



Amble Town Council

West Cemetery Regulations

2018

The Amenities Committee reserves the right to alter these regulations at any time without prior consent and the amended regulations must be abided by.

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Introduction

Although these regulations are a necessary requirement for the management of Amble Town Council's West Cemetery every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these regulations have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds. For example, the prohibition of glass and plastics is based upon these items becoming potential hazards when horticultural machinery is used; it is not based upon aesthetic considerations.

The Council has adopted a Charter for the Bereaved and is committed to giving you the rights that are provided by the Charter. A copy is available for inspection in the Town Council Office. Under this charter you have a right to be given a written explanation why a particular regulation has been used to restrict or otherwise influence your rights. Where you remain dissatisfied, you can utilise the Town Council's complaint procedure. Further information on this is available upon application.

General Regulations

Anyone visiting the cemetery and its grounds must follow these regulations and any instructions that the staff or authorised personnel may give when they are in the cemetery. A section plan of the Cemetery is available in the entrance noticeboard.

Opening times Cemetery grounds will be open to the public every day of the year from sunrise to sunset. The main gates are usually closed but unlocked but there may be times when they are locked for operational reasons.

Visitors Visitors must keep to the footpaths wherever possible and act with respect at all times.

There must be no damage to anything within the cemetery grounds. Anyone causing damage is liable to prosecution.

Seats are provided for the use of visitors and must not be misused or vandalized.

All litter must be deposited in the waste bins provided. No fly tipping is permitted

The practice of leaving polythene bottles/containers near memorials is not allowed. A stock of these is held near the water tap on the main drive but must be returned there after use.

Photography for sole personal use is permitted but permission is required for any other purpose or to reproduce.

Anyone found in the cemetery without a legitimate reason will be asked to leave. Refusal to do so may lead to prosecution under the law of Trespass.

Under the provisions of the Local Authorities Cemeteries Order 1977, it is

an offence for a person to wilfully:-

- a. create any disturbance in a cemetery;
- b. commit any nuisance in a cemetery;
- c. interfere with any burial taking place in a cemetery;
- d. interfere with any grave, any tombstone or other memorial, or any flowers or plants in any such manner;
- e. play at any game or sport in a cemetery;
- f. enter or remain in a cemetery when it is closed to the public, unless authorised by the Council to do so.

Persons who contravene these provisions shall be liable, upon conviction, to a fine.

Vehicles Unauthorised vehicles, under ten tons, are allowed in the cemetery grounds only for funerals, disabled access or in other unavoidable emergency circumstances. *This is to provide a vehicle free environment for pedestrians.* The speed limit in the cemetery grounds is 5 miles an hour. You must not drive on grassed areas.

Children Children under 12 are not allowed in the cemetery unless they are under the care of a responsible adult. *This is for their own safety.*

Dogs The only dogs allowed in the cemetery are trained disability assistance dogs. Failure to observe this will be deemed a nuisance which is against the Local Authorities Cemeteries Order 1977 and could result in a fine.

Enquiries All enquiries should be addressed to the Town Council staff at the Town Council office. These offices are closed at weekends and on bank and public holidays. If you are still not satisfied that your query has been answered you can approach the Amenities Committee Chairman or Vice-Chairman (details available from the Office).

Council staff or contractors are not allowed to receive tips or any other gifts.

The Administration Staff will issue receipts for any money paid to us.

Interments (bookings and legally required documentation)

Booking interment service times Applications for interment must be made to the Town Council Office in working hours Monday to Friday (except public and Bank holidays). Burials shall not normally take place before 9.00 am or after 2.30 pm from Monday to Friday. Burials are not permitted on Saturdays, Sundays, Bank or Public Holidays or the immediate day after these, nor between 22nd December & between 2nd January in any year except by the prior permission of Council Administration Staff. *(Note that an additional fee will be incurred.)* Any interment delays which are not the responsibility of Amble Town Council, its staff or its contractor and which result in working outside normal working hours will incur an additional fee.

Interment Notices Completed Interment Notices must be delivered to the Council Office by 12 noon at least **two clear working days** before the planned day of interment. In exceptional circumstances, in consultation with Council Administration Staff, interments may take place at shorter notice but these will incur *an additional fee*. The coffin or casket sizes must be confirmed in writing. If a completed Interment Notice is not received by the required time, Administration Staff may decide to postpone the funeral.

Fees The fees charged include everything connected with the specified items in respect of which an official receipt is given. No person employed by or on behalf of Amble Town Council is allowed to receive any gratuity.

Arriving at the cemetery The time fixed for a funeral is when the procession is to arrive at the cemetery. It is requested that the time be strictly adhered to in order to prevent inconvenience and interference with another.

Only one funeral will be allowed in the cemetery at any one time unless prior permission for alternative arrangements is obtained from Council Administration Staff. In the event of a funeral arriving late the cortege must wait if another interment has begun- unless prior arrangements have been made and confirmed, and the service may take place as soon as possible thereafter.

In the case of a public or military funeral, or one at which an exceptional number of persons may be expected, notice must be given at the time of booking.

The Funeral Director or person(s) arranging the funeral is responsible for the provision of sufficient bearers to convey and lower the coffin reverently from the hearse/ vehicle to the grave.

Certificate for Disposal

The Registrar's Certificate for Burial or Cremation must be delivered to the Council office before the interment can take place.

For the interment of a stillborn child a Certificate in accordance with the Births & Deaths Registration Act 1953 **must** be delivered to the Office.

The Council will **not** accept responsibility for any delay or misunderstanding which may occur if instructions are given verbally or by telephone - Neither will the Council accept responsibility for any documents lost or delayed by the Post Office. *If you do not deliver the Registrar's Certificate for Burial or Cremation or the Coroner's Order for burial to the Council's office, then the interment **must not** take place EXCEPT in the situation where the certificate has been issued but forgotten by the funeral director. If this happens, the funeral director must sign a Form 18 declaration in accordance with the Births and Deaths Registration Act 1926 section 1.1 before the funeral can take place. This declaration must explain why the certificate has not been delivered and promise to deliver it to the office as soon as possible, preferably on the same day as the burial or, in exceptional circumstances, on the next day.*

Coffins and Caskets

The excavation for all graves shall be carried out by staff employed on behalf of the Town Council, and no grave shall be excavated beyond such a depth as the Amenities Committee may determine.

No body shall be interred in a grave such that any part of the coffin is less than 915 mm below the level of the ground.

No body shall be interred in a grave unless the coffin is effectively separated from any coffin previously interred in the grave by means of a layer of earth not less than 6" (150 mm) in thickness except in the case of a multiple interments.

Graves will be sufficiently large to admit coffins/caskets to the dimensions specified by the Funeral Director or the person arranging the funeral on the application form. In the event of a grave having to be enlarged, *an additional charge* will be levied.

All work including the reopening of bricked, cement or paved graves and the erection or removal and re-fixing of memorials, may only be carried out, after permission has been granted by a Council's Administration Staff, by any **qualified** person registered with the Council scheme and appointed by the owner of the purchased grave.

All coffined interments must take place in coffins of a material and design approved by the Committee. Metal caskets, caskets containing glass, or cardboard coffins are permitted at the discretion of the Committee. These types of coffins will be accepted for interment on the proviso that they are used in graves for a single interment or as a

last interment in a reopened grave. Coffins manufactured abroad may be accepted for interment at the Committee's discretion.

All coffins must be marked with a none perishable plaque, nameplate, or by other means as shall be approved by the Committee, showing the name, age and date of death of the deceased. In the case of a stillborn child no age will be recorded.

It is illegal to remove a body or cremated remains from a cemetery for any purpose whatsoever except on the order of the Ministry of Justice or the Diocese or both. This also applies to any coffin, casket or part thereof.

Where two bodies are interred in one coffin then both names shall be marked. Each individual body whether an adult or child must be brought into the cemetery in a separate coffin or casket. The only exceptions to this rule will be for immediate family members only i.e. spouses, parents and their children, when the cremated remains of 2 such members may be interred in a single casket or one body and one cremated remains may be interred in a single coffin

Grant of Exclusive Right of Burial

We grant exclusive Rights of Burial for graves, including the Right to erect a Monument, for 50 years. From 6 months before this period ends, it can be extended for an additional fee.

Whilst ownership of an Exclusive Right of Burial for a grave does not give any ownership whatsoever in respect of actual land, it does give the owner of the Deed the right to:-

- a. be interred in that grave;
- b. authorize further interment(s) in that grave (where space is available), or
- c. the interment or scattering of cremated remains in or over that grave;
- d. erect or place a memorial on that grave subject to the Rules and Regulations of the Amenities Committee;
- e. have inscriptions/additional inscriptions placed on a memorial on that grave subject to the Rules and Regulations of the Amenities Committee relating to this matter.

Possession of a Deed does **not** necessarily give the person in possession ownership of Exclusive Right of Burial. Where the owner is deceased, subsequent ownership depends upon whether or not the deceased person left a valid will if a previous transfer has not taken place. The law concerning this matter can be very complex and it is strongly advised that a Solicitor be consulted to establish new ownership.

NB. The Deed of Exclusive Right of Burial is an important document and should be kept in a safe place.

On the purchase of the Exclusive Right of Burial for a grave, a Deed of Grant shall be issued to the purchaser whose name shall be registered.

The transfer by will of a Right of Burial in a grave **must** be notified to Council's Administration Staff who, upon sight of the document and the production of the Deed, will enter the transfer in the Register of Grants maintained for this purpose. An administration fee will be charged for this service.

Cremated Remains

Notice for the interment or scattering of cremated remains **must** be accompanied by the Certificate issued by the Crematorium where the cremation took place.

Scattering of Ashes *is only allowed under strict supervision of Council Staff. An advance booking must be made with Council Administration Staff at the Council Office and the Certificate of Cremated Remains shown at the time. **Indiscriminate scattering is not allowed under any circumstances.** A portion of turf will be removed, the ashes scattered and the turf replaced. No headstone, memorial, vase or plaque of any kind is allowed. If desired, donations can be made for a shrub or towards a memorial seat, of a type determined by the Amenities Committee, to be placed within the Town Cemeteries.*

Producing the Grave Deed

Amble Town Council has a legal requirement to see the Grant of exclusive Right of Burial before a grave is opened. If you lose the deed, a statutory declaration must be made.

Opening Graves

It is the Amenities Committee policy to excavate graves to the maximum depth available. No grave for which a Grant of exclusive right of burial applies can be opened without the written permission of the registered owner unless the interment is to be that of the registered owner. If the interment is to be of the registered owner of the Grant of exclusive Right of Burial we do not need written permission to open the grave or vault. However the name of the deceased as shown on the Registrar's Certificate of Burials and Cremation must be **exactly** the same as the name on the Grant of exclusive Right of Burial. To make sure that only the correct person is buried in the grave, any variation in the names must be explained and confirmed by a statutory declaration before the interment can take place.

Grave Space

The Council reserves the right to retain any grave space(s) for its own purposes. A plan of the cemetery showing the position and number of each grave space is kept in the Council office.

Soil

The Council have the right to put soil on graves next to those that need to be opened for an interment without notice. The soil will be removed as soon as practicable after the interment and the grave reinstated.

Graves

The cemetery contains a wide variety of types of grave. These graves range from public graves (owned by the Town Council), through various types of lawn graves and traditional graves.

Much of the cemetery is grassed area. **Turf must not be removed.** Anyone doing so will be charged time and materials for its replacement.

We now only offer lawn graves for new burial plots.

Every grave in respect of which an Exclusive Right of Burial has been granted, and memorial thereon, **must** be kept in good repair by the owner who is responsible for looking after these.

Notice to have repairs executed will be sent to the owner where contact details are known. Where these are not known, a notice shall be deemed to be properly served if placed upon the grave space or memorial or within the cemetery. If necessary repairs are not carried out within three months of the date of the notice, then the memorial may be removed, held for collection for 28 days and then disposed of by the Amenities Committee.

Lawn graves

The typical lawn grave **is a grave that is** laid to lawn and has no mounds or surrounds. At the head of the grave the registered owner may install a headstone. In the Burial section we only allow a space of 31 cm to include the memorial and/or for floral tributes or to be planted with bedding plants, if desired. The Cremated remains and Natural Burial sections do **not** have this space.

The grave owner is responsible for looking after the garden space. If this is neglected and becomes unkempt the Amenities Committee reserves the right to return it to lawn. As soon as practicable after the interment of a body, grass seed may be sown or turf laid over the whole area of the grave surface. The Committee will, at its own expense, maintain the whole of the sown or turfed area of grave surfaces.

On the day of a funeral, flowers and wreaths may be placed on the grave in which the interment takes place and left there for a minimum of seven days, after which period they may be removed if they have deteriorated. The Committee reserves the right for staff to remove any floral tributes or wreaths from graves when it is considered that they have reached a state when they cease to be attractive.

When the flowers and wreaths have been removed from a grave following a funeral, nothing else may be placed or planted except in the permitted unsown area at the head of the grave. Any item placed on the actual grave will be removed without notice, held for collection for 28 days and then disposed of by the Committee.

There must be no planting of shrubs or bushes on graves.

The surface of a grave shall not be raised above the level of the immediately adjoining ground.

The Lawn Sections of the cemetery are provided for the benefit of everyone and because of this and the needs for grounds maintenance, **no monument, gravestone, memorial tablet, plaque, kerb, post, fence, railings, chippings, decorations, mementoes, photographs, pictures, soft toys or the like shall be placed or erected upon or about the sown area of any grave.**

Unauthorised memorials, decorations, mementoes, photographs, pictures, soft toys etc. are also not permitted in the unsown areas at the head of graves. You will be requested to remove these. Non-compliance means that any such aforesaid surrounds or items placed on a grave will be removed without notice by staff and kept for collection for 28 days before disposal. **The cost of removal of items and any necessary reinstatement of the ground will be levied on the person responsible for the grave.**

To enable grass cutting, any monumental vases or blocks should be placed alongside the memorial on a grave and not in front of it. If these rules are disregarded, the Committee disclaims responsibility for any damage caused by the operatives carrying out their normal duties.

Natural Burials A Natural burial section has been introduced for those people who wish to be buried in an area of natural beauty. These graves are in a part which will become a mature planted area in which no memorials are allowed in order to protect the natural surroundings. As with all private graves in the cemetery we would grant the Grant of Exclusive Right of Burial for a set period of time. The specific rules regarding this environmentally friendly interment are contained in a separate leaflet. No floral tributes, memorial or marker can be placed on a grave in this natural area. We will not allow mounds on graves in this section of the cemetery.

Please note that grass cutting will be kept to a minimum to encourage growth of wild flowers.

Public Graves (before 1998) At one time Public graves were provided for people who wanted to be buried but could or did not want to buy the exclusive Right of Burial. We carried out this work on payment of the relevant fee. Public graves in use before 1998 may have a memorial erected on the grave space providing the rights are purchased. The person who buys the memorial is responsible for its upkeep.

Rules and Regulations Relating To Memorials

Moving memorials When graves are dug in certain areas of the cemetery, surrounds and/or memorials on the adjacent graves may need to be moved without notice to make room for equipment – this is a health and safety requirement. These will be replaced in their correct position as soon as possible after the interment.

Managing memorials The installation of new memorials, renovation of existing memorials, and added inscriptions to memorials is carefully controlled by the Amenities Committee to ensure that:

- a) work is only carried out with the authority of the registered owner(s) of the Rights of Burial,
- b) all memorials comply with Amenities Committee Regulations applicable to the erection and maintenance of memorials, and work is carried out in a manner that will ensure that all Health & Safety regulations are adhered to.

Memorials and surrounds may not be erected on any grave in which Exclusive Right of Burial has not been purchased.

Applications for memorial work must be submitted to the Council's Administration Staff for approval under delegated powers or to be put before the Amenities Committee for acceptance/non-acceptance. This application must be made in the form recognised by the Committee and must include the name and address of the monumental mason (***who must be qualified and on the Council's register of approved Masons***) who will carry out the work, the material and measurements of the memorial, what you want to inscribe and a diagram of the proposed memorial.

The application form must contain the full names of the registered grave owner/s and their signatures to give permission for the work to be done.

No memorial may be fixed **until** formal written approval is given by the Council and a Permit issued. The permit must be signed before the memorial is permitted to be erected. An appointment to enter the cemetery to carry out the work must be made. On completion of the work a Declaration must be completed by the person who has fixed the memorial and submitted to the Council office without delay.

No memorial shall be altered or interfered with after it has been erected in the cemetery in accordance with the designs submitted to and approved by the Committee.

No inscription may be cut, nor work of any kind undertaken to any memorial or donated item within the cemetery without the prior written consent of the Council's Administration Staff.

No memorial shall be removed from a cemetery for the purpose of cutting an

additional inscription until the formal written approval of Council Administration Staff has been given in respect of the proposed addition(s).

All those purchasing a memorial must have it fixed or re-fixed in accordance with the National Association of Memorial Masons's (NAMM) or BRAMM Recommended Code of Working Practice.

All work shall be subject to the directions of Council staff and any person carrying out works **must** adequately protect grass, borders, and adjoining memorials

Any person contravening these Regulations will not be allowed to carry out any further work within the cemetery.

Every grave in respect of which an Exclusive Right of Burial has been granted, and memorial thereon **must** be kept in good repair by the owner. You cannot bring a memorial into the cemetery or allow one to be put up unless you accept that it is at your own risk. We are not responsible if the memorial is damaged; insurance cover is included initially with Memorial Mason's charges but must be renewed when due.

The Right to erect a Monument is granted for 50 years in conjunction with the purchase of the Exclusive Right of Burial; this is renewable thereafter on the payment of an additional fee. Non-renewal of the Right within 3 months of expiry will result in the Committee having the right to remove and dispose of the monument should it become unstable or fall into disrepair. (It is the owner's responsibility to inform Amble Town Council of a change of address.

All monuments deemed to be unstable or requiring necessary repairs must be rectified within 3 months of notice being given by the Committee in writing to the owner or a notice placed on the monument itself. (Remember-it is the owner's responsibility to inform Amble Town Council of a change of address) Failure to do so will result in the right being forfeited, without reimbursement, and bestow on the Committee the right to remove and dispose of the monument after keeping it for collection for 28 days.

Council authorised personnel are allowed to remove any memorial that becomes dangerous to ensure the safety of those in the cemetery. All memorials must be solid stone, marble or granite. Crosses made of wood, bell glasses, shells, glass jars or vases, grass wreaths or other movable or fragile items are not allowed in the cemetery. This is to comply with Health and Safety Executive Regulations.

All memorials on all graves must be fixed on a solid foundation.

The lawn grave memorial must measure no more than three feet high, two feet wide and a maximum of six inches thick change to appropriate modern metric sizes. The cremated section memorials must measure no more than change to appropriate modern metric sizes. The name of the Stonemason may be discreetly inscribed in an

appropriate place on the memorial. The contact details for the stonemason are **not** however permitted.

No memorials or materials may be taken into the cemetery before 9 am on any working day or on weekends or Public and Bank Holidays unless the prior consent of Council Administration Staff has been obtained.

All persons employed in fixing, painting, or restoring memorials, etc, must leave the cemetery by 3pm.

All dressing or working of stone or other materials to be used in or about any grave, or memorial shall be undertaken outside the cemetery, except such work which cannot be carried out elsewhere. No working is permitted on roads, walks, or adjoining graves.

All materials shall be carefully removed from the vehicles conveying them and neatly piled or placed at the place where they are to be used.

All memorials and materials must be conveyed into the cemetery in such a manner as not to cause any damage to roads, walks or turf.

On completion of works all surplus materials **must** be removed from the cemetery and the site cleaned and left in a satisfactory condition.

A memorial removed for the purpose of a further interment shall be transported from the cemetery grounds.

Any memorial left in the cemetery grounds may be disposed of by the Committee.

All monumental masons vans and trucks must be parked outside the cemetery unless given prior permission by Council Administration Staff.

In order to carry out any memorial work in the cemetery, an appointment must be made with administration staff at least 48 hours earlier. Only qualified and Town Council registered monumental masons are permitted to work within the cemetery.

Contravention of the regulations may result in removal of the memorial.

We may ban any person that we find trying to get business within the cemetery from entering it in the future.

Memorials in the form of the donation of seats, shrubs, trees, roses etc. may be permitted at the discretion of the Committee.