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KIRBY MUXLOE VILLAGE CEMETERY

DESFORD ROAD

KIRBY MUXLOE

LEICESTER

LE9 2BD

CEMETERY RULES AND REGULATIONS

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PART ONE

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 – 1:30 p.m. 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.

PART TWO

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 can be located on our website (www.kirbymuxloe-pc.org.uk) or can be obtained from the Parish Office. For the purpose 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:

- Permit their details to be 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 9 a.m. and 3 p.m.

All interments of cremated remains must take place between 9 a.m. and 3.30 p.m.

Interments will not be permitted 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 prior approval.

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, where the Cremation was undertaken.

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) in width

- *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.*

N.B - Only Approved Contractors will grave dig

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 to enable an entry to 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/are 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 plant a small rose/shrub, but this must be maintained by family members to a maximum height of 2 foot.

The area in which the cremated remains are strewn is recorded in the Register for future reference. It is important to consider that once scattering has taken place, **cremated remains cannot be removed or 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 and/or Council's approved Contractor.

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

PART FOUR

MEMORIALS

15. Memorial application

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 any item placed on the memorial poses a health and safety risk, this will be removed immediately. Any item removed will be kept for 28 days, but after such time will be disposed of.

Approved Memorial benches may be placed around the perimeter of the Cemetery. Please contact the Parish Office should you wish to make an application.

Memorial benches must be installed by Council’s Contractor and maintained by family members.

Any Memorial bench deemed to be unsafe will be removed immediately.

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 36" 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 24" x 18"
Memorial maximum height: 24"

N.B – MONOLITH MEMORIALS AND WALLED GRAVES ARE NOT PERMITTED IN THE CEMETERY. SHARED MEMORIALS ARE AT THE DISCRETION OF COUNCIL

17. Erection of memorial

The erection of a memorial will be permitted only where:

- An Exclusive Right 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 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:

- 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 arrival at 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.
- In line with adjoining memorials.

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

In the case of divergence 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 ensure the memorial complies 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 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 waste from the Cemetery when work is not in progress.

19. Memorial construction

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

- Artificial stone;
- Concrete;
- Terracotta;
- 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 inscribed without 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, which the Burial Authority will determine.

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 they consider a memorial to be 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 gardens, trees or shrubs either on the grave itself or within the headstone area;
- Placing of any items which pose a risk to public safety; impedes the maintenance of the cemetery or is incongruous with its surroundings
- Placing of any unauthorised grave surrounds.
- Items encroaching onto adjoining graves

N.B – Items may only be placed in front of the Memorials in the Rose Garden

24. Loss or damage

Memorials are placed at the Grant Holder's own risk. The Burial Authority is not responsible for loss or damage 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 as consent to temporarily remove a memorial from the grave, to enable this to be opened.

26. Hours of work

All works in connection with the erection or restoration of memorials must be undertaken between 8:00 a.m. and 3:00 p.m. (during daylight hours), unless written consent is acquired from the Burial Authority.

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

- Wood, cardboard or wicker coffins 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.
- Memorials erected in the cemetery must be erected vertically and in line with the memorial stones of adjoining graves.
- As soon as convenient after a burial, the Council will level the whole area of the grave and 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.

Council has a responsibility to maintain the grass within Kirby Muxloe cemetery and also ensure that new burials and existing graves can be opened. The council also has to safeguard 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:

- Glass items
- Planting of shrubs, plants and trees or artificial grass
- Stones, chippings or paving
- Edgings, surroundings or fencing
- Solar Lights
- Cans and bottles
- Bird feeders
- No hanging items – e.g., windchimes, etc
- Any item deemed a health and safety risk

Unlit candles contained within a non-glass container are permitted. We appreciate that during anniversaries and other special occasions you may wish to light a candle during cemetery opening hours. This will be permitted provided the candle is not left unattended at any time and is completely extinguished upon leaving the cemetery.

*Certain items for example, balloons are temporarily allowed to mark a special occasion or anniversary. **Please contact the Parish Office to gain authorisation before placing.***

N.B - If in doubt, please contact the Parish Office to verify permitted items

PART SIX

CONDUCT WITHIN CEMETERIES

29. Maintenance of graves

The Burial Authority will maintain the grave in the most cost-effective manner, which will usually result in 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 such time, these will be removed by the Burial Authority. Therefore, any keepsake items should be reclaimed from the grave within four weeks of an interment.

Wreaths, etc placed on graves for Christmas must be removed by the end of January. Any remaining after such time, will be removed during the first week in February.

All material suitable for composting e.g., floral, should be placed in the waste containers located within the cemetery.

N.B – Waste containers within the Cemetery are for Cemetery waste only

30. Responsibility for injury or damage

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

31. Vehicles

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

Any vehicles, including bicycles, entering the cemetery must:

- Not exceed 5 mph;
- 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 drive on grassed areas.
- Park in the allocated Parking Area

The Burial Authority shall not be held responsible for any damage caused to vehicles while in or the cemetery.

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 Authority shall be obtained before any object in a Cemetery is photographed or a video recording commences.
- (ii) Musical instruments or appropriate sound reproducing equipment shall be permitted in the Cemetery with the permission of the Burials Authority.
- (iii) Visitors shall not hinder Parish Council staff/Contractors working in the cemetery, nor employ them to execute any private work whatsoever.
- (iv) Visitors are requested to deposit waste 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 cemetery
- (vi) All enquiries, complaints and requests by members of the public should be made to the Burial Authority.
- (vii) All visitors must refrain from interfering with trees, shrubs and flowers.

No person shall enter or remain in the Cemetery except during opening hours. The Burial Authority, at its absolute discretion, reserves the right to ask any person to leave the Cemetery.

33. Dogs

Dog owners shall ensure:

- Their dog/s is/are kept on a lead and restrained from straying off paths and drives;
- Their dog/s does not interfere with, or disturb, any other person in the Cemetery;
- All faeces excreted by their dog is 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 Council/Leisure, Parks and Cemetery Committee 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, compiled 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 the cemetery made by the Council prior to 10th November 2022 are hereby revoked.

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

I,

(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:

Contact Number:

Dated:

FOR OFFICE USE ONLY

Plot No:	Section:	Name of Deceased:
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