



## Tadcaster Town Council

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Open Monday to Thursday 9.30am to 12.30pm

### TADCASTER CEMETERY - RULES AND REGULATIONS

1. Records for the Cemetery are kept at the Council Office, details above.
2. The Rules and Regulations are issued to the purchasers of the Exclusive Right of Burial and Memorials (hereinafter referred to as the Grave Owner/s) at the time of purchase.
3. The Rules and Regulations are a necessary requirement for the management of Tadcaster Cemetery and it is important that you agree to abide by them before purchasing a plot.
4. The Cemetery is open to the public every day from 0800 until 2000.
5. Children under ten years of age are not admitted except in the care of a responsible person. With the exception of guide dogs, dogs are not admitted under any circumstances. Vehicles are not permitted unless previously agreed by the Council. Photographing, filming or drawing any object/s in the Cemetery grounds requires the prior permission of the Council. No persons will be allowed to use metal detectors anywhere within the confines of the Cemetery. No leisure activities are permitted ie. ball games, skateboarding.
6. Hours of Interment: Weekdays 0930 to 1600 (winter) 1700 (summer). Weekend interments by special arrangements. 48 Hours' notice (exclusive of weekends) must be given prior to any interment.
7. The time fixed for a funeral is the time when the cortege arrives at the cemetery gate
8. All fees for interments and for the purchase of graves must be paid when the order is given. All fees for the right to fix headstones on graves must be paid prior to fixing.
9. The Registrar of Death's Certificate of Disposal or the Coroner's Order must be produced and the name of the parish and district from which the body is to be removed and all other information required must be given on the prescribed form to the above address prior to the interment.
10. No vault, grave or ashes plot, in which the Exclusive Right of Burial has been purchased, shall be opened without the consent in writing of the owner for the time being or production of the purchase deed.
11. In all unbricked graves and ashes plots, coffins/casket of wood or natural materials only shall be used and no coffin will be allowed nearer the surface than one metre. Every coffin in a bricked grave or vault must be separately entombed in an airtight manner.
12. Up to 3 sets ashes in an ashes plot and up to 5 sets of ashes in a burial plot will be allowed to be interred. This will be at the discretion of the Council.
13. The Town Council reserves the right of selection of grave spaces.
14. Section AIV, AV, AVI and AVII will be used by all Religious denominations.
15. Scattering of Ashes will only be permitted with the grave owner's permission and within grave spaces only. When scattering ashes please be mindful of other grave owners and weather conditions. The grave must be left in good condition.
16. The lawn sections in the Cemetery are cut by the Council's contractors with large mowers and the grass surrounding memorials trimmed where possible. When a new grave has to be dug or a grave re-opened, a mechanical digger is usually used. During periods when the ground is hard there should be no noticeable damage to the surrounding grass in these areas. During periods of wet weather there may be some disturbance to nearby graves when it becomes necessary to drive the digger over grassed graves to reach the site to be excavated. The Council reserves the right to cross graves in order to cut grass, open a grave, and to place soil onto an adjacent grave. The area will be re-instated as soon as possible after the funeral has taken place.
17. Topping up of graves – from time to time sunken graves will be checked and topped up as required.

## **TADCASTER TOWN COUNCIL TADCASTER CEMETERY RULES AND REGULATIONS FOR ALL SECTIONS**

### 18. Rules and Regulations Governing Memorials:

#### **Application to Erect a Memorial**

- All memorials to be installed in Tadcaster Cemetery must first be approved by Tadcaster Town Council. An application form must be completed and a letter of permission received from the Town Council before any monumental work takes place in the cemetery. This applies to all new memorials, additional inscriptions and memorials that are to be reaffixed including memorials that are laid down for safety reasons, cleaning of a memorial and any minor case of rectification.
- A completed application form must be completed and signed by the grave owner/s prior to the fixing or changes to any memorial. The application form must contain the full names of the registered grave owner/s and their signatures to give permission for the work to be done. No other signature/s will be accepted.
- Each application to erect a memorial shall have a drawing showing full details of the memorial to be installed indicating the size of the memorial, material to be used, finish, the inscription and wording type and full installation and fixing details (including anchor fixing type and method where necessary) together with the authority from the grave owner/s. The construction, dowels and fixings must be in accordance with the National Association of Memorial Masons (NAMM) Code of Working Practice.
- The signature of the memorial mason will be required on the application form confirming that the proposed memorial will be fitted in compliance with the agreed rules and regulations. The grave section and number must be engraved on the memorials.
- The appropriate fee will be paid before work commences.
- The rights to the grave which include the right to erect a memorial is subject to a 30 year lease which could then be extended for a further period determined by the Council subject to the memorial being inspected and found to be safe.
- All memorials must be kept in good order and repair and the expense and responsibility for fixing, repair and renovation of all memorials shall be borne by the grave owner. The Town Council will not be responsible for the condition or upkeep of any memorial. Upon a memorial inspection by the Council and where an unsafe or unauthorised memorial is found every effort will be made to contact the family outlining the case circumstances. This will enable contact with the family, and makes them aware that the memorial is their property and that they have an obligation to maintain it in a safe condition. If this is not undertaken or contact with the owners cannot be made after six months then the right is deemed to be terminated and the Town Council have the right to lay down or remove unauthorised memorials or any memorial not kept in good order or considered to be a danger.

#### **Memorial Rules**

- The grave number and section corresponding to the Exclusive Right of Burial Deed must be engraved onto all memorials.
- The expense and responsibility for fixing, repair and renovating of all memorials shall be borne by the owner of the Exclusive Right of Burial.
- The Council will not be responsible for the condition and upkeep of any memorial and do not accept liability in respect of headstones/kerbstones or other memorials.
- Tadcaster Town Council will not be held responsible for any damage caused to a grave or memorial, except where it can be proven that the damage is the result of grave digging or grounds maintenance operations.
- All vases, statues, plants and flowers etc. that are left on the graves are left at the owners risk and it is recommended that such unfixed items are marked with the grave number and the name of the deceased to identify them and reduce their value to possible theft.
- Anyone witnessing any criminal act in the cemetery grounds should report the matter to the local police and to the Tadcaster Town Council Office.

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- All headstones, kerbstones and edging stones and similar pieces of material must be kept wholly within the 7ft (2133.6mm) by 3ft (914.4mm) grave space or 600mm x 900mm cremated remains grave space.
- The planting of trees, shrubs or other plants is not permitted on any part of the Cemetery not comprised within a grave space in which a right of burial has been granted by the Council.
- No trees or shrubs shall be planted on grave spaces (whether purchased or otherwise) that will exceed 18“(457.2mm) when fully grown.
- Headstones, plaques and kerbstones shall be constructed in naturally occurring stone or similar material giving comparable appearance and durability.
- Any unauthorised memorial will be removed by the Council in accordance with article 14 of the Local Authorities Cemetery Order and shall be at the expense of the grave owner or their personal representative.
- The Council reserves the right to alter or change these rules and regulations as it sees fit and make supplementary rules and regulations specific to memorial requirements.
- The following list, including but not limited to, are not permitted in any section of the Cemetery. The Council reserves the right to determine what is acceptable within the Cemetery:-
  - Monuments
  - Headstones exceeding 3ft (914.4mm) in height
  - Palisades
  - Plaques/ Flat stones exceeding 20“(508mm) by 18“(457.2mm) and an elevation of over 4“(101.6mm)
  - Lights on graves
  - No memorials outside the grave allocated grave space

### **Memorial Sizes**

The size of the memorial is above ground

#### **Maximum Size for cremated Remains Sections**

- 885mm long by 585mm wide
- One vase, not exceeding 203mm high
- Plaques, not exceeding 508mm long by 457.2 mm width by 101.6mm high
- Kerb sets, not exceeding 101.6mm

#### **Maximum sizes for other memorials**

- A standard headstone not exceeding 3ft (914.4mm) high, 21“(533mm) wide and 3“(766mm) thick

The following are not permitted:

- Palisades
- Lights
- Monuments
- Trees and shrubs planted on grave spaces that will exceed 457mm when fully grown

#### **Wooden Crosses**

- Permitted for a 6 month period before a permanent memorial is erected. The Council reserves the right to remove any wooden crosses following this time.

#### **Memorial safety**

- The owners will keep memorials in good, safe repair. If found to be in an unsuitable condition the Council will address the memorial in line with current Ministry of Justice “ Managing the Safety of Burial Ground Memorials guidelines” and a notice posted on or near the memorial. In some circumstances a memorial may need to be cordoned off until it is made safe and as a last resort larger memorials may need to be carefully laid flat within the grave space.
- The Council will make every effort to contact the family to effect repairs, it will send a letter to the registered grave owner’s last address outlining the case circumstances. If it does not receive a reply within three months, it will send a reminder letter. If it has still not received a reply after a further three months

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(six months in total), the Council will consider the final action in respect of those memorials. The Town Council have the right to lay down or remove any memorial not kept in good order or considered to be a danger. The council will not accept any responsibility for any damage to the memorial.

- The construction, dowels and fixings of all memorials must be in accordance with the National Association of Memorial Masons (NAMM) Code of Working Practice.
- The Council will not be responsible for any damage/theft or vandalism or any other circumstances beyond the control of the Council.
- It is strongly recommended that the appropriate insurance cover is obtained for the memorial by the grave owner/s against all risks, your chosen memorial mason may be able to assist with this.

### **Deed of Transfer**

- In order for a memorial to have any memorial work carried out on it, only the correct and registered grave and memorial owner can authorise this. It is therefore important that the current grave owner makes these arrangements to transfer the grave to another person whilst they are alive, by using the Assignment of Exclusive Right of Burial form. Where the registered owner is deceased, then a new owner must first be registered and transfer of ownership carried out.

### **Additional Inscriptions**

- If an owner of the Exclusive Rights to a grave dies and is buried in the grave their executor/s are allowed to have the existing memorial inscribed with the deceased owners name and date. For example: "William Brown 01/01/1945 – 31/10/2008" to match any existing inscription. If the executors require additional wording to the name and date as outlined above, a Deed of Transfer will be required.

## **19. Grave Ownership and Transferring Ownership**

### **Exclusive Rights of Burial**

When you purchase a grave at Tadcaster Cemetery, you will also purchase the Exclusive Right of Burial. This will be on a leasehold basis, for an initial period of 30 years. This can be renewed by a further 10 years at a time. This gives the owner the right to be buried or gives permission to anyone to be buried within that grave during that period (provided there is space to do so.). The owner must also provide permission for any memorial to be placed onto that grave. They are responsible for the upkeep of the plot as per the Council's Rules and Regulations.

### **Transfer of Grave Ownership**

Owner(s) can transfer ownership jointly or solely to another person(s) whilst they are still alive. Without a living grave owner, we are unable to conduct further interments in the grave space or make any changes to the memorials. If the grave owner is deceased we may be able to organise for a transfer to take place. Depending on the circumstances the route of transfer differs.

### **Surrender a Grave**

If you wish to surrender the Exclusive Right of Burial to your unused Cremated Remains Plot or Grave, the Council may be able to buy back the plot and issue you with a refund, the refund will be based on the number of full years remaining minus an administration charge. You will need to provide paperwork in support of your Surrender request, these include a completed Deed of Surrender of Right of Burial, the original Deed of Grant of Exclusive Right of Burial for each grave you wish to surrender and a short letter outlining your Surrender instruction.

### **Multiple Grave Purchase**

The Council readily accepts multiple grave purchases for up to 6 plots at any one time.

Multiple grave purchases over 6 plots will be the Councils decision and may be dependent upon an assessment of the current cemetery requirements.

The purchaser/s are the legal owners of the grave plot and can not be resold privately.

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An application must be made to the council if multiple individual plots are desired to be consolidated into a single large plot.

Consolidated plots must adhere to the terms and conditions for multiple plot memorials.

20. Tadcaster Town Council may wish to exercise the right to waive fees in connection with Tadcaster Cemetery, following receipt of circumstances and full discussions with all parties concerned. However, this waiver will only be in very exceptional circumstances and is at the discretion of full and final deliberations by Tadcaster Town Council. However, where the delay until the next scheduled Council meeting might be seen to cause inconvenience in the burial process it is agreed that a majority of the three chairs of committees might authorise a waiver on recommendation from the appropriate sub-committee. Each request to waive fees will be discussed as a stand alone application. Any decision taken will not constitute a precedent. Tadcaster Town Council must show a full account through its records how, if and when, a decision of waiver is reached.
21. The Town Council reserves the right to amend these Rules and Regulations at any time.

All further information can be obtained from the Clerk to the Council, Tadcaster Town Council, The Ark, 33 Kirkgate, Tadcaster LS24 9AQ. Tel: 01937 834113. E: [clerk@tadcastertowncouncil.gov.uk](mailto:clerk@tadcastertowncouncil.gov.uk)

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