

## **PARISH OF ST ENDELLION REGULATIONS – ST ENDELLION CHURCH CEMETERY**

In accordance with the Local Government Act 1972, Schedule 26 and the Local Authorities Cemeteries Order 1977, the St Endellion Parish Council being the Burial Authority for the Parish of St Endellion resolved at their meeting on 8<sup>th</sup> June 2015 that the following Regulations will operate with regard to the erection of monuments, headstones and the provision of flower vases in the Parish Council cemetery situated at St Endellion Church, Port Isaac PL29 3TP.

For the purpose of these regulations, 'The Council' means St Endellion Parish Council and 'Memorial' means any headstone, monument, cross, flatstone, kerbing or any other erection placed for the purpose of a memorial over any grave.

### **1. General Information**

- 1.1 No headstone shall exceed the erected height above ground level of 76 centimetres and the width shall not be greater than 84 centimetres
- 1.2 No headstone shall exceed 15 centimetres in thickness and the base 7.5 x 30 centimetres.
- 1.3 The plinth of the headstone shall not exceed 92 centimetres in length and 38 centimetres in width.
- 1.4 To permit the Cemetery to be laid out and maintained on the lawn-type principles, there shall be no kerbstones, planting or other ornamentation in front of the plinth on graves.
- 1.5 No planting of flowers or shrubs shall be carried out except between the headstones and then only within the limits of the width of the plinth thereof and in such manner that the flowers or shrubs shall not overhang or encroach upon the grass area in front of the headstones.
- 1.6 No receptacles other than flower vases (non glass for safety reason) specially designed for the purpose may be placed on grave spaces and then only between the headstone and within the limits of the width of the headstone plinths.
- 1.7 No monuments, headstone or flower vase shall be permitted without the consent of the Council and upon payment of the prescribed fees and deposit of the appropriate application form plus two detailed sketches of the memorial (which includes all measurements above and below ground, width and depth of plinth etc.).
- 1.8 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 Lawn Cemetery except by a permit issued by the Burial Officer.
- 1.9 Wooden crosses are permitted as temporary grave markers until such time as you decide to place a permanent memorial, then the temporary grave marker should be removed.
- 1.10 Only one headstone / memorial per grave space is allowed and must be in accordance with the Council's Memorial Regulations.

- 1.11 All permanent memorials are to be constructed and installed by a competent stonemason in accordance with the current National Association of Memorial Mason's Code of Practice (copy available on request), and to the satisfaction of the Supervising Officer.
- 1.12 No work is to take place in the cemetery before 8.30 a.m. and after 5.00 p.m. or sunset (whichever is sooner) unless agreed otherwise by the Sexton. No work will take place on Saturdays, Sundays or any bank or public holidays, except by agreement with the Council. Monumental Masons will be required to suspend work for the duration of a funeral.
- 1.13 Any damage done in connection with the erection of a memorial must be made good by the person erecting the memorial and the site left in a safe and tidy condition.
- 1.14 All memorials must be installed in compliance with the NAMM Code of Practice, except by agreement with the Council.
- 1.15 The responsibility for the safety and upkeep, including repairs to any gravestone or memorial remains solely with the owner(s) of the grave or their successor(s) in title.
- 1.16 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.

## **2. Erection of a Headstone / Memorial**

- 2.1 An application form for all proposed memorials and inscriptions must be submitted to St Endellion 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 of the memorial.
- 2.2 The responsibility for the safety and upkeep, including repairs to 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 5 years.
- 2.3 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.
- 2.4 All memorials are to be constructed and erected in accordance with the current code of practice as prepared by the National Association of Memorial Masons.
- 2.5 No headstone shall exceed the erected height above ground level of 76 centimetres and the width shall not be greater than 84 centimetres.
- 2.6 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 2.1 above.
- 2.7 Additional 'free-standing' / unattached plinths or non-fixed stonework etc will not be permitted.

### **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 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 to 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 Parish Clerk

### **4. Vandalism**

- 4.1 The Council does not accept any liability in the event of the memorial being vandalised.

### **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 assure 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 Parish Council Clerk.
- 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. Review and Amendment of Regulations**

- 6.1 These Regulations form part of the Regulations and Scale of Fees and Charges applicable to the management of the St Endellion Cemetery under the jurisdiction of St Endellion 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.

Adopted: 8<sup>th</sup> June 2015