



## **STURMINSTER NEWTON TOWN COUNCIL**

### **Cemetery Regulations 2017**

#### Introduction

1. Sturminster Newton Town Council is the burial authority for the civil parish of Sturminster Newton in the County of Dorset. These regulations have been promulgated by the Council for the better management, regulation and control of the cemetery at Newton, Sturminster Newton and in accordance with the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977 ("the Order"). All consecrated ground within the cemetery is also subject to such regulations as may be promulgated from time to time by the Chancellor of the Diocese of Salisbury ("the Chancellor's Regulations"). In the event of any conflict between these regulations and either the Order or the Chancellor's Regulations, the Order or the Chancellor's Regulations (as the case may be) shall prevail.

#### Scope and application

2. Powers and discretions reserved to or exercisable by Sturminster Newton Town Council shall, for the purposes of these Regulations, the Order or the Chancellor's Regulations, be deemed to be exercisable by any officer or employee of the Council and/or the Council as a whole or any committee of it.
3. These Regulations shall apply to the cemetery at Newton, Sturminster Newton and any extension of or addition to it and to any other land acquired by the Council for use as a cemetery.

#### Access

4. Any person may enter the cemetery at any time between sunrise and one hour after dusk subject to the following restrictions:
  - a. Children under 10 ten years of age should be accompanied by an adult;
  - b. The Council reserves the right to restrict access to the cemetery;
  - c. Dogs shall not be allowed in the cemetery unless on a lead.

#### Interments

5. Interments shall be allowed between the hours of 9.30am and 4.30pm from Monday to Friday. No interments shall be permitted on Saturdays, Sundays or Public Holidays save by prior arrangement and upon payment of any additional fee prescribed by the Council from time to time.

6. Not less than 72 hours' notice exclusive of Saturdays, Sundays and Public Holidays shall be given prior to any interment. Such notice shall be given on the form prescribed by the Council from time to time and delivered to the Council Office at Old Market Hill, Sturminster Newton DT10 1FH.
7. All fees due in respect of the interment must be paid when the notice is delivered. The form must be properly completed. Responsibility for any error in the form or calculation of the fee shall rest with the person giving the notice. No interment shall be allowed if any fees or charges remain unpaid or information required is outstanding.
8. All coffins shall unless otherwise agreed by the Council be interred so that the deceased's head is at the western end of the grave (i.e. facing east).
9. The person having charge of the funeral shall make all arrangements with the grave-digger and the clergyman or minister whom it is intended shall officiate. The Council undertake no responsibility in this matter.
10. The Registrar's certificate for disposal, or the Coroner's order when an inquest has been held, shall be produced to the Council at or before the time of the interment.

#### Exclusive Right of Burial

11. The exclusive right of burial for a period of 50 years may be purchased in respect of a grave space allocated for the purpose by the Council. Extensions of the term of exclusive right of burial may be purchased in increments of 25 years whenever the remaining period of the exclusive right is less than ten years but only by the person or persons then registered with the Council as the owner or owners of the existing exclusive right. No more than four persons shall be entitled to hold and be registered with the Council as the owner or owners of an exclusive right of burial at any one time.
12. Applications for the grant of right of burial or an extension thereof shall be made using the form specified by the Council and upon payment of the prescribed fee.
13. The transfer of right of burial (owing to death or otherwise) must be registered and the Deed produced to the Council. On the death of the grantee, the title of the successor will be registered on the production of satisfactory evidence of his or her title and on payment of the prescribed fee.
14. The right of burial in a private grave (meaning a grave in respect of which exclusive right of burial has been granted by the Council) shall be exercisable in respect of any interment, subject to the provisions of the Council's Regulations then in force and to the following condition:

If the Notice of Interment is signed by a person other than the registered owner of the right of burial, the applicant shall:

- i. Produce the written authority of the registered owner for the interment to take place
- ii. If the registered owner is deceased, produce evidence satisfactory to the Council of the death of the registered owner and (except in the case of the burial of the registered owner) procure registration of the transfer of right of burial to the applicant in accordance with paragraph 13 above.

### Rules about graves

15. All graves shall be dug and made and all interments shall be carried out in accordance with the directions of the Council. Graves shall be dug out from the centre line of the earth plot on either side as necessary to obtain the desired length of grave. After burial, earth shall be replaced and kept level with the surrounding area. Any surplus earth shall be removed from the cemetery.
16. After interment no remains shall be removed unless there has been produced to the Council the faculty or licence required by the law from the necessary authorities.
17. As soon as practicable after burial the grassed portion of each grave shall be levelled and then maintained by the Council as a lawn. Fences and other means of enclosure, stones and chippings are not permitted on graves. The only ornaments permitted are memorials in accordance with paragraph // below and a single pot or vase containing a small plant or cut flowers.
18. The Council may remove any articles placed or planted on graves which are not permitted by these Regulations or which have become broken or unsightly.

### Council Employees and Authorised Contractors

19. Employees of the Council shall not be employed to carry out any private work whatever within the Cemetery.
20. Other persons may only carry out work in the Cemetery with the prior consent of the Council which may be granted subject to reasonable conditions (for example, that satisfactory evidence of adequate insurance against third party risks and copies of suitable risk assessments and method statements are produced).
21. No person shall willfully impede, obstruct, disturb or interrupt any officer or workman of the Council in the proper discharge of their duties.
22. No gratuities are allowed to be demanded by any employee of the Council.

### Memorials

23. Memorials installed in the cemetery will conform to:
  - a. The National Association of Memorial Masons Code of Working Practice and BS8415 specification for Memorials and Monuments in burial grounds; and
  - b. The Chancellor's Regulations
24. No memorial will be permitted on a grave space unless an exclusive right of burial has been granted for that grave space.
25. No memorials may be erected unless and until permission has been granted by the Council following receipt of an application using the prescribed form, signed by the rights owner and accompanied by the prescribed fee. A drawing showing the form, dimensions and proposed material of each memorial and the inscription thereon shall be submitted with the application.
26. Inscriptions with dates on memorials installed on grave spaces shall **only** refer to the remains of those laid to rest in the Cemetery.

27. All new memorials shall be of materials that will bear continuous exposure to the weather.
28. Stones, rails, chains, solar lights or anything to enclose or to define any area of the grave space will not be permitted.
29. Every memorial shall be firmly set upon a regular concrete foundation, the top of which shall be at ground level. The foundation shall be at least four inches thick and four inches larger than the memorial base in all directions.
30. Memorials on grave spaces for coffin burial shall not exceed 2 feet 4 inches (700mm) in width, 1 foot 4 inches (400mm) from front to back and 3 feet (900mm) in height, and shall nowhere be less than three inches (75mm) in thickness.
31. Joints shall be adequately dowelled with copper bars, not less than 6 inches (150mm) long and 1 inch (25mm) in diameter.
32. All memorials (including any vase which if inscribed is also regarded as a memorial) shall have the grave space reference number and may have the name of the stonemason inscribed in three quarter inch high characters on the rear side near the base. The inscription of any advertisement will not be permitted.
33. Vases and other containers for flowers shall be of suitable and durable material to the satisfaction of the Council. They shall be kept on the concrete plinth in front of the memorial or, preferably be incorporated in the memorial stone. The Council reserves the right to remove any vase, container or any other object not complying with this regulation. The Council reserves the right to remove any flowers, artificial or otherwise, if the condition of them has deteriorated unacceptably.
34. Memorials shall be erected by or on behalf of and shall remain only at the sole risk of the person to whom permission for the installation has been granted in respect of damage thereto or for any injury or damage caused thereby. A memorial of any description is the responsibility of the owner and the Town Council cannot be held responsible for any loss or damage.
35. The size of headstones in the Garden of Remembrance should be a maximum of 20 inches (500mm) high x 16 inches (400mm) from front to back and 24 inches (600mm) wide.
36. No memorials shall be altered after they have been erected in the cemetery according to their approved design nor shall any additional inscription be cut thereon without the consent of the Council obtained in the manner prescribed in paragraph 25.

#### Reservations by the Council

37. The Council expressly reserves the following rights:-
  - a. To prune or remove any shrub, plant or flower, whenever, in the opinion of the Council it has become unsightly or overgrown or when necessary for the purpose of allowing any grave to be used.
  - b. To remove any flowers, wreaths or articles placed upon any or near any grave space which, in the opinion of the Council, have become unsightly;

- c. Temporarily to take down any memorial which may be rendered unsafe or dangerous during the excavation of an adjoining grave
- d. To take down any memorial which, in the opinion of the Council, has become unsafe
- e. To refuse to approve a design for a proposed memorial or an inscription upon a proposed new or existing memorial without giving reasons for doing so
- f. To remove any articles which are not permitted by the Regulations then in force or which obstruct maintenance of the Cemetery
- g. The right of passage over all graves for all purposes connected with the Cemetery
- h. To revise these Regulations and fees from time to time.

### Fees

- 38. All fees and charges must be paid prior to any given interment or memorial installation.
- 39. Charges are based on the residency of (in the case of interments and memorials) the deceased and (in case of exclusive right of burial) the purchaser.
- 40. Persons who are not resident in the civil parish of Sturminster Newton will pay full fees subject to the following exceptions:
  - a. When the death of the person takes place within three years of ceasing to be resident in the parish
  - b. In the case of a child still born or not more than one month old
  - c. In the case of any person who dies in hospital outside the parish but whose last previous residence was within the parish
- 41. Persons who are resident in the parish will be eligible for the reduced fee where one is specified
- 42. The decision of the Council as to whether a person is resident or not shall be final.

Approved: 2<sup>nd</sup> February 2017