

RULES AND REGULATIONS

BURIAL GROUNDS AND CEMETERIES

Records for the Cemetery are kept at
Burntwood Community Campus
Church Mount
South Kirkby
WF9 3Qs
Tel: 07908898441
Email: manager@moorthorpe-cemetery.co.uk
Wwww link

Fees and Charges

The fees and charges payable to the Joint Burial Committee [JBC] in respect of interments in the Cemetery and in respect of grave spaces, headstones, memorial stones, inscriptions and other matters in connection with the Cemetery, shall be such as are approved annually by the Committee. Copies of such fees and charges are available on request and on the website.

Conduct within the Cemetery Grounds

The Cemetery is maintained to the highest standards and is provided as a quiet area that visitors can visit to reflect and remember their loved ones. Consequently, we request that any visitors act accordingly and respect the needs of others.

If, however, they do not then attention is drawn to The Local Authorities Cemeteries Order 1977 and any amendments thereto:

(a) This order provides that no person shall:

- (i) Wilfully create any disturbance in a cemetery
- (ii) Commit any nuisance in a cemetery
- (iii) Wilfully interfere with any burial taking place
- (iv) Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter
- (v) Play at any game or sport in a cemetery, or
- (vi) Enter or remain in a cemetery at any hour when it is closed to the public unless being a person so authorised by the burial committee

(b) The Order provides that every person who contravenes any prohibition specified in (a) above together with any prohibition specified in Article 19 of the Order shall be liable on summary conviction to a fine not exceeding £100 and the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction thereof. (Note – The amounts of these fines are subject to future variation).

Selection and Ownership of Graves

Every interment shall take place either in a private or in a public grave that will be selected by the JBC officer.

**South Kirkby & Moorthorpe, Upton & North Elmsall & South Elmsall
Joint Burial Committee**

On the purchase of the Exclusive Right of Burial in a grave a Deed of Grant shall be issued to the person whom, or on whose behalf, the Exclusive Right of Burial is purchased and such person shall be registered in the records held by the JBC as the owner of the grave. Deed of Grant: Owning an Exclusive Right of Burial in a specific grave does not give ownership of the actual land, but does give the owner of the Deed the right to:

- Be buried in that grave if space is available
- Authorise further burials in that grave, where space is available, or the interment of cremated remains in that grave
- Place a memorial on that grave, subject to a separate agreement and to the Committee's Rules and Regulations governing memorials
- Have inscriptions, or added inscriptions, on a memorial on that grave, subject to the Committee's Regulations on this.

Possession of a Deed of Grant does not necessarily give the person ownership of the Exclusive Right of Burial. When the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid Will. The law on this can be complex and we strongly advise that you consult a solicitor to establish new ownership. Ownership of a Deed may also be transferred or assigned. See section under 'Transfer of Ownership'.

The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.

The Exclusive Right of Burial does not include the right to erect a memorial on the grave, as pointed out above, which is a separate application.

All new graves are for a period of 100 years unless otherwise stated on the Deed of Exclusive Right of Burial.

Production of Documents of the Title for Burial

No purchased grave, including walled graves or vaults, in which the Exclusive Right of Burial has been purchased, shall be opened without the production of the Deed of Grant and the written consent of the owner, or his or her legal representative. In cases where the Deed of Grant has been lost or mislaid an indemnity will need to be completed.

Where the consent of the owner cannot be obtained, the grave will be opened on the application of any person whom the JBC shall consider entitled thereto. In cases of an Executor of a Will being appointed then they may apply for a burial of the deceased in any grave space that the deceased is so entitled to be buried in.

In cases of the deceased not appointing a solicitor or where the deceased died intestate the applicant in this case must satisfy the JBC of their entitlement to open the grave.

Transfer of Ownership

Any transfer of the Exclusive Right of Burial in any grave shall not be deemed valid unless such transfer has been previously registered with the JBC. Where the current grave owner is still alive and wishes to transfer ownership to another person, an official form for the transfer of ownership should be completed and returned to the JBC. [see grave ownership leaflet]

**Joint Burial Committee [Moorthorpe & Carr Lane Cemetery]
Burntwood Community Campus, Church Mount, South Kirkby, Pontefract, WF9 3QS
Tel: 07908898441**

Times of Internment

It is not current practice to allow interments on any Bank Holiday or Saturday or Sunday. Burial between 9am – 2.30pm Monday – Thursday and 9am – 2pm Fridays. Burials may be accepted at other times at the discretion of the Officer to the JBC.

All funerals entering the cemetery shall be under the control and discretion of the Officer to the Committee or the appointed representative.

Certification

No burial will be permitted unless correct and adequate paperwork has been inspected by the appropriate officer. This also applies to official papers obtained from either the Registrar of Births and Deaths or the Coroner.

The Officer to the JBC must be informed of any bodies which have died from an infectious disease. An up to date list of infectious diseases is available from the British Medical Association.

Coffins

A body will not be accepted for interment at the cemetery unless it is enclosed within a suitable coffin.

Any coffin entering the cemetery must bear a nameplate or other suitable form of identification and MUST contain the name of the deceased. It is the responsibility of the Funeral Director or other person conducting the funeral to ensure that enough people are available to assist in transporting the coffin to the graveside and to assist with its lowering.

No coffin will be permitted to be buried less than 3 feet below ground level.

Every coffin placed in a brick lined grave or vault must be covered and sealed with a concrete slab or not less than 50mm (2 inches) entombed in such a manner as to make the vault airtight.

Grave Maintenance and Aftercare

All Deeds of Grant are for a maximum of 2 interments if dug for that depth originally (not including cremated remains). After burial all graves will be tidied up and left in an acceptable condition by the Grave Digger. In filling after settlement will be carried out by the Grave Digger. The levelling of graves will normally be done by natural settlement.

The Committee will undertake the mowing of the lawn areas. No cost will be incurred by the owner of the right of burial.

General Information Relating to Graves and Cemetery

- a. Raised mounds or turfed banks will not be permitted on any grave.
- b. The Committee has the right to remove from any grave any items that may interfere with the grounds maintenance of that area after serving notice to the

**South Kirkby & Moorthorpe, Upton & North Elmsall & South Elmsall
Joint Burial Committee**

- registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.
- c. The Committee has the right to remove and dispose of any floral tributes, flowers, plants etc. that have withered or died or have become unsightly on any grave space.
 - d. All brick, stone, or other work, in or about vaults or graves shall be furnished and erected with the approval of the JBC at the cost of the owner/applicant.
 - e. No body shall be buried, or cremated human remains interred, in any grave without the consent in writing of the owner/applicant of the right of burial.
 - f. No human remains shall be scattered in or over any grave, or any place in the cemetery grounds unless the area is designated for such practice, and authorised by the Officer of the JBC.
 - g. All burials and interments shall take place in accordance with the statutory requirements laid down in the Local Authorities Cemeteries' Order 1977, and any other subsequent legislation that comes into force.
 - h. The Register of Burials shall at all reasonable times, be available for consultation by any person free of charge. The Burial Authority may charge such fees as they think proper for making by them of searches in, and the provision of certified copies of entries, in a Register of Burials or a Record of Disinterment's, Local Authorities Cemeteries' Order 1977 Article 11(7).
 - i. No body shall be removed from any grave or vault from the Cemetery without licence of the Secretary of State or faculty from the Church of England Bishop of the Diocese in which the Cemetery lies. Sec. 25 Burial Act 1857.
 - j. No remains other than Human will be accepted under any circumstances.
 - k. The Joint Burial Committee reserves the right of access over all grave-spaces and the right to temporarily remove and then replace any memorial from any grave without notice, in order to enable the digging of any adjacent grave for the purposes of interment. In addition, the Joint Burial Committee reserves the right to place excavated spoil on graves adjacent to these opened graves for a short period and without notice.
 - l. Where the removal of any memorial is necessary for carrying out the work of an interment in that grave, the appointed Funeral Director will make all the necessary arrangements. Such removal shall be at the expense of the Deed Holder or their personal representative.
 - m. For Health & Safety reasons it may be required to move floral or other tributes on surrounding graves without notice to make room for excavating equipment. These will be returned to their previous positions as soon as possible after the burial.
 - n. If Health & Safety requires the removal of a memorial on an adjacent grave to permit the opening of a grave, the subsequent re-erection of the said adjacent memorial if over 24 inches in height will utilise a suitable ground anchor system.
 - o. Trees, shrubs and plants may be planted within the grave-spaces. However, the Joint Burial Committee reserves the right to remove any such tree, shrub or plant at any time where, in their opinion, it has become unsightly or overgrown. The Officer is at liberty to trim or prune any such tree, shrub or plant at any time. Artificial flowers or plants shall liable to removal without notice wherever they are deemed to be or have become unsightly. No glass containers such as bottles or jars are to be permitted.

**South Kirkby & Moorthorpe, Upton & North Elmsall & South Elmsall
Joint Burial Committee**

- p. Owners of grave-spaces may attend to their upkeep on any day, but the Joint Burial Committee reserves the right to forbid any person from entering the burial grounds for that or any other purpose, for any reason that they or the Officer think fit.
- q. Any rubbish removed from grave-spaces must be taken to and deposited in the waste bins that are provided.
- r. Members of the public are reminded that, although they are at liberty to place items within the bounds of the grave they are tending if they so wish, all such items are placed there at the owner's risk and that the Joint Burial Committee cannot be held responsible for loss or damage to such items. Any such items must not exceed 2 feet [60cm] in height. The Joint Burial Committee will not allow any items which in the Committee's opinion are unsuitable or incongruous with their surroundings to be placed on or around graves, and the Officer may be instructed to remove such objects. These objects will be stored for a period of two months only and will be available for collection by arrangement with the Officer.
- s. A plan of the burial grounds showing the situation of the freehold and interments is kept, and a copy of such is held at the cemetery office and may be viewed without charge.
- t. The burial grounds are effectually guarded, and no payments are required except those stipulated by the Joint Burial Committee. Fees, payments and sums are fixed and settled under Schedule 26, paragraph 12 of the Local Government Act 1972 and the Local Authorities Cemeteries Order 1974.
- u. No trade vehicles are allowed within the burial grounds without prior arrangement with the officer on behalf of the JBC
- v. The Moorthorpe and Carr Lane burial grounds are open to the public at all times every day of the year. Children under the age of fourteen are to be under the care of a responsible person at all times, and all visitors are requested to keep to the paths wherever possible. Dogs are to be kept on a lead at all times.
- w. All vehicles that have access into the cemetery must proceed at walking pace, and adhere to the notices displayed in the grounds. No parking shall be made on any grass verge or grave, or any area designated as burial ground.
- x. The Committee forbid any gratuity being received by any of their employees.
- y. Double fees shall be charged to all those considered to be non-parishioners.

Memorial

Only memorials approved by the JBC will be permitted in the Cemetery grounds. Any type of memorials in any part of the grounds not approved by the JBC will be removed without notice.

The owner of the exclusive rights of interment of any grave may employ their own stonemason for the erection of a monument, provided he conforms to the regulations as laid down by the Joint Burial Committee and are erected in accordance with the National Association of Monumental Masons (NAMM) Recommended Code of Safe Working Practice and the BS 8415:2018 standard.

- In the case of any breach of these regulations the Joint Burial Committee shall have the right to intervene and discharge any workmen remaining in or entering into the burial grounds and the memorials removed at the expense of the Deed Holder or their personal representative.

**Joint Burial Committee [Moorthorpe & Carr Lane Cemetery]
Burntwood Community Campus, Church Mount, South Kirkby, Pontefract, WF9 3QS
Tel: 07908898441**

**South Kirkby & Moorthorpe, Upton & North Elmsall & South Elmsall
Joint Burial Committee**

- All memorials placed in the cemeteries are done so at the risk of the registered owner of the rights or their representative, and the Joint Burial Committee is not responsible for any loss or damage. It is recommended that appropriate insurance cover be obtained for the memorial to insure against all risks.
- The primary responsibility for ensuring memorials are maintained to a safe standard rests with the owner of the grave rights and thus the owner of the memorial.
- The Joint Burial Committee carries out inspections to test the stability of memorials. Should any memorial upon any inspection be deemed to be in immediate risk of collapse the headstone will be laid flat for reasons of Health & Safety. Any repair, re-fixing or removal of the memorial will be at the owner's expense and may be carried out without notice at the direction of the Joint Burial Committee.
- Drawings of every memorial and/or a copy of any inscription must be submitted to the Joint Burial Committee for approval with prepayment of the prescribed fee. No memorial will be admitted into the burial grounds nor any inscription added without such approval signed by the Officer.
- The number of the grave-space corresponding with that in the grave register along with the name of the stonemason must be incised upon each monument or gravestone. Those monuments or gravestones erected without approval being given will be removed at the expense of the Deed Holder or their personal representative.
- A suitable ground anchor system must be used for all memorials over 24 inches in height. Any such memorial removed for an additional inscription must be replaced using a ground anchor system. Where misalignment of a memorial is evident, the responsible memorial mason shall meet all costs of rectification.
- All applicants to erect a memorial must satisfy themselves that the monument carries no infringement of any copyright as the Joint Burial Committee cannot accept responsibility should any such infringement take place even where such a memorial was approved for erection in the cemeteries.
- The Joint Burial Committee may, in any event, reject those monuments, gravestones, vases and tablets which, in the opinion of the Committee, are unsuitable.
- Any damage done within the burial grounds erecting monuments or performing other work must be repaired by and at the expense of the contractor for the work.
- The erection of footstones or wooden monuments is not permitted. Surrounds, other than wooden ones, will only be permitted if they are of acceptable material and meet the specification laid down by the Joint Burial Committee. All surrounds will be subject to the approval of the Joint Burial Committee. Those stone surrounds or kerb surrounds of the type fitted by a professional stone mason will be subject to such approval before and after fitting and the appropriate fee will be payable before installation. The removal and storage of monuments, gravestones and surrounds will be the responsibility of the owner of the grave rights and any stonemason they may employ.
- The Joint Burial Committee reserves the right to remove and dispose of any type of unauthorised memorial, edgings, ground coverings, memorabilia, seating and planting without notice and as it sees fit without reference to the person who placed them. The Local Authorities' Cemeteries Order 1977 allows

**Joint Burial Committee [Moorthorpe & Carr Lane Cemetery]
Burntwood Community Campus, Church Mount, South Kirkby, Pontefract, WF9 3QS
Tel: 07908898441**

**South Kirkby & Moorthorpe, Upton & North Elmsall & South Elmsall
Joint Burial Committee**

the Committee to recover any cost incurred in the removal of any such unauthorised items.

- All materials etc. are to be conveyed into the burial grounds under and subject to the orders of the Officer, and all work carried out within the burial grounds is allowed only at the discretion of the Officer on behalf of the JBC.

Cemetery General Regulations

All visitors to the Cemetery and Gardens of Rest are reminded that the staff have a duty to keep the grounds tidy and to preserve its appearance. The staff are therefore instructed to remove any unauthorised materials which may have been placed independently in the grounds without express permission of the JBC.

We believe that to keep the grounds in a clean and well-ordered condition is the best mark of respect we can give and we ask that all visitors to the Cemetery help to maintain this standard.

Any items removed will be stored by the JBC for a period of 2 months where they may be collected if desired.

No person shall intentionally obstruct any Officer of the Committee in the proper execution of his/her duties.

No person shall intentionally obstruct any Officer carrying out an act, which is necessary to the proper execution of any contract with the Committee.

No person shall intentionally obstruct any other person in the proper use of the grounds, or behave so as to give reasonable grounds for annoyance to other persons in the grounds.

Photography for personal use is permissible; however, we do ask that anyone taking photographs respects the wishes and privacy of others. All photographs, video filming or radio interviewing within the cemetery by persons involved in public service broadcasting, shall first require consent from the JBC. Persons involved in campaigning purposes are required to notify the JBC of their intentions.

Any Officer of the Committee or a Police Constable may remove any person offending against any of these rules and regulations from the grounds. Vehicles and their contents are left in the Cemetery at the owner's risk.

Vehicles must not exceed 10 mph in the Cemetery grounds and must park where indicated. The officer of the Committee shall have power to exclude any vehicle which is considered unsuitable or which is being driven in a manner not in accordance with these rules

The Joint Burial Committee reserve the right to revise these rules and regulations at any time, and the decision of the Joint Burial Committee is to be final in all matters. These rules replace previous versions and are available when grave owner purchases a grave and on the website.

Approved Chairman
Annual Meeting
Date July 2022