

*These standing orders were adopted by Council at its meeting on the 4th May 2021. Recorded under minute reference 13/21.*

The Groby Road Cemetery is managed and operates in accordance with current legislation covering Burial and Cremation in England and Wales. These regulations are a necessary requirement for the management of the Anstey Parish Council cemetery. Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these regulations have been prepared with a balance between individual rights and the need to regulate for health and safety grounds.

### **1. Administration**

The Cemeteries office is located at Anstey Parish Council, The Parish Office, Jubilee Hall, Staddon Road, Anstey, Leicester, LE7 7AY the office is open Monday to Friday 10am – 12 noon (except for UK public holidays)  
For further information call: (0116) 236 2646.

### **2. Admission to Cemetery**

- 2.1 The cemetery is open daily.
- 2.2 Anstey Parish Council welcomes visitors to its cemetery and they are asked to respect the peace, dignity and reverence of the facility.
- 2.3 Dogs must be kept on a lead and any dog mess must be cleared up.
- 2.4 Motor vehicles – may enter the Cemetery only if an occupier is on cemetery business and shall only do so on a carriageway suited to the purpose. Vehicles must not exceed 10mph and must not obstruct paths or driveways. Permits allowing vans, lorries or other commercial vehicles to be driven into the cemetery for any purpose other than attending a funeral must be obtained from the Parish Office. The Council will not accept responsibility for loss from or damage to any vehicle brought into the cemetery, howsoever caused.
- 2.4 Bicycles – The Council accepts no liability for loss from or damage to any cycle, brought into the cemetery, howsoever caused.

### **3. Cemetery Areas**

- 3.1 The cemetery is divided into three separate areas that have different regulations covering size of plot and permitted memorials.
  - a) Cremated Remains Area - Each new plot can have up to 4 sets of cremated remains and are 48 inches 122cm by 48 inches (122cm) in area. All cremated remains must be interred in a bio degradable container.
  - b) Lawned Cemetery Area – Each new plot can have up to two interments plus a maximum of 8 caskets (except for children under 6 months old who can be interred first still allowing space for two adults).
  - c) Old Graves Area – each new plot can have up to two interments plus a maximum of 8 caskets. All cremated remains must be interred in a bio degradable container.

### **4. Application for Interment**

- 4.1 Consent to the Council – No burial shall take place, no cremated remains shall be scattered and no monuments nor memorial shall be placed in the Cemetery nor shall any additional inscription be made on a memorial without the prior consent of the Council.

- 4.2 Notices and application required prior to interment – all notices of interment and application for graves spaces shall be given or made in the first instance by telephone to the Parish Office and subsequently confirmed in writing. The minimum periods required for notice of interments are two working days from receipt of completed paperwork. These days notice exclude the day of the interment Saturdays, Sundays and UK public holidays.
- 4.3 Notices of Interment – All notices of Interment shall be given in writing and signed by the Owner of the Exclusive Right of Burial. The forms are available from the Parish Office and local funeral directors and shall state the forename, surname, age place of death and last residence of the deceased person to be buried. The particulars required must be fully completed and received at the Parish Office
- 4.4 Alteration of Day of Interment – where it is found necessary to alter or postpone the day or hour previously fixed for an interment, notification of the alteration or postponement must be given at the Parish Office not later than 11:00 hours on the day prior to the day of interment.
- 4.5 Cremated remains should be in a bio-degradable container.

## **5. Exclusive Rights of Burial**

- 5.1 Exclusive Right of Burial may be purchased by residents only. Those who have previously lived in, or worked, in Anstey but have moved away due to failing health or in those in the armed forces retain the rights to burial in the Cemetery.
- 5.2 Reservations by residents of the Exclusive Rights of Burial may be purchased in accordance with the charging policy.
- 5.3 Grant of Exclusive Rights of Burial – The Council will grant on such terms and subject to such conditions as they think proper and upon payment of the appropriate fee or fees to any person aged eighteen years or over. The Grant of Exclusive Rights of Burial will be for a period of fifty years for any grave space or grave. The full name and address of the person to be registered as the Owner thereof shall be supplied. It is the responsibility of the purchaser to inform the Council of any change of address.
- 5.4 Certificate of Grant – Upon payment of the appropriate fee, the Grantee shall receive a certificate and the particulars thereof shall be entered in a registry book to be kept for that purpose. The certificate will stipulate the full name of the Grantee and the terms on which the certificate has been issued as follows:
- a) the right of burial shall be exercisable only for a period of 50 years from when the grant is issued. At the end of this period the right of burial can no longer be exercised and all rights relating to the grave in question, and in relation to any memorial erected thereon, revert to the Council.
  - b) During the period of the Exclusive Rights of Burial the Grantee or Owner will have the right to instruct a memorial mason to erect upon the specified grave a memorial that complies in all respects, including any inscription thereon, with the prior permission of the Parish Council
  - c) The Grantee or Owner (or their successor in title) may during the last five years of the aforementioned period on payment of 50% of the cost of the Exclusive Right of Burial at that time, obtain a renewal of the grant for an additional period not to exceed the original term of the Grant.
- 5.5 The Council will allocate the next available space at the time of purchase.

- 5.6 Right of Burial – the purchase of an Exclusive Right of Burial entitles the Owner the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave.
- 5.7 Transfer of Exclusive Right of Burial – documents required – transfer of ownership can take place on production of any of the following relevant original documentation at the Parish Office:
- a) Grant of Probate: Normally granted to the executors appointed in the will of the deceased person when the will has been proven in court. Only the original ‘sealed’ Grant will be acceptable at the Parish Office; ie must bear the embossed seal of the court.
  - b) Grant of Letters of Administration: When a deceased dies intestate (ie: without making a valid will) then the next of kin (or some other person with a sufficient interest) can apply to the Court to be made the Administrator of the Estate. As with Grant of Probate, the original document must be produced to the Cemetery Office bearing the embossed seal of the Court.
  - c) Form of assent: Normally completed by the deceased’s personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased’s estate.
  - d) Statutory Declaration: An original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

## **6. Production of the Grant of Exclusive Right of Burial**

- 6.1 The Grant of Exclusive Right of Burial will be required for the opening of graves.
- 6.2 Purchased graves – repairs to memorials – all memorials shall be kept in good repair at the expense of the registered Owner, including repairs necessary due to vandalism. In the event of any memorial falling into disrepair the necessary repairs not being carried out within 12 months after notice from the Council, the memorial may be removed by the council subject to and in accordance with the provisions of Schedule 3 to the Local Authorities’ Cemeteries Order 1977. The Parish shall make reasonable efforts to communicate with the Owner by giving written notice by post to the owner at his / her last notified address when repairs are needed. The Burial Authority can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.
- 6.3 Maintenance of Graves – The area of the grave may not be interfered with by the owner of grave or any persons on his / her behalf other than in accordance with these Regulations. The registered owner is responsible for maintaining the grave space, with its memorial, in good condition and repair.
- 6.4 Plans of the Cemetery showing the whole of the grave space therein and their respective division within the cemeteries are kept at the Parish Office.

## **7. Interment of Residents and Non-Residents**

Non Resident fees – The interment fee will be increased where:

The deceased is not a resident of the Parish. If the deceased lived in the Parish for the majority of their life but took up residence outside the Parish to receive full time care, within 5 years of their death, resident status will be granted. The executors or other representatives of the deceased must provide the Council with the relevant information for claiming resident status.

## **8. Fees and Charges**

Fees and charges for all cemetery services will be determined by the Council in accordance with the powers derived under Article 15(1) of the Local authorities' Cemeteries Order 1977. They will be reviewed annually and take effect from 1<sup>st</sup> April each year. Full settlement of all fees and charges in respect of interments must be made before the funeral. No account facility is offered. Fees for funeral services, including fees for the officiating person, are paid separately through arrangement with the Funeral Director.

## **9. Memorials**

- 9.1 Memorials may not be erected until 12 months after the date of interment in the case of a full burial.
- 9.2 Right to Erect Memorials – The right to erect a memorial rests with the Owner of the Exclusive Rights of Burial. No work must be carried out before the council has granted permission. Where the Grant of Exclusive Right of Burial has expired, the grave space will revert to the Council and the memorial maybe removed. It is an offence to wilfully interfere with a tombstone or other memorial, or to add additional inscriptions on a memorial without the Council's authority.
- 9.3 Owner's consent – No headstone, monument or memorial will be allowed to be fixed upon any grave without the written authority of the Owner; nor shall any additional lettering be permitted without such authority being first delivered to the Parish Office.
- 9.4 All memorials must be made of hard natural stone or granite of a design approved by the Council and conform with the following dimensions:
  - a) Lawned Graves Area: a maximum of 36 inches (90cm) in height 36 inches (90cm) wide and a maximum of 12 inches (30.5) deep and within the plot dimensions.
  - b) Older Graves Area: a maximum of 36 inches (90cm) in height, 36 inches (90cm) wide and maximum 12 inches (30.5cm) deep and within the plot dimensions. Kerbs are permitted subject to prior approval in this area only.
  - c) Cremated remains area: a maximum of 30 inches (76.2cm) in height, 24 inches (61cm) wide and a maximum 12 inches (30.5cm) deep and must be within the plot dimensions. The base slab to be 30 inches by 18 inches and positioned in line with previous slabs. Desk memorials and Flat tablet memorials are permitted as long as they remain within the permitted dimensions.
- 9.5 Inscription – If inscriptions are to include names of people buried elsewhere this must be made clear within the chosen wording.
- 9.6 The Council reserve the right to lower, alter or remove any gravestone or monument which, in the opinion of the Council, is unstable or unsafe. Prior to such work being undertaken, the council will try to contact the owner and will also post a notice in the cemetery for one month advising of its intentions.
- 9.7 The Council reserves the right to remove anything placed on or around a grave which it feels could be a hazard or hindrance to Council staff in carrying out their duties or to visitors in the cemetery.

## **10. Maintenance of Graves, Flowers and Wreaths**

- 10.1 There is a water butt near to the entrance to allow water for any flowers.
- 10.2 Only one memento such as toy, candle or light will be permitted on plots. Any other items placed on grave spaces may be removed by the Council and kept for a period of 4 weeks after which they will be disposed of.
- 10.3 No cultivation or planting of plants, shrubs or trees is permitted,
- 10.4 Nothing may be placed on the area of the grave except as provided in these Regulations and on the day of the funeral, when flowers and wreaths may be placed upon the grave in which the burial takes place. Funeral tributes may remain there for fourteen days after which they will be removed at the discretion of the Council. Bins are provided for dead flowers and wreaths, or litter must be conveyed to the nearest bins provided.
- 10.5 The Council shall be at liberty to remove from graves any moveable article that is broken or has become unsightly. The Council reserve the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.
- 10.6 The Council will sow grass seeds or lay turf over the whole area of the grave when the ground has settled.

## **11. Garden of Remembrance**

- 11.1 Only Scattering of ashes can take place in the Garden of Remembrance. This is by arrangement with the parish office.
- 11.2 There is a dedicated area where scattering can take place.  
Only flowers may be left on the path way near to the tree and in no other area of the garden. A sign denotes this area.
- 11.3 A plaque may be purchased to leave a dedication in memorial, no other un-authorized memorials are permitted.

## **12. Damage or Complaints**

Any complaints or damage should be notified to the Clerk to the Council at Jubilee Hall, Staddon Road, Anstey. Tel: 0116 236 2646 email: [clerk@ansteypc.org](mailto:clerk@ansteypc.org)