

Hemyock Cemetery

Rules and Regulations

Hemyock Cemetery is owned and maintained by Hemyock Parish Council (the Parish Council) as a final resting place for the people of Hemyock. It is the Council's wish to preserve Hemyock Cemetery as a peaceful and well-maintained place for those who wish to mourn and respect their loved ones. The Council would ask all visitors to respect this wish.

These Rules and Regulations take effect from **1st June 2018**

For further information please contact

**Donna Evans
Parish Clerk
Park Farm
Dunkeswell
Honiton
Devon
EX14 4RN**

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 Parish Clerk or authorised representative.
- All requests to book an interment will be submitted by the Funeral Director to the Clerk to the Council at least three working days before the planned interment.
- Only biodegradable coffins will be allowed.
- No large American sized coffins will be allowed.
- The first interment in each grave shall be at a depth of 6.5ft and no coffin shall be nearer the surface than 3ft.
- The digging of any grave must be arranged through an approved Funeral Director who shall comply with the 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.
- No interment can take place until a Certificate of Disposal has been provided to the Council no later than 24 hours prior to the propose interment taking place.
- On the day of interment, flowers and wreaths may be placed on the actual area of the grave, but the Council reserve the right to remove these tributes should they become unsightly.
- When the Exclusive Right of Burial for 75 years in a grave space has been purchased, the holder is entitled to, and shall receive a formal Deed signed by the Parish Clerk. Ownership can be transferred to someone else by contacting the Parish Clerk for the appropriate form to be completed for which a 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 Parish 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.
- It is the responsibility of the Exclusive Right of Burial holder to inform the Parish Clerk of any change of address, or any changes to circumstances which may affect the Exclusive Right of Burial.

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.
- 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 Council immediately.
- To ensure that all work carried out shall conform to statutory requirements and the 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 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.
- All graves are to be levelled within one year of the interment.

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.
- 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 Council immediately.
- To manufacture and erect the memorial to the current minimum National Association of Memorial Mason (NAMM) standards and current NAMM Code of Working Practice and in the case of headstones this will include a NAMM approved anchor system appropriate for the soil conditions in Hemyock Cemetery.
- All work carried out on the memorial (e.g. removal for additional inscription or other repair work) will meet current minimum NAMM standards and current NAMM Code of Working Practice and in the case of a headstone will include a NAMM approved anchor system appropriate for the soil conditions in Hemyock Cemetery.
- To be responsible for any damage caused to the 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 Hemyock 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 he is registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM).

- That he will hold a fixer's licence issued by the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM).
- That all work shall conform to statutory requirements and the 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 Council and that he has acknowledged that the written consent and evidence of BRAMM's or NAMM's fixers licence may need to be produced to an authorised officer of the Council at any time if so requested.
- To complete and sign an application form declaring that the aforementioned requirements have been complied with.

Memorial Stones

- Before any memorial is erected the Exclusive Right of Burial must be purchased and the Mason must ensure they are receiving instructions from the Exclusive Rights holder.
- Hemyock Cemetery will only permit memorial stones that have an integral steel pin, conforming to the National Association of Monumental Masons (NAMM) Code of Working Practice.
- 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.
- Concrete foundations must be set below ground level and conform to the British Standard size 3ft x 1.5ft x 3".
- The memorial stone and plinth combined should not exceed a height of 3ft and width of 2ft.
- The dimensions of every memorial stone to be erected and a copy of the intended inscription must be submitted for the approval of the Council. Inscriptions should be arranged so as to face the grave.
- All new memorial stones should have the correct grave number etched on the reverse side of the memorial.
- The dimensions of every tablet to be laid must not exceed 18" x 18" and a copy of the intended inscription must be submitted for the approval of the Council.
- Only a written memorial inscription should be engraved upon a memorial stone and any variation of this requirement will be at the discretion and with the approval of the Council.
- All memorial stones are placed in Hemyock Cemetery at the risk of the holder of the Exclusive Right of Burial.
- All graves are to be levelled when a memorial is put in place, the excess soil to be placed in the designated area.

Cremations

- Only biodegradable caskets will be allowed.
- Each tablet should have the correct interment number etched on the bottom left-hand corner

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.
- That he shall be Institute of Cemetery and Crematorium Management (ICCM) compliant.
- That he shall submit a Risk Assessment and Method Statement to the 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 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 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 Council reserves the right to maintain the plot in the event that relatives fail to do so. The Council will cut grass, prune, cut down and remove any tree, shrub, planter or turf over any grave at any time when in their opinion the grave is unsightly and/or overgrown.
- In the event of the 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 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 Hemyock Cemetery unless kept on a leash and under proper control.
- Dogs should not be allowed to foul in Hemyock Cemetery and the person in control of the dog that does foul must remove any excrement.

- The 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 Parish Clerk and can be found on the council's website (www.hemyock.org).
- The Council reserves all rights to the management of the Cemetery and in particular graves are liable to be reclaimed after a period of not less than 75 years.
- Relatives are requested to place all waste materials in the appropriate containers.
- Planting of shrubs, flowers or trees on graves is NOT permitted. Planting of spring bulbs is permitted.
- The Council maintains the right to level, turf or seed the grave after 12 months from the date of burial or earlier should it become necessary.
- The Council does not accept responsibility for any damage or loss occasioned to any person, vehicle equipment or otherwise in Hemyock Cemetery.
- Ornaments/flower holders to be placed on the memorial stone ONLY. Artificial flowers are not encouraged but if used are ONLY permitted in the flower holders placed on the memorial stone. Jam jars; metal cans, glass vases or plastic containers not specifically designed for Cemetery use are not permitted and will be removed.
- The 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 Council shall grant any concession that waives any of the Cemetery rules.
- Every person to whom the 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 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 Council, its members and officers, servants and agents in both contract and tort.
- All Cemetery Regulations and Rules made by the Council prior to the adoption of these Rules are hereby revoked.

By order of

HEMYOCK PARISH COUNCIL