ADVICE AND INFORMATION FOR GRAVE & MEMORIAL GARDEN PLOT OWNERS

Rights and Responsibilities

The ownership of a Grant of Exclusive Rights of Burial (EROB) for a grave plot not only conveys certain Rights upon the owner, but also imposes a number of responsibilities.

1. **BURIAL RIGHTS** The Grant of EROB for a grave plot does not convey any ownership of the land itself. The ownership of the cemetery land, including the grave surface, remains with the Council. The Grant is in the form of a written Deed (the grave deed). This is issued by the Council upon payment of the required fee. ***EROB are sold by the Council (the owner)*** **for 100 years.** ***The period of the Grant lasts for the duration of the length of Deed Rights purchased. During that period, the person registered with the Council as being owner of the Grant has the sole right to decide who may be interred within the grave plot. At expiry of the EROB period bought, unless the Rights have been renewed by the Grant owner, the Burial Rights cease to exist.***

2. The EROB also includes the Right to have a memorial on the grave, this has to be of a design and method of construction approved by the Council, installed on the grave plot. It is imperative that a permit is obtained prior to any work being undertaken within the cemetery, this includes re-inscription works on a memorial where a permit has been previously purchased. Forms for this can be found on the website.

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 and Memorial Rights. It is also important to notify the Bereavement Services Officer of any change of address.

At the time of purchase, the Grant will be registered with the Council in the name of the person given on the application form. Contrary to what many people believe, the possession of the grave deed does not in itself convey entitlement to the Burial Rights of the grave plot. In order for a transfer ownership to be recognised by the Council the possessor will need to prove legal entitlement to the Grant in one of the following ways:-

- Where a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate through the Grant of Letters of Administration. Copies of Letters of Administration will have to be submitted
- Where the Grant of Probate has been granted to the executor(s) of a last Will and Testament once the document has been proven in court. Copies of Grant of Probate will have to be submitted.
- By Statutory Declaration used to confirm the full results of investigations when no official documents have been issued

Please see Family Succession order guidance & information

EROB may be purchased for one burial within the grave plot. However, even when the grave plot is full in respect to burials, it may still be utilised for the interment of cremated remains thereafter for up to eight internments of cremated remains.

3. **GRAVE MAINTENANCE** In order to allow for the ease of access, grave owners are only permitted to place any flower containers, or memorial plants, within the head of the grave and memorial garden plots within the 75cmx75cm purchased area.
Grave owners are encouraged to maintain this area themselves in order that cemetery staff do not have to disturb any plants or articles present. The Council cannot be held responsible for the theft of any artefacts placed at the grave. The Council also reserve the right to remove any such offending memorabilia and to remove items encroaching out of the permitted parameter of the grave area. ***Removal of Christmas and Easter Wreaths. All old and desiccated wreaths, posies and floral crosses shall be removed 1 month after the event each year.***

When choosing plants for placing at the head of the grave, owners should bear in mind that they may need to be removed in order to re-open the grave at a future date. Flower containers should not be made of glass or porcelain, as these materials will often crack due to the water freezing during periods of zero temperature. Similarly, plastic materials become brittle due to prolonged exposure to sunlight. The health and safety of cemetery staff and visitors is paramount at all times.

In the period following a burial the grave surface will be subject to sinkage due to soil settlement. The initial settlement usually takes up to 1 year, during this time cemetery staff will endeavour to ensure the surface is topped-up and levelled. Once the initial settlement has taken place, the surface will be grassed over, using a grass seed mix or turf. Over future years the grave will continue to settle and may require further re-surfacing from time to time, staff will do this without necessarily informing the Grant Holder of the work undertaken. In the event of concern, Grant Holders are asked to direct any issues to the Bereavement Officer, who will do their best to resolve the situation. Severe weather conditions can cause more severe sinkage than expected which may impact some graves, remedial work will take place as quickly possible.

When a grave is prepared for burial, the displaced earth is carefully collected in a soil mat. Grave deed holders must understand that a soil mat may be erected and placed on their grave in preparation for an interment in an adjacent grave. This means at times; the grave may be inaccessible to visitors. Due to the short time lapse available from the funeral being arranged and the actual funeral taking part, the Council may be unable to contact the Grant Holder to inform them of the impending situation. When this happens, the Council make every effort to minimise the disruption and distress. Afterwards, the Council will ensure that the grave is restored to its original condition, as visitors would expect.

4. **MEMORIALS** - Grant owners are entitled to apply for permission to have a permanent memorial erected upon their grave plot. Normally, the application will be completed and submitted, on behalf of the Grant owner, by a memorial mason or stone craftsperson contacted and contracted by the owner to carry out the necessary work.
There are certain restrictions upon the design of a memorial for both health and safety and aesthetic purposes.
If a burial is to take place the Grant owner will need to ensure that any memorial, plants or artefacts are removed prior to the grave being opened. This will normally be arranged by the funeral director who will liaise with a stonemason to have any memorial removed.

Only an approved stonemason may carry out any works on memorials. Wording on all memorials must be respectful, and not cause offense to other members of the public. The Council reserves the right, to refuse any wording that they deem as offensive, or, may be interpreted as being so.

In the event of a request for an inscription in a foreign language, this must be accompanied by a translation in English and countersigned by a responsible person of the same faith.

The Grant Holder is ultimately responsible for the work carried out by their stonemason. They should ensure they are satisfied with their work and it has been carried out as per the permit granted by the Council. The memorial should be safe, of the correct dimensions and constructed of the stone agreed. It must also be centred correctly and level on the grave plot. It must be free from any movement and have fully sealed joints. It must also have the details of the stonemason on the reverse of the memorial. It is reasonable for the Grant Holder to expect their memorial supplier to guarantee their work for a limited period. The stonemason must apply to the Council for a permit and give instructions as to what work is to be carried out.

All stonemasons that carry out works in Langtoft Cemetery, must be a BRAMM/NAMM registered stone mason

Permits to erect or re-erect/ re-inscribe memorials must be applied for, paid for and authorised before any works are carried out.

5. **MEMORIAL MAINTENANCE** It is recommended that all memorials should be insured against theft, loss or damage. Most monumental masons can arrange for insurance cover.
The Grant owner is responsible for the upkeep and maintenance of their memorial, and any other items placed on the grave.

The Council has a duty of care towards cemetery visitors. In order to comply with this duty, the Council will carry out safety inspections of memorials.
In the event that a memorial is identified as being a potential hazard, the Council is duty bound to take action to reduce the risk to visitors. If the memorial is unstable and there is a possibility that it could fall, the memorial will be laid down to reduce the risk of injury to others. The Council will endeavour to contact the Grant Holder, at their last known address, to inform them of the reason for taking this action.

Regular memorial inspections arranged by the Grant Holder themselves will avoid the need for such action.

IN THE EVENT THAT YOU REQUIRE FURTHER ADVICE OR INFORMATION, PLEASE CONTACT THE CLERK NATALIE LUMB, clerk@langtoftparishcouncil.gov.uk 07870 245271