

# **WEST MERSEA TOWN COUNCIL**

Council Office  
10 Melrose Road  
West Mersea  
Colchester  
Essex  
CO5 8JD

Tel: 01206 382128



West Mersea  
Town Council

## **FIRS ROAD CEMETERY & BARFIELD ROAD CEMETERY**

### **RULES & REGULATIONS**

(separate Rules & Regulations available  
for Feldy View Woodland Cemetery)

## CEMETERY REGULATIONS

1. In exercise of its powers under Section 214 and Schedule 26 to the Local Government Act 1972, and Article 3 of the Local Authorities Cemeteries Order 1977, West Mersea Town Council hereby makes the following regulations for the proper management, regulation and control of Firs Road and Barfield Road Cemeteries.
2. These regulations as amended shall come into force on 12th September 2019.

## RULES & REGULATIONS

### Introduction

- 1.1. These regulations apply to all cemeteries owned and/or managed by the Council.
- 1.2. Currently the sites include:  
Firs Road Cemetery  
Barfield Road Cemetery

### 2. Contact Details

- 2.1. All funeral bookings, general enquiries and comments regarding the cemeteries should be directed to the Cemetery Clerk. Office hours between 8am to 4pm, Monday to Friday. In the absence of the Cemetery Clerk you can contact the Town Clerk.
- 2.2. These regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

### 3. Admission to the Burial Grounds

- 3.1. The cemeteries are open for visitors every day of the year.
- 3.2. The cemeteries are places of peace and quiet reflection. Visitors to the sites are welcome but please respect the special nature of the sites, the needs of other users and safety factors.  
The playing of any game or sport is prohibited. (*Article 18, The Local Authorities' Cemeteries Order 1977*). No consumption of alcohol or drugs may take place within the burial grounds and anybody under the effects of such substances will not be admitted.
- 3.3. Any person creating a nuisance or a disturbance will be required to leave the cemetery immediately and may be the subject of subsequent legal action.
- 3.4. Children under the age of 10 are welcome in the cemetery but must be supervised by a responsible adult. It is not permitted to climb on any monuments within the cemetery.
- 3.5. Dogs are permitted in the cemetery but must be kept on a lead at all times. Please clean up after your dog and place poop bags in the refuse or dog bin or take it with you.
- 3.6. Vehicles are permitted in the cemetery but must not exceed the speed limit of 10mph and must obey any instructions given to them by an officer of the Council. Vehicles must stick to the main driveways and avoid parking so as to cause a nuisance or damage to any graves or grassed areas. The Council or any of its employees cannot accept responsibility for the loss or damage to any vehicle or its contents whilst in the cemetery.

#### **4. General Regulations**

- 4.1. No employee of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery either in their own time or during their employed hours.
- 4.2. No person shall canvass or solicit business in the burial grounds.
- 4.3. All fees for interments or memorial works must be paid in full to the Council in advance.
- 4.4. The Council will publish a scale of fees and charges annually. Residents of Mersea Island will qualify for reduced fees compared to non-residents. A resident is defined as somebody who immediately prior to their death was a resident of Mersea Island, or who was a resident for over ten years and moved out of the area into assisted living or to be near family carers. Proof of this may be required.
- 4.5. The release of balloons in the cemetery is strictly forbidden as wildlife can greatly be affected by the balloon material and cord used in construction.
- 4.6. Be respectful to other mourners and any funeral services taking place.
- 4.7. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

#### **5. Graves**

- 5.1. Graves are available in the cemetery and the selection of grave spaces shall be at the discretion of the Council, but the wishes of applicants will be met wherever possible.
- 5.2. Every interment shall take place in a private grave. Private graves are graves to which an Exclusive Right of Burial has been issued.
- 5.3. The Exclusive Right of Burial for a grave can be purchased for a period of 50 years. The Exclusive Right of Burial also allows a memorial as defined in 9 below to be placed on the grave. It is the responsibility of the registered owner to inform the Council of a change of address.
- 5.4. The Exclusive Right of Burial can be purchased in advance of need, i.e. graves can be pre-purchased. The Exclusive Right of Burial can only be transferred to another person or persons who are entitled and via the legal process adopted by the Council. Charges may apply.
- 5.5. Memorials will only be permitted on purchased graves. Memorials must conform to the regulations given at 9 below. Failure to comply will result in the removal of the memorial and any associated costs will be passed on to the grave owner.
- 5.6. The types of graves available are Lawn Graves, Cremated Remains Graves and Children's Graves. Lawn Graves are laid to lawn and a headstone only is allowed; Cremated Remains Graves are for the burial of cremated remains only; Children's Graves are reserved for the burial of children under 16. The council also provides a natural burial area where no memorials are permitted (see Rules and Regulations for Feldy View Woodland Cemetery).
- 5.7. All graves will be excavated and prepared for interment with the permission of the Cemetery Clerk. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.
- 5.8. Whenever a burial takes place in the cemetery the grave will be filled with earth. After a period of time to allow for natural settlement the surface shall be levelled and turves laid as appropriate to the season.
- 5.9. Scattering of cremated remains on graves or in any part of the cemetery is **strictly prohibited**.

## **6. Coffins**

- 6.1. Coffins and urns for burial must be made from suitable bio-degradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc. The council also permits shroud burials.

## **7. Booking of Interments**

- 7.1. A provisional booking for a funeral may be made by telephone to the Council Offices.
- 7.2. The provisional booking should be followed up by the submission of a completed Notice of Interment (form supplied by the Town Council) and payment to the Council at least 2 working days in advance of the intended date and time of the funeral. Receipt of the fully and correctly completed Notice of Interment and payment will act as confirmation of the provisional booking.
- 7.3. In respect of private graves, the Deed of Grant for the Exclusive Right of Burial will be registered in the name of the applicant for the burial indicated on the notice of interment and signed by that person.
- 7.4. As much information relating to the funeral as possible must be given to the Council in advance so that appropriate preparations can be made. Examples include a large number of mourners expected, motorbike cavalcade, horse drawn carriage, piper etc.
- 7.5. If the grave is purchased and is to be reopened for a further interment, the written permission of the registered grave owner **must** be given, except where the burial is that of the registered grave owner.
- 7.6. It is the responsibility of the person making the funeral arrangements to ensure that any memorial on the grave is removed from it at least 48 working hours prior to the date and time of the funeral.
- 7.7. The certificate given by the Registrar of Births and Deaths or an order of the Coroner must be delivered to the Council Office prior to the funeral.
- 7.8. The Council will determine the appropriate fees to be paid for the funeral, which must be paid fully in advance.
- 7.9. The Council cannot take responsibility for delays caused by tidal flooding. Grave owners responsibility to check the tide times.

## **8. Interments**

- 8.1. Funerals will normally only be permitted Monday to Friday between 9.30am and 3pm (excluding Bank or other Public Holidays). It may be possible to arrange funerals outside of these times. Please contact the Cemetery Clerk if a time outside of the permitted hours is required.
- 8.2. All funerals will be subject to the control of the Council's designated officer, who may meet the cortege and direct it to the grave as appropriate. All coffin and casket plates must be checked by the Cemetery Clerk or a designated Council official prior to interment.
- 8.3. The time appointed for an interment must be punctually observed. The Council reserves the right to delay a late arriving funeral in the event that it impacts on another service.
- 8.4. Services in the cemetery must not exceed 30 minutes, unless special arrangements for a longer time have been made with the Cemetery Clerk.
- 8.5. It is the responsibility of the person making the funeral arrangements to organise a Minister or Officiant for the funeral if one is required.
- 8.6. Any floral tributes from the funeral will be placed on top of the grave following backfilling and will remain in situ for a minimum of 14 days before being cleared by Council staff (unless family have already removed them).

## 9. Memorials

- 9.1. The Council has adopted a Management of Memorials Policy dealing with current and future memorial installations, safety inspections and making safe unstable memorials. Masons carrying out work in the burial grounds must comply with the Council's Management of Memorials Policy.
- 9.2. All memorials fixed in the cemetery must comply with British Standard 8415 (Latest version) and the BRAMM Blue Book (Latest version).
- 9.3. Ground anchors and fixing systems used in the construction of memorials must have a Certificate of Compliance with BS8415 (Latest version).
- 9.4. Only those memorial masons businesses that are BRAMM accredited, and those memorial masons that hold a current BRAMM Fixer Licence, will be able to work in the cemetery. Fixers who do not hold a BRAMM Fixer Licence will only be permitted to work under the direct supervision of a mason who holds a BRAMM Fixer Licence.
- 9.5. Memorials will only be permitted on purchased graves by the registered grave owner.
- 9.6. Memorials other than those fixed by a BRAMM accredited memorial mason are not allowed. Fences cannot be erected around a grave nor the space defined other than the installation of proper kerb sets by a BRAMM accredited memorial mason.  
On lawn sections no objects must be placed on the length of the grave or around the stone.
- 9.7. Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Cemetery Clerk on the appropriate form supplied by the Council. The grave owner must sign the form to give their permission for the proposed memorial/works. On approval by the Council a permit will be issued to the responsible memorial mason.
- 9.8. The maximum height of lawn memorials is 3', the maximum width is 2' and the depth is 12". The memorial must be a minimum of 3" thick.  
On traditional graves the Council will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognised industry standards. The Council will also consider the installation of kerb sets if they are constructed to current recognised industry standards.  
On cremated remains graves the maximum height of a memorial is 16" x 12" mounted on a block 12" x 8" both 2" thick. These conditions are strictly observed.
- 9.9. Memorials must be constructed of materials suitable to the environment and period of grave lease.
- 9.10. The Council reserves the right to reject an application for any memorial or inscription that it deems unsuitable.
- 9.11. The memorial mason may inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1 inch high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right hand side of the reverse of the memorial in letters not exceeding 1 inch high. On kerbstones the grave number must be inscribed on the right hand side of the foot kerb.
- 9.12. Memorial masons must remove all arisings from the cemetery at the conclusion of their work, and must leave the area in a tidy condition. It is not possible for memorials to be stored in the cemetery prior to re-fixing following a burial – all such memorials must be removed from the site by the memorial mason appointed to remove the memorials prior to the grave being excavated.
- 9.13. See Management of Memorials Policy.

## **10. Care of Graves and Memorials**

- 10.1. All memorials erected are the sole responsibility of the owner and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred. The memorial remains the responsibility of the grave owner during the lease period of the grave. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls in to disrepair, and to recover any expenses from the registered owner. The Council will undertake routine safety checks on all memorials and will notify the grave owner at the last registered address of any necessary works to make the memorial safe. The grave owner will be given a period of 6 months from the date of the letter to effect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the owner's expense.
- 10.2. Grave spaces must be kept in a neat and tidy condition and all litter must be removed from the site.
- 10.3. All flower holders must be made of non-breakable material for the safety of staff and visitors. Any items left on graves are at the owners' risk and the Council cannot be held responsible for any damage to them howsoever caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the cemetery or which interfere with the Council's maintenance of the site. Grave owners are requested to adhere to this rule so as to enable maintenance of the grass areas without risk of damaging any personal items.
- 10.4. No trees may be planted on graves. Suitable planting such as annual bedding or small shrubs with a maximum height of 20 inches will be permitted on traditional graves only.  
No planting is permitted on lawn graves.  
The Council may remove any plants that it considers unsuitable or that infringe on other grave spaces or interfere with the Council's maintenance work.
- 10.5. The Cemetery Clerk or designated Council official reserves the right to make the final decisions.

Adopted: 12 September 2019 - Minute reference: 19/016

Reviewed: 10 December 2020 - Minute reference: 20/274

Review: December 2021