

Guidance and Regulations within Gainsborough Town Councils Cemeteries

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Document History

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Monday to Friday: 09:00hrs to 15:00hrs.
Closed Saturday, Sunday, and Bank Holidays.

These Regulations are subject to alteration by the Council from time to time as may be considered necessary.

These Rules and Regulations shall come into force on the 9 October 2024 and shall have effect to cancel all previous Rules and Regulations made by the Council.

1. Introduction

1.1 Gainsborough Town Council understands that at such a distressing time as losing a loved one or friend, rules and regulations are very far from your mind, but we believe that this information and guidance will be of assistance to you now and in the future and ask that you keep this document with your grave deed / Exclusive Right of Burial for future reference.

1.2 Gainsborough Town Council has made Regulations for Cemeteries under the provisions of the Local Authorities Cemeteries Order 1977.

1.3 The Council reserves the right to alter, add to or amend this guidance and the Cemetery Regulations when necessary.

1.4 Funeral Directors should refrain from choosing / allocating graves with families as new graves will be allocated on a next in line basis by the Cemeteries Officer and are not available for selection, which has been done in the past.

1.5 Families with disabilities will also be taken into consideration by allocating an end grave, although this may not always be possible.

1.6 Requests will be taken into consideration should a family wish to be close to a deceased relative, although this may not always be possible.

2. Definitions

Throughout this document the following words and expressions shall have the meaning hereinafter assigned to them:

- **'Burial Authority'** means Gainsborough Town Council.
- **'The Council'** Gainsborough Town Council
- **'The Cemeteries'** Gainsborough General Cemetery (Cox's Hill) and North Warren Cemetery (Ropery Road).
- **'Cemeteries Officer'** means the Officer appointed by the Council or the person for the time being carrying out the duties and any person acting for them at the Cemetery in their absence – typically the Operations Manager or Town Clerk.
- **'The Cemetery'** means the cemeteries controlled by the Council.
- **'Grave'** or **'grave space'** or **'plot'** means a burial place formed in the ground by excavation, without any internal wall of brickwork, stonework, or artificial lining.

- **'Vault'** includes underground burial places of every description except grave to which the word 'grave' interpreted above, applies.'
- **'Purchased grave'** means a **'grave'** or **'grave space'** or **'plot'** in respect of which the Exclusive Right of Burial has been granted by the Council, and references to the purchase, grant, owner, or ownership of a grave shall be construed as the purchase, grant, owner or ownership of such right. The Council grant in respect of any grave is not to be construed as extending farther than a grant or exclusive right of burial therein.
- **'Unpurchased grave'** means a **'grave'** or **'grave space'** or **'plot'** wherein such exclusive right of burial has not been granted.
- **'Natural burial'** is a **'grave'** or **'grave space'** or **'plot'** for a single full burial only in the allocated section of the Cemetery.
- **'Memorial Mason'** or **'Mason'** means any person carrying on the business or trade of a stonemason or stone cutter and includes any person for the time being engaged in the Cemetery in the erection, removal, maintenance or inspection of a memorial. Such persons must be BRAMM or NAMM registered.
- **'Memorial'** means any permanently fixed monument, headstone, cross, scroll, book, kerb, or any permanent memorial of any description whatsoever placed in the Cemetery having received written consent / Exclusive Right of Memorial from the Council.
- **'Tribute'** means any non-permanent / unfixed item or items within or adjacent to any **'grave'** or **'grave space'** or **'plot'** and includes such things as a floral display, A-frame, sculpture, vase, ornament, windmill, wind chime, soft toy, battery / solar powered lights, plastic / wood fence etc. Such items will not have written consent / Exclusive Right of Memorial from the Council.
- **'Burial'** is the process of burying a person's non-cremated body.
- **'Interment'** is the process of placing a person's cremated remains in a permanent resting place.
- **'Coffin'** is a funerary box used for keeping a corpse, either for burial or cremation. They are tapered at the head and feet and are wider at the shoulders.
- **'Casket'** is a funerary box used for keeping a corpse, either for burial or cremation. They are rectangular in shape and have four sides.
- **'Funeral'** or **'grave side ceremony'** includes the lowering of a coffin, casket, or urn into a grave with attendant observances which may include a member of the clergy, a lay person, family and friends.
- **'Owner'** means the person who has purchased the Exclusive Right of Burial to a grave.
- **'NAMM'** means the National Association of Memorial Masons.
- **'RQMF'** means the Register of Qualified Memorial Fixers.
- **'BRAMM'** means the British Register of Accredited Memorial Masons.

3. Grave, grave space, plot

3.1 Graves are available in the cemeteries, which consist of consecrated and un-consecrated sections. Due to the lack of space within the cemeteries the selection of grave spaces shall be at the final discretion of the Council, but the wishes of applicants will be met wherever possible.

3.2 Due to the lack of space within the cemeteries the Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved. The Exclusive Right of Burial can only be transferred to another person via the legal process laid out in the Local Authorities Cemeteries Order 1977.

3.3 The types of graves available in the cemeteries are Traditional Graves, Cremated Remains Graves, Children's Graves and Natural Burial graves. Traditional Graves can accommodate a traditional headstone including kerb set. Cremated Remains Graves are for the burial of

cremated remains and can accommodate a traditional headstone including kerb set. Children's Graves are reserved for the burial of small children and babies and can accommodate a traditional headstone with kerb set. Guidance and regulations regarding Natural Burial graves is covered later in this document on page 16.

3.4 Memorials will only be permitted on purchased graves that have a burial or interment within. Memorials must conform to the regulations covered later in this document on page 13.

3.5 Following any burial or interment the Council will level the grave using spoil from the grave plot.

3.6 Full burial for adults and older children all grave spaces, as standard, are seven (7) feet long by three (3) feet wide (84" x 36") (2134mm x 914mm). A maximum of two (2) full burials may be accommodated with up to a maximum of four (4) ashes interments – if space allows. This must be agreed at the time of purchase of the grave as it will affect future burials or interments.

3.7 Full burial for a small child or baby all grave spaces, as standard, are four (4) feet long by three (3) feet wide (48" x 36") (1219mm x 914mm). Only one full burial may be accommodated.

3.8 All cremated remains grave spaces, as standard, are four (4) feet long by three (3) feet wide (48" x 36") (1219mm x 914mm). A maximum of two (2) cremated remains interments may be accommodated.

3.9 If a full burial adult coffin or casket is over 74" (1880 mm) long, or over 28" (711mm) wide, then two or more graves, as required, may be required to be purchased so as to accommodate grave shoring and to allow a wider wall of earth (mid-feather) either side of the coffin / casket. Each burial application is considered individually based upon the plots available and ground conditions. However, oversized 'American style caskets' may not always be accommodated due to the layout and plot sizes available in the cemeteries.

4. Coffins, caskets, urns and shrouds

4.1 All burial or interment vessels including fixtures, fittings and liners must be of biodegradable construction, these include coffins made of wicker, bamboo, softwood, recycled paper (papier-mâché) and recycled board. Shrouds, ideally in natural fibres, are acceptable.

4.2 Burial or interment vessels made of veneered chipboard or MDF are permitted as are those made from tropical hardwoods, even those from assumed sustainable sources.

4.3 Cremated remains should be contained in a suitable urn or vessel. Upon written request permission may be given to pour cremated remains directly into a specified plot. Cremated remains may not be scattered on the surface at the Cemetery.

4.4 Wedding rings and similar objects may be interred with burials or interments.

4.5 All coffins / caskets must be marked with a non-perishable plaque / name plate. This must show the name, age, and date of death of the deceased.

4.6 Where the remains of more than one person are placed within a coffin, such as ashes placed within a coffin, both the names of those contained therein shall be included in the non-perishable plaque / name plate.

4.7 In the case of a stillborn child no age will be recorded.

4.8 Only 100% biodegradable coffins or shrouds may be employed in the Natural burial area. Willow is an incredibly sustainable and eco-friendly choice.

5. Grave digging / interments

5.1 All graves will be excavated and prepared by the Council or appointed contractor(s). No other person(s) or contractor will be allowed to undertake any excavation within the Cemetery except

with the express written consent of the Town Clerk. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.

5.2 Graves may be excavated by hand or by machine dependent on safe access and egress to the grave plot.

5.3 When a grave is being opened, the excavated soil is placed to the side of the grave. It may be necessary, when opening a grave amongst existing graves, for the soil to be placed on one or more adjacent graves. The graves in question will have any fixed memorials protected and will be covered with boards so that the soil does not lie directly on any grave. This practice / method is common practice in cemeteries throughout the country. This will unfortunately interfere with access to some graves for a short period of time. After the funeral has taken place, the area will be left neat and tidy.

5.4 Where a memorial has been installed in close proximity to the grave to be excavated this may need to be removed for safety and / or for excavation access purposes. The Council will contact the holder of the Exclusive Right of Burial for the memorial regarding the removal of the memorial and its re-instatement after the burial has taken place.

5.5 It is normal for graves to sink / subside during the first year, especially after periods of heavy rainfall. The Cemeteries Officer will periodically check graves and re-instate them to level where necessary. Graves will also be reinstated to level when reported to the Council. However, the Council will not undertake works to any memorial or kerb set as these are the responsibility of the grave owner.

6. Funeral or grave side ceremony

6.1 All funerals at the Cemetery are under the control and direction of the Cemeteries Officer. Funeral Directors are responsible for the physical interment.

6.2 The time appointed for burials, interments, and funerals must be punctually observed. The Council reserves the right to delay a late arriving funeral in the event that it impacts on another burial or interment.

6.3 All burials, interments, and funerals will be subject to the control of the Council's Cemeteries Officer, who will meet the cortege and direct it to the grave.

6.4 The Cemeteries Officer, or any person acting on their behalf, or in their absence, may at their own discretion, exclude from the Cemetery, at any time, all or any persons not being members of the family or relatives of the deceased whose funeral is taking place therein, or not having any duty or service in connection with such funeral.

6.5 Before any burial or interment vessel may be taken to the grave the Council's Cemeteries Officer must be offered the opportunity to read the name plate on the coffin, casket or urn.

6.6 No Funeral Director or other person shall be permitted to remove coffin / casket lids or slides from any coffin / casket at any interment within the Cemetery.

6.7 It is the responsibility of the person making the funeral arrangements to organise a Minister or Officiant for the funeral, if one is required.

6.8 Any floral or other tributes from the funeral may be placed on top of the grave following backfilling and will remain in situ for a maximum of 28 days before being cleared by the Cemeteries Officer (unless family have already removed them).

7. Burial records and Cemetery plans

7.1 Grave spaces are carefully recorded on plans and registered by law.

7.2 A plan of each Cemetery showing the position and number of each grave is available on-line via the Council's website <https://gainsborough-tc.gov.uk/council-services/cemeteries/>.

7.3 Burial Registers are kept by the Council at Richmond House. As the registers are old and fragile we no longer allow members of the public to look through them. However, we can search the register for you, although charges are now made as contained in the Cemetery Fees and Charges Schedule.

8. Purchasing a Grave / Exclusive Right of Burial

8.1 Anyone who is over 18 years old can purchase a grave. However, it must be noted that there is an additional cost for people who live outside the Council area.

8.2 The purchase of a grave space beyond the current burial area will not be permitted.

8.3 Purchasing the Exclusive Right of Burial authorises the grave owner to make applications affecting that space for a period of up to 99 years (dependant on terms of purchase) and once the appropriate fee has been paid and permission granted, the right to erect a permanent memorial on that grave.

8.4 The ground itself, however, remains in the ownership of the Council, which is empowered to make Cemetery Regulations under the provisions of the Local Authorities Cemeteries Order 1977.

8.5 An Exclusive Right of Burial can be purchased for either 25, 50 or 99 Years for a Full Plot or 25 years for a Cremation Plot. The fees for the current year can be found contained in the Cemetery Fees and Charges Schedule.

8.6 The Exclusive Right of Burial can be, upon application, topped up whenever the owner wishes to as long as the rights do not exceed 99 years as contained in the Cemetery Fees & Charges Schedule.

8.7 The law can be complex, and it is strongly advised applicants for Exclusive Right of Burial consult a Solicitor to establish ownership. Only one person can hold the Exclusive Right of Burial, it cannot be held jointly by family members.

8.8 Exclusive Right of Burial allows the owner:

- To be buried in that grave, where space permits.
- Authorise further burials in that grave, or the interment of cremated remains in the grave, where space permits.
- Place a memorial on that grave, subject to the Council's Regulations relating to memorials.
- Have inscriptions or additional inscriptions on a memorial on that grave subject to the Council's Regulations relating to memorials.

8.9 Possessing a Deed of Exclusive Right of Burial does not necessarily give the person ownership of Exclusive Right of Burial, when the owner is deceased subsequent ownership depends upon whether or not the deceased person left a valid will.

8.10 It is against the law to open a grave for burial, including a burial of cremated remains, without the written permission of the registered owner or lawful cause.

8.11 Should a pre-purchased grave become unwanted before being used the Council may, at their discretion buy back a grave. The grave must not have been used for burial or cremated remains. The original Deed must be accompanied by a letter from the original grave owner stating that they wish the Council to buy back the grave. The Council will only give back the original price paid for the grave.

8.12 **IMPORTANT:** You must keep both the Exclusive Right of Burial and the Exclusive Right of Memorial deeds safe as these will need to be presented to support any application to the Council. During the period of grave rights being granted any change of address or transfer of rights must be notified to the Council in writing within 21 days. Failure to do so will result in the Council not being able to accept any applications or communicate with relevant persons.

8.13 Once the owner of the Exclusive Right of Burial is themselves deceased it is important that an official transfer of these rights is undertaken so that the Council's records show who the owner of the rights belong to. Failure to do so will result in the Council not being able to accept any applications or communicate with relevant persons.

8.14 It is the interests of any family to resolve ownership issues as soon as possible rather than wait until the need to arrange a funeral, as the process may take some time.

8.15 Ownership is the families' responsibility, and the Council cannot accept a funeral booking or authorise a memorial application until ownership has been obtained.

9. Transfer of Exclusive Right of Burial

9.1 The Council understands there will be occasions when a grave owner would like to pass the Exclusive Right of Burial over to someone else. Any transfer of the Exclusive Right of Burial will not be deemed valid unless such transfer has been approved by the Council.

9.2 When the current grave owner is still alive and wishes to transfer ownership to another person, an Assignment of Exclusive Right of Burial form must be properly completed, signed and authorised by the Council. This form can be found on the Council website or through the Council Office.

10. Transfer of Exclusive Right of Burial when the owner is deceased

10.1 It is important to have a living owner responsible for any grave. As grave owner, there is an automatic right to be buried in the grave, should space allow.

10.2 Following the burial of a deceased grave owner, the applicant for the burial shall begin the process of transferring the Exclusive Right of Burial to the rightful living owner.

10.3 For a transfer of the Exclusive Right of Burial to take place when the owner is deceased, the Council will require one of the following two documents in relation to the deceased's estate:

- Grant of Probate – the original, court sealed document.
- Letters of Administration – original document.

10.4 Alternatively, if there was no legal necessity or requirement to obtain either of the above documents then a Statutory Declaration would need to be used and signed by the next of kin. The Council will provide the Statutory Declaration using information provided by the perspective which would then need to be signed before a Magistrate or Commissioner for Oaths (Solicitor).

11. Burials and Interments

11.1 Burials and interments may be arranged either through a Funeral Director or directly with the Council.

11.2 When organising a burial and interment directly with the Council a Notice of Interment form must be completed. This form can be found on the Council website or through the Council Office.

11.3 When using a Funeral Director, they will go through the application process with you.

11.4 The Funeral Director or person arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the graveside. Cemetery Staff are not allowed to assist with bearing.

11.5 Arrangements for Priests, Ministers, or other persons to officiate at the service are the responsibility of the Funeral Director or the person arranging the burial.

12. Notice of Burial or Interment

12.1 The Council welcomes and encourages communications / dialogue prior to booking / confirming a date and time for a burial or interment. However, a Notice for a Burial or Interment must be given a minimum of seven (7) clear working days prior to the requested burial date, or the burial may be delayed. This will allow for the Council to arrange for the necessary grave digging arrangements to be made.

12.2 Where a funeral is of a person who has died from an infectious disease the Notice of Interment must contain a statement to this effect.

12.3 The Council will not accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally or by telephone. Any verbal communication must be confirmed in writing. Neither will the Council accept responsibility for any documents lost or delayed by the Post Office / Courier.

13. Certificates of Disposal for Burial

13.1 No burial or interment will be allowed to take place unless a certificate, as mentioned below, accompanies the Notice for a Burial or Interment.

- In the case of a stillborn child, the appropriate certificate under the Births and Deaths Registration Act, 1953.
- In the case of a death reported to the Coroner, the Coroner's Order.
- In any other case, the Certificate for Disposal issued by the Registrar of Births.

13.2 If any certificate is mislaid or lost a declaration to the satisfaction of the Cemeteries Officer must be made by the person procuring the disposal of the body. The original certificate or a duplicate copy issued by the Registrar of Births and Deaths, or the Coroner, must be produced to the Cemeteries Officer within 24 hours following the signing of any declaration.

14. Certificates of Disposal for Cremated Remains

14.1 Before the Cemeteries Officer can authorise the interment cremated remains of any person in the Cemetery a certificate must be produced from the appropriate officer of the Crematorium that the Certificate for Disposal has been produced to the Medical Referee of that Crematorium and that notification of the disposal has been delivered to the appropriate Registrar of Births and Deaths.

15. Payment of Fees

15.1 The fees and charges for any burial or interment must be paid at the time of giving notice of booking and all other fees paid before the work to which they relate is commenced.

15.2 All fees and charges must be paid at Richmond House as contained in the Cemetery Fees and Charges Schedule. These requirements do not apply to those who pay by account.

15.3 The fees charged include everything connected with the specified items in respect of which an official receipt is given. No one employed by, or on behalf of the Council is allowed to receive any gratuity.

15.4 Charges are in accordance with the Council's Cemetery Fees and Charges Schedule, which may change each year.

16. Hours of Burial or Interment

16.1 The hours for burials / funerals for all denominations are:

Summer (1st April - 30th September, Monday to Friday).

DAYS – 09:00hrs to 15:00hrs

Winter (1st October - 31st March, Monday to Friday).

DAYS 10:00hrs to 14:30hrs

16.2 Only in exceptional circumstances will burials or interments outside of the above hours, or on a Saturday, be considered and will be subject to an additional fee. No interments shall take place on Sundays, Christmas Day, Boxing Day, Good Friday or any other Public, Bank or official holiday.

17. General Rules & Regulations

17.1 All burials and interments shall take place in accordance with the statutory requirements laid down in the Local Authorities Cemeteries' Order 1977, and any other subsequent legislation that comes into force.

17.2 No body shall be buried, or cremated human remains interred / scattered in any grave or any part of the Cemetery without the consent in writing of the Council and the owner of the Exclusive Right of Burial.

17.3 All excavations for the interment of human remains shall only be undertaken by Council staff or the Council's approved contractor.

17.4 All human remains shall be interred in urns or caskets of a suitable and approved construction and design.

17.5 Grave owners, family members and friends of the deceased are required to give consideration and respect to other bereaved families where memorials and tributes of any kind are concerned.

17.6 A marker or name plate to be placed on a grave at the time of burial. The marker / name plate will remain until it is replaced with a headstone or other approved permanent memorial.

17.7 Raised mounds or turfed banks will not be permitted on any grave, apart from after a burial where the earth is mounded on the grave to allow for initial settlement.

17.8 No grave shall be raised by turfing or any other manner, above the level of the ground immediately adjoining.

17.9 After the burial has taken place, any floral and other tributes from the burial may remain on and within the grave plot for a maximum of 28 days after which they may be removed by the Cemeteries Officer.

17.10 No floral or other tribute may be placed outside of the allocated grave plot. Anything placed outside of the grave plot will be removed by the Cemeteries Officer.

17.11 No perennial plant, tree or shrub may be planted on any grave or within the Cemetery without prior written permission being granted by the Council.

17.12 No lights, whether solar powered or battery powered, may be placed on any grave or within the Cemetery without prior written permission being granted by the Council.

17.13 No device capable of playing amplified sound, whether solar powered or battery powered, may be placed on any grave or within the Cemetery without prior written permission being granted by the Council.

17.14 No band, or music, or persons carrying banners will be allowed in the Cemetery except at a military funeral. Any special requests, such as the forgoing, must be made in writing, via the Funeral Director, to the Council Office at the time of giving notice of the interment.

17.15 The erection of a gazebo(s) or other structure, laying carpet, erecting seats, or barriers, playing music at the graveside interment / funeral is prohibited. Any special requests, such as the forgoing must be made in writing, via the Funeral Director, to the Council Office at the time of giving notice of the interment.

17.16 No cameras (still or motion) or audio recording equipment, whether solar powered or battery powered, may be placed on any grave or within the Cemetery without prior written permission being granted by the Council.

17.17 No artificial grass / matting, resin surface, flower holders, jars, vases, stones, memorials, railings, fencing, kerbs, gravel, toys, windmills, chimes or other items or structures installed / erected by grave owners and / or family and friends of the deceased to enclose a grave may be placed outside of the grave plot on the grassed areas. The Council will remove any item placed on or near a grave that does not conform to these Regulations, without prior notice or right of appeal.

17.18 The Council has the right to, and will, remove from any grave plot, or any other part of the Cemetery, any items that are considered to contravene these rules and regulations or that may interfere with the safety and management of the Cemetery. Notice will be served on the registered grave owner advising of any contraventions of the Cemetery rules and regulations and of any items removed.

NOTE: the Council employs strimmer's to cut grass in the Cemetery and articles such as stone chippings, glass containers, plastic fencing etc. can, and will, occasionally accidentally be hit and possibly become dangerous projectiles. This is why ALL articles / items **MUST** be within the grave plot. The Council accepts no responsibility to any damage caused to items outside of a grave plot.

17.19 Items removed from any grave plot, or any other part of the Cemetery, of monetary value (planters, photograph frames, lights etc.) will be retained for 28 days. If these items remain uncollected, or it proves necessary to remove the items on more than one occasion, the Council reserves the right to retain and dispose of these items at its discretion without further notice being served on the grave owner.

17.20 Christmas wreaths, floral tributes and any other Christmas items placed any grave plot, or any other part of the Cemetery, will be removed after twelfth night.

17.21 No item(s) may be nailed to, affixed to, or hung howsoever to any tree in the Cemetery, other than bird feeders approved by the RSPB / RSPCA. The Council reserves the right to remove and dispose of any items other than RSPB / RSPCA approved bird feeders at its discretion without further notice.

17.22 Vehicles driven by visitors in the Cemetery, and those accompanying funerals, must travel and park on the tarmacadam car park or road surfaces provided. No vehicle is allowed to travel on any other tarmacadam surface, such as paths, or any grassed area without the consent of the Cemeteries Officer. There are many grassed areas containing unmarked graves and vehicle **MUST** keep off all grassed areas.

17.23 Vehicles must adhere to the Cemetery speed limit which is indicated by signs at regular intervals.

17.24 No heavy goods vehicles, light goods vehicles or horse drawn vehicles may enter the Cemetery unless authorised by the Cemetery Officer. If the authorisation is in relation to an interment / funeral a request must be made in writing, via the Funeral Director, to the Council Office at the time of giving notice of the interment.

NOTE: There are no welfare facilities in the Cemetery for any horse(s) employed to draw a hearse. The horse driver / handler must remove any droppings.

17.25 Grave owners may tend to / cut / manicure the grass within the immediate vicinity of their grave plot if they so wish. However, they must not interfere with any other grave plot or activities of the Council in the management of the Cemetery. The Council reserves the right to cut the grass / maintain the Cemetery for the benefit of all to ensure safe access and egress etc. including around all grave plots.

17.26 There must be no large gatherings of any kind, demonstrations of any kind, or religious services other than the service at the time of interment without the prior written permission of the Cemeteries Officer.

17.27 No music is allowed except as an integral part of a funeral service or an event approved in advance by the Cemeteries Officer.

17.28 Smoking shall not take place at or near a funeral service, procession, interment or in the Cemetery Chapel.

17.29 Scattering ashes in or anywhere around the Cemetery is prohibited, even on family graves. It is against the law to scatter someone's ashes without the landowner's (the Council) permission.

17.30 Pet ashes are not allowed in the Council's cemeteries. Unless a human Cemetery or crematorium is separately licensed by the Environment Agency as a pet Cemetery, they cannot allow the scattering or burial of pets on their land.

17.31 All memorials, permanent or otherwise, shall be kept in good repair and in a safe condition at the expense of the owner of the grave. The Council reserves the right to inspect all memorials and lay flat or remove any monument, which in their opinion has become unsafe, dilapidated, or unsightly, or not kept in good repair.

17.32 On the grounds of safety all children ten (10) years or younger must be accompanied by a responsible person whilst they are visiting any of the Council's the cemeteries.

17.33 All litter and discarded items, including decaying floral tributes etc., must be placed in the appropriate litter bin in the Cemetery. Nothing shall be deposited on the ground adjacent to any litter bin. Larger floral tributes and other items must be taken home for disposal so as to ensure that the appearance of the Cemetery is maintained, and fly-tipping is not encouraged.

17.34 The self-closing non-concussive standpipe taps must not be held open by force as this will damage the tap and waste water. The Council reserve the right to isolate any or all taps for maintenance reasons and during the winter months / periods of frost.

17.35 All persons within the Cemeteries must conduct themselves in a quiet and orderly way. The Council reserves the right to exclude anyone showing the effects of excess alcohol or drug abuse from the Cemetery and the Police will be called if necessary.

Under the Local Authorities Cemeteries Order 1977, it is an offence for anyone to wilfully:

- Create any disturbance in a Cemetery.
- Commit any nuisance in a Cemetery.
- Interfere with any burial taking place in a Cemetery.
- Interfere with any grave, tombstone or any other memorial, any flowers, or plants in any such manner.
- Play any games or sport in a Cemetery.
- Enter or remain in a Cemetery when it is closed to the public, unless authorised by the Council to do.
- People contravening these provisions are liable, if convicted, to a fine not exceeding £100.

17.36 Visitors, not attending a funeral, should not walk on the grass, must keep to tarmac or other paths, touch or interfere with floral tributes, plants or memorials.

17.37 Dogs are allowed in the Cemetery. They must be always kept on a lead and under proper control. Any fouling must be removed immediately.

17.38 During adverse weather conditions the Council will, at the Cemeteries Officer's discretion, and without prior notice, close the Cemetery for the safety of the public and Council employees. The Council will endeavour to re-open the Cemetery as soon as possible.

17.39 The use of sky lanterns, confetti, streamers, or any other source of airborne litter is strictly prohibited in the Cemetery.

17.40 Whilst visitors may wish to sit by a grave plot in a folding or plastic chair such items may not be left in the cemetery adjacent to a grave plot or anywhere else. All chairs, unless an authorised memorial bench, must be taken away after each visit.

17.41 Watering cans and other methods of containing water (glass, metal, plastic or other forms of bottle / container) may not be left in the cemetery adjacent to a grave plot or anywhere else. All water containers must be taken away after each visit.

18. Memorials

18.1 All memorials shall be inspected, as a minimum, once every five years, or as required, and any subsequent repairs identified from the inspection are to be carried out at the holder of an Exclusive Right of Memorial or Burial expense. The Council owns no memorials in the Cemetery.

18.2 The Council undertakes regular inspections across the Cemetery including trees, grave plots, and memorials. When formal inspections or works are to be undertaken the appropriate notices will be issued or displayed.

18.3 All Memorial Masons must work in accordance with the Council's rules and regulations. The Council are a registered member of the British Register of Accredited Memorial Masons (BRAMM) and the Register of Qualified Memorial Fixers (RQMF) and as such all memorial installations and fixings must conform to BS8415-2018, or the latest version in force.

18.4 Holders of an Exclusive Right of Memorial or Burial should discuss with their Funeral Director and / or Memorial Mason regarding the types of memorials available and permissible in the Council's Cemetery.

18.5 Applications must be made to Gainsborough Town Council by the living registered grave owner before an Exclusive Right of Memorial can be granted.

18.6 The application to be fully completed by the grave owner with their chosen Memorial Mason. Application forms are available from the Council office and website.

18.7 Memorials shall not be erected / installed on any plot until at least six (6) months after the date of interment to allow for settlement of the ground within and around the grave plot. This period should, in most cases, ensure the stability of the ground. However, the Council accepts no part or liability in the timing after six (6) months as this is at the discretion / advice of the applicant's Memorial Mason.

18.8 When a second or further interment / burial is to be placed within a grave plot it is the responsibility of the owner of the Exclusive Right of Burial to have any memorial, kerb set, and any other items removed from the grave plot to allow for grave digging to be done unhindered and in safety. All items must be removed at least five (5) clear working days before the day of interment / Funeral. Any costs incurred shall be met by the owner of the Exclusive Right of Burial.

18.9 On receipt of a fully completed application, appropriate fee, and compliance with the Council's memorial rules, an 'Exclusive Right of Memorial' will be issued to the grave owner. It is suggested that this is kept safely with the Exclusive Right of Burial.

18.10 The Exclusive Right of Memorial is subject to a thirty (30) year lease with a five yearly inspection to be undertaken, including any necessary safety or remedial works being undertaken at the cost of the owner of the 'Exclusive Right of Memorial'. Upon formal application this right could be extended for a further period determined by the Council after the thirty (30) year period, subject to the memorial being inspected and being found safe.

18.11 Fees for Exclusive Right of Memorial can be found in the Cemetery Fees and Charges Schedule.

18.12 The Council strongly recommends you take out an insurance policy on your memorial. This policy should cover any works required if the memorial becomes unsafe, damage caused by vandalism, theft, or accidents.

NOTE: Grounds Maintenance Operatives, Grave Diggers and external contractors (such as Memorial Masons and Funeral Directors) working within the Cemetery always take care to minimise risk. The Council cannot be held responsible for any accidental damage caused by any person(s).

18.13 An informal written application (a letter will suffice) may be made to the Council regarding the installation / erection of a temporary wood memorial. No materials other than wood may be employed for temporary memorials. This may be a wooden cross that must be sourced and erected / installed by a Funeral Director or Memorial Mason. Temporary memorials deteriorate quickly and so after six (6) months the Council reserves the right to remove any temporary memorials without prior notice or right of appeal if it becomes unstable or unsafe.

19. Memorial Rules

19.1 Any inscription on a memorial should be simple and any epitaph appropriate. Inscriptions should be on the front of the memorial only. The Town Clerk shall determine what is decent and appropriate and in this matter the Council have determined that the Town Clerk's decision is final.

19.2 All memorials must have the name of the registered Memorial Mason together with the grave number inscribed on the reverse of the headstone with no other inscription.

19.3 All memorial materials must be natural stone (e.g. granite, marble, Portland). Reconstituted stone, resin, plastic materials, or wood are not permitted.

19.4 No memorial or kerb-set installation will be allowed unless the appropriate rights and approvals have been given in writing. The application form can be found on the Council website or through the Council Office. Applications will only be accepted from Memorial Masons that are registered with BRAMM or NAMM, this includes installation, inspection, and remedial works.

19.5 Memorial installation appointments and work details must be made and confirmed at least five (5) clear working days prior to the proposed installation with the Cemeteries Officer. When making the appointment an estimate of the installation process duration shall be given. The Cemeteries Officer will attend site to agree the grave location and exact siting of the memorial.

19.6 Only Memorial Masons with a valid BRAMM registration document, a NAMM RQMF registration document or who is accompanied and supervised by someone holding these will be allowed to install or work in the Cemetery. Documents must relate to those on site erecting / installation works to a memorial, not the company owner, or another company employee.

19.7 Following installation, the Memorial Mason must contact the Cemeteries Officer to meet on site to ensure any memorial is acceptable to the Council. Upon acceptance the Memorial Mason

shall issue a certificate of installation and compliance that confirms that the memorial has been installed in accordance with the BRAMM Blue Book or NAMM Code of Practice and adhering to BS8415-2018, or the latest version in force, together with a copy of the guarantee that applies to the memorial (minimum 10 years).

19.8 Full burial for adults and older children all grave spaces, as standard, are seven (7) feet long by three (3) feet wide (84" x 36") (2134mm x 914mm). The standard size of a memorial shall be no more than three (3) feet (36" – 914mm) in height measured from the ground, three (3) feet (36" – 914mm) in width and four (4) inches (4" – 102mm) thick. Any kerbs must be level and be contained within the grave plot. Kerbs must not be lower than the ground surrounding the grave plot. Kerbs must be cut into sloping ground.

19.9 Full burial for a small child or baby all grave spaces, as standard, are four (4) feet long by three (3) feet wide (48" x 36") (1219mm x 914mm). The standard size of a memorial shall be no more than three (3) feet (36" – 914mm) in height measured from the ground, three (3) feet (36" – 914mm) in width and four (4) inches (4" – 102mm) thick. Any kerbs must be level and be contained within the grave plot. Kerbs must not be lower than the ground surrounding the grave plot. Kerbs must be cut into sloping ground.

19.10 All cremated remains grave spaces, as standard, are four (4) feet long by three (3) feet wide (48" x 36") (1219mm x 914mm). The standard size of a memorial shall be no more than two (2) feet (24" – 610mm) in height measured from the ground, three (3) feet (36" – 914mm) in width and four (4) inches (4" – 102mm) thick. Any kerbs must be level and be contained within the grave plot. Kerbs must not be lower than the ground surrounding the grave plot. Kerbs must be cut into sloping ground.

19.11 Flat plaques will also be allowed on cremated remains grave spaces but should be a maximum of eighteen (18) inches square (18" – 457mm), no more than two (2) inches thick (2" – 51mm) and not exceed six (6) inches (6" – 152mm) at its highest part.

19.12 Holders of an Exclusive Right of Burial who wish to install a low-level basic kerb or dressing (less than 4" – 102mm) to a grave plot must seek formal approval from the Cemeteries Officer before undertaking any works. An example may include slate chippings held within a low concrete paving edging. This form can be found on the Council website or through the Council Office.

19.13 Any person carrying out memorial safety inspections, be it the Cemeteries Officer or a Memorial Mason, shall, as a minimum, be trained by the Institute of Cemetery and Crematorium Management (ICCM) and obtain certificates of competence.

19.14 Following an approved application, subject to the written consent of the Council, and payment of the prescribed fee a memorial may be placed on a grave as per the conditions contained in the Exclusive Right of Memorial. The relevant fee may be found in the Cemetery Fees and Charges Schedule.

19.15 After the expiration date of the period of the Grant of the Exclusive Right of Memorial, if not extended by the Council upon receipt of an application, the Council may move memorials elsewhere in the Cemetery or remove them entirely.

19.16 The holder of an Exclusive Right of Memorial is responsible for the inspection and maintenance of the memorial and must ensure it is in a safe condition. They should also ensure there is insurance to cover damage by vandalism etc. This can be obtained from most Memorial Masons.

19.17 All memorials shall be inspected, as a minimum, once every five years, or as required. Any subsequent repairs identified from the inspection to be carried out at the holder of the Exclusive Right of Memorial expense by a Memorial Mason that is registered with BRAMM or

NAMM. If the required repairs are not undertaken in a suitable timescale the Council will take the appropriate course of action.

NOTE: Should a memorial be found to be in a dangerous or unstable condition it will be made safe immediately by the Cemeteries Officer by either cordoning off or laying down the memorial without notice. The Council has a legal duty of care to all members of the public, employees and contractors that visit the Cemetery under the Local Authorities Cemeteries Order 1977 and the Health and Safety at Work Act 1974. The Council will try to contact the holder of the Exclusive Right of Memorial before any remedial works take place. However, dangerous memorials will require immediate action and the Council will try to contact the holder of the Exclusive Right of Memorial after the memorial is made safe.

19.18 The holder of an Exclusive Right of Memorial agrees to the Council undertaking a rolling programme of inspections across the Cemetery which will include grave plots, tributes, and memorials. Informal visual inspections will also be carried out by Council employees during their normal work activities i.e., locally to where graves are being dug and grass cutting operations are taking place; should any memorials fail these random visual tests the employee will report their findings to the Cemeteries Officer who will take the appropriate action.

20. Natural Burial Area

20.1 Natural burial areas, also known as green burial grounds, are an increasingly popular way to give back to the earth by minimising the environmental impact and actually having a positive effect on the land. Being sustainable is the Council's aim and that burials have minimal environmental impact due to the use of 100% biodegradable coffins or shrouds, as well as removing the embalming process which involves toxic chemicals.

20.2 The Council will carry out minimal maintenance within the natural burial area to allow local flora and fauna to thrive. In order to provide for a more natural environment, the natural burial area will be maintained at the discretion of the Council.

20.3 Because of the natural topography / sloping ground disabled access is limited. However, paths will be mowed allowing visitors access to the natural burial area and visitors should recognise that they need to take care on uneven and possibly muddy or slippery ground; suitable footwear such as sturdy shoes, walking boots or wellington boots is recommended.

20.4 A body that has been subject to embalming or treated with formaldehyde may not be interred in the natural burial area other than in exceptional circumstances, and then only with the express written permission of the Council.

20.5 Due to the natural topography / sloping ground and possible wet conditions Funeral Directors and families should ensure that they are able to safely gain access and egress to the grave plot at the time of burial and thereafter.

20.6 Persons who have had a notifiable disease at the time of death may not be interred at the natural burial area without further measures being taken under the Health Protection Regulations; in such cases, West Lindsey District Council or the Health Protection Agency will advise on the appropriate action.

20.7 Visitors may not plant bulbs, flowers, shrubs, or grasses on the plots. No seed may be scattered on the burial ground unless approved by the Council. Many seeds sold commercially as 'wild,' or 'woodland' have inappropriate species within the mixture.

20.8 No trees may be planted on the site without permission from the Council.

20.9 Picking of flowers, shrubs or grasses is prohibited and no naturally germinated seedlings apart from bramble, thistle and nettle may be weeded from the plots.

20.10 The gardening of burial plots and surrounding area is not permitted. This includes grass cutting or removal of turf on or around graves or trees. Construction or maintenance of “flower beds” is not permitted.

21. Flowers and other Memorials

21.1 Only fresh flowers may be left at the site and all wrappings must be taken away and disposed of. No containers, oasis floral foam or vases are permitted, except immediately after a funeral or service when floral arrangements are acceptable. The Council may remove floral arrangements when they deem it appropriate in the days following a funeral and only fresh flowers will be left in situ.

21.2 The owner of the Exclusive Right of Burial may mark the grave by a single tablet style memorial to a standard design and of which dimensions must not exceed eighteen (18) inches by twelve (12) inches (450mm x 300mm). The tablet style memorial must be laid flat and flush to the ground. Memorials must be installed by a BRAMM / RQMF registered Memorial Mason to ensure uniformity and this is the only form of grave marking permitted. Owners of memorials that do not comply with the aforementioned specifications will be notified and asked to remove the memorial immediately. Failure to do so may result in the Council removing said memorial at the cost of the grave owner.

21.3 Inappropriate items will be removed by the Council without notice. This will include, but not exclusive to, letters, numbers, and symbols whether religious or not, plastic flowers, containers, wind charms, toys, candles, lanterns etc.

22. Memorial Trees

22.1 An application must be made to the Council for permission for a memorial tree prior to planting / installation. The application form may be found on the Council website. Trees acquired by the owner of the Exclusive Right of Burial as a living memorial may only be planted in the allocated area of the General Cemetery. Responsibility of the tree remains with the owner of the Exclusive Right of Burial. In time it is hoped that a small woodland copse will begin to develop naturally. As some trees grow more vigorously than others, the Council encourages the owner of the Exclusive Right of Burial and family that have planted memorial trees to understand that the woodland as a whole is the lasting memorial of their loved one.

22.2 Below is a list of tree species that may be planted within the General Cemetery in Gainsborough. No other tree may be planted.

- Alder
- Birch (Silver or Downy)
- Field Maple
- Hazel
- Rowan
- Wild Cherry
- Whitebeam
- Holly
- Bird Cherry

22.3 An application must be made to the Council for permission for a tree plaque prior to installation. The application form may be found on the Council website. Tree plaques are allowed but must not exceed 150mm x 100 mm. Plaques should be of hard wood construction mounted on a hard wood stake and must be placed in the ground beneath the tree. All responsibility for the tree plaque remains with the owner of the Exclusive Right of Burial.

23. Memorial Benches

23.1 Only memorial benches with written consent from the Council may be installed in any Council cemetery. An application must be made to the Council for permission for a memorial bench prior to installation. The application form may be found on the Council website.

23.2 Memorial benches may only be installed in locations agreed by and given written consent by the Council. Benches must not be installed within grave spaces, on grave plots, or any other space or location not specifically allocated by the Council. The Council's decision on the positioning of a memorial bench is final. The Council has delegated this decision to the Cemeteries Officer.

23.3 The Council does not own any memorial benches in its cemeteries and all memorial benches remain in the ownership and the sole responsibility of the owner. However, all benches installed by an applicant / owner must be freely available to be used by all visitors to the cemetery, not just the applicant / owner and their family.

23.4 The owner must ensure that their memorial bench is installed to the agreed specification below, meets the Council's required design and build quality, and is kept in good order and repair at all times.

23.5 Any claims for injury or damaged caused by the applicant's bench will be directed to the memorial bench owner. The Council will not accept any liability.

23.6 The owner of a memorial bench is responsible for the maintenance and upkeep of their bench, so it does not present a hazard to visitors to the cemetery. The Council may, without notice, remove any unsafe bench or any bench installed without written consent. The bench will be stored for six (6) weeks for the owner to claim it. After this period the bench will be disposed of. The owner of the bench is responsible and liable for all expenditure incurred by the Council if it is found to be unsafe or in a dangerous condition.

23.7 The bench owner must keep the Council informed of any change of address and other contact details. Failure to do so may result in the bench's removal without notice. The bench will be stored for six (6) weeks for the owner to claim it. After this period the bench will be disposed of. The owner of the bench is responsible and liable for all expenditure incurred by the Council.

23.8 Memorial benches within the Council's Cemeteries remain in the ownership and the sole responsibility of the owner. However, they may be inspected by the Cemeteries Officer during their daily work on site and / or upon complaint / report of an issue. Any issues will be reported by the Council to the bench owner for their immediate attention / action. Refer to 23.6 and 23.7 above.

23.9 Bench Specifications - The following specification must be met when submitting an application to install a memorial bench within any of the Council's Cemeteries:

- a) Benches must be no more than 6 feet in length.
- b) Benches must be made of a suitable material i.e., wood, granite, metal, or recycled plastic (plastic wood) suitable for public use.
- c) Bench designs and / or colours must be in keeping with the cemetery location and surroundings.
- d) Bench plaques must be authorised by the Council before installation / fixing to ensure that any inscription(s) is acceptable.
- e) All benches must be structurally sound, fitted securely and not represent a risk of collapse or injury at any time.

23.10 Bench Fixing - the following fixing methods must be used when installing a bench within any of the Council's Cemeteries:

- a) Removable flagstones or paving slabs may be used to create a level base for a bench to be sited. No permanent concrete, tarmac or other material bases may be installed.
- b) Ground spikes, anchors or sockets may be used as an alternative to a flagstones or paving slab base.

NOTE: The Council is aware that memorial benches are a long-lasting tribute to their loved ones. The Council will attempt to inform bench owners of any identified issues and so it is extremely important that the contact details of bench owners are kept up to date and any changes should be communicated in writing to the Council as soon as possible.

24. Shallow Graves

24.1 The Local Authorities Cemeteries Order 1977 (LACO) requires that:

- a) No body shall be buried in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave:
- b) No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in a grave on a previous occasion by means of a layer of earth not less than six inches thick.
- c) 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.

24.2 Generally, a shallow grave may be encountered at the time of reopening for a further interment. However, due to the experience and knowledge of the Cemeteries Officer, an occasional noncompliant grave, with regard to depth, may be suspected and so a 'test dig' will be required to determine that the grave is deep enough to accept a further interment. This may result in the delay of a planned funeral service by a number of days.

24.3 A 'test dig' will only be made with the written approval of the owner of the Exclusive Right of Burial. The dig will only be a partial excavation so as to determine the depth of the first interment and no human remains will be disturbed.

24.4 The desire to meet with the needs of the bereaved will not outweigh the Council's legal requirements to comply with burial law and under no circumstances will a burial be carried out in an earth grave if the foregoing (24.1 above) cannot be achieved.

24.5 In circumstances where compliance with LACO cannot be achieved for an earth burial (a shallow grave) the Council may offer a different grave plot, free of charge, to the owner of the Exclusive Right of Burial. The Council has delegated this decision to the Town Clerk.

24.6 Alternatively, where a shallow grave is found there is provision within burial law for the construction of a subterranean brick burial vault, as follows:

- Excavate to maximum depth achievable leaving 6" of soil above the last coffin buried.
- Ensure that the length and width of the excavation are sufficient to allow the installation of adequate and sufficient shoring, the construction of the walls of a brick burial vault, and allow the coffin free passage at the committal.
- Construct a solid foundation in the bottom of the grave by either the preparation of footings around the perimeter of the bottom of the grave or by inserting a pre-formed

concrete foundation slab. Alternatively, a layer of dry mix concrete can be spread over the bottom of the grave.

- Construct 4.5” brick walls around the inside the grave. If agreed in writing a proprietary preformed concrete sleeve may be employed.
- Ensure that there are no gaps in the mortar between bricks, or concrete sleeve.
- Carry out the interment with the coffin coming to rest within the brick vault or concrete sleeve compartment formed.
- Seal the top of the vault or compartment by bedding concrete slabs of at least 2” in thickness onto mortar ensuring that no gaps exist.
- Backfill remaining depth with soil.

24.7 In order to remain within the requirements of LACO the cell or compartment must be constructed in such a manner so as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.

24.8 The Council’s decision as to whether or not it is feasible to construct a brick vault, or concrete sleeve compartment, will be based on the individual circumstances of the shallow grave, burial legislation, health and safety legislation and any relevant codes of practice etc. The Council’s decision will be final.

25. Exhumation Policy

25.1 Exhumation is the removal of human remains, or cremated remains, from a grave. Exhumations are rare in the Council’s cemeteries and can be traumatic for the bereaved family involved.

25.2 It is an offence in law to disturb or remove any human remains, or cremated remains, without first obtaining the necessary lawful permission to exhume. The person requesting the permission should, in the first instance, contact a Funeral Director to assist them. For lawful permission to be obtained the relevant application to exhume must be completed by the owner of the Exclusive Right of Burial and next-of-kin and be submitted to the Council, as Burial Authority, for agreement.

25.3 The Council must agree to and support any application for an exhumation in any of its cemeteries.

25.4 Exhumation of buried human remains, and cremated remains, require the following legal permissions:

- a) In none consecrated ground, a Home Office Licence issued by the Ministry of Justice must be obtained.
- b) In ground consecrated in accordance with the canon law of the Church of England, a Bishop's Faculty must be obtained.

25.5 Exhumations can occur for a number of reasons, including, but not limited to:

- a) Removal from the original grave site to a new grave acquired in the same cemetery.
- b) Transfer from a public grave to a family grave.
- c) Coroners’ instruction that requires further forensic examination of the deceased.
- d) Removal for cremation.
- e) Removal for burial in another Cemetery.

25.6 On receipt of lawful permission to exhume human remains, or cremated remains, the Cemeteries Officer will manage / oversee the exhumation, re-burial, or removal of human remains, or cremated remains.

25.7 If the conditions of the licence or faculty cannot be met, or there are public health or decency concerns, the exhumation will not proceed. The Council has delegated this decision to the Cemeteries Officer.

25.8 On receipt of lawful permission to exhume human remains, or cremated remains, the Council will notify the Environmental Health Officer (EHO) so that they can be present at the exhumation. The EHO will assist the Cemeteries Officer in ensuring that respect for the deceased person is maintained and that public health, and health and safety legislation, are observed and protected.