

HARLINGTON CEMETERIES

Information Booklet for the Bereaved



Harlington Garden Cemetery was opened on 4th July 2002. It is the second Cemetery Harlington Parish Council operate within Harlington, the first being part of the Lincoln Way Cemetery. The cemetery is un-consecrated and therefore suitable for the burial of those of all faiths or none.

Spoken at the opening of the Garden Cemetery on 4th July 2002.

“We recognise that this will become the final resting place of many different people, representing all ages and people of different faiths and some with no faith at all.

It will hold within its boundaries those who have lived long and fulfilling lives and those whose lives have been cut short by tragedy and disease. Therefore, it is hoped that it may be a place where troubled hearts may find comfort and others may celebrate the passing of those whose lives have been lived out in full.

May it be a place of peace and hope and continuing love.”

Harlington Garden Cemetery is a large area with the aim of serving the burial and memorialisation needs of the village for years to come.

Harlington Garden Cemetery has a Lawn layout and offers facilities for Natural (Green) Burials and the interment of cremated remains. Harlington Parish Council is concerned about any form of damage to the environment and has recognised that burials can be designed to offer many benefits to wildlife.

The Natural Burial area is managed as a meadow to create a habitat for wildlife which assists in increasing the number of birds, mammals, insects and wildflowers, as well as providing a burial area for those who wish to 'return to nature.'

Harlington Garden Cemetery also offers specific children's burial areas, designed to assist those coping with the loss of a child.

The Cremated Remains burial area is for those who have opted to cremate their loved one and still wish to have a focal point to visit and may wish for a memorial dedicated to them.

Within this information booklet the term grave will apply to all forms of interment within the cemetery.

Hours of Opening and Closing

The Cemetery is open to the public during daylight hours throughout the year. However, there may be times when it is necessary to vary this, and the Council reserves the right to close the grounds and limit entry at any time.

Tending and care of the grave

We understand that you may wish to tend the grave. The following regulations are in place to ensure the Harlington Garden Cemetery is maintained for all to appreciate the tranquillity and reflect on loved ones in peace.

- **During the first 12 months** from interment, the usual rules regarding flowers and wreaths placed on the grave will not be enforced, apart from items that may constitute a hazard – such as glass jars, decorative stones or ornaments. Items considered hazardous will be removed.
- Withered flowers and wreaths may be removed by the Council if left.
- Only early spring bulbs of crocus and snowdrop can be planted on graves within the first 12 months of interment and within the grave space. No planting after the first 12 months.
- **Other than crocus and snowdrops during the first 12 months all other areas will be mown.**
- **No kerbs or loose stones, chippings, bark or mulch or planting of any kind etc. are permitted on or around the graves or cremation plots.**

Other than within the children's areas, no adornments are permitted except for flowers that are placed within an integral flower container or garden base. Only loose (unwrapped) flowers may be placed on Natural Graves.

- Wreaths are permitted on all graves and cremation plots at Christmas until the end of January and for one week following Easter Sunday, Mother's and Father's Day. If wind or wildlife causes wreaths to be moved from place, if identifiable they will be replaced, if this is not possible, they will be removed.
- No kerbs or stones, chippings, bark or mulch etc. of any kind are permitted on or around any grave or ashes plots, apart from one of the children's areas where stones are permitted (there is a maintenance cost surcharge for this area)
- Watering, taps and watering cans are available at the Cemetery. Please return the can to the tap area after use. The tap are turned off during winter months. If the water has been turned off due to a leak, water may be available from the troughs on the adjacent allotment site.
- The registers, records, tables of fees and plan of the Cemetery are available for inspection at the Parish Council Office, without charge, between the hours of 10am – 1pm.

To assist in maintaining the cemetery and to enable regular mowing, graves will be cleared of unpermitted items by the burial authority. These items excluding flowers in authorised receptacles, will be left in the arbour for collection and will be disposed of if they are not collected within seven days.

Please help us to keep the cemetery tidy by removing plastic wrappings from flowers and taking it away from the cemetery. Compostable and green waste should be placed in the purple bin provided towards the right-hand side as you exit the burial area.

Where, in the opinion of the Burial Authority, any grave is neglected to be detrimental to adjacent graves or the maintenance and general appearance of the cemetery, we reserve the right to level off the grave space and re-turf. A charge may be placed against the grave. All reasonable steps will be taken to contact the owner before taking such action.

Following a burial

After a burial, the grave will be backfilled, and the soil left in a low mound to allow for settlement. It is possible that a grave may take a year to fully settle, and sunken graves will be periodically topped up. In either the Spring or Autumn after the grave has settled, approximately 12 months after interment,

the grave will be seeded or turfed, and maintained as lawn by Harlington Parish Council. On some areas there will be a space at the head of the grave left undisturbed for the memorial.

The Council reserves the right of passage over all graves and to temporarily cover any grave for the purpose of reopening an adjacent grave as circumstances may require.

Grave memorials and items of dedication (tree & bench Memorials)

Only the holder of the Exclusive Right of Burial may apply for a memorial to be erected, or an inscription added to an existing memorial. Due to the need to allow for settlement, no memorial or headstone can be erected on a grave space within a year of the burial or re-opening of the grave. This allows for ground movement and will aid in the stability and safety of the memorial. Settlement period does not apply to cremation plots.

Harlington Parish Council operates a Masons Registration Scheme, which ensures only BRAMM (British Register of Accredited Memorials Masons), and NAMM (National Association of Memorial Masons) are permitted to erect or work upon any headstone/memorial within our Cemeteries. Unqualified or non-registered persons are not permitted to erect or work upon any headstone.

No memorial shall be placed in the cemetery until the Right to Place and Maintain a Memorial has been granted and the appropriate fee paid. The Grant of Memorial Rights will be valid for the duration of the Exclusive Right of Burial.

No kerbs or chippings of any kind of material are permitted around the graves or cremation plots.

In the **full body burial area** of the cemetery (excluding the natural burial area) permission may be given for a memorial to the following maximum specification:

a headstone (and base if required) of natural quarried stone, not exceeding
height 900mm (36")
width 600mm (24")
depth (of headstone) 100mm (4")
to contain flower containers if desired or an integral vase not exceeding 6" square.

ALL memorials MUST be fixed in accordance with current NAMM/BRAMM guidelines by an accredited memorial fixer.

a **temporary** wooden marker not exceeding
height 600mm (24")
width 300mm (12")
may be placed until a permanent memorial is erected.

In the **natural burial area** only, temporary wooden markers are permitted, which should have an incised inscription not a metal or plastic plate.

In the **cremated remains (ashes)** burial area a temporary wooden marker is permitted of a size commensurate with standard cremation markers. Memorial stones can be no larger than 18" x 18" and are usually of the desk block type with integral flower containers. ALL memorials MUST be fixed in accordance with current NAMM/BRAMM guidelines by an accredited memorial fixer.

Any person granted the right to place and maintain a memorial is deemed to be the owner of that memorial. Every tablet, gravestone, plaque or other memorial once erected or fixed in the cemetery shall be kept in repair by, and at the expense of its owner. It is the owner's responsibility to ensure that their memorial/headstone is kept in good repair and conforms to all current Cemetery Regulations. They will also be responsible for the removal of the memorial to give access for re-opening of the grave or ashes plot for future burials.

Headstones/Memorials will be subjected to a Memorial Stability Test. This test will be performed no less than once every 5 years. Memorials that fail the Stability Test may be secured in the most appropriate manner for that memorial. The owner will be contacted by letter.

The Council reserves the right to remove any memorial/headstone that no longer has a valid Memorial Grant or has become unstable or dangerous in any other way, and the owner of the memorial, their heirs and assigns are not responding to contact.

Trees and benches

If a suitable site is available, a memorial tree or a bench may be requested; for details/costs please contact the Clerk. The placement and style of seats and species of trees are restricted and may only be placed in certain, agreed locations within the cemetery. Decoration of any kind, including flags, lights, wind chimes, potted plants and other mementos is not permitted in or around the trees, benches or memorial stones and any such will be removed. Plants may be loose laid on the base of the memorial stone.

Purchase of Exclusive Right of Burial (EROB)

An Exclusive Right of Burial is a legal document allowing the person named on it the right to be buried or to arrange to bury human remains in an agreed space, providing there is sufficient depth to do so. The Exclusive Right of Burial is currently granted for a term of 75 years, on the understanding that the named holder will abide by the cemetery rules and regulations. The purchase of an Exclusive Right of Burial does not constitute the ownership of any land, all ground within the cemetery remains in the ownership of Harlington Parish Council.

Any burial space which is subject to an Exclusive Right of Burial cannot be opened without the written consent of the holder of the Right unless it is for the burial of that person.

Purchase of an Exclusive Right of Burial does not include the Right to place a memorial, and memorial works must be applied for separately and will only be granted to the holder of the Exclusive Right of Burial.

Those who live outside the Harlington area and do not pay part of their Council Tax to Harlington Parish Council (the precept) are not eligible for the same cemetery fees that are applicable to residents of the Parish. Non-residents will be charged at a higher rate. Non-residents are those who do not reside in the Parish or have moved from the Parish more than 12 month prior to their death. The Council recognises Harlington residents requiring care may not always have the choice of where that care may be, and special consideration will always be given in these circumstances.

The sale of the exclusive right of burial in any grave is at the absolute discretion of the Council.

It is the responsibility of the holder of the Right to notify the Council of any change of address or contact details.

Transferring the Exclusive Right of Burial

There are occasions when you may need or wish to transfer the Exclusive Right of Burial to someone else. If the holder of the Right dies, a transfer will be required before any memorial work can take place, or maybe if the holder becomes ill or moves to a different area and wishes someone else to take over responsibility for the grave. How the transfer is managed depends on the individual circumstances. On completion of the transfer the Right will be issued to the new holder for the remainder of the original grant period. A fee for the transfer will be charged. Please contact the Parish Council office for assistance and advice.

HARLINGTON PARISH COUNCIL - CEMETERY REGULATIONS

Compiled by Harlington Parish Council under S3 (1) of the Local Authorities' Cemeteries Order 1977, for the management of Harlington Garden Cemetery.

Briefly:

- * Only early spring bulbs of crocus and snowdrop can be planted on graves within the first 12 months of interment and within the grave space. No planting after the first 12 months.
- * No kerbing or covering of any kind is permitted.
- * It will not be possible to place a bench or tree beside or near to the grave
- * The only memorials allowed are headstones
- * Any tokens not on the headstone base will be removed
- * Any tokens encroaching on a neighbouring base will be removed
- * Any glass or similar hazardous objects will be removed
- * Only flowers with no wrapping may be placed on a natural grave

The Council reserves the right to close the Cemetery or limit the entry of persons at any time.

Any person within the Cemetery shall observe these regulations, and the Parish Clerk, or any person appointed to act in their absence shall have power to exclude or remove any person from the Cemetery without stating any reason.

No children under 12 years of age shall be admitted to the Cemetery unless they are in the charge of a responsible adult.

No animals, (other than registered assistance animals or those taking part in a funeral) shall be brought into the Cemetery.

The Council accepts no liability whatsoever for any injury caused to any person or any damage done to any property in the Cemetery by the Council, its employees, agents, contractors, or independent contractor or by any other person. Visitors to the Cemetery shall keep to the roads and pathways and shall always behave decorously. Any person who wilfully destroys, injures or defaces any building, wall or fence in the Cemetery, or any monument, tablet, gravestone, plaque, memorial or inscription, or any tree, shrub or plant in the Cemetery, or who daubs or disfigures, or puts up any bill on any wall or does any other wilful damage, plays at any games or sport or discharges firearms (except at a military funeral) or wilfully or unlawfully disturbs any person or persons there assembled for the purpose of the burial of a body, or commits any nuisance shall be liable to be prosecuted for the offence committed. Any

damage caused shall be made good at the expense of the party or parties causing it.

The Council reserves the right to forbid the entry to the Cemeteries of any motor vehicles (or bicycles).

All vehicles (or bicycles) permitted to enter the Cemeteries shall be driven in such direction and wait in such places as may be ordered by the Parish Clerk, or authorised Council representative. Vehicles shall keep strictly to the roadways and shall not be driven along any footpath, over any grass or over any grave unless given express permission.

On a public grave (to which no Exclusive Right of Burial has been purchased) no marker or memorial shall be permitted, except one placed by the Council to record all those buried therein.

Grass cutting

The Council and their contractor aim to keep the cemetery in good and pleasing condition. During the grass cutting season we endeavour to cut the lawned areas on a fortnightly basis. If the cemetery is busy with burials the grass can sometimes get longer than we would like prior to a cut as the contractor may not be able to gain access at an appropriate time. It is the policy of Harlington Parish Council **not** to collect grass cuttings.

Rabbits

The Cemetery does have a resident rabbit population. This sometimes gives grave owners/visitors a problem when rabbits eat or scatter flowers/shrubs left on graves or cremation plots.

HARLINGTON PARISH COUNCIL
Information of 'Grave Ownership' or Deed Transferral
EXCLUSIVE RIGHT OF BURIAL

When you 'buy a grave' in Harlington Garden Cemetery, what you are buying is the Exclusive Right of Burial for the specific period of 75 years. You are not buying the grave freehold, or any land within the cemetery. You are purchasing a lease, and the only right within that lease is the right to be buried and to say who may be buried in a designated grave space or cremation plot providing sufficient depth exists. No burial may take place in the grave or cremation plot and no memorial may be placed on the grave or cremation plot without the written permission of the registered holder of the Exclusive Right of Burial during the period of the Exclusive Rights. A fee is payable for the digging and preparation of a grave at the time of burial and a fee is also payable for the right to place and maintain a memorial. The Exclusive Rights may be renewed for a further 25 years at any time during the lease or at the end of the 75-year period, providing the duration of the Exclusive Right at no time exceeds the original 75-year grant span.

Being the registered holder of the Exclusive Right of Burial is therefore a very important matter. Title can be transferred either during the registered holder's lifetime or after their death. The procedure for transferring the Exclusive Right is detailed below.

The Council's records contain the details of the registered holders. However, it is important that the registered holder keep their Deed of Grant safe. The Council issues this document when the grave is first purchased and should be produced for each burial. Possession of the Deed does not in itself signify being the registered holder of the Exclusive Rights.

Transfer of Exclusive Rights

The registered holder can assign the Exclusive Rights of Burial, during their lifetime, to another individual on completion of an Assignment Form.

The registered holder can surrender the Exclusive Rights of Burial if the grave has not been used for burial, on completion of a Surrender Form. The surrender value being the original purchase price as specified on the Deed of Grant.

The procedure for establishing entitlement to become the registered holder when the original registered holder of the Exclusive Right has died depends upon whether there is a will.

Deceased has left a valid will.

If the deceased registered holder has made a valid will and left an estate of sufficient value to require the Grant of Probate to executors, the Exclusive Right to the grave can be transferred to the executor. The applicant must produce a sealed copy of the Grant of Probate and complete the Transfer-Grant of Probate Form.

If the estate is not of sufficient value, the Exclusive Right may be transferred to the executor named in the will by Statutory Declaration and the production of the will. It is then the executor's responsibility to identify the correct person for the transfer of the Exclusive Right and to formally assent to the transfer by completing an assent form.

Grant of Letters of Administration have been obtained.

If there is no will, or the will is not valid, and the estate is of sufficient value as to require a Grant of Letters of Administration, the Exclusive Right can be transferred to the personal representative of the deceased. The applicant must produce a sealed copy of the Grant of Letters of Administration Form. It is then the applicant's responsibility to identify the correct person for transfer of Exclusive Right and formally assent to the transfer by completing an Assent Form.

Deceased Dies Intestate

If there are no Executors or Letters of Administration have not been granted, the rules of intestacy apply as laid down in the Administration of Estate Act 1925. The applicant for transfer of Exclusive Right should complete a Statutory Declaration. Statutory Declarations are legal documents produced by this office and must be signed in the presence of a Magistrate or Commissioner for Oaths.

The Statutory Declaration should clearly set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered holder, intestate or otherwise and the relationship of the applicant to the registered holder. The original Deed of Grant and a certified copy of the holder's death certificate should accompany the Declaration. Where the Deed has been lost, suitable wording should be incorporated within the declaration to the effect. It is essential that the written agreement of all the next of kin of the deceased holder to the transfer of Exclusive Right should be obtained and attached to the Declaration. The following are examples of many of the possible circumstances:

Deceased Owner survived by	Application made by	Consents needed
Spouse	Spouse	None
Spouse and children	Son or daughter	Transferred to Spouse then assigned to Sibling/s
No Spouse: but 2 or more children	1 child	All other children - irrespective of legitimacy
No spouse or children: but sibling	Sibling	All other siblings

Family Disputes

Where a family dispute results in a stalemate and relevant consents are withheld, the Exclusive Right cannot be transferred. This can only be overcome by the various next of kin reaching agreement between themselves, possibly through the agency of solicitors.

A fee is payable to Harlington Parish Council for the transfer of Exclusive Rights. Please do not hesitate to contact the Parish Office **01525 875933** if you require any further information or advice on how a transfer can be affected.

FORMS OF TRANSFERRING EXCLUSIVE RIGHT OF BURIAL

Form of Assignment

Used by a living owner to transfer or change the registered holder of the exclusive Rights of Burial i.e., to transfer to new registered holder or to add an additional registered holder.

Grant of Probate

Granted to the executor/s of a Last Will and Testament once a document has been proven in Court. To be legally acceptable we can only accept sight of a "SEALED" Grant i.e., it must bear the embossed seal of the court.

Letters of Administration

When a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate. An Administrator receives the same powers to administer the estate of the deceased as an executor.

Form of Assent

Used to transfer the Exclusive Right from an executor or administrator after the right has been transferred into their name by production of Probate or Letters of Administration.

Statutory Declaration

Used to transfer the Exclusive Right from a deceased registered holder when no official documents have been issued. Declarations can be either based on a Will that did not go to probate, claiming by the executor or by the Next of Kin if the deceased left no will.

Form of Renunciation

Used together with a Statutory Declaration when grave is being claimed by more than one person i.e., the deceased may have a number of children and/or next-of-kin, and one or more of those wishes to give up their rights to the exclusive right. NB Harlington Parish Council wishes to advise that due to Administration Restrictions we only accept a max of TWO registered holders.

HARLINGTON PARISH COUNCIL CEMETERY MANAGEMENT

EROB Holder Change of Details Form (Complete if you have moved)

Please sign, date, and return your completed form to:

The Parish Office, Parish Hall Church Road Harlington Beds LU5 6LE

Complete the details below in BLOCK CAPITALS.

Cemetery: HARLINGTON GARDEN CEMETERY	Section of cemetery: (Grave, Ashes or Green)
Plot no:	Date of last Interment:
EROB Holder name:	Name of deceased interred:
EROB HOLDER Previous address:	EROB HOLDER New address:
Email address	Tel no:

Signed _____
(EROB Holder)

Date ____/____/____

PLACE YOUR GRANT OF EXCLUSIVE RIGHT OF BURIAL HERE

PLACE YOUR RIGHT TO ERECT AND MAINTAIN A MEMORIAL GRANT HERE