



## **TOWN OF FALMOUTH**

### **REGULATIONS – LAWN CEMETERY**

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 21<sup>st</sup> January, 1991 that the following Regulations will operate with regard to the erection of monuments, headstones and the provision of flower vases in the 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 No headstone shall exceed the erected height above ground level of 2 foot 6 inches and the width shall not be greater than 2 foot 9 inches.
- 1.2 No headstone shall exceed 6 inches in thickness and the base 3' x 12"
- 1.3 The plinth of the headstone shall not exceed 3 feet in length and one foot 3 inches 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 detailed sketch of the memorial (which includes all measurements above and below ground, width and depth of plinth etc.).

- 1.8 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. 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. It is the grave owner's responsibility to ensure their contact details on record with Falmouth Town Council are kept up to date.
- 1.9 The Council reserves the right to remove and dispose of any floral tributes, plants etc that have withered and died or have become unsightly on any grave. Christmas wreaths will normally be removed by the beginning of February.
- 1.10 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.
- 1.11 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. An application form for all proposed temporary memorials 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 measurements of the temporary memorial.
- 1.12 Only one headstone / memorial per grave space is allowed and must be in accordance with the Council's Memorial Regulations.
- 1.13 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).
- 1.14 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 Cemetery Operative. 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.
- 1.15 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.
- 1.16 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.
- 1.17 The Council will make regular checks of memorials in accordance with its Memorial Safety Policy. Any memorial found to be unstable will be made safe by Falmouth Town Council staff. This may include being sunk into the ground vertically, laid flat, cordoned off, stake and banded, covered with yellow tape to warn visitor of a danger. The Council reserves the right to sink memorials into the ground or 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 A permanent memorial can be erected on a new grave 12 months after the burial has taken place to allow for the ground to settle.

- 2.2 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.
- 2.3 No memorial is to be installed unless a permit has been granted. On receipt of permit accredited Monumental Masons to liaise with the Cemetery Operative, when to attend the site to undertake the work, check the permit detail with him, and agree with him the correct grave/permit location before commencing any work or removing any memorial.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 Additional 'free-standing' / unattached plinths or non-fixed stonework etc will not be permitted.
- 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 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 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 in accordance with its Memorial Safety Policy. When a memorial has been identified as unsafe at any time the Council has a legal right and obligation, under the Local authority Cemetery Order 1977, to remove any danger immediately and the memorial will be sunk into the ground vertically or laid flat to make it safe. We will make every effort 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 Offices.
- 5.3 The Council reserves the right to sink memorials into the ground, lay flat or remove unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.

#### **6. Opening of Adjacent Graves**

When a grave is prepared the excavated soil is placed to the side of the grave. If there is unused land to the side of the grave then the soil will be placed there. However when opening a grave between two existing graves, it may be necessary to place the soil on one of the adjacent graves. The surface of the grave will be protected by boards and the soil placed on them and after the burial has taken place the whole area will be cleared and left in a neat and tidy state.

Occasionally it will be necessary to remove a memorial for health and safety reasons and/or access for excavation. The Council will contact the Exclusive Right holder in these circumstances to inform them and the Council would cover the cost of the removal and re-fixing of the memorial after the burial has taken place.

#### **7. Review and Amendment of Regulations**

- 7.1 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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