



## **MEADOWSIDE CEMETERY**

### **REGULATIONS**

In accordance with the Local Government Act 1972, Schedule 26 and the Local Authorities Cemeteries Order 1977, Stithians Parish Council being the Burial Authority for the Parish of Stithians resolved at their meeting on 19<sup>th</sup> March 2019 under Minute 10/3/19(2) and amended at their meeting on 21<sup>st</sup> September 2021 under Minute: 03/9/21 that the following Regulations will operate in respect of Meadowside Cemetery, Stithians.

For the purpose of these Regulations, 'The Council' means Stithians Parish Council and 'Memorial' means any headstone, monument, cross, flatstone or any other erection placed for the purpose of a memorial over any grave or buried cremated remains. The 'Burial Officer' will be the Clerk to the Council or, in his absence, a person duly authorised by him to act as the Burial Officer.

For the avoidance of doubt, this is a lawned cemetery. See paragraph 1.1. These Regulations apply, where relevant, to the whole of the cemetery including the car park and public footpath.

#### **1. General Information**

- 1.1 In order for the Cemetery to be laid out and maintained as a lawned cemetery, there shall be no kerbstones, planting or other ornamentation on graves in front of the plinth.
- 1.2 No planting of flowers or shrubs shall be carried out on graves.
- 1.3 No plastic flowers will be permitted in the Cemetery.
- 1.4 No receptacles other than flower vases (non-glass for safety reasons) specially designed for the purpose may be placed on grave spaces and then only within the limits of the of the headstone plinths.
- 1.5 Anything placed on a grave not in compliance with Clauses 1.1 – 1.4 above will be removed and disposed of without recourse to the registered owner(s) of the grave. The Council acknowledges, however, that mourners may wish to place mementos and other tributes on the grave immediately following the interment. This clause will therefore not be implemented, except for health and safety reasons, for a period of four months after the interment.
- 1.6 Dogs are permitted in the cemetery but must be kept on leads at all times and any mess must be picked up and disposed of properly.
- 1.7 In order to respect the sanctity of the cemetery, the playing of any games whatsoever in any part of the cemetery, including the car park, is strictly prohibited.
- 1.8 Cycling, motor cycling (except motor cyclists having legitimate business in the cemetery), skateboarding and the use of scooters (other than disability scooters) is prohibited in any part of the cemetery, including the car park.
- 1.9 Alcohol is not permitted in any part of the cemetery.

- 1.10 All types of motor vehicles, other than those necessary for the operation and maintenance of the cemetery are prohibited from all parts of the cemetery, other than the car park.
- 1.11 The gate to the cemetery will normally be unlocked during the day but pedestrian access is possible at all times from the existing cemetery and from Hendra Road as well as by means of the stile adjacent to the cemetery gate.

## **2. Digging of Graves**

- 2.1 Upon receipt of a properly completed application from an Undertaker, the Burial Officer will allocate a grave space unless an Exclusive Right of Burial is extant and mark it on the ground.
- 2.2 Arrangements for the digging of graves must be made by the Undertaker. If a tracked mechanical digger is used, it must be unloaded on a grassed area. At no time must a tracked digger travel on or traverse tarmac or paved areas. Any damage caused to grassed areas must be made good at the Operator's/Undertaker's expense. Any damage to tarmac or paved areas caused by any type of mechanical digger or associated vehicle must be rectified at the Operator's/Undertaker's expense and may result in the withdrawal of permission to operate in the cemetery. Where possible, excavated material should not be placed on existing graves and must in any case be placed on suitable boards etc. to prevent material being left on the grass. Turf cut from a grave must be placed in the designated area for re-use once settlement has ceased.
- 2.3 All graves should be refilled level with existing ground and excess excavated material placed in the designated area.
- 2.4 No work is to take place in the cemetery before 8.30 a.m. or after 5.00 p.m. or sunset (whichever is sooner) unless agreed otherwise by the Burial Officer. No work will take place on Saturdays, Sundays or any bank or public holidays, except by agreement with the Council. Any excavation work will be required to be suspended for the duration of a funeral.

## **3. Exclusive Rights of Burial**

- 3.1 By Article 10(6) of the Local Authorities Cemeteries order 1977, no body must be buried, or cremated remains interred or scattered, in or over any grave or vault in which an exclusive right of burial for the time being subsists except by, or with the consent in writing of, the owner(s) of the right.
- 3.2 The lease period for granting of Exclusive Rights of Burial is 100 years and the grant can be issued in single or joint ownership (up to a maximum of three individuals)
- 3.3 The Exclusive Rights of Burial must be purchased before a burial takes place or a memorial can be placed on a grave space.
- 3.4 Written consent for any memorial works is required from the owner(s) of the Exclusive Rights of Burial and must be submitted to the Council. In the case of multiple ownership all signatures will be required to erect a memorial.
- 3.5 Transferring of Exclusive Rights of Burial may be assigned by Deed or bequeathed by Will for which sight of a legal document is required by the Council. A Form of Assignment is issued by the Council at the time of purchase of the Exclusive Rights of Burial. Further information regarding the procedure for the transfer of ownership during the life of the registered owner can be obtained from the Council.
- 3.6 The Council may from time to time extend the lease period of any grant on receipt of written application from the owner(s) (subject to any modification of terms and conditions) for a period up to 100 years from the date of which the extension is granted.

#### **4. Erection of Headstone/Memorial**

- 4.1 An application form for all proposed memorials and inscriptions must be submitted to Stithians Parish Council for approval and all appropriate fees paid, prior to any works being undertaken on site. This form will usually be submitted by an accredited Memorial Mason and should include two detailed sketches and measurements (including width and depth of plinth etc.) of the memorial.
- 4.2 No headstone shall exceed the erected height above ground level of 1000mm and the width shall not be greater than 800mm.
- 4.3 No headstone shall exceed 150mm in thickness and the base shall not exceed 900mm x 300mm.
- 4.4 The plinth of the headstone shall not exceed 1000mm in length, 400mm in width and 300mm in thickness.
- 4.5 All monuments and headstones are to be affixed to the concrete beam provided at the head of the grave for that specific purpose in accordance with the BRAMM "Blue Book".
- 4.6 All monuments, headstones and flower vases shall remain at the sole risk of the owners of the graves and the Council shall not be responsible for any damage or breakage which may occur to the same. No memorials of any description will be allowed to be taken from the Cemetery except by a permit issued by the Burial Officer.
- 4.7 Wooden crosses are permitted as temporary grave markers until such time as it is decided to place a permanent memorial, then the temporary grave marker must be removed. Wooden crosses must not be in place for more than 12 months, after which time they will be removed by the Council.
- 4.8 Only one headstone / memorial per grave space is allowed and must be in accordance with the Council's Regulations.
- 4.9 All permanent memorials are to be constructed and installed by a competent stonemason in accordance with the current British Register of Accredited Memorial Masons' Code of Practice (copy available on request), and to the satisfaction of the Burial Officer.
- 4.10 No work is to take place in the cemetery before 8.30 a.m. or after 5.00 p.m. or sunset (whichever is sooner) unless agreed otherwise by the Burial Officer. No work will take place on Saturdays, Sundays or any bank or public holidays, except by agreement with the Burial Officer. Monumental Masons will be required to suspend work for the duration of a funeral.
- 4.11 Any damage whatsoever caused in connection with the erection of a memorial must be made good at the expense of and by the person erecting the memorial and the site left in a safe and tidy condition.
- 4.12 The responsibility for the safety and upkeep, including repairs, of any gravestone or memorial remains solely with the owner(s) of the grave or their successor(s) in title and the Council recommends that grave owners obtain a guarantee from the Memorial Mason for all work they carry out and arrange for the Memorial Mason to check the memorial for defects every five years.
- 4.13 The Council will make regular checks of memorials. Any memorial found to be unstable will be either laid flat or made temporarily stable. The Council reserves the right to lay flat unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.
- 4.14 The Council carries out regular inspections of memorials and reserves the right under current Health and Safety legislation to 'make safe' any defective memorials found.
- 4.15 All memorials are to be constructed and erected in accordance with the current code of practice as prepared by the British Register of Accredited Memorial Masons.
- 4.16 If an additional inscription involves the supply and fixing of a new plinth or further section of stone, then a sketch of the proposed stonework showing details is to be supplied and approved by the Council as per 4.1 above.

4.17 Additional 'free-standing' / unattached plinths or non-fixed stonework etc will not be permitted.

## **5. Safety of Memorials**

5.1 Under the provisions of the Health and Safety at Work Etc Act 1974 and associated legislation and in accordance with the Local Authorities' Cemeteries Order, 1977, the Council is obliged to ensure safety within the Cemetery and to have a documented memorial inspection programme in place. The inspection programme will identify unsafe memorials and ensure that they are made safe by whichever method is appropriate. There is also a requirement for the Authority to ensure that new memorials are properly and securely erected to ensure long-term safety of visitors to the cemetery.

5.2 The Council will carry out a programme of regular checks of memorials. When a memorial has been identified as unsafe and is unable to be made safe it will be laid flat, every effort will be made to contact the Exclusive Right holder, requesting them to carry out the necessary repair. Further information on this programme of memorial safety testing is available from the Council.

5.3 The Council reserves the right to lay flat or remove unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.

## **6. Cremated Remains**

6.1 Upon receipt of a properly completed application form and payment of the appropriate fee, a plot for the burial of cremated remains will be allocated by the Burial Officer, who will make the necessary arrangements for the plot to be prepared on the agreed date.

6.2 The lease period for the Grant of Deed of Burial of cremated remains is 100 years and the grant can be issued in single or joint ownership (up to a maximum of two individuals)

6.3 Memorial plaques for cremated remains must not exceed 450mm x 450mm and will be set in the ground to enable a mower to pass over them. They will be installed by the Council. Only "flatstone" plaques will be permitted.

## **7. Vandalism**

7.1 The Council does not accept any liability in the event of a memorial or any part of a grave being vandalised.

## **8. Review & Amendment of Regulations**

8.1 These Regulations form part of the Regulations and Scale of Fees and Charges applicable to the management of the Meadowside Cemetery under the jurisdiction of Stithians Parish Council who reserve the right to alter or vary the foregoing Regulations or to deviate therefrom in any particular instance if it shall appear to the Council desirable so to do.

**J E Richards**  
**Clerk to the Council**  
**September 2021**