



## **TOWN OF FALMOUTH** **REGULATIONS - GARDEN OF REMEMBRANCE**

In accordance with the Local Government Act 1972, Schedule 26 and the Local Authorities Cemeteries Order 1977, the Falmouth Town Council being the Burial Authority for the Parish of Falmouth resolved at their meeting on the 21<sup>st</sup> January, 1991 that the following Regulations will operate with regard to the interment of cremated remains and erection of memorials in the Garden of Remembrance Phase V and Phase VII, Falmouth Lawn Cemetery situated at Swanpool Road, Falmouth.

For the purpose of these regulations, 'The Council' means Falmouth Town 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 Following the first interment of cremated remains, a flat memorial stone shall be permitted upon payment of the prescribed fee and that the overall height will not protrude above ground level.
- 1.2 The flat stone will measure 610mm by 610mm in materials of slate, granite or portland stone but not marble or such similar material.
- 1.3 The flat stone shall not exceed 152mm in thickness with no part above ground level.
- 1.4 The flat memorial stone will be fixed end to end to the adjacent memorial flat stone.
- 1.5 The flat memorial stone measuring 610mm by 610mm may have, within that prescribed area, a circular flower container hole and any attachment thereto to protrude no more than 76mm above the surface.
- 1.6 No floral holder or other type of attachment may be placed outside the prescribed area of 610mm by 610mm.
- 1.7 The Council reserves the right to remove from any grave any unauthorised items left on or around the grave space. Best efforts will be made to ensure that the owner of the grave will be informed in writing and the items will be retained at the cemetery for collection for 1 month. It is the grave owner's responsibility to ensure their contact details held by Falmouth Town Council are kept up to date. If the items are uncollected or they have to be removed on more than one occasion, the Council reserves the right to dispose of these items at its discretion without further consultation.

- 1.8 Flowers and wreaths will be cleared from the grave after two weeks. Badly damaged or faded artificial flowers will be removed during routine maintenance. Christmas wreaths will normally be removed during the first week of February. If you wish to remove them yourself, please do so before 31<sup>st</sup> January.
- 1.9 The plots within the Garden of Remembrance will not permit purchase out of rotation.
- 1.10 It will be a condition of purchase that the purchaser of the plot will be liable for the insurance of the flat headstone.
- 1.11 The purchase of the area in accordance with the prescribed fee will permit no more than two interments.
- 1.12 If the applicant does not wish to place a flat headstone on the plot, then the applicant is responsible for the upkeep of the area and is liable to do so.
- 1.13 No flat memorial stone shall be permitted without the consent of the Council and upon payment of the prescribed fees and deposit of the appropriate application form plus detailed sketch of the memorial which will include all measurements with regard to the depth of the memorial and the position of the flower container hole and inscription proposed.
- 1.14 All flat memorial headstones inclusive of floral holders (non glass for safety reasons) shall remain at the sole risk of the purchaser and the Council shall not be responsible for any damage or breakage which may occur to same.
- 1.15 No flat memorial headstones will be permitted to be taken from the Garden of Remembrance, except by order of Falmouth Town Council or the appropriate Officer.
- 1.16 Only one flatstone/memorial per grave space is allowed and must be in accordance with the Council's Memorial Regulations.
- 1.17 To ensure all memorial works comply and conform to BS8415 Standards all permanent memorials are to be constructed and installed by a Monumental Mason who is accredited to the British Registration of Approved Monumental Masons Scheme (BRAMM) or National Association of Memorial Masons (NAMM) to include registration on the Register of Qualified Memorial Fixers (RQMF).
- 1.18 No work is to take place in the cemetery before 8.30a.m. and after 5.00p.m. or sunset (whichever is sooner) unless agreed otherwise by the Cemetery Officer. 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.
- 1.19 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.
- 1.20 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.
- 1.21 The Council will make regular checks of memorial in accordance with its Memorial Safety Policy.

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

- 2.1 An application form for all proposed memorials and inscriptions must be submitted to Falmouth Town 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 detailed sketch and measurements of the memorial.

- 2.2 No memorial is to be installed unless a permit has been granted. On receipt of permit accredited Monumental Masons to liaise with the Cemetery Officer, when to attend the site to undertake the work, check the permit detail with them, and agree with them the correct grave/permit location before commencing any work or removing any memorial.
- 2.3 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.
- 2.4 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 in accordance with its Memorial Safety Policy.
- 2.5 All memorials (including memorials being re-fixed after a burial has taken place and those found to be unsafe after memorial testing has taken place) are to be fixed in line with the National Association of Memorial Masons (NAMM) approved standard and code of safe working practice. This states the minimum requirements for the fixing of memorials.
- 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.
- 2.8 Repairs to memorials are to be carried out by an accredited Memorial Mason. An application for permission to carry out repairs should be submitted to the Town Council.
- 2.9 Pursuant to the Local Authorities Cemeteries Order 1977 the Town Council reserves the right to remove any unauthorised memorial.
- 2.10 Any unauthorised work is undertaken at the persons own risk.

### **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 50 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 Council Office.

#### **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. Further information on this programme of memorial safety testing is available from the Council Offices.
- 5.3 The Council reserves the right to remove unsafe memorials at its discretion if the owner or successor cannot be found.

#### **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 Falmouth Cemeteries under the jurisdiction of the Falmouth Town 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.

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