

Oadby & Wigston Borough Council

Cemetery Rules and Regulations

April 2020



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1 Cemetery Rules and Regulations

All Local Authority managed cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. The Rules and Regulations are designed to inform all cemetery users of the aspects of the management of the cemeteries and the requirements applicable to them.

These Rules and Regulations should be read in conjunction with the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 (as amended) together with any other relevant legislation that governs this service.

If you need help in interpreting the Rules and Regulations please contact the Cemeteries Office.

The Council reserves the right to alter, add to, or amend the Cemetery Rules and Regulations from time to time as necessary.

2 Burial Authority

The Burial Authority is Oadby and Wigston Borough Council, located at Council Offices, Station Road, Wigston, Leicestershire LE18 2DR.

Postal enquiries	Cemeteries Office Council Offices Station Road Wigston Leicestershire LE18 2DR
Telephone Enquiries	Telephone Leicester (0116) 288 8961
Email enquiries	csc@oadby-wigston.gov.uk
Web site	www.oadby-wigston.gov.uk

Burial Law (Local Authorities Cemetery Order 1977) states that none of the following can take place without the written permission of the Burial Authority (Council):

- Burials
- Interment of ashes;
- Scattering of ashes;
- Exhumations;
- Installation or fixing of a memorial, kerb edges, trees, plants, seats or benches;
- Adding an inscription to a memorial;
- Renovation of a memorial;
- Removal and /or replacement of a memorial;
- Building of walled graves or vaults.

3 Our Cemeteries

The cemeteries to which these Rules and Regulations apply are located at:

- Oadby Cemetery, Wigston Road, Oadby, Leicester LE2 5QB (including Oadby Cemetery Extension off Goddard's Slang)
- Wigston Cemetery, Welford Road, Wigston, Leicestershire LE18 3TE

3.1 Opening hours

Our cemeteries are open to visitors every day including weekends and public holidays.

Burial times are from 9:30 a.m. to 3:45 p.m. Monday to Thursday (last appointment 3.15 p.m.) and 9:30 a.m. to 2:30 p.m. on Friday (last appointment 2.00 p.m.), unless by prior agreement with the Council, in which case extra fees are payable as laid down in the Scale of Charges in respect of irregular hours. The time stated in the Notice of Interment is the time the cortege must be at the cemetery.

Oadby and Wigston Borough Council has the right to close the cemeteries at any time without prior notice.

3.2 Cemetery sections

Both cemeteries have sections available for

- Full burial (over 12 years of age);
- Children's sections (full burial up to and including 12 years of age);
- Interment of cremated remains (known as Garden of Remembrance or 'G of R');
- Scattering of ashes.

3.3 Sexton

The Council employs a Sexton who is responsible for maintenance of the cemetery grounds and all grave excavations and interments in both Wigston and Oadby Cemeteries. The Sexton has full authority to implement, enforce and advise on the Cemetery Rules and Regulations on behalf of the Council.

3.4 Conduct in cemeteries

All visitors should enter and exit the cemeteries using the main entrances and pedestrian gates only.

The Council reserves the right to refuse access to a cemetery if anyone is intoxicated or showing signs of drug abuse that could lead them to cause a public nuisance or disorder.

No person is to display any printed paper, notice or sign, or canvass, promote or sell their services to visitors in either cemetery without the written authorisation of the Council.

Under Article 18 of 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 or vault, any tombstone or other memorial, or any flowers or plants in any such manner;
- play any game 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 so.

Any person who contravenes the above shall be liable, on summary conviction, to a fine as laid out in Article 19 of the Local Authorities Cemeteries Order 1977.

In addition, it is an offence under the Criminal Damage Act 1971 to destroy or damage any property (including statues, monuments, memorials, railings or fences) belonging to another within the cemeteries.

3.5 Vehicles in the cemeteries

The Council shall not accept any liability for loss or damage to any vehicle parked in the cemetery or the cemetery car parks. All vehicles are parked at the owner's risk.

- **Wigston Cemetery:**
Parking is available along the cemetery entrance road or in the lay-by outside of the cemetery, directly off the A5199.

All vehicles should be neatly parked to allow access for funeral or other vehicles.

Visitors are not permitted to drive on the footpaths, grass or over any planted areas under any circumstances. Such action will be deemed a nuisance and will be dealt with under the powers of the Local Authorities Cemeteries Order Articles 18 and 19 as cited above.

- **Oadby Cemetery:**
There is no provision for visitors to enter the cemetery by car.
Parking is provided on Goddard's Slang and limited provision is available off Chapel Street.

3.6 Dogs in the cemeteries

Dogs are permitted in the cemeteries but must be kept on a short lead. If a dog fouls, the owner must clean up any dog faeces and dispose of it in a litter or dog bin away from the site. Failure to clean up after your dog may result in a fine or prosecution.

3.7 Maintenance of grounds

Maintenance of the grounds (e.g. grass cutting, spraying, leaf and litter clearing, upkeep of trees, shrubs, flower beds and hedges) will be carried out by the Council at a frequency determined by the Council. The Council has the right to prune, cut down or remove any shrub, tree, plant or flowers that has become unsightly, overgrown or dangerous and to spray around graves in any area of the cemeteries.

The Council reserves the right to disconnect the water supply, without notice, if required.

The Council reserves the right to place soil or any other material onto a grave space in the cemetery (whether occupied or not) when carrying out maintenance works. Any soil or material placed will be removed and the area re-instated as soon as possible after the work has taken place.

3.8 Removal of floral arrangements and other items from graves

The Council has the right to remove items from graves which

- have perished;
- pose a hazard;
- encroach on an adjacent grave space;
- have not been authorised

and dispose of such items without prior reference to the Deed Holder. This includes flowers, wreaths, weeds, plants, rubbish, fencing, border edging, glass objects, other decorations and unauthorised items placed on a grave (for further information see section on Memorials).

The Council has the right to remove any trees or shrub on a grave that has exceeded 2' 6" (750 mm) in height.

Christmas wreaths are removed by Council staff after the Christmas period, normally in February/March.

4 Fees and Payment

All fees and charges applicable to the cemetery are set out in the Councils' published Scale of Charges which is reviewed annually.

All fees must be received by the Cemeteries Office before the work to which they relate is started. Fees for burials must be received, along with the Notice of Interment, a minimum of 48 hours (two working days) before the burial is due to take place and 24 hours (one working day) for interment of cremated remains.

Where payment is made by cheque, the cheque should be payable to 'Oadby & Wigston Borough Council'.

5 Purchasing a grave

Requests to purchase a grave should be made through the Cemeteries Office. This can be done at the time a funeral is arranged or, (at Wigston Cemetery only), by purchasing a grave in advance. Purchase in advance is limited to a maximum of two plots per applicant.

Purchase in advance is not available at Oadby Cemetery.

5.1 Grant of Exclusive Right of Burial

After a grave is purchased the Council will issue a Grant of Exclusive Right of Burial (the Deed) to the purchaser.

The Grant of Exclusive Right of Burial is a legal document. It does not give ownership of the actual land but allows the Deed Holder to:

- be interred into the grave if space is available (including cremated remains);
- authorise further interments into the grave where space is available;
- place an inscribed memorial onto the grave subject to the Councils' regulations on memorials;
- give permission for additional inscription(s) to be made onto an existing memorial subject to the Councils regulations on memorials.

The Deed should be produced to the Council when a request is made to re-open the grave. The Council reserves the right to refuse to allow an interment into a grave space where the Deed is not produced.

The Deed is granted for 100 years. When the Deed expires the ownership of the grave will revert back to the Council unless the family wishes to extend the Deed for a further period. A fee is payable to the Council for extending a Deed by a further 50 years as laid down in the Councils' Scale of Charges.

The Deed Holder may transfer the Grant of Exclusive Right of Burial during their lifetime to another individual on completion of an Assignment Form and payment of the required fee.

Where a Deed Holder is deceased and other family members wish to arrange a further interment into the grave space (or install a memorial or add an inscription onto an existing memorial) the Grant of Exclusive Right of Burial will need to be transferred by completion of a Form of Assent before the grave can be further re-opened (or any memorial erected onto the grave or any existing memorial repaired, altered or removed). Further advice on how this may be possible can be obtained from the Cemeteries Office. Depending on individual circumstances, the transfer may require the consent of other family members. If the relevant consents are withheld the ownership cannot be transferred and no further interments will be allowed. Only the next of kin reaching an agreement between themselves can resolve this.

Possession of the Deed does not, in itself, signify ownership of the grave.

5.2 Public graves

A public grave is an unpurchased grave where no Exclusive Right of Burial exists. There is usually no family connection with those buried in this type of grave. No memorial rights exist for a public grave, therefore no headstone or memorial can be placed on it without the consent of the Council.

6 Arranging an interment

All arrangements for an interment or scattering of cremated remains must be made through the Cemeteries Office.

6.1 Notice of Interment

Interment requests must be made on the official 'Notice of Interment' form supplied by the Council. The forms are available by request or can be downloaded from the Councils' web site at www.oadby-wigston.gov.uk. The details provided on the form must be clear and complete. In the case of a second interment the Notice of Interment should be signed by the Deed Holder (except where the deceased is the Deed Holder) and the Deed produced.

The Notice of Interment and payment must be received by the Council not less than 48 hours (two working days) prior to the time the burial is due to take place or 24 hours (one working day) in the case of interment of cremated remains. Interments at shorter notice, will, if possible, be arranged in exceptional circumstances or for religious requirements. The Council reserves the right to charge additional fees for interments arranged at short notice as laid down in its Scale of Charges.

The Council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Grant of Exclusive Right of Burial is disputed.

Coffin sizes should be detailed on the Notice of Interment. If these are not known at the time of giving notice they may be supplied later in writing to the Cemeteries Office. The Council shall not accept liability for any coffin sizes given other than in writing.

Interments can take place on any weekday (other than a public holiday) between

- 9:30 a.m. and 3.15 p.m. Monday to Thursday;
- 9:30 a.m. and 2.00 p.m. Friday.

Interments outside of the above hours may be available by special arrangement with the Council and will incur extra fees as laid down in the Scale of Charges in respect of irregular hours.

The time stated in the Notice of Interment is the time the funeral cortege must be at the cemetery.

6.2 Arrival at the cemetery

Punctually at the cemetery should be observed to prevent inconvenience or one funeral running into another. Prior notice should be given to the Cemeteries Office for any extra ordinary funeral processions, for example, the use of a horse drawn hearse, a military funeral etc.

A funeral arriving before the time appointed may have to wait until the time arranged.

A funeral arriving after the appointed time must act under the direction of the Sexton as to when the burial may proceed. If a funeral arrives late the Council reserves the right to charge an additional fee as laid down in the Councils' Scale of Charges.

The funeral director or person arranging the funeral is responsible for providing sufficient bearers to transfer the coffin from the hearse to the graveside.

6.3 Disposal Certificate requirements

No interment or scattering of ashes can take place unless the Council has first received the appropriate certification. This is:

- A 'Certificate of Disposal' issued by the Registrar of Births and Deaths, or
- An 'Order for Burial' issued by the Coroner, or
- A 'Certificate of Cremation' issued by the crematorium

This documentation must be handed to the Sexton at the cemetery before the interment or scattering can take place. Failure to provide the necessary documentation may result in the delay of the interment or scattering until the appropriate certification can be produced.

6.4 Religious ceremony

A burial can take place with or without a religious service or ceremony. It is the responsibility of the bereaved family or funeral director to arrange for a Minister, Clergy or other authorised person to officiate at the burial. Any authorised person may officiate at an interment providing the ceremony is conducted with decorum.

There is a chapel available at Wigston Cemetery which may be hired for a service or ceremony to take place. This can be booked through the Cemeteries Office at the time of making funeral arrangements. Hire charges are as laid down in the Councils' Scale of Charges.

6.5 Alterations to funeral arrangements

When a Notice of Interment has been accepted no alteration will be permitted except in regard of the time of burial. In this case written notice must be provided no later than one working day (24 hours) before the interment is due to take place.

The Council will not be responsible for any misunderstandings which may arise as a result of a telephone instruction only. Any requests or information (such as coffin sizes) given over the telephone must be immediately confirmed in writing.

Any additional expense incurred by the Council as a result of incorrect information having been supplied will be charged to the person making the application.

6.6 Scattering of ashes

There is an area in each cemetery designated for the scattering of ashes. Alternatively, ashes may be scattered under the soil of a full burial plot or cremated remains plot so long as permission is given by the Deed Holder. In either case, application should be made to the Council and the correct fees paid before any scattering takes place.

7 Graves

Interments will only be allowed in designated areas previously laid out for burial or interment of cremated remains. These areas are identified on the cemetery plans held by the Cemeteries Office.

The Council reserves the right to retain any grave spaces for its own purposes.

7.1 Allocation of graves

When purchasing a grave, whether at the time of death or purchasing in advance, a person will be allocated the next grave space 'following on' from the previous interment as shown on the cemetery plans. However, every effort will be made to accommodate family wishes where this is possible.

7.2 Excavations

All grave spaces are excavated by trained cemetery personnel and the method of excavation will take into account location, access and health and safety. No grave shall be dug or excavated by any other person unless appointed by the Council.

The Council has the right, without giving notice, to place soil or other material excavated from a newly dug grave temporarily onto the grave space(s) adjoining the grave being excavated whether or not the adjoining grave space(s) are purchased and/or occupied. Adjacent graves will be fully re-instated to their original appearance once the interment has taken place and the area will be left tidy.

When a grave is re-opened for the purposes of making a further burial no person shall disturb any human remains previously interred. Any ash caskets interred into a burial plot

will be positioned in such a way and of sufficient depth to ensure they are not disturbed in any way should the grave be re-opened in future.

Where a temporary wooden cross is placed on a new grave, the Council has the right to remove the cross if it deteriorates to a poor condition or when a memorial is erected on the grave.

7.3 Size and depth of graves

Subject to the discretion of the Council all graves will be of such depth to accommodate:

- Burial sections - up to two coffins and up to six ash caskets
- Gardens of Remembrance – up to two ash caskets
- Children's Sections – one coffin

The Council reserves the right to alter this standard as required.

No body will be buried in a grave in such a way that any part of the coffin is less than 3 feet (900 mm) below the level of any ground adjoining unless the Council consider the soil to be of suitable character, in which case, a coffin made of perishable materials may be placed not less than 2 feet (600 mm) below the level of the ground adjoining the grave.

When more than one body is interred in any one grave a layer of earth not less than 6" (150 mm) thick shall be left undisturbed above the previously buried coffin except that this regulation may not apply in cases where two interments take place at the same time.

Graves will be of a sufficient size to admit coffins or caskets to the dimensions specified on the Notice of Interment form submitted by the Funeral Director or the person arranging the funeral. If the grave has to be enlarged, the Council may make an extra charge.

For any oversized grave, the Council has the right to charge for two grave spaces.

7.4 Re-instatement

Unless written instructions are received by the Council when the Notice of Interment is given, and any additional fee paid as laid down in the Scale of Charges, following the burial taking place, the grave will be filled in and, when the ground has settled, turfed over or seeded so that the level of the top of the grave corresponds with the level of the surface of the burial ground prior to the first interment.

Requests for personal involvement during the backfilling process will be considered upon request and should be notified to the Council prior to the burial taking place. Any personal involvement agreed to will be undertaken under the supervision of the Sexton.

After an interment has taken place the soil will continue to settle for approximately 9 - 12 months, or longer, depending on the soil conditions. The Deed Holder may plant up the grave area during this time. Where graves have not been planted or, where it is the opinion of the Council that the Deed Holder has not maintained the grave for over 12 months, the Council may turf over or seed the grave at the Sexton's discretion.

Graves can also settle unexpectedly during adverse weather and if this happens arrangements will be made to level the grave as soon as possible.

7.5 Walled graves or vaults

Where the Deed Holder wishes the interment to take place in a walled grave or vault an application must be made to the Council in writing and no work take place until written authority has been given. The Council does not undertake the work to build the grave or vault and it is the responsibility of the Deed Holder to appoint a suitably qualified person to carry out the work to the satisfaction of the Council at the expense of the Deed Holder before the interment can take place.

A fee is payable to the Council for permission to undertake this work.

Details of the construction of walled graves and vaults are given in the Local Authorities Cemeteries Order. Further guidance and information should be sought from the Cemeteries Office.

8 Memorials

Once the grave has settled the Deed Holder may apply to the Council to install a memorial onto the grave in areas where this is permitted.

Memorials are only allowed on purchased graves.

8.1 Application to install a memorial

Only stonemasons that have been approved by the National Association of Memorial Masons (NAMM) or British Register of Accredited Memorial Masons (BRAMM) will be permitted to install or undertake fixing work on memorials within the Council's cemeteries. The stonemason will be required to supply to the Cemeteries Office a copy of their NAMM or BRAMM certification, together with evidence of their Public Liability Insurance for a minimum value of £5 million, before any permission will be issued by the Council.

All memorials or kerb edges of any kind, including inscriptions, are subject to the approval of the Council. An 'Application to Erect a Memorial' should be submitted in writing on the appropriate form to the Cemeteries Office together with

- a sketch and/or design of the proposed memorial;
- the exact dimensions;
- the wording of any inscription;
- the appropriate fee as per the Scale of Charges.

The application to erect a memorial must be signed by the Deed Holder of the grave onto which the memorial is to be placed.

Memorial Masons must not start to make a memorial or add an inscription to an existing memorial until all details (including sizes) have been submitted to the Council with the appropriate fee and approval has been granted in writing.

All memorials are to be made of natural stone, marble or granite. Memorials of concrete, wood, plastic, metal, pottery, glass or fibreglass are not permitted.

8.2 Memorial sizes

Below are the details of the maximum dimensions and types of memorials permitted to be placed onto graves for which the Exclusive Right of Burial has been granted:

Wigston Cemetery:

Section	Headstone	Kerbs	Planting
Sections A – L	Height and width are at the discretion of the Council – contact the Cemeteries Office for further advice.	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Sections M - S	Height (including plinth) 2' 6" (750 mm) Width 40" (1002 mm)	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Section T (Children's Section)	Height (including plinth) 2' 6" (750 mm) Width 24" (600 mm)	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Garden or Remembrance	Height (including plinth) 2' 6" Width 21" (530 mm)	Not permitted	Not permitted

Oadby Cemetery:

Section	Headstone	Kerbs	Planting
Sections A, B, C (Consecrated and Unconsecrated)	Height and width are at the discretion of the Council – contact the Cemeteries Office for further advice.	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Sections D and E, Chapel Street Annex (CSA) and Oadby Cemetery Extension (Consecrated and Unconsecrated areas in all sections)	Height (including plinth) 2' 6" (750 mm) Width 40" (1002 mm)	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Children's Sections (various locations)	Height (including plinth) 2' 6" (750 mm) Width 24" (600 mm)	Permitted	Permitted. No planting to exceed 2' 6" (750 mm) in height.
Garden or Remembrance	Height (including plinth) 2' 6" Width 21" (530 mm)	Not permitted	Not permitted

Vases not exceeding 12" (300 mm) in height may be placed on graves without charge or authority.

8.3 Inscriptions

Stonemasons should not start work on a memorial until approval has been granted in writing by the Council.

The Council reserves the right to refuse permission for a memorial where, in its opinion, the proposed inscription could cause offence or is deemed unsuitable.

8.4 Installing a memorial

The Sexton has the authority to refuse to allow any person to undertake work in the cemetery unless a notice is produced giving the written permission of the Council for such work to be carried out.

All memorials and materials must be carried into the cemetery in a way that does not cause damage to roads, walkways or grass areas.

Memorials must be installed back to back with those on the next adjoining row of grave spaces and must be ground anchored by an approved method suitable for the soil conditions. Fixings generally shall be in accordance with the current Code of Working Practice of the National Association of Memorial Masons.

All surplus materials, rubble and rubbish must be removed from the cemetery immediately following any work and, where the removal of a memorial has been required prior to an interment, the area should be cleared in time for the arrival of the funeral cortege.

No hewing or dressing of stone is permitted to take place in the cemetery.

Boards or other suitable material should be used to protect the adjacent area. Any damage to adjoining graves or memorial stones must be reported to the Council immediately and made good to the satisfaction of the Council.

8.5 Removing a memorial

No memorial shall be removed from the cemeteries without the permission of the Deed Holder or their representative and without the Council being informed of the whereabouts of the memorial.

When a memorial is to be removed to allow a second burial to take place it is the responsibility of the Deed Holder or their agent to remove the memorial at their own risk and expense prior to the burial taking place.

The Council reserves the right to:

- Remove, without notice, any unauthorised monument, memorial, stone, kerb edging, tree, shrub, plant or item erected or placed in the cemetery in contravention of these regulations or where, in its opinion, items reach a condition that could be a health and safety risk;
- Remove a memorial headstone from a grave to allow for adjacent graves to be excavated. As soon as the funeral has taken place the headstone will be fully reinstated by the Council.

8.6 Memorial safety

Memorials remain in the ownership of the Deed Holder or their family and must be kept in good repair.

The Council undertakes a programme of memorial inspections and has the right to lay down or remove (without notice) memorials it believes to be unsafe. Every effort will be made to contact the owner if this happens to advise them of the action taken and request repairs be carried out. Notice will be sent to the Deed Holder at their last recorded address and a notice placed onto the memorial.

If a memorial is not repaired after notification has been sent to the Deed Holder the Council has the right to remove the memorial from the grave space.

8.7 Memorial trees and seats

Applications to purchase memorial seats or memorial trees for installation in the cemeteries should be made through the Cemeteries Office. Where applications are agreed to, the benches and trees will be obtained and installed by the Council and re-charged to the donor as per the Councils' Scale of Fees and Charges.

8.8 Items placed onto graves

The Council will not be liable for any loss, damage, theft or vandalism of any item (including memorial stones) placed onto a grave however caused.

Cemetery staff may remove articles from a grave that, in their opinion, are likely to cause risk, damage or offence or which may interfere with the Council's maintenance of the site.

The following items are not allowed to be placed onto graves and if found will be removed:

- Unauthorised memorials
- Unauthorised kerb edgings
- Artificial grass
- Glass items or breakable containers
- Stone chippings or gravel (unless inside an authorised fully kerbed grave)

9 Exhumations

Once interred no human remains (including cremated remains) may be disturbed or removed from a grave unless a licence is first obtained from the Ministry of Justice or, if the grave is in a consecrated area, a Faculty from the Diocese. Any request to exhume human remains should, in the first instance, be made to the Cemeteries Office who will be able to give further advice.

10 Cemetery Records

As soon as is reasonably practicable after a grave has been purchased, or after an interment has taken place, details will be recorded in the burial registers held by the Council and, in the case of new graves, the Grant of Exclusive Right of Burial will be sent to the purchaser.

The burial registers and cemetery plans may be viewed by the public by prior appointment with the Cemeteries Office. Searches of the registers and copies of entries may be made for a fee as laid down in the Councils' Scale of Charges and within the confines of the General Data Protection Regulations.