



KIRKBYMOORSIDE TOWN COUNCIL

BURIAL GROUND POLICY

1. GENERAL

- 1.1 The Burial Ground is open to the public between dawn and dusk each day.
- 1.2 The Burial Ground is administered by and is under the charge of the Town Clerk to Kirkbymoorside Town Council whose contact details are: Church House, 7 High Market Place, Kirkbymoorside, YO62 6AT
- 1.3 The Council will maintain the Burial Ground in a good and decent order. The Council reserves the right to prune, cut down or remove any shrubs or trees within the Burial Ground at any time in order to maintain decent order.
- 1.4 Plans of the Burial Ground are kept at the Town Clerk's office and may be seen by arrangement with the Town Clerk. A copy of the rules and regulations, table of fees etc. may also be obtained. All Burial Records are kept at the Town Council office and will be made available to individuals with an established interest who can request information from the Town Clerk.
- 1.5 **The allocation of all grave spaces and memorial plots for cremated remains is arranged by purchase of the Exclusive Right of Burial.**

Allocation of grave spaces shall be subject to payment of fees applicable at the time of allocation and shall be in force for a period of thirty years with the exception of reservations made as a result of premature death of a family member which shall be in force for a period of one hundred years (Minute 20052e)i. dated 20th July 2020.

Further fees are payable at the prevailing rate upon an interment taking place.

The Town Council reserves the right to increase fees at its discretion and these are reviewed annually.

i) What is a grant of Exclusive Right of Burial?

The Grant of Exclusive Right of Burial is a legal deed which is issued on the payment of the appropriate fee. It contains the name of the person to whom the right to decide who may be buried in a specified grave plot has been given for a stated period of time. In Kirkbymoorside cemetery the period of exclusive right of burial is thirty years from the date of issue with the exception of reservations made as a result of premature death of a family member, which shall be in force for a period of one hundred years (Minute 20052e)i. dated 20th July 2020.

It is important to retain the deed in a secure place, as it is the only legal document held by the owner confirming their entitlement to the Burial Right. It is also important to notify the Town Council of any change of address.

Exclusive Right of Burial does not automatically transfer to any other person on the death of the holder. If it is not specified in the Last Will and Testament of the deceased who will take ownership

of the Right upon the holder's death then in most cases it will transfer to the Executor of the holder's Estate, or the Administrator of the Estate if a Grant of Letters of Administration has been obtained. . For this reason, it is important to consider carefully who will hold Exclusive Right of Burial for a burial plot, and the Town Clerk can give further advice about this if necessary.

Exclusive Right of Burial can be issued in up to four joint names, with each owner required to give written permission each time that the grave is used.

ii) **What is, and what is not, meant by the Exclusive Right of Burial?**

The right allows the recipient to decide who may be buried within the grave. This means that

- the remains of two people may be buried and up to two containers of cremated remains or
- the remains of one person may be buried and up to three containers of cremated remains or
- up to four containers of cremated remains may be buried in the specified grave plot.

Where it is intended that a grave space is used to accommodate both human and cremated remains, the human remains must be interred first.

The Burial Right does not confer ownership of the grave plot or the right to carry out any particular activity on it. The land remains in the ownership of the Town Council.

2. BURIALS

- 2.1 No burial shall take place, or any memorial placed relating thereto, without the prior permission of the Town Clerk. All excavations for the interment shall be undertaken only by persons approved by the Council.
- 2.2 A minimum of 48 hours notice shall be given at the office, confirmed in writing within 24 hours.
- 2.3 Every notice of interment shall be on the Burial Terms Letter provided or otherwise agreed by the Town Clerk and must contain a full and true statement of the particulars required and be signed by the applicant. All fees and charges shall be paid at the time of giving notice and no interment will be allowed to take place in any grave for which any fees remain unpaid unless an 'account' arrangement has been agreed by the Council.
- 2.4 Orders or instructions received by telephone shall be confirmed in writing within twenty four hours. The Council will not accept responsibility for loss of any remittances or instructions forwarded by post.
- 2.5 The Registrar's or Coroner's Certificate for the disposal shall be made available prior to the funeral taking place.
- 2.6 No grave shall be opened within three years after the burial of a person above the age of one month, unless to bury the cremated remains of another member of the same family. The regulation shall not be deemed to apply to the burial of cremated remains of a stillborn or child under the age of one month.

3. MEMORIALS (For Burials)

- 3.1 Before the erection of any memorial or other work relating to a burial plot an application must be made to the Town Clerk. This application must include a drawing/sketch with measurements and nature of the proposed memorial including materials to be used, along with full details of proposed inscription. Subject to approval and on payment of the appropriate fees, authorisation will be granted. No memorial may be erected or inscription made unless approved by the Town Clerk
- 3.2 All Memorials shall be constructed of good quality stone with all fixings made in accordance with recognised trade standards (Recommendations of National Association of Monumental Masons or equivalent) and shall be stabilised using the recommended underground fixing. Headstones shall be

erected vertically on the outer edge of the plot at the head of the grave and shall not exceed 30 inches (900mm) in height measured from the ground or 30 inches (900mm) in width, or 3 inches (75mm) in thickness or 20 inches (510mm) in thickness including the memorial, and shall be in positions approved by the Town Clerk.

- 3.3 In the event of neglect of any memorial, after 3 months notice posted or delivered to the last known address of the owner, the Council shall have the right to remove or otherwise dispose of any such memorial as they may direct. The Council reserves the right to take any such action as may be deemed appropriate in cases of neglected or vandalised memorials which in particular, have become a danger to the public and the cost of such action may be sought from the family or legal representatives.
- 3.4 All materials must be transported to the Burial Ground by hand or on carts or trucks with wheels of not less than 100mm (four inches) in width.
- 3.5 All persons erecting headstones or memorials must use such means as to protect the grass and the walks as directed by the Town Clerk and shall be responsible for the clearing of the site following erection of the same including surplus materials.
- 3.6 The erection (or renewal) of a wooden cross is not allowed other than for a temporary period not exceeding six months, following interment. In default of this regulation the Council reserves the right to remove any such cross.
- 3.7 Flowers and shrubs must not be planted on purchased graves. The Council will remove any shrubs, plants or flowers that have been planted in the vicinity of burial plots and the cremated remains area of the Burial Ground. This is to facilitate proper and effective maintenance of the burial ground.
- 3.8 No grave shall be raised by the use of turf, or other means, above the level of the ground in the immediate vicinity.
- 3.9 No vases (other than those incorporated within a memorial), shrubs, trees, plants, artificial wreaths, jars, toys or memorabilia, railings, fencing or other structures enclosing the grave, shall be permitted. Any breach of this condition may result in the removal of any such item by the Council. This is to facilitate the proper and effective maintenance of the burial ground.

4. INTERMENT OF CREMATED REMAINS

- 4.1 No burial of cremated remains shall take place, or any memorial placed relating thereto without the prior permission of the Town Clerk. All excavations for the interment of cremated remains shall be undertaken only by persons approved by the Council.
- 4.2 The Council will grant to any person the exclusive right of burial in a Cremation Plot on a section specially designated for the interment of cremated remains for a period of thirty years.
- 4.3 Cremation Plots shall not exceed 450mm by 300mm (18" x 12")
- 4.4 Cremated remains may be interred 'loose', or in urns and caskets of a suitable design and construction which must be biodegradable.

5. MEMORIALS (For Burial of Cremated Remains)

- 5.1 A memorial tablet of a good quality natural stone material not exceeding 450mm x 300mm (18" x 12") with an inscription previously approved by the Town Clerk may be placed on the plot at ground level. Nothing other than the memorial tablet may be placed on the ground in the vicinity of the plot.
- 5.2 Where no approved memorial tablet has been placed, no other type of memorial will be permitted.
- 5.3 A single vase will be permitted to be placed on or within the memorial tablet. No additional vases or glass bowls, jars or any other type of container or memorabilia will be permitted. No chippings or borders or shuttering will be permitted on the grassed area of the Cremation Plot. All offending containers and material will be removed and disposed of by the Council.

6. GENERAL CONDUCT

- 6.1 Persons within the Burial Ground shall at all times conduct themselves with proper decorum and any person found conducting himself or herself in a noisy, discourteous or disorderly manner will be expelled from the Burial Ground.
- 6.2 Children under the age of 12 will not be admitted except under the care of a competent person and all persons admitted to the Burial Ground will be subject to the directions of the Town Clerk.
- 6.3 Dogs will only be allowed in the Burial Ground, secured on a lead and must be prevented from defecating the area.
- 6.4 Cycling within the Burial Ground is prohibited

The Town Council reserves to itself the power to make alterations from time to time in the foregoing rules and regulations.

Adopted on 11 October 2010, last reviewed July 2025 (to be reviewed every three years or when changes in legislation dictate).