



# SKEGNESS TOWN COUNCIL

St Mary's Cemetery Regulation Handbook

For the management,  
regulation and control of St  
Mary's Cemetery Winthorpe

Skegness Town Council

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**ST MARY'S CEMETERY REGULATION HANDBOOK**

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## **FOREWORD**

Skegness Town Council welcomes all visitors to our cemetery and asks that visitors respect the peace, dignity and reverence of these facilities as well as other users. Thank you in advance for your consideration.

The regulations in the following pages have been drawn up by Skegness Town Council to ensure that the Cemeteries and Gardens of Remembrance are managed and used in a sensitive, safe and appropriate way for everybody. These are communal spaces for quiet reflection and remembering our loved ones.

Although these regulations are a requirement for the management of the Cemetery and Gardens, every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these regulations have been prepared with a balance between individual rights/information and the need to regulate for safe and tidy grounds. For example, the restrictions on glass are based upon these items becoming potential hazards when mowers are used. It is not based upon aesthetic considerations.

Skegness Town Council under the Local Authorities' Cemeteries Order 1977 is responsible for regulating any Cemetery in the town. It is required by that Order to set out regulations to provide a safe and dignified environment for all visitors and can do anything considered necessary for the proper management of these Cemeteries. Within the Skegness Parish the Council is responsible for St Mary's Cemetery Winthorpe.

## **SECTION 1: LEGISLATION**

There are a number of Acts of Parliament and Government Regulations which apply to burials and cremations and also to the way cemeteries are maintained. If there is any conflict between any of the above and the Cemetery Regulations then the above shall apply.

The legislation that some of the rules are based upon includes the following:

Cremation Acts 1902 and 1952

Health and Safety at Work etc Act 1974 77 SI 1977/204 (as amended)

The Local Authorities Cemeteries Order 192841

Cremation Regulations 2008 SI 2008/ Environmental Protection Act 1990

## SECTION 2: CONTACT DETAILS

Town Clerk

Skegness Town Council, Tower Gardens Pavilion, Skegness PE25 2XA

01754 840040

Email [info@skegnesscouncil.org.uk](mailto:info@skegnesscouncil.org.uk)

## SECTION 3: OPENING HOURS

### 3.1 Cemeteries

The Cemeteries open to the public every day during daylight hours

### 3.2 Council Office

Monday – Friday 9.30am - 4.00pm (please make an appointment)

### 3.3 Burials can take place at the following times (at the graveside):

Tuesday to Thursday 9.30am – 3pm (April – September)

Tuesday to Thursday 10am – 1.30pm (October – March)

Monday 11am – 3pm (April – September)

Monday 11am – 1.30pm (October – March)

Friday, 9.30 – 2.30pm (April – September)

Friday, 10am – 1.30pm (October – March)

Burials at any other time are strictly at the discretion of the Town Clerk and subject to available resources and additional charges.

## SECTION 4: GRAVES

**4.1 Types of Grave** St Mary's cemetery is a Lawn Cemetery and so there are only two types of grave available. These are marked on plans available at the Town Council Office. The Exclusive Right of Burial is purchased through the office (**see Section 8**). Memorial stones are not provided and must be purchased through a registered memorial mason (see section 13).

**4.2 A Lawn Grave** is a grave with a headstone, a small area for planting annual flowers immediately in front of the headstone and a grassed area level with the ground. The grass area provides access for neighbouring graves and must be kept clear of all obstructions at all times. The following applies to Lawn Graves:

- Adult graves are either 8ft x 4ft (2400mm x 1200mm) or 10ft x 4ft (3040mm x 1200mm) depending on the section and child graves are a maximum of 6ft x 4ft (again sizes vary according to the section).
- Graves will be turfed or seeded level with the ground usually after a 12-24 month period depending on ground conditions – mounds are not permitted after this time as this hinders maintenance.
- Personal planting (seasonal or annual flowers only) or items of memorabilia are permitted in a small defined designated memorial area at the head of the grave. This must be no wider than the grave and no more than 2 feet deep (600mm). Any memorial must also be within this area. No fences, kerbs or loose stones or gravel are permitted.
- Items (other than the approved memorial) placed within the defined memorial area may not exceed a height of 12 inches (300mm)
- If the defined memorial area is not tended, Skegness Town Council reserves the right to clear and then seed or turf the area.
- All grass areas will be kept cut by Skegness Town Council. No one else is authorised or permitted to use any mechanical or powered cutters or mowers in the cemetery.
- Occasionally it may be necessary to temporarily place spoil on a grave whilst a neighbouring grave is dug. When this happens a soil catcher is used to protect the ground and a memorial sleeve will be used to protect any memorial that is present. On rare occasions it may be necessary to temporarily remove a memorial to enable the digging of a neighbouring grave. In these circumstances every effort will be made to contact the memorial owner.
- Memorial information is set out in section 16

**4.3 Cremated Remains Grave** is a small grave 2ft x 2ft and are suitable for wedge or small lawn memorials. The following applies to Cremated Remains Graves:

- Provision is made for the interment of two standard sized caskets of cremated remains. If larger caskets are used there may only be room for one interment.
- No memorial may exceed 22 inches wide or deep in order to allow sufficient working room to install and remove memorials. If a memorial is laid prior to the second interment, it may need to be removed by a registered memorial mason prior to the interment taking place.
- All cremated remain graves available since 2013 are pre-grassed and any memorial must be laid so as to permit the cutting of grass. No stones, kerbs or fences are permitted.
- Items of memorabilia are permitted to be left in a small defined memorial area measuring no wider than the grave and no more than 1ft deep, so as to not overhang or encroach on any path.
- Items (other than the approved memorial) placed within the defined memorial area may not exceed a height of 12 inches (300mm)

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- No planting is permitted on these graves
- Memorial information is set out in section 16

**4.4 Orientation:** Full graves in most sections are orientated so that the deceased face east. Section G is available for non-christian burials and the orientation may be changed to meet the requirements of a specific religion (e.g. aligned with Mecca).

**4.5 Grave preparation:** Full graves are usually dug to a depth of at least 4ft 6ins. These are shored to prevent collapse. Any excess water will be removed immediately prior to the funeral. The grave side and earth mounds will be covered using grave sets and the sides of the grave lined with the bottom of the grave covered with wood shavings or grass cuttings. A member of the Council staff will be on-hand at the cemetery to assist if required.

**4.6 Backfilling of graves:** Immediately after the funeral cortege has left the graveside, the process of closing the grave will commence with this being completed before nightfall. The backfilling of graves by mourners is at the discretion of the Town Clerk, but this needs to be agreed at **least three full days prior** to the funeral so that a risk assessment can be carried out and preparations made. Closing the grave needs to be undertaken carefully so as to minimise future problems and reduce any health and safety risk that may occur once ground shoring is removed.

## **SECTION 5: GRAVE ALLOCATION AND OWNERSHIP**

**5.1 Choice.** Some choice of grave may be possible within defined areas that have been opened for burial. This may be within certain rows or columns and is controlled so that grave digging and maintenance can be undertaken in the most efficient and safe way.

**5.2 Exclusive rights of burial.** Any person 18 years and older may purchase 'Exclusive Rights of Burial'. Legally you can purchase these for a period not exceeding 100 years. Purchasing the 'Exclusive Rights of Burial' means that the grave may not be reopened and no one may be buried there or install a memorial without your permission.

In St Mary's Cemetery, you may initially purchase this right for **forty years only**. At the end of this time you may extend the right in twenty year intervals, for which further fees are payable, up to the maximum 100-year limit. After the rights have lapsed the grave rights ownership reverts to Skegness Town Council and we may reuse or resell any unused grave. The fee for purchasing the Exclusive Right of Burial must be paid to the Council at the time the arrangements are made. If the purchase is made through a Funeral Director at the time of a funeral, then payments

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are made by the Funeral Director for which a 21-day grace period is allowed. Once payment has been received a Deed confirming the grave details and rights will be issued. Purchasing these rights **does not** give any land ownership rights and the land remains in the ownership of Skegness Town Council. These rights also **do not** include any permission to install or alter a memorial and separate permits and licenses must be obtained for which a fee is payable.

**5.3 What happens if the owner of these rights dies?** If the owner of the Exclusive Rights dies, it is assumed that they give permission to have themselves interred in the grave. After this time, the Rights become part of their estate and may be left in a will to someone else. If the Rights are not specifically mentioned in the will, they will form part of the 'residue' of the will, usually willed as 'and all my other worldly goods' at the end of the will. Whoever inherits the Rights will need to contact our office and arrange a transfer of ownership before the grave can be opened again or any memorial placed. As paperwork can go missing it is best to do this as soon as possible after inheriting the Rights.

**5.4 Can I transfer ownership to someone else?** Yes, simply contact us and we will send you a form. There is likely to be a charge.

**5.5 The owner of the rights died years ago and the family want to use the grave.** Contact us and we will work out how we may transfer ownership to you. You may need to show us copies of Wills and/or Grants of Probate. This process may take some considerable time so don't wait until you need to arrange a funeral. You may need to make a formal declaration in front of a Magistrate or Solicitor, we can advise you of the process and supply the paperwork for you. Ownership is the families' responsibility, we **will not** open a grave for burial or allow a memorial to be installed unless ownership has been sorted out. If the person it is transferred to lives outside Skegness there are likely to be considerable extra fees to pay.

**5.6 Can two people own these rights?** Ordinarily we will only grant Exclusive Rights to an individual, as ownership by more than one person can cause legal problems that may result in considerable delays. Occasionally Rights may be left to two or more people in a will, in this case, one person will have to be chosen as the owner and the others must renounce their ownership (we have a form for this).

**5.7 Can I reserve a grave ahead of time?** Yes, you may purchase Exclusive Rights of Burial for a grave at any time, not only just prior to a funeral. We may however have to restrict your choice to certain graves depending on availability within sections that are classed as open at the time of purchase.

**5.8 What if the deed to the rights goes missing?** If you are the registered owner of the Rights we will send you an official letter to confirm this. If you are entitled to be the owner through inheritance, we will guide you through the correct transfer procedure and then issue a letter stating your position. If you lose the deed we will

usually be able to check ownership against our records on production of identification. If you require a replacement deed then we will usually make a charge for this.

**5.9 What if I inherit the rights to a grave that I do not wish to maintain?** You may surrender the Rights to the Council at any time. Simply put this in writing and return the deed(s) to us if you have them. If the grave is empty we will refund the original purchase price less an administration cost.

**5.7 Change of address:** As owner of the Exclusive Rights **you are responsible** for informing the Council of any change of address. If a problem occurs with the grave or the monument and we cannot contact you, we have the right to take whatever action is necessary to rectify the problem. If this involves a cost to the Council, this may be levied as a charge against the grave, and must be paid before any more interments can take place.

## **SECTION 6: COFFINS**

**6.1 Suitable:** The body must be placed in a suitable coffin, casket or shroud. The Funeral Director is responsible for compliance with any regulations relating to the coffin and for the health and safety considerations relating to the carrying of the coffin to graveside and lowering into the grave.

## **SECTION 7: EXHUMATION**

7.1 Once a body or cremated remains have been buried, they can only be removed with permission of the Town Clerk and a licence granted by the Ministry of Justice. Additionally, in sections of the cemetery that have been consecrated a further consent (called a faculty) will be required from the Church of England. Considerable fees will be incurred when an exhumation occurs.

7.2 Any disturbance of remains will be deemed to be an exhumation.

## **SECTION 8: ERECTION AND REPAIR OF MEMORIALS**

**8.1 What are monumental rights?** These are **not** included with the purchase of Exclusive Rights Burial and you will still need to apply for the right and permission to erect a monument and this will attract a further fee. The permit granted for a memorial is valid for 20 years only. After this the permit may be extended for a further 5 years on the production of a certificate of inspection and payment of the Council's reasonable administration costs (published from time to time). Rules apply as to the type, size, style, material and wording that can be used. Please see the Council's Memorial Specification Guide (below).

**8.2** You can place a memorial within the constraints of regulations in force or leave the grave unmarked. You have the responsibility to pay for the maintenance of the



memorial upon the grave during the period of grave rights granted to you, or any extension made to this period. The memorial cannot be disturbed or moved during this period without your express permission, unless it poses a safety hazard. The safe erection and maintenance of the memorial is your responsibility during the period of rights.

**8.3** Only Memorial Masons registered through the BRAMM (British Register of Accredited Memorial Masons) or NAMM (National Associations of Memorial Masons) and approved by Skegness Town Council are permitted to erect memorials in St Mary's Cemetery. This also applies to memorials that are being repaired, moved or reinstalled after repair or additional inscriptions.

**8.4** Masons are required to present both their fixers license and a copy of the permit at the time of installation or they will not be allowed to proceed.

**8.5 What is a monument?** A monument is anything above the level of the ground that is placed on the grave as a tribute to those buried there. It could take many forms but may include a headstone, cross, or stone vase. The Council has in place restrictions on what is allowed.

**8.6 Can I have a monument?** To place a monument on a grave you must first purchase the grave and then apply for permission to erect a memorial.

**8.7 When can I erect it?** After a funeral, we will mound the earth on the grave and put the flowers and wreaths on top. After 28 days (or less if the weather is bad) we will remove all floral tributes and dispose of them. Please **do not plant anything directly into the mound** as this can damage the ground and impede maintenance. Flowers may be left in a container (not glass, ceramic or thin plastic) and you may put a wooden cross up to 500mm (18") high on the grave temporarily, to be sited usually at the western side of the grave or in line with other memorials on some ashes graves. When twelve months has passed a permanent monument may be erected, although occasionally ground conditions mean that a longer period is required for the ground to stabilise – we can offer advice at the time.

**8.8 Must I use a stonemason?** Yes. We only permit BRAMM/NAMM registered stone masons to install memorials in the cemetery in accordance with the BRAMM Blue Book or NAMM (National Association of Memorial Mason) code of practice.

**8.9 Can I apply to put a monument there myself?** No. In order to protect the health and safety of the public in the cemetery we only permit registered stone masons to install memorials in the cemetery.

**8.10 Can I keep a mound of earth on all or part of the grave?** No. In the interest of affordable maintenance and safety, 12-24 months after the funeral we will remove the mound and seed it with grass seed or lay turf. Occasionally it may be necessary

to top up ground that sinks for a longer period. Ashes graves will be re-grassed immediately (season permitting).

**8.11 What kind of memorial can I have?** Please see the appropriate Memorial Guidance for the section of the cemetery where your grave is situated. Generally, the guidance is interpreted, and decisions made as to what is appropriate, by the Town Clerk under delegated. Council has determined that memorials and tributes should not display, political, nationalistic, society, movement or campaign signs or emblems or any wording or picture that is likely to cause offence or disharmony within the community. Recognised religious symbols are allowed in the appropriate parts of the cemetery.

## **SECTION 9: FLOWERS AND FLORAL TRIBUTES**

9.1 Following a funeral service, floral tributes are usually placed alongside the path near the lichgate. After the grave has been filled, cemetery workers will place the flowers on the grave if family and friends have left the cemetery. Perished flowers and any associated wrappings will be removed after 7 days and disposed of. If family or friends wish to keep any flowers, cards etc these should be removed before the 7<sup>th</sup> day. St Mary's Cemetery is an exposed site and it is not unusual for floral tributes to be blown away or to be eaten or scattered by wildlife. Skegness Town Council cannot be held responsible for any loss or damage of tributes howsoever caused.

**Everything left in the cemetery is done so at the family's own risk.**

9.2 Fresh flowers, with wrappings removed, may be left on designated area of the grave at any time. The Council reserves the right to remove any perished flowers and dispose of them.

9.3 Plastic flowers pose a problem for the local environment. They break down in sunlight and bad weather into small pieces that can then be consumed by wildlife. They can be blown into dykes causing blockages or into the grass and then shredded by mowers. The sensible and responsible course of action is therefore not to have plastic flowers. Where these are placed in the designated area, the Council reserves the right to remove them if it appears they are likely to break down or be blown about.

## **SECTION 10: OTHER ITEMS OF MEMORABILIA AND CHRISTMAS WREATHS**

10.1 Items placed within the designated area must not exceed a height of 12 inches (300mm).

10.2 The following are not permitted: -

- Any item overlapping or outside the designated memorial area (see section 4)
- Breakable glass objects/vases
- Chippings, pebbles, stones, glass beads, slate or similar (accept on designated cremated remains graves)
- Fences, edging, kerb sets
- Any item deemed by the Council to be offensive, unseemly or dangerous.
- Food, drink and associated wrappers must not be left anywhere in the cemetery as they attract vermin.

Many of the above items often end up on the surrounding grass and either thrown up by mowers and cause personal injury or cause damage to machinery or neighbouring memorials.

Glass is a major hazard to people, animals, machinery and other memorials.

10.3 It is not permitted to plant shrubs, trees or perennial plants on any part of a grave. The roots from such plants can become extensive and cause damage to headstones and neighbouring graves.

10.4 If an item in breach of the regulations causes injury or damages equipment, then the owner of the Exclusive Rights may be liable to pay damages.

10.5 Nothing may be hung from any tree in the cemetery.

10.6 Planting of seasonal (Annual) flowers is only permitted in the designated memorial area.

10.7 Christmas wreaths may be placed within the designated memorial area. They will be removed by the Council from 1<sup>st</sup> February each year.

10.8 Any Christmas decorations must be removed on or before the 6<sup>th</sup> January. Any left after this date will be removed and disposed of.

10.9 The Council reserves the right to remove immediately any item it deems to be offensive, unseemly or dangerous.

10.10 The Council reserves the right to remove other items that contravene the rules and will, wherever possible, give the owner the opportunity to do so themselves beforehand.

## **SECTION 11: VEHICLES**

11.1 There is no vehicular access to the cemetery apart from mobility scooters. No motor cycles, quad bikes or other vehicle may be used by the public in any part of

the cemetery. All vehicles are to be left at the Church Car Park and access to the cemetery is then by foot, wheel chair or mobility scooter via the footpaths.

## **SECTION 12: GENERAL**

12.1 Children under the age of 14 should be accompanied by a responsible adult when visiting the cemetery.

12.2 No Fireworks are permitted at any time in the cemetery.

12.3 The release of doves, other birds or wildlife is strictly prohibited within the cemetery. Many of the doves released at funerals are not capable of surviving in the wild and will perish. Some people are under the false belief that the doves return home. In most cases they do not.

12.4 The release of balloons is prohibited. Balloons decay and pollute the environment and may cause injury to wildlife.

12.5 Only Guide or Assistance dogs are permitted in the cemetery. Prevention Orders are in operation and anyone contravening the rules may be subject to a fine or other legal action.

12.6 Skegness Town Council reserves the right to charge a fee for searching the burial register where this is for the purpose of establishing ownership in respect of a funeral or the placing of a memorial.

12.7 Official plans of the cemetery showing the position of every grave are held at the Council Offices and may be accessed free of charge during opening hours. It is advisable to make an appointment.

12.8 All persons entering the cemetery do so at their own risk and the Council shall not be liable (except in respect of personal injury or death of any person caused by the Council's negligence) for any injury or damage sustained, regardless of the form of action, whether in contract, tort (including negligence or breach of statutory duty), strict liability or otherwise.

12.9 As above, the Council shall not be liable for personal property brought on to the site or for any damage or loss of memorials or memorabilia.

12.10 **Damage to Land and Premises:** Skegness Town Council will hold people responsible for any damage they cause to the land or property in the cemetery. Any costs of repairing the damage may be passed on to those people. This may include where people have exceeded what regulations permit in terms of memorials and memorabilia and by doing so, have for example damaged lawn areas.

## **SECTION 13: FEES AND CHARGES**

13.1 Fees and charges are determined by Council each year. Current rates are available from the Council Offices or on the Council's website [www.skegness.gov.uk](http://www.skegness.gov.uk)

## **SECTION 14: CHANGES**

14.1 The Council may at any time and at its sole discretion vary, alter or revoke any of the foregoing regulations and procedures