



STOWMARKET TOWN COUNCIL

Cemetery Regulations

Date approved:	February, 2016
Date of next review:	February, 2019
Related policies/procedures	

1.0 Introduction

- 1.1 These Cemetery Regulations take effect 17th February, 2016 and supersede all previous regulations in respect of the Stowmarket Cemeteries without prejudice to anything done under those previous Regulations.
- 1.2 We seek to observe the rights and choices of any individual wherever possible, but to be fair to all, to keep everyone safe, and to maintain our Cemeteries to high standards we do need some regulations. Everyone visiting our Cemeteries needs to follow these regulations.
- 1.3 When we mention 'Cemeteries' in the regulations we are referring to both the Old and New Cemeteries with Stowmarket.
- 1.4 Stowmarket Town Council (referred to as 'the Council', 'us' or 'we' in the regulations) is legally responsible for managing and controlling the Cemeteries. The Council authorises the Public Services Manger to act with its authority and enforce the regulations.
- 1.5 To comply with the relevant laws, we run the Cemeteries in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.
- 1.6 If you have any questions about these regulations please contact:

Cemeteries Office
Stowmarket Town Council
Milton House
Milton Road
Stowmarket
Suffolk
IP14 1EZ

Email: stephaniee@stowmarket.org
www.stowmarket.org
Tel: 01449 612060

2.0 Opening times

2.1.1 The Cemeteries are open daily to visitors. We display the times on notices at the Cemetery gates and on our website:

www.stowmarket.org/public-services/burial-services

Note: Opening times will change according to the seasons.

3.0 Rights of use/admission

- 3.1 (a) We reserve the right to:
- (i) close or limit access to the Cemeteries when necessary; and
 - (ii) withdraw the use of the Cemeteries from any person or organisation.
- (b) No dogs are allowed in the Cemeteries.
- (c) Any vehicle entering the Cemeteries must be:
- driven slowly;
 - kept to the main roadways; and
 - parked in a way that does not inconvenience visitors or staff.

4.0 Fees

4.1 All fees for interments and memorials applications are payable in advance.

4.2 All Cemetery fees and charges are reviewed annually and are displayed on the Stowmarket Town Council website:

<http://www.stowmarket.org/public-services/burial-services>

5.0 Exclusive Right of Burial

5.1 At the time of the interment you may buy an Exclusive Right of Burial in a grave for an agreed period of time. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The Exclusive Rights of Burial vary between grave types.

5.2 The Exclusive Right of Burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and subject to the Council's permission).

5.3 The Exclusive Right of Burial relating to cremation plots and cremation earthen plots may, at any time, be extended for a further 25 years subject to the appropriate fee being paid.

- 5.4 Our policy is to excavate graves to the maximum depth available. With regards to new graves we will initially aim to excavate them to a depth of 2.1m (approximately 7ft). This will enable the grave to accommodate three interments. The Council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments.
- 5.5 We will allocate new graves in strict rotation.
- 5.6 The Council keeps plans and records of graves which visitors may view, by appointment, during normal office hours.
- 5.7 When the Exclusive Right of Burial period comes to an end, the buyer (or their heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.
- 5.8 Deed holders will need to apply to renew the Exclusive Right of Burial within 12 months of the previous grant finishing.
- 5.9 The Council may grant a renewed right of burial to another person if the Exclusive Right of Burial grant period has finished and nobody has informed us that they want to renew it. Before we do this we will, where possible, notify the previous owner (or their personal representative) to give them the option to renew it.
- 5.10. If the Council gives permission, the owner of an ERB may transfer it to another person if they provides satisfactory evidence of ownership. The owner must register the transfer in the Cemetery's records, have the deed of grant of Right of Burial endorsed by the Council and pay the appropriate transfer fee.
- 5.11. Provided that there is sufficient room and subject to receiving consent from the Public Services Manager, cremated remains can be interred in any adult grave in the Cemetery for which you have the Exclusive Right of Burial. No adult interments, either full or cremated remains, are allowed to be interred in to the grave of a child or baby unless the child or baby was interred into a full adult grave and the appropriate adult Exclusive Right of Burial fee was paid.
- 5.12. Ownership of the ground does not at any time; pass from the control of the Council.
- 5.13 Before the reopening of a purchased grave, the ownership for Exclusive Right of Burial must be proven.

6.0 Coffins and caskets

- 6.1 To help us all respect the environment, all bodies entering the Cemetery for burial must be contained in a coffin/wrapping made of a perishable material bearing the full name, age and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the Cemeteries Office.

7.0 Interments

- 7.1 You can apply for a burial by contacting the Cemeteries Office (contact details are shown in the introduction section of this document). The service operates from 9am to 5pm on Mondays, Tuesdays and Thursdays and from 9am to 4.30pm on Fridays (apart from bank holidays). You must deliver a completed interment notice to the office at least two clear days before the interment (excluding Saturdays, Sundays and bank holidays).
- 7.2. Interments normally take place on Mondays to Fridays between 9.30am and 3pm (subject to the season).
- 7.3 The time booked for a funeral is the time the cortege is due to arrive at the Cemetery. If the Funeral Director or person in charge of the funeral is later than the appointed time they must act under the direction of the Public Services Manager (or their representative) as to when the funeral service may proceed.
- 7.4 The Council will not open a grave covered by an Exclusive Right of Burial without the written permission of the registered owner unless the burial is to be that of the registered owner.
- 7.5. We will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid then a statutory declaration must be made.
- 7.6. We must receive the Registrar's Certificate for Disposal or Coroner's Order for burial before any burial can take place.
- 7.7 We will require a Medical Practitioner, Midwife or Nurse's certificate if the interment is for a non-viable foetus.
- 7.8 The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the Funeral Director or person arranging the funeral.
- 7.9 Once we have a Notice of Interment, we reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The deed holder will pay the cost of removal.
- 7.10 We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. We also reserve the right to move memorials to allow access to a grave. We will return the memorials to their original positions and tidy any disturbed neighbouring graves as soon as possible after the burial.
- 7.11 Council staff are not permitted to accept tips.
- 7.12. During a funeral (or before) we have the right to exclude those who are not mourners, or not officially connected with the funeral.
- 7.13 Each Cemetery contains a children's grave section or specific children's graves. We do not permit the interment of adults in the children's section or children's graves.
- 7.14. Persons authorised by the Council will normally carry out the back filling of any grave. However, in the event that relatives and friends wish to do so, permission must be sought

from the Cemeteries Office and the back filling must be carried out under the direction of a member of Cemeteries staff or other authorised person.

8.0 Management of memorials

- 8.1 We will give you the correct form to complete if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. The form will include:
- name and address of the memorial mason who will carry out the work;
 - material and measurements of the memorial;
 - details of inscription and a diagram of the proposed memorial, including fixing methods; and
 - full names and signatures of the registered grave owner/s to give permission for the work.
- 8.2 Signed consent to work confirms that approval for any such application is given. The applicant must not start any work until they have a signed consent form. We will give permission as long as the work undertaken fully complies with the details specified within the Application Form, the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM) schemes and the requirements of these regulations.
- 8.3 The Council has the right to decline any request which they deem inappropriate for the Cemetery.
- 8.4 The Council reserves the right to refuse to allow the placing of an inscription upon any memorial, if in the Council's opinion, such an inscription is libellous, inaccurate or likely to cause offence to any reasonable person or body of persons.
- 8.5 The Council reserves the right to refuse to allow the placing of an inscription upon any memorial, if the inscription, or part of inscription includes anything that may be deemed to be out of keeping with the Cemetery. Examples of such inscriptions include, but are not limited to: references to football/sporting clubs; favourite sayings/phrases of the deceased; humorous quotes or phrases and phrases which include vernacular or colloquial language. Each application will be determined upon its individual merits and, for the purposes of clarity, the presence of an inscription upon a memorial within the Stowmarket Cemetery shall not be viewed as setting a precedent for the inclusion of any inscription in the future.
- 8.6 You may be required to remove any work which has been undertaken, or any memorials or kerb sets, and pay all the costs of removal, if these do not comply with the Cemetery Regulations.
- 8.7 All memorials must be erected in accordance with BS8415 and the National Association of Memorial Mason's (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good and safe condition. The Public Services Manager is permitted to remove any memorial that becomes unsafe or is otherwise dilapidated.
- 8.8 All memorial mason companies who work within the Cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM). Fixing teams will contain at least one mason in possession of a

BRAMM or NAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.

- 8.9 Kerb sets are only permitted at the Cemetery if they are in-filled with gravel. Kerb sets are not permitted in the lawn sections of the Cemeteries.
- 8.10 You may only use granite, marble, slate or other suitable material of durable and sound quality for memorials. Alternative materials may be considered subject to prior written agreement by the Public Services Manager.

9.0 Lawn sections

- 9.1 Graves in lawn sections of the Cemeteries will be grassed, with no mounds or kerb sets. You may install a memorial of the dimensions indicated below at the head of the grave. You may not place any other memorial or other items in or around the grave space or on the grassed area in front of the grave. This includes shrubs, plants or plaques. The Council will remove any non-permitted items.

10.0 Memorial sizes

- 10.1 Headstones and memorials must not exceed 975mm (3'3") in height (above ground level); 750mm (2'6") in width. The stone must be of sufficient thickness to support its height, and any reasonable force exerted upon it, to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with, or below, the adjoining ground level. A baby or child (up to the age of twelve years) memorial must not exceed the following dimensions. The head stone 24"high x 18"wide x 3" deep, the base 18"wide x 12" x 3" high and the landing 24"wide x 16" deep x 4" high.
- 10.2 Alternatively a memorial may consist of:
- a natural stone vase not more than 300mm x 225mm x 225mm (1'0" x 9" x 9") fixed to a plinth not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the plinth; or
 - a book or tablet not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") fixed to a base not more than 450mm x 300mm x 50mm (1'6" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground. The base may be drilled to accommodate up to two flower containers or may incorporate 2 small vases or figures; or
 - a flat tablet not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") fixed to a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground.
- 10.3 You may fix photographic plaques, either ceramic or other material, of an approved size to memorials, if you have the Council's written approval.
- 10.4 The grave number must be inscribed on all memorials erected in the Cemetery, on the lower right corner of the rear of the base (or other conspicuous position as approved by the Council), in characters of not less than 25mm (1") in height, to match the main inscription.

- 10.5 All materials and equipment must be conveyed in the Cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material must be removed in a like manner. Mats, boards or canvas must be used, as directed by the Council, to achieve this end.
- 10.6 Any person removing a memorial to permit a further interment may only do so after informing the Council. Upon reinstallation of such memorials they shall be re-fixed in accordance with BS8415 and the NAMM or BRAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate.
- 10.7 We will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.

11.0 Memorial Benches

- 11.1 All benches placed in either Cemetery must be purchased through the Cemeteries Office. Any new unauthorised benches (those not purchased through the Cemeteries Office) will be removed to a safe compound. The owner will be contacted and removal will be necessary.
- 11.2 All unauthorised benches placed in the Cemeteries prior to 1st February 2014 will be allowed to remain in the Cemetery until they are assessed by the Council be no longer fit for purpose. At this point the bench would be removed to a safe compound and the owner will be contacted regarding the collection or disposal. Any unauthorised benches will be subject to the same terms and conditions as authorised benches. Any replacement benches must be approved and be purchased through the Cemeteries office.
- 11.3 The Council may provide memorial benches at various locations within Cemeteries. The Council reserves the right to relocate all benches on site to meet operational needs.
- 11.4 No other memorial or other items may be placed on the bench.

12.0 Memorial trees/roses/shrubs

- 12.1 The Council may provide trees, roses and shrubs for dedication at specific locations within the Cemeteries.
- 12.2 No other memorials or items may be placed on or around the tree area.

13.0 Public graves

- 13.1 A public grave is a grave in which no Exclusive Right of Burial has been granted by the Council and in which unrelated persons may be interred.

14.0 Maintenance

- 14.1 All floral tributes will be removed two weeks following the interment unless we are told in writing that the family wish to arrange for their removal. It is forbidden to place glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic or other material on graves. The Council may remove these without notice.
- 14.2 The Council will remove Christmas wreaths from 1st February each year.
- 14.3 Temporary wooden markers are permitted subject to the Council's approval.
- 14.4 The Council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly.

15.0 Repair of failed memorial headstones

- 15.1 Memorial headstones that fail the safety test will be required to be repaired as soon as possible by the deed holder. If the repair is not undertaken within six months from notification, the Council will fund the repair to the stone; this cost must then be repaid to the Council before the Exclusive Right of Burial is further exercised.

16.0 Right of Appeal

- 16.1 If you are unhappy with a decision made in relation to the Stowmarket Cemeteries, you have the right of appeal.
- 16.2 In the first instance, put your complaint in writing to the Town Clerk, Stowmarket Town Council, Milton House, Milton Road South, Stowmarket, IP14 1EZ.
- 16.3 The Town Clerk will arrange for your appeal to be considered by a panel of three senior Members of the Council.
- 16.4 You will be notified of the outcome of the appeal within a period of 21 days.
- 16.5 Any decision of the Appeal Panel shall be final.