



## **LLANDWROG COMMUNITY COUNCIL'S CEMETERY REGULATIONS.**

Adopted: **21<sup>st</sup> May 2018**

The Regulations in the Welsh language is the definitive version for establishing actual meaning of the Regulations.

### Introduction.

The Council is responsible for three cemeteries in the community of Llandwrog:

- (a) Bryn'robyn Cemetery in Y Groeslon.
- (b) Carmel Cemetery in Carmel.
- (c) Llandwrog Public Cemetery in Llandwrog.

The Council exercises a duty of care for the benefit of the public and others due to different legislatures and its responsibilities as a Burial Authority. The following Regulations are for the proper management of the cemeteries and sets out arrangements for the management of health and safety risks.

The Clerk of the Council fulfills all administrative duties for the cemeteries and is in charge of the statutory records. The records can be viewed by prior arrangement on payment in accordance with Council fees. There will be an additional fee for copying.

The Council may review the Regulations as required.

The cemeteries are managed in accordance with the Local Government Act 1972 and the Local Authority Cemeteries Order 1977 as well as any order provided by the Welsh Assembly Government.

## Regulations.

1. An interment must be arranged with the Clerk by serving a Notice of Burial at least three days before the burial including a copy of the death certificate.
2. An interment is not allowed before 10 o'clock in the morning or after 3 o'clock in the afternoon during the summer and 2 o'clock in the winter. Interment and work by stone masons are not permitted in a cemetery on Sundays or a statutory holiday.
3. It is required that when a grave is re-opened or the opening of a grave for the first time (when the exclusive right of burial has been pre-purchased) the Notice of Burial to the Clerk has been completed by the current holder of the relevant exclusive right of burial.
4. All appropriate fees must be paid to the Clerk in accordance with current Council fees submitting a Notice of Burial or application to place a memorial.
  - 4.1 In the case of the deceased having died within 5 years of leaving the community then the fee for those of the community will apply.
5. Engraving and repairing memorials is not permitted within a cemetery. All materials and memorials must be removed from a cemetery in preparation for an interment whilst avoiding damage to graves or any feature of the cemetery.
6. The public may not impose any obstruction preventing access in any way to a grave.
7. Exclusive rights of burial provide a lease for 75 years, not ownership of the land of the grave. The exclusive rights of burial is available only when a new grave is required to be opened for a burial and the Council does not sell the rights in advance. A grave is to be opened during three days (excluding Sunday) before the date of the burial.
8. Only the holder of an exclusive rights of burial may apply to the Council for the right to erect or re-erect a memorial on the relevant grave. The Council will not accept an application to erect or re-erect a memorial within a six month period following at the interment of an adult and a three month period in the case of a child / baby and cremated remains. The design and manufacture of a monument together with the installation work must comply with current requirements by NAMM. The current

burial grounds at the cemeteries are designated as lawn areas and memorials with kerbs are not permitted there.

9. The size of each new plot, for up to three interments, has a length of 2.44 meters (or 8 feet), a width of 1.22 meters (or 4 feet) and a depth of 2.44 meters (or 8 feet). The memorial must comply with the Council's policy regarding size, form and installation methods.
10. A depth of soil to cover the final coffin in a grave must not be less than 0.6 meters (or 2 feet).
11. The holder of the exclusive rights of burial or his/her family is responsible for the condition and maintenance of a memorial (i.e. the headstone, kerbs and features within the kerbs). The Council has the right to undertake, at any time, safety inspections of memorials in the cemeteries without prior direct contact with the person who holds the exclusive rights of burial or his/her as the family.
12. Anyone who excavates or back-fills a grave will be responsible for any damage caused to a third party when engaged in the work.
13. The Council will not accept responsibility for any damage within a cemetery caused by a third party to the property of the public or others.
14. The public is not allowed to dig grave land nor place on it any plant. Features are not allowed on the land in front of a memorial in a lawn area; excluding a child/baby's grave.
15. The public are not allowed to use herbicide within a cemetery.
16. A large excavator cannot be used within a cemetery. Only small machines such as "mini digger" are permitted.
17. A Funeral Director must ensure that his contractor who opens a grave is responsible for transporting any surplus material from the cemetery. If this is not done the Council may do the work and recover all costs from the Funeral Director. While a grave is open it must be covered sufficiently and effectively. Work to open a grave must comply with the Construction Regulations 1961 and 1966.
18. Cremated remains may be interned in a specific plot for them or in a common grave if required to do so by the holder of the exclusive right of burial. A plot specifically for cremated remains measures 0.915m by

0.915m (or a square yard) with a depth of 0.6m (two feet) and can receive up to four standard size urns.

19. A memorial may not be placed on any grave without first being formally approved and in writing by the Council. The appropriate form must be sent to the Clerk fully completed and showing details of the memorial for consideration by the Council. The form must include a statement that the memorial and installation shall comply with current requirements by NAMM. The Clerk has been empowered to act and will consult the Chair as necessary.
20. Owners of the memorials, that is; the person with the exclusive rights of burial or his / her family, has the responsibility to maintain them in a safe condition. Owners, (if known) will be notified when they need to repair their monuments and unless repaired within the time set by the Council then the Council can deal with them in accordance with the powers conferred on it by the Local Authority Cemeteries Directive 1977. The Council can act directly to deal with any memorial that it believes creates a significant health and safety risk and without prior notice to the owners.
21. The Applicant must employ a stonemason that is acceptable to the Council when he requires to arrange work in a cemetery. The Council has the right to refuse consent for work to proceed if the Applicant is unacceptable.
22. Dogs, excluding guide dogs, are prohibited from the cemeteries.
23. The cemeteries are not to be used as a place for children to play or as a place to play sports. Riding bicycles within the cemeteries is prohibited.
24. When a new grave is located within a lawn area then only a 'lawn grave' memorial is allowed to be installed upon the plot. Kerbs are allowed upon a grave located in a row where a memorial(s) with kerbs already exist.
25. Each grave prepared for a burial, except a grave for a child and a grave for cremated remains, is to include an enclosure of blocks or brickwork that surrounds the coffin position and that there are two inch thick concrete slabs on top of the blocks / brickwork before backfilling to complete the burial.

Opening and backfilling graves.

26. The Funeral Director (employed by 'the family') is responsible for appointing and employing a suitable contractor to open a grave. The Council may request a formal risk assessment and a method statement from a Funeral Director for approval before it is entitled to carry out opening and backfilling a grave at the Council's cemeteries. The Council can also request from a Funeral Director a copy of his contractor's public liability policy.
27. The method statement in 25 must confirm the use of equipment and materials including 'shoring' that shall : (a) prevent the collapse of land during excavation for the safety of employees and public and (b) to protect adjacent graves from disturbance and monuments from damage.
28. A Funeral Director must ensure that there is an effective barrier across a grave opening during the period after excavation until the interment so that the public are not exposed to a health and safety risk.
29. A Funeral Director must ensure that his contractor that opens and backfills graves will compress the soil approximately every 0.3 meters (or twelve inches) in depth whilst backfilling the grave. A layer of turf must be placed on the backfilled soil as a cover upon the grave.
30. The Council will monitor the work of a Funeral Director and may act in a manner that is relevant and appropriate if the Funeral Director's activities are unacceptable.

To be adopted :-

Only memorials of a form that is low and horizontal on a standard concrete base with an inscription facing upwards is permitted at the new section of Bryn'robyn Cemetery.