



## **Cemeteries rules and regulations**

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## **1. Introduction to the Rules and Regulations**

All local authority managed cemeteries are subject to standards and conditions known as cemetery rules and regulations. These are designed to inform all cemetery users of the aspects of management of the cemeteries and reasonable requirements applicable to them.

The regulations are in accordance with the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977, together with any relevant legislation that governs this service.

The rules and regulations made in 1974 are hereby rescinded and these regulations and management rules shall apply to the following Wyre cemeteries which are at present operated and used by the council:

Fleetwood, Beach Road, Fleetwood, FY7 8PH  
Poulton New Cemetery, Garstang Road East, Poulton-le-Fylde, FY6 8JH Moorland Road Cemetery, Moorland Road, Poulton-le-Fylde, FY6 7EU Preesall Cemetery, Cemetery Lane, Preesall, Poulton-le-Fylde, FY6 0JA

The rules and regulations will also apply to any cemetery hereafter established by the council or used or operated by them.

## **2. Cemetery office location and opening times**

All enquiries should be made to:

Bereavement Services Office, Wyre Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU

Monday – Friday	9.00 am – 4.00 pm
Saturday and Sunday	Closed
Public Holidays	Closed

The cemeteries will be open to the public during light hours Summer 8.00am to 6.00pm Monday to Sunday, Winter 9.00am to 4.30pm Monday to Sunday.

The vehicle access gates at Poulton New Cemetery are open to the public:

April to September 7.30 am to 3.00pm Monday to Friday  
October to March 8.30am to 3.00pm Monday to Friday

Access is available to pedestrians at all times while open to the public.

## **3. Interpretation of terms**

- a) The Council means Wyre Council.
- b) The expression 'Registrar' means the registrar, bereavement services officer or manager of cemeteries for the time being of the council, or the person who shall be acting for him/her in their absence.
- c) The expression 'Grantee' and or 'Owner' means the person who has exclusive right of burial in a grave, or the person or person deriving title under him or her.

- d) Unless the context otherwise states the expression 'Burial' includes the interment of cremated remains and the expression 'Cemetery' includes any place set aside for the interment of cremated human remains.

#### **4. Fees and charges**

The fees and charges in respect of interments, grave spaces, monuments, headstones, memorial stones, inscriptions and other matters in connection with the cemeteries shall be approved by the council from time to time and are payable in advance to the council unless agreed otherwise. Copies of such fees and charges are available on request from the Cemetery Office and to view on the council's website.

#### **5. Conduct within cemeteries**

Attention is drawn to the Local Authorities Cemeteries Order 1977 (the Order) and any amendments thereto:

- (a) The 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 authority

The order also 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.

Children under the age of 12 years will not be admitted into the cemeteries unless they are in the care of a responsible person.

All persons shall refrain from sitting, standing or climbing upon any gravestones, headstone, monument, palisade, gate, wall, fence or building belonging to the cemetery.

The registrar may at any time exclude from the cemeteries any person who shall conduct himself in a noisy, disorderly, or unseemly manner or who shall be intoxicated or shall use improper language, or shall trespass upon or refuse to quit any portion of the grounds, or enclosures when called to do so. No person shall be permitted to enter or leave the grounds except by the proper entrance gates.

## **6. Dogs in cemeteries**

No dog will be allowed in any of the cemeteries with the exception of Fleetwood Cemetery where it is permitted to have a dog on a lead. The dog must be kept under strict control at all times and dog faeces must be removed and deposited in an appropriate and responsible manner by the dog owner.

## **7. Pre-selection of grave spaces**

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

Upon request families can choose while advised and in agreement with the cemetery manager a suitable plot for a burial. Arrangements must be made to meet the cemetery staff three days prior to burial. During busy periods or with short notice the plot may be chosen by the cemetery manager or other suitable officer.

On purchase of the exclusive right in a grave a form of grant shall be issued to the person whom, or on whose behalf, the exclusive right of burial is purchased. Such person shall be registered as owner of the grave in the records held by the council with the right to request a memorial for his or her named burial plot.

All new graves are purchased for a period of 50 years unless otherwise stated on the deed of right of burial.

## **8. Cemetery plans**

Plans of the cemeteries showing the lay-out of the grave spaces and vaults therein are kept at the cemetery office and may be inspected free of charge by persons making application.

## **9. Permission for interment**

No burial will take place, no cremated human remains shall be scattered and no tombstone or other remains shall be placed in a cemetery without the council's permission.

## **10. Production of deeds**

Whenever an interment takes place in a grave the form of grant and interment notice shall be produced at the cemetery office, to be endorsed with the date of such interment and the name of the person interred and the burial number.

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 form of grant and the written consent of the owner, or his or her legal representative. In cases where the form of grant has been lost or mislaid a Statutory Declaration Form B (see Appendix 1) should be completed.

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

## **11. 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 at the cemetery office.

Where the current grave owner is still alive and wishes to transfer ownership to another person a Deed of Assignment must be properly completed and returned to the cemetery office. A deed of Assignment (see Appendix 2) is available upon request from the cemetery office.

## **12. Procedures prior to and on day of interment**

Application for interment forms should be submitted to the office no less than 48 hours (excluding Saturdays, Sundays and Bank Holidays) prior to the proposed burial date. All forms **must** be submitted with the exact coffin size included.

All burials will take place between the hours of 9.30 am and 3.00 pm Monday to Thursday and between 9.30 am and 2.30 pm on Fridays. Burials may be accepted at other times at the discretion of the Cemetery Manager.

All funerals at the cemeteries are under the control and direction of the registrar or appointed representative, and all hearses and carriages must be taken to the places directed. Carriages and hearses accompanying funerals will be admitted to any area of the cemeteries as sanctioned by the registrar after application.

Visitors or persons attending funerals shall not interfere with the workmen at their duties, nor employ them to plant graves or execute any private work whatsoever within the cemeteries. No interment shall be allowed on any Bank Holiday or Sunday in any of the cemeteries.

If any alteration be made in the day or hour previously fixed for an interment to take place, notice therefore shall be given to the registrar not later than 9.00am on the day of the interment. An extra fee will be charged to the person having the conduct of any funeral, which arrives after the appointed time.

All grave spaces are excavated by trained cemetery personnel. No grave shall be dug or excavated by any person unless appointed by the council.

Adjacent graves affected by the interment will be fully reinstated to their original appearance as soon as possible after the interment has been completed.

The council reserves the right to delay or re-schedule a funeral if any part of the burial area or excavated grave becomes unstable or dangerous due to severe weather or other naturally occurring instances or acts of god.

## **13. Certification**

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

The Bereavement Services Officer 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 BMA or from the Crematorium Medical Referee.

## **14. Coffins**

A body will not be accepted for interment at the cemetery unless it is enclosed within a suitable coffin. Alternative, cardboard, wicker or home made coffins will be accepted provided that they have first been approved by the Bereavement Services Officer or other suitable officer.

Any coffin entering the cemetery must bare 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 within less than three feet of ground level unless the manager considers the soil to be of suitable character and the coffin made of perishable materials, which are suitable to be placed less than two feet below the level of any adjoining ground.

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

## **15. Poulton New cemetery chapel**

Services can be held prior to burial within Poulton cemetery chapel. There is no restriction on service length but in general 30 minutes is considered adequate. Any additional time requirement must be confirmed with the cemetery manager when making the provisional booking. Music facilities are available for CD/tape, or organ. The funeral director is responsible for providing all music or for making arrangements for an organist.

On arrival at the chapel the funeral director or person taking charge of the funeral must supply adequate bearers to transport the coffin from the hearse to the chapel.

Any person may inspect the chapel at any reasonable time while no services are taking place. Permission for this is granted exclusively by the cemetery manager who will make an appointment to meet those wishing to inspect the chapel.

## **16. Grave maintenance and aftercare**

All Wyre cemeteries are lawned cemeteries. All new graves are sold for a maximum of two interments (not including cremated remains), including graves in the woodland burial area. However a maximum of three interments can be sold at Poulton New Cemetery ground in areas agreed with the bereavement services officer.

Following a burial all graves will be tidied up and left in an acceptable condition by the cemetery staff. The levelling of graves during the period of settlement will be carried out by the cemetery staff on a regular basis for a period of six months after the burial.

The council will undertake the turfing, seeding and maintenance of the lawn areas. No cost will be incurred to the owner of the right of burial.

The cemetery reserve the right to remove all funeral flowers and oasis displays when they

become unsightly.

All Christmas wreaths will be removed by cemetery staff by the end of February.

## **17. Headstones and memorialisations**

No memorialisation will be permitted on any unpurchased grave and nothing shall be placed upon such graves without the consent of the cemetery office.

No iron, plastic, wooden, brick or stonework or other material will be erected to provide a border or enclosure around a full grave space within any section designated as a lawn section. The council may remove any such unauthorised memorialisation without prior notification.

An area of 15" is allowed from the head of the grave to incorporate memorialisation through planting. This does not include graves in the cremated remains section of the cemetery. Any items placed outside this area may be removed by the council. Shrubs, trees or any other type of large or fast growing plant are not permitted and may be removed without notification.

Any planting is at the owners risk as weed spraying and strimming may encroach on the area, any planting that becomes neglected or overgrown will be cleared without notice and the area replaced with turf.

It is permitted to place flower holders on any grave space providing that they remain within the personal memorialisation area and are level with the ground. No glass items are permitted.

The council reserves the right to remove any headstone or other memorial stone erected without the approval of the council.

Only monumental masons approved by the British Register of Memorial Masons will be allowed to carry out work in the cemetery. Inclusion onto the list of Approved Masons is subject to agreement to abide to the cemetery rules and regulations and agreement to the National Association of Memorial Masons (NAMM) Code of Working Practice for Stonemasons.

All new memorials will be erected in accordance to the NAMM code of practice and recommended fixing methods.

An application form supplied by the council must be properly completed and submitted to the cemetery office. Once the applicable fee paid and approved by the Bereavement Services Officer or authorised officer a permit to carry out work will be issued to the monumental mason who has applied to do the work.

It is the responsibility of the grave owner to keep any memorials or monuments in repair, good order and in a safe condition. In default of this regulation the council may remove the same at their discretion or after three months notice given in writing to the registered grave owner execute any necessary work and charge the owner with the cost thereof.

The council will carry out five yearly checks on all memorials in the cemetery and will temporarily make safe any memorial found to be in a dangerous condition (see Memorial Management and Safety Policy for further details).

If any memorial is laid down or otherwise made safe it is the responsibility of the grave owner

to arrange for the appropriate work to be carried out by an approved monumental mason.

All permissions for the placing of any memorials of any type or description are so issued at the owners risk and the council will accept no responsibility or claims for any damage or vandalism of any kind. Similarly the upkeep and maintenance of any such memorial are the owner's responsibility and should any memorial become unsafe or neglected they may be removed without notice.

No new memorial exceeding 3'6" in height x 3' width x 1'2" depth (measured from ground level) will be permitted in the cemetery unless prior approved by the council.

The section number, letter and name of the monumental mason completing the work will be cut on the base of all new memorials.

Monumental masons will not tout for business within the cemetery.

All rubbish, materials, soil, old memorials or temporary markers being replaced must be removed from site by the monumental mason carrying out the work immediately after the completion of the work. All work will be checked as and when necessary by the Bereavement Services Officer.

Masons will be held responsible and charged for any damage done by them in the cemetery.

Plastic memorials or any type of metal memorials will not be permitted.

Wooden memorials will only be permitted as a temporary memorial and must be removed or replaced within 12 months of the burial date. If the grave owner does not remove these within this time the burial authority without prior notice being given may remove them.

Kerbstones are not permitted on any new graves in the cemetery.

The council recommends that any memorial being placed in its cemetery should be covered with insurance. Details can be obtained from the stonemason completing the work or directly from the cemetery office.

## **18. Cremated remains graves**

The cremated remains sections within Wyre cemeteries are for the interment of cremated human remains. A standard type of memorial is permitted. Full details can be obtained from the cemetery office, plots available for the interment of between two and four caskets. Plots are also available for the scattering of cremated remains.

## **19. Columbariums**

A columbarium is a wall structure of niches for the placing of cremated remains caskets and are located at Moorland Road Cemetery and Fleetwood Cemetery. Further information on their purchase, interments and inscription can be obtained from the bereavement services office or a funeral director. They are available for one to four cremated remains depending on location.

## **20. Woodland burial area**

The woodland burial area is located in the Poulton New cemetery, Garstang Road East, Poulton-le-Fylde. All graves in this section can be for a single or double interment.

No memorialisation is permitted in this section except that provided by the burial authority. Namely; memorial mushroom or seat plaques within designated areas.

After burial a tree will be planted within the woodland area and maintained by the burial authority. If purchased for two interments the tree will not be planted until after the final interment.

The person buying the grave can select the type of tree to be planted. English native trees will be permitted but the type will be at the discretion of the cemetery manager.

## **21. Graves – general information**

A number marker is in place on all new burial sections this will remain until it is replaced with a headstone or other suitable memorial.

No fences, enclosures, kerb surrounds or border stones will be permitted on any grave space in any section designated as a lawned area.

Raised mounds or turfed banks will not be permitted on any grave.

The council 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 registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.

The council 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.

Christmas wreaths will be removed by the end of February.

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

## **22. Cemetery general regulations**

No person shall intentionally obstruct any officer of the council 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 council.

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.

Any officer of the council or a police constable may remove any person offending against any of these rules and regulations from the grounds.

Vehicles their contents and any other items left in the grounds are at the owner's risk.

The council reserves the right to make alterations to these regulations consistent with the acts referred to above.

## **23. Exhumations**

### **General considerations**

There are occasions when it is necessary to exhume human remains, however this is a very traumatic event and should only be entered into after giving it every consideration.

Please think carefully about why you wish to exhume from their burial place, your loved one or relative. Take your time and consult your family, before you make a final decision. All next of kin to the deceased are important in obtaining a licence to exhume a body or cremated remains.

The exhumation from the ground of a body or cremated remains is traumatic for families and the cemetery staff. Arrangements can take a long time and it is an upsetting and expensive procedure.

**It is illegal to exhume any human remains without first obtaining the lawful authorities necessary.**

If you decide to proceed, please follow these steps.

#### **Step 1**

Contact the cemetery staff they will advise you on all aspects of the exhumation. Please keep in touch with the cemetery staff throughout the following process. In addition to the exhumation fee, the following costs must be considered.

1. cemetery fees for disinterment – including the removal of any memorials
2. funeral directors charges including new coffin/casket and removal to new site
3. Bishops faculty if required

#### **Step 2**

From 1 January 2015 Section 25 of the Burial Act 1857 is amended by the Church of England (Miscellaneous Provisions) Measure 2014 and only approval from either Secretary of State or Church of England is needed and not both depending on current location of remains.

#### **Secretary of State home office licence**

Obtain an application form from the Home Office. Complete Part A. Pass the forms to the cemetery staff who will check that the details are correct for example grave numbers etc. They will add a statement to the form if there are any objections to the exhumation for example consent has not been obtained from the next of kin or if other bodies need to be disturbed, you will be advised of this. The form must be signed by the Manager, Bereavement Services and forwarded to the Home Office.

- The Home Office do not charge for issuing a licence
- Complete a separate form for each set of remains
- It takes approximately eight weeks for a licence to be issued if there are no

problems

Pass the licence to the cemetery staff. A copy of the licence is sent to the Environmental Health Office, Pollution Control who must attend the exhumation.

### **Step 3**

#### **Bishops faculty**

If a body or cremated remains are buried in consecrated grounds according to the rites of the Church of England you must obtain a bishops faculty. The cemetery staff will advise you if the burial was in a consecrated area of the cemetery. If it was not, you do not need a bishop's faculty.

Obtain an application form from the bishop's registrar. Complete it and pass the forms to the cemetery staff with the registrar's fee and a letter of consent from the vicar of the authority where the remains are to be re-interred.

The cemetery staff will add a letter of consent to the application form and a copy of the Home Office Licence. They will forward all these to the registrar.

The registrar on your behalf presents a petition to the bishop.

It takes another eight weeks for a bishop's faculty to be granted if there are no problems. When you receive this approval forward it to the cemetery staff.

### **Step 4**

#### **The Funeral Director**

Contact a funeral director and make enquiries regarding the fees. It may be the same funeral director that carries out the exhumation. They will arrange for a coffin to be at the cemetery ready for the transfer of the remains and for transportation, to where the remains to be re-interred. You will have contacted that authority yourself or through the funeral director and made the arrangements for burial, after arranging the date of exhumation with the cemetery staff. The funeral director will act on your behalf over any problems when the grave is opened.

### **Step 5**

#### **The exhumation**

When the Home Office Licence or Bishops Faculty has been received a suitable date will be arranged for the exhumation. The exhumation takes place early in the morning before the cemetery is open. It will be carried out with decency and decorum. **You will not be allowed to attend the exhumation.**

Those present are:

1. The funeral director – who is your representative
2. An Environmental Health Officer – who ensures there is no public health threat to the staff carrying out the exhumation and for subsequent visitors to the cemetery. An Environmental Officer does not have to be present for the exhumation of cremated remains.
3. The cemetery staff carrying out and supervising the exhumation.

There are conditions attached to the Home Office Licence and Bishops Faculty, which must be adhered to. The cemetery staff will explain these to you.

Each exhumation is different, with its own set of circumstances, which often are not known until the day of the exhumation when the grave is opened. Decomposition of a body and coffin depends on a number of factors, including how long the body has been buried and ground conditions.

These notes are for your guidance only and the cemetery staff will be pleased to assist you.

**Telephone numbers and addresses:**

Home Office, Office of Constitutional Affairs  
Exhumation Application, Room 972, 50 Queen Anne's Gate, London SW1H 9AT  
Telephone – 020 7273 3776

Bishops Faculty  
Bishop of Blackburn's Registry, Church House, Cathedral Close, Blackburn, BB1 5AA  
Telephone – 01254 503070

Environmental Health Officer  
Wyre Borough Council, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU  
Telephone – 01253 891000

**By Order of the council  
(Revised) March 2015**

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**Form of Indemnity**

I/We the undersigned as the Executors of the Will/Administrators of the Estate of the late,  
\_\_\_\_\_ (Name of the deceased)

Who was the (lawful successor to the registered owner of the exclusive right of burial in  
\_\_\_\_\_ (Address of cemetery)

In the County of Lancashire, HEREBY INDEMNIFY Wyre Borough Council from and against all claims actions, demands, loss, expenses, proceedings costs or damages which may now or hereafter be made against them by reason of the opening of:

GRAVE No: \_\_\_\_\_

SECTION: \_\_\_\_\_

of the consecrated portion of \_\_\_\_\_

Please select either  
FLEETWOOD  
PREESALL  
POULTON NEW/OLD

Cemetery for the purpose of the Interment therein of:

Name of Deceased \_\_\_\_\_

I/we do solemnly and sincerely declare also as follows:

The original owner of the grave was \_\_\_\_\_

My relationship to the Owner \_\_\_\_\_

That I have made a careful search for the Deed of Grant No: \_\_\_\_\_

but have been unable to find the same.

That the right of burial has not been sold or transferred to any other person

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name/Address \_\_\_\_\_

Witness

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name/Address \_\_\_\_\_

Occupation: \_\_\_\_\_

**WYRE BOROUGH COUNCIL  
Cemetery and Bereavement Services  
ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL**

I \_\_\_\_\_ now assign to \_\_\_\_\_ the exclusive right of burial in, and the right to erect a memorial having first obtained Wyre Borough Council's written approval to the erection of such memorial on: \_\_\_\_\_ numbered \_\_\_\_\_ on the plan of cemetery made under the Local Authorities Cemeteries' Order 1977 which was granted to me (or original grantee if been assigned before) for the term of 50 years by Wyre Borough Council by a deed of grant on the \_\_\_\_\_ day of \_\_\_\_\_ and all my estate, title or interest in such exclusive right of burial and right to erect an approved memorial TO HOLD to \_\_\_\_\_ for the remainder of the period of the original grant subject to the conditions on which such right was held immediately before the execution of this deed

(Certificate of Value - if appropriate)

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

SIGNED as a DEED

By \_\_\_\_\_

In the presence of \_\_\_\_\_ (witness)

**To Wyre Borough Council**

You are now notified that by an assignment dated the \_\_\_\_\_ day of \_\_\_\_\_ the exclusive right of burial in, and the right to erect a memorial having first obtained Wyre Borough Council's written approval to the erection of such memorial on, \_\_\_\_\_ granted to \_\_\_\_\_ on the day of \_\_\_\_\_ was assigned to me \_\_\_\_\_ of \_\_\_\_\_

I understand that as the remainder of the rights have been transferred to me I am responsible for the upkeep and safety of any memorial on the said grave space

AND I now request you to record the particulars of the assignment of the right to me in the register of such rights maintained by you

Signed \_\_\_\_\_ (New Owner)