

BANBURY TOWN COUNCIL
REGULATIONS FOR THE MANAGEMENT OF SOUTHAM ROAD CEMETERY
AND HARDWICK HILL CEMETERY, BANBURY

Made under Section 214 and Schedule 26 of the Local Government Act, 1972 and Article 3 of the Local Authorities' Cemeteries Order, 1977 (as amended).

INTERPRETATION

1. In these Regulations the "Council" means Banbury Town Council (or any successor authority) acting as a Burial Authority for the said Banbury Town Council area, the "Cemeteries" means the Cemeteries provided by the Council at Southam Road and Hardwick Hill, Banbury, Oxfordshire, "Town Clerk" means the Town Clerk of the Banbury Town Council.

ADMISSION TO CEMETERY

2. The Cemeteries will be open from 8am until sunset or 9pm whichever is the earlier, except on weekends and statutory or public holidays when the opening time shall be 9am.
3. Records showing the division of the Cemeteries into grave spaces may be seen, free of charge by appointment at the following locations:-
 - ◆ Southam Road Cemetery, The Town Hall, Bridge Street, Banbury
 - ◆ Hardwick Hill Cemetery, The Town Hall, Bridge Street, Banburyor any other place decided upon by the Town Clerk from time to time.
4. The whole of the grounds and the buildings in the Cemeteries, together with all growing trees, shrubs and flowers, are placed under the care of the Town Clerk or other authorised officer whose duty it is to preserve order at all times and especially when interments take place.
5. All visitors to the Cemeteries must keep to the roads or paths, except whilst visiting graves.
6. Visitors must not stand or sit or lean on any memorial or otherwise act in such a way as to cause damage to property or offence to passers-by.
7. All dogs shall be kept on a lead of no more than 2 metres in length at all times.
8. No bicycles or motor vehicles are allowed in the Cemeteries, unless conveying persons to a funeral, or with the permission of the Town Clerk or other authorised officer for business purposes. The Council reserves the right to refuse admission to any vehicle (including hearses or coaches) at any time even if in authorised business use.

INTERMENTS

9. Except on production of a certificate that immediate burial is necessary on the grounds of public health, interments shall take place between the hours of 9.30am and 4.00pm during British Summer Time and 9.30 am and 3.30pm during the rest of the year on weekdays. Interments shall not take place on Saturdays, Sundays, statutory or public holidays, unless by special arrangement.
10. Only human remains may be interred in the Cemeteries (plus any small articles that can be reasonably contained in a standard coffin or casket).
11. Notices of interment must be given on the Council's printed form and this Notice must be properly completed and transmitted to the Council in accordance with their requirements. Responsibility for error therein must rest with the person giving the Notice. Provisional arrangements for interments shall be made by telephone prior to completing the above Notice.

No order shall be taken for an interment in a grave in which the exclusive right of burial is intended to be purchased, unless the name and address of the person to be registered as owner is supplied at the time, upon the same form.

12. (a) The Notice of Interment must be delivered to the Town Clerk or other authorised officer so as to allow 2 full working days prior to the interment.

Note: Saturdays, Sundays, statutory or public holidays and such other days on which the cemetery or Council offices are closed to the public shall not be counted as working days.

- (b) Notice sent by post shall be deemed to be delivered when it is received by the Town Clerk or other authorised officer (any such Notice which is delivered on a day other than a working day shall be deemed to be delivered at 9am on the next working day).
13. If circumstances are such that a particular interment is not convenient or practicable on the day or at the time stated in the Notice of Interment, the Town Clerk or other authorised officer shall forthwith notify the person giving the Notice of Interment of the grounds of his or her objection.

Interment shall not take place except on such day and at such time as may be approved by the Town Clerk or other authorised officer.

14. (a) A Certificate of the Registrar of Births and Deaths, or a Coroner's Order for the Burial, must be delivered to the Town Clerk or other authorised officer being the person effecting the disposal of the body at least 2 hours prior to the interment.
- (b) For the burial of a stillborn child; the Certificate of the Registrar of Births and Deaths that he or she has registered the stillbirth or that he or she has received official notice of the stillbirth, or a Coroner's Order for Burial, must be delivered to the Town Clerk or other authorised officer being the person effecting the disposal of the body at least 2 hours prior to the interment.

(Note: By section 1 of the Births and Deaths Registration Act 1926, it is both prohibited and an offence punishable on summary conviction by a fine not exceeding Level 1 on the standard scale (currently £200) for anyone to dispose of the body of a deceased person without delivery of the Registrar's Certificate for Disposal or the Coroner's Order for Burial or Certificate for Cremation).

EXCLUSIVE RIGHT OF BURIAL & LEASE AGREEMENTS

15. The exclusive right of burial may be purchased using the appropriate form.
16. The purchase of the exclusive right of burial shall be for a period of 75 years from the date of purchase, after which all rights shall revert to the Council.
- 16a. Columbarium grant holders will be written to prior to end of lease.
17. The purchaser of the exclusive right of burial will be issued on payment of the prescribed fee with a grant of the same.
18. The Deed of Grant must be produced to the Town Clerk or other authorised officer with the Notice of Interment, and the written consent of the owner, personal representative or next of kin must be produced or endorsed on the Form of application for interment. In the event of an Exclusive Right of Burial not being produced, the Council's form of Indemnity must be completed.
19. The grantee or his or her successors in title may not, without the consent of the Council, transfer the right of burial to another person.
20. Registers of Burials in respect of each cemetery will be kept at the following locations:
 - ◆ Southam Road Cemetery Office, The Town Hall, Bridge Street, Banbury
 - ◆ Hardwick Hill Cemetery Office, The Town Hall, Bridge Street, Banbury

or any other place decided upon by the Town Clerk from time to time, where a search may be made, and certified extracts obtained during Town Council office hours.

GRAVES

21. The Council reserves the right of passage over all graves for purposes connected with the cemetery and the right to remove any headstone, vase, dedicated items to enable a burial to be carried out in any adjacent grave space subject to the replacement of the said headstone at the Council's expense as soon as possible.
- 21a. The Council reserves the right to designate areas of the cemeteries for the burial of children and cremated remains, and to declare certain areas as "lawned" areas, where the type of memorial that may subsequently be erected, is restricted.
22. The selection of the sites of all graves is subject to the approval of the Town Clerk or other authorised officer. All graves will be selected in numerical order.
23. All graves are to be dug or excavated by or under the direction of the Town Clerk or other authorised officer.
24. The depths of graves shall be subject, from time to time, to the regulation, supervision and direction of the Council; no grave will be allowed to be deepened after first interment.
25. The Council reserves the right to prune, cut down or dig up, remove and dispose of any shrub, tree, plant or flower, at any time, when in its opinion the same has become unsightly or overgrown or when necessary for the purpose of allowing a grave to be reopened.

26. At the burial sections of Hardwick Hill Cemetery and Southam Road Cemetery no mounds shall be allowed to be raised (except those formed by the Council immediately following interment).
27. **At the burial sections of Hardwick Hill Cemetery and, Southam Road Cemetery, no memorial, fencing, tree, shrub, plant, flower, wreath, vase, jar or other such receptacle shall be placed on the turfed or seeded area which shall in all respects and at all times be left clear. Any items found will be removed by cemetery personnel.**
28. Subject to the provision of Regulation 38(c), no glass or earthenware vase, jar or other such receptacle **including items in Regulation 27**, shall be placed on any grave in any section of Hardwick Hill or Southam Road cemetery and any such item, which contravenes this Regulation, will be removed by the Town Clerk or other authorised officer.
- 28a. Six months after the interment, the grave will be levelled and seeded or turfed.
29. Except where in accordance with the foregoing Regulations, the Council has undertaken to maintain or care for them; any memorial, vase, jar or other such receptacle must be maintained, cared for or kept in a state of tidiness or good repair, as the case may be, by the person erecting or placing the same.
Note: see Regulation 44.

CREMATED REMAINS

30. The exclusive right of burial may be purchased for plots for the interment of cremated remains. The grant of the exclusive right shall be in accordance with Regulations 15 - 20.
31. Urns or receptacles containing cremated remains may be interred in otherwise full graves, (including graves designated as children's graves) subject to the provisions of the Local Authorities Cemeteries Order, 1977 relating to the reopening of such graves and the payment of the prescribed fee.
32. On payment of the prescribed fee, cremated remains may be strewn inside a grave, subject to the decision of the Town Clerk or other authorised officer as to the suitability of the grave for this purpose, and any conditions he may impose.
33. Regulations 9 – 14 of these Regulations shall apply to the interment or disposal of cremated remains.
- 33a. **Regulations 27 – 29 of these Regulations shall apply to the to the grave aftercare.**
34. The Certificate for Burial of the ashes issued by the Registrar of the Crematorium must be produced to the Town Clerk or other authorised officer at least 2 hours before the interment or disposal takes place. (see reg 14)
35. Cremated remains may not be scattered on the surface of any grave, or elsewhere in the Cemeteries.

MEMORIALS

36. All memorials and inscriptions (and the erection thereof) are subject to the prior approval of the Town Clerk or other authorised officer and payment of the required fees.
- 36a. A memorial deed will be issued for a lease period of 25 years upon receipt of a completed application form. The lease can be renewed at the end of the period, or otherwise all rights revert back to the Council and the headstone may be removed.
37. A completed application form signed by the ERB deed holder and the memorial mason, must be submitted to the Town Clerk. This must contain a plan showing the size and dimensions of the memorial and a copy of any proposed inscription in English or accompanied by a certified English translation.
- (a) No memorial may be erected or inscription added without prior written permission in the form of an application form.
- (b) No memorial is allowed to be erected on a grave in respect of which the exclusive right of burial has not been purchased.
38. Memorials shall conform to the following:-
- (a) Memorials shall be built in a durable natural stone.
- (b) Any vase, jar or other such receptacle must be installed as an integral part of a memorial or erected on suitable plinth or bearer.
- (c) At the lawned section of Hardwick Hill Cemetery and Southam Road Cemetery the placing of one vase, jar or other such receptacle of British durable natural stone or granite (or such other material which in the opinion of the Town Clerk or other authorised officer is of a suitable and durable material) is allowed for a temporary period of 6 months commencing from the date of interment.
- (d) Headstones in all sections of both cemeteries shall not exceed those dimensions detailed in the following chart:-

SECTION	HEADSTONE SIZE
MUSLIM BABIES	20" H x 18" W x 4" D (50cm x 45cm x 10cm) Maximum length of kerbs including headstone 30"
ADULTS LAWNED Southam Road	36" H x 30" W x 4" D (90cm x 75cm x 10cm)
ADULTS LAWNED Hardwick Hill A and D	36" H x 30" W x 4" D (90cm x 75cm x 10cm)
ADULTS LAWNED Hardwick Hill G and H	36" H x 30" W x 4" D (90cm x 75cm x 10cm) Memorial base depth 15" max. install onto beam
ADULTS LAWNED Hardwick Hill J and K	36" H x 30" W x 4" D (90cm x 75cm x 10cm) Memorial base depth 12" max. install onto beam

CREMATED REMAINS Southam Road	24" H x 24" W x 4" D (60cm x 60cm x 10cm)
CREMATED REMAINS Hardwick Hill	24" H x 24" W x 4" D (60cm x 60cm x 10cm)
ROSE GARDEN Hardwick Hill	Plaque or Miniature Please ask for sizes
ADULTS GENERAL KERBSETS	36" H x 30" W x 4" D (90cm x 75cm x 10cm) Maximum length of Kerbs including headstone 78"
MUSLIM BURIAL AREA	36" H x 30" W x 4" D (90cm x 75cm x 10cm) Maximum length of Kerbs including headstone 78"
CHILDRENS	24" H x 24" W x 4" D (60cm x 60cm x 10cm) Maximum length of kerbs including headstone 44"

39. (a) Inscriptions on any form of memorial may be of the following types:-
- (i) Incised;
 - (ii) Incised and painted;
 - (iii) Inlaid with lead or bronze;
 - (iv) Carved in relief.
- (b) The number of the grave and name of the stonemason shall be cut clearly on the rear of a memorial at the expense of the owner.
- (c) No memorial inscription shall refer to any deceased person other than the person whose remains are interred in the grave on which the memorial is to be erected, subject to Regulation 39(d) below. For the avoidance of doubt references to family or other relationships shall not be excluded by virtue of this regulation.
- (d) Where an exclusive right of burial exists and there are no remains or remains are interred elsewhere, then a memorial and inscription may be allowed on an empty grave site. No memorial or inscription on a memorial shall be permitted on an empty grave site, where there is already a memorial or inscription on a memorial in respect of the same person elsewhere in the cemetery. In the event of dispute, the decision of the Town Clerk shall be final.
40. The Council reserves the right to remove or prevent the erection of any memorial, monument, or vase for which no permit has been issued.
41. All persons at work in the Cemeteries in connection with graves, monuments or otherwise:-
- (a) Must fix memorials according to the Namm Guidelines - Code of Working Practice
 - (b) Must register and comply with Banbury Town Council's Memorial Masons Registration Scheme
 - (c) Shall comply with all reasonable directions and requirements of the Town Clerk or other authorised officer;
 - (d) Shall only work during the normal working hours of Council staff, unless the prior written permission of the Town Clerk or other authorised officer has been obtained;

- (e) Shall clear away and dispose of off site all dirt, rubbish or other debris and leave all sites in a clean and safe condition;
 - (f) Shall make good any damage that may be caused when carrying out work in the Cemeteries;
 - (e) Shall notify the Town Clerk or other authorised officer before starting work.
42. No memorial or part of a memorial may be removed from the Cemeteries without the prior approval of the Town Clerk or other authorised officer. Any memorial removed in the process of opening a grave shall be removed at the risk and expense of the person requiring the grave to be opened.
43. Any memorial taken down for any purpose must be replaced on the grave as soon as possible or removed from the Cemeteries.

If a memorial is not replaced on the grave or taken from the Cemeteries within four months of the date of its removal from the grave, the Council may give notice to the owner of the grave or the person requesting the memorial to be taken down; requiring its replacement or removal from the Cemeteries.

If such notice is not complied with within fourteen days, the memorial will become the property of the Council absolutely and will be removed or destroyed.

44. All memorials erected within the Cemeteries shall be kept in good repair by and at the expense of the owner. The Council reserves the right to remove any memorial which is allowed to fall into disrepair or becomes unsightly. The Council may remove any memorials, which have been placed within the Cemeteries without the required permission. If in the opinion of the Town Clerk or other authorised officer any memorial provides a risk of injury or damage to any other person or any other property, then the Council may take immediate action to eliminate that risk. Such actions may include (but are not limited to) removal, the laying down, supporting and sealing off of the memorial area, and to include the erection of warning notices in the area. Such actions may be taken without the notification or approval of the deed holder.
45. A memorial stability programme is in operation within Banbury Cemeteries and each memorial will be tested on a 5 year cycle, or earlier if a fault is found.

FEES AND CHARGES

45. The Town Clerk shall produce, from time to time, a list of fees and charges for all relevant matters relating to plots, burial sections and memorials which will be available for inspection at the cemetery offices or any other place decided upon by the Town clerk from time to time.
46. All fees and charges are to be paid in advance.

ADDITIONAL PROVISIONS

47. Any person who does not comply with the Regulations may be refused admittance to the Cemeteries for such periods as the Council may think fit.
48. No alcohol or other intoxicating substance shall be permitted in the Cemetery. Any person found to be under the influence of or in possession of alcohol or any other intoxicating substance shall be refused admittance to or be required to leave the cemetery.
49. THE COUNCIL ACCEPTS NO RESPONSIBILITY WHATSOEVER FOR ANY LOSS OR DAMAGE, HOWSOEVER CAUSED, IN THE CEMETERIES.

COLUMBARIUMS

50. The purchase of the lease shall be for a period of 75 years, after which the opportunity to re-lease is available or otherwise all rights shall revert back to Banbury Town Council.
51. The Lease start date is the date on which the lease agreement is made.
52. The exclusive right of burial may be purchased for plots for the interment of cremated remains. The grant of the exclusive right shall be in accordance with Regulations 15 - 20.
53. Regulations 9 – 14 of these Regulations shall apply to the interment or disposal of cremated remains.
54. The Certificate for Burial of the ashes issued by the Registrar of the Crematorium must be produced to the Town Clerk or other authorised officer at least 2 hours before the interment or disposal takes place. (see reg 14)
55. Inscriptions are to be gilt or silver only, with no pictures or individual ornamentation.
56. Individual niches can accommodate up to 2 sets of remains only.

DEDICATED BENCHES

57. The ERB holder can apply by an application form for a dedicated bench within the cemeteries where space is permitted.
58. The Council will install the foundation base, wooden bench and provide a plaque.
59. The purchase of a dedicated bench will be for a lease period of 10 years. This lease can be renewed thereafter, or otherwise the plaque will be removed and the bench will be made available for another family.
60. Communal benches are available within the cemeteries –
 - a. The ERB holder can apply by an application form for a plaque to be installed on a communal bench where space is permitted.
 - b. The purchase of a dedicated plaque will be for a period of 10 years. This lease can be renewed thereafter, or otherwise the plaque will be removed.

NOTES

Attention is drawn to articles 5(6); 10(6), 18, 19 and Sections 1, 2, 3, 4 and 7 of Part I of Schedule 2 to the Local Authorities Cemeteries Order, 1977, viz:-

5(6) A burial authority may at the request of a particular denomination or religious body prohibit the interring or scattering of cremated human remains in or over part of a Cemetery set apart for their use.

10(6) No body shall be buried, or cremated human remains interred or scattered in or over any grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner of the right.

This paragraph shall not extend to the body, or remains of the person who immediately before his death was the owner of the right; or any other person specified in the deed of grant or in an endorsement thereon made at the request of the owner for the time being of the right by the officer appointed for that purpose by the burial authority.

18 (1) No person shall:-

(a) Wilfully create any disturbance in a Cemetery;

(b) Commit any nuisance in a Cemetery;

(c) Wilfully interfere with any burial taking place in a Cemetery;

(d) Wilfully interfere with any grave, or vault, any tombstone or other memorial, or any flowers or plants on any such matter;

(e) Play at any game or sport in a Cemetery.

(2) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a Cemetery at any hour when it is closed to the public.

19 Every person who contravenes:-

(a) Any prohibition under article 5(6),

(b) Article 10(6).

(c) Article 18,

(d) Part I of Schedule 2,

shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale (currently £100), and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.

Schedule 2 - Part I

1. No burial shall take place, no cremated human remains shall be scattered and no tombstone or other memorial shall be placed in a Cemetery, and no additional inscription shall be made on a tombstone or other memorial, without the permission of the officer appointed for that purpose by the burial authority.

2. No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave:

Provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground adjoining the grave.

3. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than six inches thick.

4. When any grave is reopened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.