

By order of

## OTTERY ST MARY TOWN COUNCIL

For further information please contact

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# Ottery St Mary Cemetery

## Rules and Regulations

Ottery St Mary Cemetery is owned and maintained by Ottery St Mary Town Council (‘the Town Council’) as a final resting place for the people of Ottery St Mary. Our Rules and Regulations seek to ensure the Town Council’s wish to preserve Ottery St Mary Cemetery as a peaceful and well-maintained place for those who wish to remember and mourn their loved ones. The Town Council would ask all visitors to respect this wish.

These Rules and Regulations take effect from **September 2018**.

## **Burials**

- A nationally approved Funeral Director must conduct all interments.
- By law, no burial or interment of ashes are permitted without the permission of the Town Clerk or authorised representative.
- All requests to book an interment will be submitted by the Funeral Director to the Town Clerk at least three working days before the planned interment. In the Clerk's absence, to submit requests to the Assistant to the Town Clerk (The current contact details of these persons can be located on the Town Council's website:- [www.otterystmary-tc.gov.uk](http://www.otterystmary-tc.gov.uk)).
- No metal coffins will be allowed nor large American sized coffins.
- No kerb sets or grave surrounds are allowed.
- The first interment in each grave shall be at a depth of 6' 6" and no coffin shall be nearer the surface than 3'.
- The digging of any grave must be arranged through an approved Funeral Director who shall comply with the Town Council's Grave Digging Requirements a copy of which shall be provided to the Funeral Director.
- All first interments shall take place in grave spaces in rotation.
- On the day of interment, flowers and wreaths may be placed on the actual area of the grave, but the Town Council reserves the right to remove these tributes after a period of two months
- The granting of the Exclusive Right of Burial will permit the grantee the rights of burial, erection of a memorial stone and the engraving thereof for a period of 50 years.
- The Exclusive Right of Burial can be granted under multiple ownership, to a maximum of two people.
- When the Exclusive Right of Burial for 50 years in a grave space has been purchased, the holder is entitled to, and shall receive a formal Deed. Ownership can be transferred to someone else by contacting the Town Clerk for the appropriate form to be completed for which a small charge will be levied. After burial of the registered owner of the grave, the ongoing Exclusive Right of

Burial must be transferred within a period of twelve months, by sending the Probate of Will or Letters of Administration to the Town Clerk, which enables the grave to be transferred to the Executors or other entitled parties.

- In the event that there is no Probate, Will or Letters of Administration, a declaration of Affidavit must be made by the heir-at-law or next of kin under the Statutory Declaration Act 1835 or any modification therein. Until this is carried out the grave cannot be re-opened and no additional inscriptions may be added to the memorial. Any change to the contact details of the holder of the Exclusive Rights of Burial shall be conveyed to the Town Clerk within 28 days of any such change.
- If the owner of an Exclusive Right of Burial no longer requires the grave and it has not been used for burial he/she can surrender the Exclusive Rights of Burial. The owner should complete a Deed of Surrender form. The surrender value is the original purchase price as specified on the Deed of Grant, less the administration fee. The owner must not sell on the grave or brokerage for profit.
- Burial Plots can be reserved in advance, subject to payment of the current fee applicable at the time the reservation is made.

### **The Funeral Director will be required to comply with the following:-**

- To have Public Liability Insurance of a minimum insured sum of £5,000,000 and to produce his current insurance certificate when requested by the Town Council
- To provide confirmation that he has not been barred from working in any other Cemetery in the previous two years and should this occur in the future that he will inform the Town Council immediately.
- To ensure that all work carried out shall conform to statutory requirements and the Town Council's Rules and Regulations and to adhere to nationally recognised professional Codes of Conduct.

- To ensure that all monuments are removed from a grave at least two working days before an interment and that he shall liaise with the monumental mason to ensure removal of the same is effected within the aforementioned time period .
- To ensure that there is someone who can legally give permission to open a grave and not to accept a booking until such a person is identified and has given permission
- To inform the owner of the Grant of Exclusive Rights of Burial that they are responsible for the grave and that they must comply with the Town Council's Rules and Regulations relating thereto and for any memorial stone erected thereon
- To complete and sign an application form declaring that the aforementioned requirements have been complied with

**The Monumental Mason will be required to comply with the following:-**

- To have Public Liability Insurance for a minimum insured sum of £5,000,000 and to produce his current insurance certificate when requested by the Town Council.
- To provide confirmation that he has not been barred from working in any other Cemetery in the previous two years and should this occur in the future that he will inform the Town Council immediately.
- To manufacture and erect the memorial to the current minimum National Association of Memorial Masons (NAMM) or the British Register of Accredited Monumental Masons (BRAMM) standards and current NAMM/BRAMM Codes of Working Practices and in the case of headstones this will include a NAMM/BRAMM approved anchor system appropriate for the soil conditions in Ottery St Mary Cemetery.
- All work carried out on the memorial (e.g. removal for additional inscription or other repair work) will meet current minimum NAMM/BRAMM standards and current NAMM/BRAMM Codes of Working Practices and in the case of a headstone will include a NAMM/BRAMM approved anchor system appropriate for the soil conditions in Ottery St Mary Cemetery.

- To be responsible for any damage caused to the Town Council's property or to surrounding memorials, turf etc. caused by his negligence or that of his workmen and or/any subcontractor employed by him.
- To remove all unused materials / rubbish and to leave Ottery St Mary Cemetery in a neat and tidy state.
- To agree not to carry out any work on site whilst a funeral is in progress.
- To confirm that he is satisfied from the enquiries he has made that the applicant is legally authorised to give permission to him to erect/inscribe the memorial and that the applicant has seen and approved the specifications as detailed in his application.
- That he has explained to the owner of the Grant of Exclusive Rights of Burial that the memorial stone remains their property and that they are responsible for keeping it in good and safe condition to current industry and general Health and Safety standards at all times.
- That he has advised the owner to consider insuring the memorial stone against accidental damage and vandalism.
- That all memorials shall be fixed according to and within NAAM/BRAMM standards. That all work shall conform to statutory requirements and the Town Council's Rules and Regulations and to adhere to nationally recognised professional Codes of Conduct.
- That the works to the memorial will not be carried out until he has received the written consent from the Town Council.
- To complete and sign an application form declaring that the aforementioned requirements have been complied with.

**Memorial Stones (defined as headstone, monumental vase or tablet )**

- Before any memorial is erected the Exclusive Right of Burial must be purchased.
- Ottery St Mary Cemetery will only permit headstones that have an integral steel pin, conforming to the NAMM/BRAMM Codes of Working Practices.

- Memorial stones ONLY will be permitted on the grave as of the date of issue of these regulations. The remainder of the grave area to be grass ONLY.
- Memorial stones to be made of natural materials only. No plastic, metal or fibreglass memorial stones will be permitted.
- Standard headstones only shall be permitted in the cemetery, measuring 27” high X 21” wide X 3” thick. These will be set on a plinth 24” wide X 12” deep (front to back) X 3” high.
- Concrete sub bases for standard headstones must be set flush with ground level, not visible
- , and conform to the British Standard size.
- The memorial stone and plinth combined should not exceed a height of 30” and width of 24”.
- The dimensions of every memorial stone, and memorial vase to be erected and a copy of the intended inscription, must be submitted for the approval of the Town Council. Inscriptions should be arranged so as to face the grave.
- All new memorial stones and memorial vases should have the correct grave number and the mark of the stonemason etched on the reverse side of the memorial.
- A free standing memorial vase, used in place of a memorial stone or tablet shall be cuboid in shape measuring no more than 7” x 7” x 7” made from granite, stone, or marble and coloured in a shade of black, brown or grey. Examples of free standing memorial vases that would be acceptable in the cemetery are shown at the back of this document.
- Only a written memorial inscription should be engraved upon a memorial stone, tablet or memorial vase and any variation of this requirement will be at the discretion and with the approval of the Town Council.
- All memorial stones and memorial vases are placed in Ottery St Mary Cemetery at the risk of the holder of the Exclusive Right of Burial.
- Should the memorial stone, or memorial vase, become unstable within 5 years of its erection/placement, (as judged by the Town Council) the monumental mason shall return and re-fix it without

cost to the Town Council according to the standards of NAMM/BRAMM.

### **Cremations**

- Only biodegradable caskets will be allowed.
- Cremated remains may be placed in family graves or in rotation in the special section of Ottery St Mary Cemetery set aside for that purpose and must be at least 18” below the surface.
- The dimensions of every cremation tablet shall be no more than 18” x 18” and fixed on a 24” x 24” paving slab provided by the Monumental Mason (the paving slab to be laid under the tablet, with the tablet laid on top, so that its upper surface is level with the ground) . The tablet will be laid flat in position.
- Each tablet should have the correct interment number etched on the bottom left-hand corner.
- Moundings to be allowed only to a minimal level.

### **The Grave Digger will be required to comply with the following:-**

- To have Public Liability Insurance for a minimum insured sum of £5,000,000 and to produce his current insurance certificate when requested by the Town Council.
- That he shall be Institute of Cemetery and Crematorium Management ( ICCM) compliant.
- That he shall submit upon request, a Risk Assessment and Method Statement to the Town Council on an annual basis and will ensure that such Risk Assessment and Method Statement are compliant with current legislation.
- That he shall comply with the Town Council’s Grave Digging Requirements a copy of which shall be provided to the Grave Digger and to adhere to nationally recognised professional Codes of Conduct.

## Maintenance

- It is the responsibility of the holder of the Exclusive Right of Burial to maintain the memorial stone and grave in a safe and sightly condition. Inspection will take place annually and any issues will be notified to the holder of the Exclusive Right of Burial. The Town Council reserves the right to take any remedial action should it prove necessary.
- It is the responsibility of the holder of the Exclusive Right of Burial or relative to maintain the grave, i.e. removal of dead flowers etc. However the Town Council reserves the right to maintain the plot in the event that relatives fail to do so.
- The Town Council will cut grass, prune, cut down and remove any tree, shrub, planter or turf or any item which it considers to be unsightly over any grave at any time when in their opinion the grave is unsightly and/or overgrown.
- In the event of the Town Council having to undertake any maintenance works in relation to a grave or a memorial stone which is the responsibility of the holder of the Exclusive Right of Burial and which the said holder has failed to carry out then the Town Council will reclaim all costs incurred by them from the said holder in so carrying out such works.

## Miscellaneous

- Legal action will be taken against any persons illegally removing flowers, damaging monuments or any other property, or behaving in an unseemly manner.
- No dogs are permitted in Ottery St Mary Cemetery unless kept on a leash and under proper control.
- Dogs should not be allowed to foul in Ottery St Mary Cemetery and the person in control of the dog that does foul must remove any excrement.

- The Town Council reserves the right from time to time to make any alteration in fees and charges or the foregoing Rules and Regulations.
- Details of the current fees and charges may be obtained from the Town Clerk.
- The Town Council reserves all rights to the management of Ottery St Mary Cemetery; in particular, graves are liable to be reclaimed after a period of not less than 50 years.
- Relatives are requested to place all waste materials in the appropriate containers provided.
- Planting of graves (eg plants, shrubs, trees etc) is NOT permitted and such vegetation will be removed. Planting that exists prior to the date of the commencement date of these regulations will only remain at the discretion of the Town Council.
- The Town Council maintains the right to level, turf or seed the grave any time after 12 months from the date of burial or earlier should it become necessary.
- The Town Council does not accept responsibility for any damage or loss occasioned to any person, vehicle equipment or otherwise in Ottery St Mary Cemetery.
- Fresh flowers/artificial flowers are permitted in a small flower holder. The placing of artificial wreaths to commemorate Remembrance Day or Christmas Day will be permitted but will have to be removed no later than one month after the event otherwise the Town Council will remove the same.
- For safety and environmental reasons, no plastics, glass ornaments, toys, pictures, lanterns, balloons, food, photographs, porcelain portraits, clothing, are to be placed on or around the memorial stone after a period of two months following interment. All such items will be removed by the Town Council.
- Absolutely no twigs, branches, shells, glass of any description, chippings, chains, stones, railings or anything that emits light or sound, should be used to mark out a burial or cremation plot beyond the memorial stone.
- No QR codes will be allowed on memorials in the cemetery.

- The Town Council reserve to themselves the right from time to time to make any alterations, additions, or amendments to the Cemetery rules.
- Having regard to the above, no officer or member of the Town Council shall grant any concession that waives any of the Cemetery rules.
- Every person to whom the Town Council have by deed granted the exclusive right of burial in a grave in the Cemetery, or the successor in title of such person to such right, will be deemed to have agreed to be bound by these rules and any further amendments thereto, and by additional or substituted rules that may hereafter be duly made.
- Every person authorised to carry out works on behalf of the persons to whom the Town Council have by deed granted the exclusive right of burial in a grave in a Cemetery, or the successor in title of such person to such right, will be deemed to have agreed to be bound by these rules and any future amendments thereto; and by additional or substituted rules that may hereafter be duly made.
- Any indemnity or disclaimer of liability herein shall be construed for the benefit of the Town Council, its members and officers, servants and agents in both contract and tort.
- All Cemetery Regulations and Rules made by the Town Council prior to the adoption of these Rules are hereby revoked.

## Examples of Memorial Vases



