provided on the Council's printed form and this notice must be properly completed. Responsibility for error therein rests with the person giving the notice. No order shall be taken for an interment in a grave in which the exclusive right of burial is intended to be purchased, unless the name and address of the person to be registered as owner be supplied at the time, upon the same form.

The Notice of Interment must be delivered to the Manager/Administrator 2 full working days prior to the interment (short notice burials are accepted at the discretion of the Cemeteries Manager)

Saturdays, Sundays and Public Holidays shall not be counted as working days.

If circumstances are such that a particular interment is not convenient or practicable the Cemeteries Manager shall forthwith notify the person giving the grounds of their objection and such interment shall not take place except on such day and at such time as may be approved by the Cemeteries Manager.

A Certificate from the Registrar of Births and Deaths, a Coroner's Order for Burial or in the case of a still birth a Certificate of the Registrar of Births and Deaths showing that they have registered the stillbirth, or that they have received official notice of the stillbirth, or a Coroner's Order for the burial, must be delivered to the Cemeteries

Manager/Administrator, being the person effecting the disposal of the body prior to the interment.

Notice for the interment of cremated remains should be accompanied by the Certificate issued by the Crematorium where the cremation took place. Buckinghamshire Council will not inter ashes without this certificate.

Where ashes are placed in a plot intended for coffin burials then the right to further coffin burials will be lost. Further ashes burials may take place as space allows. It is recommended that anyone wishing to take this option discuss the issues first with the Cemeteries Manager/Administrator to make themselves fully aware of any implications.

### **EXCLUSIVE RIGHT OF BURIAL**

5. Whilst ownership of an Exclusive Right of Burial for a grave **does not give any ownership whatsoever in respect of actual land**, it does give the owner of the Deed the right to:-
- Be buried in that grave (where space is available).
  - Authorise further burial(s) in that grave (where space is available), or the interment of cremated remains in that grave.
  - Erect or place a memorial on that grave subject to the Rules and Regulations of the Council relating to this matter.
  - Have a replacement memorial or inscriptions/additional inscriptions placed on a memorial on that grave subject to the Rules and Regulations of the Council relating to this matter.

Note: Possession of a Deed of Grant does **not** necessarily give the person in possession ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid Will. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership. Ownership of a Deed may also be transferred or assigned on payment of the appropriate fee by use of a transfer form (Declaration, Indemnity and Application in respect of the transfer or assignment of an Exclusive Right of Burial) obtainable from Buckinghamshire Council.

**NB. The Deed of Grant, like any other Deed, is an important document and should be kept in a safe place along with any subsequent transfers of ownership.**

On the purchase of the Exclusive Right of Burial in a grave, a Deed of Grant shall be issued to the purchaser whose name shall be registered.

The Exclusive Right of Burial shall extend for 50 years from the date of purchase. Rights may be extended for further periods of 15 years on payment of the fee then applicable.

**Change of address of the holder of the Deed should be notified to Buckinghamshire Council Cemeteries Service.**

The transfer or assignment of a Right of Burial in a grave **must** be authorised by the Council who will enter the transfer in the Register of Grants maintained upon the production of the Deed.

## **BURIALS**

6. Burials will usually only be permitted on Monday to Saturday between 10.00am and 3.30pm during British Summer Time, and between 9.00am and 2.00pm during the rest of the year, (excluding Bank or other Public Holidays); except on production of a certificate that immediate burial is necessary on the grounds of public health.

## **GRAVES**

7. The selection of sites of all graves is to be decided by the Cemeteries Manager/Administrator.

All graves are to be dug or excavated by or under the direction of the Cemeteries Manager/Administrator. Coffins must be of a material and design approved by the Council.

All turfing of graves will be carried out by the Council allowing a suitable period for settlement following an interment, and the Council will also undertake the maintenance of all grass areas.

The Council reserve the right to prune or remove any tree or shrub planted on a grave space that has in the opinion of the Cemeteries Manager/Administrator become unsightly.

Any monument, memorial, stone, shrub, plant or item whatsoever erected or placed in the Cemeteries in contravention of these Regulations may be removed by the Cemeteries Manager/Administrator at any time without prior notice.

**The use of glass jars, bottles, plastic containers and artificial flowers is strictly prohibited.**

## **Cremated remains**

8. **The scattering of cremated remains is NOT permitted.**

Urns or approved receptacles containing cremated remains may be interred in a private grave if space is available and subject to approval by the Council and the payment of the prescribed fee.

## **MEMORIALS**

9. Memorials or tablets may only be placed or erected on graves where the Exclusive Right of Burial has been purchased and shall not be placed or erected without the issue of a memorial permit and the approval of the Council.

A completed memorial application form signed by the grave owner (the owner of the Exclusive Right of Burial) and the memorial mason must be submitted to the Council. This must contain a dimensioned illustration/picture of the memorial and the

proposed written inscription and any other details. The inscription must include the full known names of those interred as shown on the death certificate.

**All memorials must be of natural stone.**

No memorial may be erected or inscription added without the Council's written approval in the form of a permit which will be issued to the memorial mason on payment of the appropriate fee. This permit must then be produced to the Cemeteries Manager/Administrator **before** work is begun.

Additional inscriptions can only be added with the written approval of the Council and the payment of the appropriate fee.

All installation of and works carried out to memorials must conform to the National Association of Memorial Masons (NAMM) Code of Working Practice 2003 or any subsequent revisions thereto or BS 8415 Monuments within burial grounds and memorial sites.

The section and number of the grave shall be cut by the memorial mason at the expense of the owner on the side of all memorials so as to be clearly visible when erected.

On completion of the fixing of a memorial a signed and dated copy of the original permit completed by the person who fixed the memorial must be submitted to the Council within ten working days.

A wooden cross or other appropriate wooden marker may be erected **temporarily** to mark a new grave and shall be allowed for a period not exceeding 12 months from the date of interment. Such a temporary memorial will only be allowed on a grave where the exclusive right of burial has been purchased and prior written consent has been given.

All crosses must be hardwood and conform in location and size to the regulations for the section on which they are placed.

The Council reserves the right to remove any wooden cross permitted by this regulation following the expiry of twelve months.

The council reserves the right to inspect, test and make safe **all** memorials in the Cemeteries.

All persons at work in the Cemeteries in connection with graves, monuments or otherwise

- (a) Shall comply with all reasonable directions and requirements of the Cemeteries Manager/Administrator.
- (b) Shall only work during normal working hours of the Council.
- (c) Shall remove from site all dirt and rubbish and leave all sites in a clean and tidy condition.
- (d) Shall notify the Cemeteries Manager/Administrator before starting work and shall, if required, deposit £100 with the Cemeteries Manager/Administrator to be returned upon these Regulations being fully complied with.

No memorial or part of a memorial may be removed from the Cemeteries without the prior approval of the Cemeteries Manager. Any memorial removed in the process of opening a grave shall be removed at the risk and expense of the person requiring the grave to be opened.

Any memorial taken down for any purpose must be removed from the Cemeteries.

All memorials erected within the Cemeteries shall be kept in good repair by and at the expense of the owner. Once installed it is recommended that the owner engages the services of a memorial mason to carry out regular maintenance. The Council reserve the right to make safe or to repair any memorial which is allowed to fall into disrepair or become unsightly or dangerous.

Where a memorial or other item on a grave, either through its condition, materials used, or manner of construction, has been identified as posing a risk, the Council has the responsibility under Health & Safety legislation to reduce that risk. This may mean that the item has to be removed or a memorial laid down on the grave, where it will pose less of a risk. The Council will always seek to contact grave owners to notify them of the action taken and why. For this reason, grave owners are requested to keep the council advised with regards to any change of address. In cases where the name and /or address are not known, a notice shall be deemed to be properly served if placed upon the grave space, monument or memorial. If any necessary repairs are not carried out within six months of the date of the notice, then the memorial may be removed and disposed of by the Council.

## **REGULATIONS RELATING TO LAWN SECTIONS**

10. Grave spaces shall have the first 600mm (23.4 inches) from one end (to be determined by the Cemeteries Manager/Administrator) for the erection of a memorial in accordance with these regulations. If no memorial is to be erected then this may be used for the planting or placing of flowers or plants. The remainder to be kept level with the existing ground and maintained as a lawn plot free from **all** obstructions.

Any item placed or planted on any grave space other than a memorial approved in accordance with these regulations, becomes the property of the Council, which reserves the right to remove and dispose of the same, without being liable for compensation or to account for the proceeds of disposal.

No memorial in the lawn section will exceed 800mm (31.2 inches) in height measured from ground level

Headstones must not exceed 750mm (29.25 inches) in width and must not be less than 75mm (2.92 inches) in thickness.

Crosses must be erected on a suitable base not exceeding 750mm (29.25 inches) x 600 mm (23.4 inches) and have a shaft not less than 75mm (2.92 inches) thick.

Vases must be erected singly or with a memorial provided that the vase does not exceed 200mm (7.8 inches) in height and is erected on a suitable plinth or bearer not exceeding 750mm (29.25 inches) x 600mm (23.4 inches)

A bored vase hole to include an aluminium flower container may be included with the stone providing it does not exceed the stated dimensions above.

**Kerb sets are not allowed in the Lawn section with the exception of the adult Muslim sections.**

The construction of mounds will not be allowed in any part of the Cemeteries other than those areas set aside for Muslim burials.

### **Regulations specifically relating to Muslim sections**

- 11.** No memorial in the Muslim section will exceed 800mm (31.2 inches) in height measured from ground level.

Headstones must not exceed 750mm (29.25 inches) in width and must not be less than 75mm (2.92 inches) in thickness.

Kerb sets must not exceed the grave/concrete chamber space of 2460mm long x 1110mm wide (96.8 inches x 43.7 inches).

If no memorial is to be erected then this may be used for the planting or placing of flowers or plants. Items placed outside of the grave space such as gravel, chippings, artificial grass, paving or any other items becomes the property of the Council, which reserves the right to remove and dispose of the same, without being liable for compensation or to account for the proceeds.

A mound or other appropriate wooden marker may be erected **temporarily** to mark a new grave and shall be allowed for a period not exceeding 12 months from the date of interment. Such a temporary memorial will only be allowed on a grave where the exclusive right of burial has been purchased and prior written consent has been given.

The construction of mounds should not exceed 152mm (6 inches) in height, allowing a 500mm walkway between graves for access. Any neglected mound may be levelled and turfed.

**Walkways must remain clear at all times, obstacles outside of the grave space will be removed immediately.**

### **Ashes sanctums**

- 12.** The Sanctum Vault is an individual above-ground chamber that has been designed for the placing of 1 set of cremated remains. The chamber is sealed by a granite tablet that can be inscribed with your choice of inscription and decoration. The Sanctum Vaults may be leased for an initial period of 10 or 20 years. The lease agreement contains all the terms and conditions therein. The lease may be extended for a further 5, 10 or 20 year period at the end of the initial lease.

The vault remains the property of the Council throughout the lease period, but the inscribed tablet becomes the property of the applicant. The applicant is responsible for the maintenance and upkeep of the plaque.

At the end of the lease period, if the lease is not renewed, the tablet and any cremated remains in the Vault will be removed by the Council and may be collected by the family for private disposal. Every effort will be made to contact the lease holder at their last registered address to ascertain their wishes. The Council retain the right to strew the cremated remains and dispose of the memorial tablet should their efforts prove fruitless. The onus of responsibility is on the lease holder to keep the Council informed of any change of address.

### **Child and baby graves**

13. There are specially designated areas within the Cemeteries for the burial of babies and children up to 3 years and ashes of children up to 14 years free of charge.

Memorials should be of natural stone and no larger than 380 mm (15 inches) x 380 mm (15 inches) for an interment or 300 mm (12 inches) x 300 mm (12 inches) for an ashes burial. All stones should be positioned directly over the burial and the base shall be laid flush with the ground.

A bored vase hole to include an aluminium flower container may be included with the stone providing it does not exceed the stated dimensions above.

### **Regulations relating to the old section of High Wycombe Cemetery only**

13. Memorials should conform to the following:

In the old Section all enclosures shall be 2400mm (93.6 inches) x 1200mm (46.8 inches) for Class A graves, 2100mm (81.9 inches) x 900mm (35.1 inches) for Class B & C graves, 1500mm (58.5 inches) x 750mm (29.25 inches) for Young Persons graves and 1200mm (46.8 inches) x 600mm (23.4 inches) for Children's graves.

No memorial shall exceed 800mm (31.2 inches) in height or be less than 75mm (2.92 inches) thick.

All chippings, crazy paving and other materials shall be supported by a concrete slab conforming to the following requirements:

- (i) A pre-cast reinforced slab at least 50mm (1.95 inches) thick or,
- (ii) A slab of in situ reinforced concrete at least 75mm (2.92 inches) in thickness.

If no memorial is to be erected the first 600mm (23.4 inches) from one end to be determined by the Cemeteries Manager may form an earth plot for the planting of flowers, or placement of a vase, the remainder to be level with the existing ground and maintained as a lawn plot free of all obstructions. Neglected plots may be taken over and grassed down by the Council. Vases may be of robust metal or earthenware. Artificial flowers will not be permitted.

On that part of the Cemeteries adjoining the premises known as Godstowe School which is marked on the plan deposited at the Cemeteries Office no memorial shall be of a greater height than 750mm (29.25 inches) from ground level.

### **FEES**

14. Fees and charges are available on the [Buckinghamshire Council website](#) or please speak to your Funeral Director/Memorial Mason

**Should you have any queries regarding these regulations please contact the Cemeteries Manager.**

**Email: [Cemeteries@Buckinghamshire.gov.uk](mailto:Cemeteries@Buckinghamshire.gov.uk)**

**14<sup>th</sup> February 2022**