



CYNGOR CYMUNED HELYGAIN HALKYN COMMUNITY COUNCIL

CEMETERY REGULATIONS

These regulations are formulated in accordance with Article 3 of the Local Authorities Cemetery Act 1977 for the proper regulation, management and control of Halkyn Cemetery, situated adjoining St Mary's Church, Halkyn.

In these regulations: "The Cemetery" means the Cemetery and Burial Ground provided by Halkyn Community Council adjoining St Mary's Church, Halkyn. "Clerk" means the Clerk, for the time being, of Halkyn Community Council or such other person as The Council may appoint to be the Clerk for the purpose of exercising their function as a Burial Authority in relation to the cemetery. "Council" means Halkyn Community Council. "Grave" means a burial place formed in the ground by excavation.

1. CEMETERY LAYOUT

- a) The Cemetery shall be laid out in a lawned system with only a single headstone (with or without an integral tribute holder) permitted to be placed at the head of the grave. The headstone shall stand upon a rectangular concrete base, placed within the grave area, and measuring 3 feet (91 cm) by 2 feet (61 cm) by 2 inches (50 mm).
- b) The remainder of the grave will be turfed. The planting of flowers, shrubs or other vegetation is not permitted. No area of the grave space may be enclosed or covered with kerbstones, plinth stones, palisades, rails, and chains or in any other manner. The laying of stone chippings or similar materials on the grave space is not allowed.
- c) Floral tributes must be placed either in the integral tribute holder or in a vase at the base of the headstone. Floral tributes or other objects are not permitted to be placed upon the turfed portion of the grave other than for a reasonable period following interment.
- d) The Council reserves the right to carry out such works as turfing, sowing, cutting or planting on any grave space as are deemed necessary. The Council also reserves the right to remove from grave spaces items not permitted by these regulations and which have not been removed by the family at the formal request of the Council.

2. MEMORIALS

- a) Headstones of The Lawn Cemetery type only are allowed to be erected on graves subject to approval by Halkyn Community Council.

- b) An application on the appropriate form must be submitted to The Clerk of Halkyn Community Council before any memorial may be erected. The application must be accompanied by a drawing showing full details of the proposed memorial, a copy of the proposed inscription and an authority, from the owner of the grave, to the stonemason to erect the memorial. No memorial may be admitted into the cemetery without the prior, written approval of Halkyn Community Council.
- c) All memorial stones shall have the number of the grave inscribed on them in letters not less than 1 inch (2 cm) in height.
- d) Headstones should be constructed of natural stone, polished on one side. Artificial stone, terra cotta, china, porcelain, timber or any other material considered by The Council to be unsuitable, will be rejected.
- e) The height of memorials, may not exceed 3 feet (91 cm) above ground level and the width should not exceed 2 foot 9 inches (84 cm).
- f) The memorial must be installed and fitted in accordance with the National Association of Memorial Masons' Code of Working Practice (as amended) and must be assembled using a suitably accredited ground anchor as detailed in Section 3.2 of the Code of Working Practice (including any amendments to this Section).
- g) No memorial may be erected until such time as the disturbed ground has settled.
- h) The responsibility for the upkeep and repair of all graves with memorials, lies with the owner. Notice may be sent to the owner or their representatives if such attention is considered by The Council to be necessary. If the requested maintenance is not carried out within a period of 3 months The Council reserves the right to carry out the work, including possible removal of a memorial, at the expense of the owner.
- i) The Council reserves the right to temporarily remove and replace any memorial if it is deemed necessary to facilitate a burial in an adjacent grave. The Council will accept full responsibility and make good any damage incurred. The owner shall have the option to make arrangements for this work to be carried out by their own contractors, at The Councils expense, provided this expense is approved in advance and the work carried out to the satisfaction of the Clerk.
- j) No hewing or dressing of stone may take place within the cemetery, its walls or approaches with the exception of additional inscriptions placed upon headstones already erected. All materials for the erection of memorials must be carried into the cemetery by hand and in such a manner as to cause no damage whatsoever to roadways and paths. Any rubbish or residue remaining after the installation of a memorial must be removed immediately by the contractor undertaking the work.
- k) Mats, planks, boards or canvas and all other precautions as may be directed by the Council are to be employed by persons erecting memorials, to protect and preserve grass, turf and pathways from damage. Any damage accidentally caused must be made good by those persons who have caused such damage. Any refuse caused through cleaning and maintenance of graves must be removed from the cemetery immediately.

- l) Save for 2 (i) above The Councils accepts no responsibility for any injury or damage to a memorial however it may be caused.

3. INTERMENTS

- a) No burials shall take place, no cremated human remains shall be scattered and no memorials shall be placed in The Cemetery and no additional inscriptions shall be made on any memorial without the permission, for that purpose, of the Clerk. The Clerk shall keep a plan of the Cemetery with all grave spaces numbered thereon and the selection and allocation of grave spaces shall be subject to approval by the Council.
- b) No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet (92 cm) below the level of any ground adjoining the grave. The level of any grave space shall not be raised above the level of any ground surrounding the grave.
- c) No body shall be buried in a grave unless the coffin is effectively separated from any coffin previously interred in the grave by a layer of earth not less than 6 inches (12 cm) thick. When a grave is re-opened for the purpose of an additional interment, no person shall disturb any human remains interred therein or remove there from any soil which is offensive.
- d) As soon as is convenient, after the natural subsidence of the grave following interment, the grave must be covered with fresh turf laid at ground level.

4. NOTICE OF INTERMENTS

- a) Notice of interment must be provided to the Clerk, by the Funeral Director or other person having charge of the funeral, not less than 72 hours prior to the interment, such notice not to include Sundays or Bank Holidays. Failure to provide adequate notice may incur an extra charge for overtime.
- b) Notices of interment must be on the appropriate form and include the following information: The number of the grave in which interment will take place, full particulars of the deceased, the date and time of the funeral and the address of the undertaker.
- c) The Certificate of Disposal issued by the Register of Deaths, or, in cases where an inquest has been held, the Certificate of the Coroner, must be made available for inspection by the Clerk if required.
- d) Notice of interment of stillborn children shall be accompanied by either a certificate from the Register of Deaths or an order of the Coroner.
- e) All fees and charges should be paid to the Clerk.

5. EXCLUSIVE RIGHTS OF BURIAL

- a) When it is desired to purchase an Exclusive Right of Burial the full name, address and occupation of person(s) to be registered must be supplied to the Clerk, together with the appropriate fee. The Exclusive Right of Burial will be registered in the books of the Council and a Grave Certificate shall be issued to the person by whom (or on whose behalf) the said Exclusive Right of Burial has been purchased. The Grave Certificate, once purchased, gives exclusive rights of burial in a grave for a period of 100 years, with a maximum of three interments per grave subject to ground conditions.
- b) A transfer of an Exclusive Right to Burial will not be deemed valid unless the transfer has been previously registered with the Clerks office. In the event of the death of the owner of an Exclusive Right to Burial in a grave, the person claiming to be entitled to the said exclusive right, must, within six months of such death, produce the Grave Certificate to the Clerk and furnish proof of his or her title to the grave.
- c) No grave in which the Exclusive Right to Burial has been purchased shall be opened without the production of the Grave Certificate and the written consent of the owner or his/her legal representative. Provided always that, in cases where the certificate has been lost or mislaid, or where consent cannot conveniently be obtained, the grave may be opened on the application of any person whom the Clerk shall consider entitled, providing that person indemnifies the Council.

6. TIMES OF INTERMENT

- a) The normal hours of interment are from 9.00 am to 3.00 pm with the exception of Saturdays. Interment will be permitted on Saturdays between the hours of 11.30 am and 3.00 pm, subject to the payment of such additional fees as have been fixed by the Council.
- b) Interments are not allowed on Sundays, Good Fridays, Christmas days or Bank Holidays, or at any hours not specified in this regulation except in cases of emergency relating to the Public Health (Control of Disease) Act 1984. In such cases a medical certificate stating that immediate burial is necessary must be produced to the Clerk.
- c) The time for a funeral shall be arranged in accordance with the time and date shown on the Notice of Interment. It must be punctually observed to prevent inconvenience, or one funeral interfering with another.

7. REMOVAL OF REMAINS

- a) No coffin, casket or other container containing human remains may be removed after interment except with the written consent of the Council, which will only be given following the consent of the Home Office.

8. CONTROL OF FUNERALS

- a) All funerals at the cemetery are under the control and direction of the Clerk or any other officer appointed by the Council to discharge this duty.

9. FEES AND CHARGES

- a) Charges for burials and other matters associated with the operation of the cemetery will be as determined from time to time by the Council. A copy of the charges currently in force will be available from the Clerks office.
- b) Where it is not possible to confirm by reference to the Register of Electors that the deceased ~~(or in the case of a child – the parent(s) of the deceased)~~ have lived in the community for a period of three years prior to the decease* the fee appropriate to non-residents will be charged.

*The above regulation was amended at the Halkyn Community Council meeting, held on Monday 17th February, 2022 – to the following: 'In the case of a long term resident who may have moved from the area into care, this regulation may be varied at the discretion of the Chair and Vice Chair of Halkyn Community Council, or, if not available, by at least two Council Members'.

- c) Fees for Young Persons

The Community Council have agreed to commit to the Welsh Government Memorandum of Understanding with local government to stop charging for the burial and cremation of children, ensuring there is a clear, fair and consistent approach across Wales. From November 2017 there will be no charge for the burial or cremation of any young person under the age of 18. This does not include any charges that may be incurred through Funeral Directors.

10. VISITORS

- a) The cemetery shall be open until sunset daily. Children under 14 will not be admitted except under the care of a responsible adult. Visitors must keep to the paths and walkways of the cemetery and refrain from touching the shrubs and flowers. Any person who is improperly dressed or who is in a state of intoxication shall not be admitted to the cemetery.
- b) No person shall use improper language or behave in an indecent manner or shout, sing or whistle in a noisy or boisterous way or otherwise conduct him or herself indecorously. The playing of ball or other games and climbing upon any memorial, gate, wall, fence or building belonging to the cemetery is prohibited.
- c) Any person contravening the foregoing provisions of this regulation shall leave the cemetery immediately upon request of the Clerk or other officer appointed by the Council to discharge such duty. Visitors or persons attending funerals shall not interrupt the workmen or labourers at their duties.

11. ANIMALS

- a) No dogs will be allowed in the cemetery unless held by a lead and accompanied by an adult. No animal may be ridden or exercised in the cemetery.

12. WORKMEN AND MATERIALS

- a) Except with the specific permission of the Clerk, no workmen or materials will be admitted into the cemetery before 8 00 am and must leave by 5.00 pm. No workmen or materials will be permitted within the cemetery on Saturdays, Sundays, Christmas days, Good Fridays or Bank Holidays.
- b) Masons must furnish themselves with tools, planks, blocks and all other materials and equipment required for the inscription of stones. Work of any description must be carried on continuously and completed with due despatch and without causing any disturbance or annoyance to any other person in the cemetery.
- c) The Clerk may refuse permission for work to commence or order cessation of work if he considers that, due to inclement weather or any other reason, damage may be caused to the pathways or grass of the cemetery.

13. PRE PURCHASE OF BURIAL PLOTS

- ~~a) Burial plots may be reserved subject to the following: 1. The fee is paid at the time of reservation and 2. In order to maintain the ordered layout of the cemetery, Plot reservation is restricted to the row currently in use and the row immediately in front of it.~~

14. ALTERATION OF THE REGULATIONS

- a) The Council reserves to themselves the right, from time to time, to make any appropriate alterations or amendments to the foregoing regulations.

Notes

These regulations were passed by Halkyn Community Council in September 2005.

These regulations are reviewed each year, as Minuted in the Community Council Minute Book.

These regulations were amended on the 15th November, 2010, under Minute number 7. 133/10 (F) (Community Council Minute Book), to include Section 13. Pre Purchase of Burial Plots - as above.

These regulations were amended on the 15th April, 2013, under Minute number 9. 60/13 (Community Council Minute Book), to include Section 13. Pre Purchase of Burial Plots - as above. Members agreed that the pre purchase of burial plots will cease forthwith.

These regulations were amended on the 15th October, 2018, under minute number 5(D). 193/18 (M) (Council Minute Book), to include in Section 9. Fees & Charges – sub paragraph c) in relation to fees for young persons.

These regulations were amended on the 17th January, 2022, under Minute number 10. 22/22 (Council Minute Book) in relation to Section 9. (B) Fees and charges.