

RESPONSIBILITIES, APPLICATIONS, RULES AND FEES

RESPONSIBILITIES

1. Responsibilities are shared between the following:
 - a. **The Proprietor** – The proprietor is the person who has acquired the exclusive right of burial or their descendants, together with the right to erect a memorial on the plot. He or she is responsible throughout the lifespan of the memorial for its general condition and stability.
 - b. **The Mason/Erector** – The mason/erector, having been commissioned by the proprietor, has a duty of professional care and must abide by the regulations laid down by the landowner. The memorial must be set securely and be of merchantable quality.
 - c. **The Landowner** – The Parish Council (Burial Authority) is holding private property in a public area and has overall responsibility for the safety of visitors, including trespassers. The landowner has ultimate control of what goes onto the land and the rules governing its upkeep.

APPLICATIONS

2. Applications for Exclusive Right of Burial are to be made in writing to the Clerk to the Burial Authority. Applicants are to receive the duplicate copy of the Grant of Exclusive Right of Burial (the deed of grant) duly signed by the officer appointed for this purpose.
3. Whenever any interment takes place in a private grave (other than a new grave) the deed of grant shall be produced to the Burial Authority with the official order before any work or preparation of the grave for interment takes place.
4. If the deed of grant has been lost, the grave will be opened on the application of any person whom the Burial Authority consider entitled, or by a person giving a statutory declaration and indemnity to the Council.
5. Applications for interment are to be made in writing to the Clerk to the Burial Authority who will then allocate a grave space in accordance with the plan of the burial ground.
- 6 (1). Applications for erection of headstone and additional inscriptions are to be made in writing to the Clerk to the Burial Authority, and designs submitted for approval before work is put in hand. Applicants should be aware that no monument, gravestone or tablet can be erected unless a Grant of Exclusive Right of Burial has been made.
- 6 (2). Applications for interment of ashes shall be made to the Clerk to the Burial Authority. A certificate from the crematorium must accompany all applications.
7. All necessary Certificates and consents must be submitted to the Clerk to the Burial Authority before the burial takes place (including for children stillborn), in particular

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- The Certificate of Disposal issued by the Registrar of Deaths, or
- in cases where an inquest has been held, the Coroner's Order for Burial, or
- a written Declaration by the person procuring the disposal by burial of the body of a deceased person that a Certificate of the Registrar or Order of the Coroner has been issued in respect of the deceased.

7.1 Applications for Exclusive Right of Burial and interment will be determined by the Clerk to the Burial Authority in accordance with the terms of this policy (in consultation with the Chair and Vice Chair of the Burial Authority where there are issues as to interpretation of the policy).

7.2 Applications for erection of headstone and additional inscriptions shall be referred to the Burial Authority for determination, except in circumstances where there is a need for a decision before the next meeting of the Authority, in which case the application may be determined by the Clerk in accordance with the terms of this policy (in consultation with the Chair and Vice Chair of the Burial Authority).

RULES FOR THE PROPRIETOR

8. The following rules must be observed by the proprietor:
- a) The proprietor is responsible throughout the lifespan of the memorial for its general condition, upkeep and stability.
 - b) No memorial, monument headstone, case, tablet or inscription shall be allowed (except with the consent of the Burial Authority) in, over, or to any grave for which the exclusive right of burial has not been purchased.
 - c) No memorial shall be admitted to the burial ground without the written approval of the Burial Authority.
 - d) Headstones shall not exceed 2 feet 6 inches in height. Headstones (including base) shall be no larger than 36 inches wide and 6 inches thick and no less than 20 inches wide and 3 inches thick but in the case of slate 1 inch thick.
 - e) Designs for memorials not conforming to these dimensions may be submitted to the Burial Authority for approval.
 - f) Headstones may be placed on a base of the same material and on a suitable foundation.
 - g) Carving may be allowed but the design must be submitted to the Burial Authority
 - h) The following are not permitted: kerbs, railings, plain or coloured chippings, containers of any kind.
 - i) The burial ground shall be maintained in a level condition without any permanent earth mounds.

INSCRIPTIONS AND MATERIALS

- j) Details. The forename and surname of the deceased should be given with age and date (or year) of death, or the years of birth and death.
- k) Epitaphs. The object of epitaphs is “to identify the resting place of the deceased, to honour the dead, to comfort the living and to inform posterity”. They should, therefore, be simple and relevant.
- l) Lettering may be painted a shade lighter or darker than the natural colour of the stone. On some sandstones and granites raised lettering standing out from the cutaway stone can be effective. Gilded or silvered lettering: trademarks or advertisements are not permitted.
- m) Additions may be made to an inscription following a subsequent interment in the same grave but approval is required and wording must be consistent with the original inscription.
- n) Materials must harmonize with the natural local landscape and local stone is preferred. The following materials will generally be permitted: natural stone, limestones (including Nabresina Boticino and certain Portuguese stones), sandstone, Stancliffe or Darley Dale stone, grey granite (no darker than Rustenburg grey) and slate.
- o) The following materials are not permitted: black, blue or red granites and all granites which have had all their surfaces polished, any marble artificial stone, plastic, metal and terra cotta.
- p) Vases and containers are exempt from this part of the regulations relating to artificial stone but in all cases it is the right of the Burial Authority to determine suitability of the same.
- q) No woodwork or metal other than approved for as dowels shall be used in the construction of a memorial.
- r) Polishing shall not be greater than that required to give a good smooth finish and must be confined to the face of the gravestone on which the inscription is to be cut. Mirror polishing is not permitted.
- s) All memorials to be constructed and installed to NAMM Code of Working Practice as revised and no memorial shall be erected on any grave within six months of the date of the last interment.

CREMATED REMAINS:

- t) Cremated remains may be buried in the approved site upon application to the Council. All memorials must be approved in writing by the Council prior to placing on the plot. All laws and regulations relating to the disposal of cremated remains

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must be adhered to. Next of Kin and Executors should be aware that once ashes have been interred this is their final resting place. It is not possible to retrieve them without a license from the Ministry of Justice and/or a Bishop's Faculty

- u) Cremated remains must be marked by a memorial tablet which should not exceed 18 inches by x by 18 inches. Inscriptions and material for the memorial tablet must meet the requirements set out above. An application for Exclusive Right of Burial for cremated remains in the approved site must be made using the Form in Appendix 3.
- v) A maximum of two cremated remains can be interred in each site.

MEMORIALS AT OWNER'S RISK

- w) All memorials of whatever description admitted to the burial ground or permitted to be erected shall remain there at the owner's sole risk and the Burial Authority and its employees shall not be held responsible for any damage loss or injury that may occur other than due to the negligence of the Burial Authority.

CONSTRUCTION AND USE OF COFFINS

- x) The remains of stillborn and newly born children shall be brought for burial in a suitable wooden container. Every other body brought for burial shall be and remain enclosed in a coffin of the type and style traditionally used in England.
- y) No glass or other transparent material may be used in the construction and the lid and all other parts must be properly and firmly secured before being brought to the burial ground.
- z) Neither the lid nor any part of the coffin shall be opened, slid aside or removed within the burial ground on any pretext whatsoever.

COMPLETION OF WORKS

- aa) Stonemasons or others employed in the fixing of memorials shall remove all spare soil and materials when the work is completed and leave the ground to the satisfaction of the Clerk to the Burial Authority. They shall be responsible for any damage done by them or their workmen to the ground or to memorials erected within the burial ground or to any property of the Burial Authority.

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- bb) The Burial Authority reserves the right to exclude any memorial not executed in a workmanlike manner or that would in any way disfigure the burial ground.

RULES FOR THE LANDOWNER

9. The landowner is the steward of the burial ground with ultimate responsibility for maintenance and safety. In pursuance of this responsibility, the landowner (or their designated agent, the Clerk to the Parish Council) must:

- a) maintain a written register of all burials together with a plan of the burial ground in accordance with current regulations;
- b) ensure that the proprietor abides by the rules laid down;
- c) possess adequate insurance to cover accidental, storm, vandal and other damage;
- d) ensure that printed regulations laying out the rules and responsibilities are made available to funeral directors and clients;
- e) carry out a risk assessment and inspection annually and record the results and actions arising (a **Risk Assessment template** is set out at **Appendix 1**, and **Inspection Guidance** at **Appendix 2**);
- f) ensure that regular maintenance is carried out.

10. The landowner may take such action as is necessary to ensure the observance of regulations. This may include the removal of any object, including headstones, deemed to be unsuitable, inappropriate or unsafe. Reasonable effort will be made to give notice to the owner when repairs are needed and if such repairs are not made within three months after the issue of such notice (or lesser notice in the case of urgency), the landowner reserves the right to remove and dispose of the memorial or monument without recompense.

FEES

11. Entitlement to exclusive right of burial applies where the person requiring exclusive right of burial, or the deceased, is or was:

- a) a current inhabitant of Bonsall;
- b) a former inhabitant or parishioner of Bonsall for a period of at least 5 years within a reasonable time of death (for example no more than 5 years).
- c) In the case of a still-born child, one of the parents must satisfy the above criteria.

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12. Individuals who do not satisfy the criteria laid down in paragraph 11 will not normally be entitled to apply for exclusive right of burial. If the Burial Authority approves an application outside of these criteria then it may at its discretion charge triple the standard charges listed below.

13. No transfer of the Exclusive Right of Burial will be valid unless such a transfer has been registered with the Clerk to the Burial Authority.

14. The fees indicated do not include the digging of the grave.

EXCLUSIVE RIGHT OF BURIAL IN EARTHEN GRAVES

15. Fees for Exclusive Right of Burial for a period not exceeding ninety nine years are as follows:

- a) in an earthen grave 9 x 4 feet: **£400.00***;
- b) of cremated remains in an earthen grave 18 x 18 inches: **£100.00.**

These fees include the Deed of the Grant of Exclusive Right of Burial and all associated expenses.

(* In any case where an Exclusive Right of Burial was granted by the Parish Council in the past on a '*Reserved Only*' basis (as shown in the Register of Purchased Graves or in any other formal Parish Council document), and for which no Deed of Exclusive Right of Burial was issued at the time, then the fee to be charged will be the prevailing rate at the time of reservation, less any deposit recorded as having been paid at that time. The 99 year grant to be issued will run from the date of the Deed, not the date of the original reservation).

INTERMENT

16. Fees for interment are as follows:

- a) of the body of a still born child or a child whose age at the time of death did not exceed one year (in an area of the burial ground at the Burial Authority's discretion): **No Charge;**
- b) of the body of a child whose age at the time of death exceeded one year, but did not exceed 16 years: **£150.00;**
- c) of the body of a person whose age at the time of death exceeded 16 years: **£200.00;**
- d) of cremated remains in an existing grave: **£100.00;**
- e) of cremated ashes in a plot in the approved area of the cemetery: **£100.**

MONUMENTS, GRAVESTONES, TABLETS AND MONUMENTAL INSCRIPTIONS

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17. For the right to erect or place on a grave for which exclusive right of burial has been granted, the following fees apply:

- a) for a headstone not exceeding 2 feet 6 inches in height above the ground, in a stone and with an inscription, both approved by the Burial Authority: **£100.00;**
- b) For a memorial tablet not exceeding 18 inches by x by 18 inches: **£100;**
- c) for each additional inscription: **£30.00;**
- d) for a vase not exceeding 12 inches in height: **£45.00.**

SEARCHES OF REGISTER BOOKS

18. The register of burials shall at all reasonable times be available for consultation by any person free of charge. Where a search is conducted by a representative of the Burial Authority, the following charges apply:

- a) For the first hour or part hour: **£15.00;**
- b) Subsequent time at the rate of: **£15.00** per hour pro rata

CONDUCT

19. All persons entering the burial ground will be subject to the orders and control of the Burial Authority and shall conduct themselves in a decent and orderly manner and are reminded of the provisions of the Local Authorities Cemeteries Order 1977, Section 18(1) below:

No person shall:

- a) Wilfully create any disturbance in a cemetery;
- b) Commit any nuisance in a cemetery;
- c) Wilfully interfere with any burial taking place within a cemetery;
- d) Wilfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants or any such matter; or
- e) Play at any game or sport or discharge firearms (save at a military funeral) in a cemetery.

REVIEW OF FEES AND POLICY

20. This Policy and these Fees may be revised periodically by the Burial Authority.

By resolution, approved at the Bonsall Parish Council meeting held on **21st January 2017**

The foregoing fees and Policy were approved to take effect from **01 March 2017**

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Signed

Mark Harris

Chair of the Council

(Amended 19th January 2021 to make provision for an area for cremated ashes).

(Amended 19th October 2021 para 15 to deal with fees for reserved plots).

Appendix 1 Risk Assessment Form

ACTIVITY / EVENT/ PREMISES ASSESSED:		ASSESSED BY:	DATE(S):	Personal protective equipment needed:	1st Aid Kit(s) checked (tick): YES NO	
LOCATION – Post code/ grid ref: St.James Church, Church Street Bonsall Matlock DE4 2AE		NO. OF PEOPLE AT RISK & STATUS (e.g. 6 volunteers, all staff, public, etc):			Qualified First Aider(s) present:	
MOBILE PHONE NO:		OTHERS AT RISK: e.g. passers by?		Nearest Hospital &/or Doctor (N.B. emergency no. is 999 or 112) Chesterfield Calow		Grid ref. or post code for air-ambulance: DE4 2AH (Park)
HAZARDS	TYPE OF RISK	Risk level(R) Probability x severity P x S = R Where risk is L, M or H	CONTROL METHOD (to remove hazard or reduce risk)	Who will do this?	When?	New Risk Level(R) (after taking precautions) P x S = R
e.g. dry stone walling – demolition, rebuilding	Injury to fingers/toes etc	3x2=6 medium	Warn volunteers of the risks and the need for safe working distances. Volunteers should wear strong boots – preferably steel toe capped boots. Volunteers should wear sturdy gloves.	Leader & vols	At start of session	2x1=2 low

Appendix 1 Risk Assessment Form

HAZARDS	TYPE OF RISK	Risk level(R) Probability x severity P x S = R Where risk is L, M or H	CONTROL METHOD (to remove hazard or reduce risk)	Who will do this?	When?	New Risk Level(R) (after taking precautions) P x S = R
Defective Surfaces –Paths, Car park area, Open grass - Slips/trips			Regular inspections for safety defects Defects recorded. Rapid response to repairs. Temporary warning signs erected as necessary. Mossy areas treated regularly. Grass cuttings swept from walkways. Memorial Safety Inspection			
Fencing/walls - injury due to poor maintenance			Inspected regularly and defects recorded, as well as any action taken. Rapid response to repairs.			
Dog fouling - Ill health			No Dogs’ signs present. Dog bins provided where there is a persistent problem. Grass cleared before mowing.			
Gates -injury due to poor maintenance			Closures inspected regularly and defects recorded. Rapid response to repairs.			
Seating - injury due to poor maintenance			Inspected regularly and defects recorded as well as action taken Rapid response to repairs. Seating policy in place. Maintenance carried out as required			

Appendix 1 Risk Assessment Form

HAZARDS	TYPE OF RISK	Risk level(R) Probability x severity P x S = R Where risk is L, M or H	CONTROL METHOD (to remove hazard or reduce risk)	Who will do this?	When?	New Risk Level(R) (after taking precautions) P x S = R
Unstable Memorials - injury due to poor maintenance			Formal strategy/policy for memorial maintenance etc. in place. Programme of inspection and recording introduced. Inspections advertised in advance and of intended action that is taken if found to be unsafe. Risk Assessment for staff doing the inspections done.			
Grave Kerbs - injury due to poor maintenance			Routine inspection for defects. Rapid response to repairs. Policy to removal/bury on plots.			

Signed: 	Date: Review date:
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Appendix 1 Risk Assessment Form

1	To calculate level of risk, first calculate the level of Probability = P (1 to 4) where: <ol style="list-style-type: none">1. Improbable / unlikely to occur2. Possible / could occur sometimes3. Probable / will occur several times4. Likely to occur/event expected.	2 Then calculate the severity of the hazard = S (1 to 4), i.e. the worst likely outcome assuming no controls in place: <ol style="list-style-type: none">1. Minor injury, e.g. cuts, bruises, sprains, minor burns, etc.2. Major injury / Non-life threatening, e.g. fractures, dislocations, muscle strains, cuts/burns or disease needing medical attention.3. Major injury / Life threatening, e.g. loss of limb, major fracture, major disease, exposure or hypothermia, penetrating eye injury, etc.4. Fatal, i.e. death of volunteer, employee, contractor or member of public.
	3 Then multiply as below: Probability x Severity = Level of Risk (P) x (S) = (R) Where, <ol style="list-style-type: none">1. Levels of risk 1 to 4 = Low risk2. Levels of risk 6 = Medium Risk3. Levels of risk 8 to 16 = High Risk	

Appendix 2 Burial Ground Inspection Guidance

1. Inspection Frequency for Bonsall Burial Ground/Cemetery*

- A. Annual: Full Inspection
- B. Special Event: eg Carnival Lantern Procession
- C. Reactive: maintenance/weekly by PCC
- D. Other: e.g. post-storm or by request

NB: *the Parish Council is responsible for the land comprising the cemetery itself. The older closed area is the responsibility of the Parochial Church Council, and the area to the north of the Lychgate that of Derbyshire Dales District Council. However, the public and employees take access through the closed churchyard areas, and a parish council employee maintains the grounds of the closed area, and stores machinery in the DDDC area. So these parts of the churchyard should also be risk assessed, but any issues reported to the appropriate land owner for action

2. Who carries out Inspection

- A. Minimum of two people including at least one Parish Councillor or the Parish Council Clerk
- B. Event Organiser
- C. PCC/School/ Parish Council employee undertaking work
- D. Minimum of two people including at least one Parish Councillor or the Parish Council Clerk

3. What is to be inspected

- Surfaces
- Walls / Fencing
- Gates
- Seating / Bins / Litter
- Memorials
- Trees
- Dog fouling
- General grounds maintenance etc

4. Recording results of inspection

- Use location map to identify risk
- Record description of concern, and evidence with photograph as appropriate
- Date / name of inspectors
- Urgency of action
- Risk Assessment carried out (Y/N)
- Inspection report summary
- Copy to Parish Council Chair, Clerk and Parish grounds maintenance employee

Appendix 2 Burial Ground Inspection Guidance

Application for Interment of Ashes in Bonsall Parish Council Cemetery with a memorial tablet*

Name of Deceased (in full)	
Last address (including postcode) of deceased	
Age of deceased at time of death	
Date of death	
Name and address of Registrar where death was recorded	
Date and time ashes that it is intended that ashes will be interred in Bonsall cemetery	
Name and contact number of any Funeral Director / Grave digger dealing with the interment (note: if not to be involved then the Parish Council will need to supervise the interment)	
Name and contact number of any clergy or other religious person to be involved with the interment	
Memorial plot number (to be completed by Parish Council if not yet provided)	
Full name and address (including postcode) of person purchasing the Exclusive Right of Burial (the Deed)	
Relationship of the purchaser to the deceased	
Is it intended that a further interment of ashes take place at a later date? (If so it will be necessary for the plot to be double depth to avoid disturbance of ashes. A maximum of two cremated remains can be interred in each plot)	Yes / No
I certify that the above particulars are correct, and attach a copy of the Death Certificate for the deceased (a photocopy of the original is sufficient).	
Signature	

Appendix 2 Burial Ground Inspection Guidance

Name of signatory	
Date	

***Purpose of this form:** this form is for use when requesting purchase of an Exclusive Right of Burial of ashes in the cemetery in the consecrated area set aside for this purpose. It is not applicable to purchase of a full grave plot.

Fees: the current Parish Council fee for this Deed of Exclusive Right of Burial of ashes is £100, and the fee for a memorial tablet is £100. The plot must be marked with a memorial tablet. Please contact the Parish Council Clerk for details of how to make the fee payment.

Memorial tablet: a separate application must be made to the Parish Council for approval of the memorial tablet. Local Stonemasons are familiar with the procedure for this and will submit the application for you. Under the terms of the Council's Burial Policy the permitted memorial tablet must be flat and should not exceed 18 inches by 18 inches. Inscriptions and material for the memorial tablet must meet the requirements of the Policy.

Other fees: any Grave digger fees, Undertaker fees or Stonemason fees are paid direct to them and would be in addition to the Parish Council charges above.

Wirksworth Ministry (optional): if a member of the clergy is wanted at the interment please contact the Wirksworth Team Ministry on teamoffice@wirksworthteamministry.co.uk or on 01629 824707.

The current (2022) costs of having clergy involved in the interment of ashes varies according to circumstances, as follows:

- Burial of body, or burial or other lawful disposal of cremated remains, in cemetery immediately preceding or following on from service in church **£30**
- Burial of body, or burial or other lawful disposal of cremated remains, in cemetery on separate occasion **£74**
- Funeral service at crematorium, or funeral service (including burial of body or burial or other lawful disposal of cremated remains) in cemetery [No Service in Church] **£206**.

Completion of form: the completed form can be delivered to the Clerk and Responsible Finance Officer, or a scanned version including the signature can be emailed to bonsallclerk@gmail.com.