

# Axminster Town Council

## Chard Road Cemetery

### REGULATIONS

Revised October 2022

The offices of Axminster Town Council (as the Burial Authority) will be open from 09.00-16.00 Monday to Thursday (Fridays by appointment) except on public and bank holidays when the offices will be closed.

The cemetery is open to the public at all times.



# Axminster Town Council

## Cemetery Regulations



Axminster Town Council (hereafter referred to as the “Burial Authority”) request that you adhere to the rules and regulations set out below. Decision-making powers are delegated to the Town Clerk (hereafter referred to as the “Burial Officer”).

The burial of remains contained within a coffin will hereafter be referred to as a ‘burial’.

The burial of cremated remains will hereafter be referred to as an ‘interment’.

### Exclusive Right of Burial (ERB)

1. Grave spaces may be purchased at any time, whether or not an immediate burial or interment is intended.
2. Not more than two grave spaces may be purchased (or pre-purchased) by one person without the special permission of the Burial Officer, supported by a decision of the Burial Authority.
3. A pre-purchased Exclusive Right of Burial Grant/Deed is only transferable via assignment upon application to, and with the agreement of, the Burial Authority unless the plot is returned to the Burial Authority for a refund. Any purchased graves that are transferred outside of the formal Burial Authority process will be deemed forfeit, and ownership of said grave will return to the Burial Authority who may decide to re-assign that plot to another person or party without further reference to, or agreement with, the original owner.
4. All graves and rights thereof will be sold subject to the payment of all fees and the observance of all rules and regulations fixed and made by the Burial Authority.
5. The full Exclusive Right of Burial fee will be charged for any unsold, returned or expired unused full traditional-sized burial plot even if its intended (or actual) use is only for the interment of ashes. Once any ashes have been interred in such a plot, it cannot then be used to bury remains (within a coffin).
6. When renewing an expired Right of Burial for a traditional burial grave plot, the prevailing Exclusive Right of Burial fee for a burial plot will apply.
7. When renewing an expired Right of Burial for an ashes plot, the prevailing Exclusive Right of Burial fee for an ashes plot in the Garden of Rest area will apply.
8. In the event that the ownership of a grave plot (Exclusive Right of Burial Deed of Grant) is contested, the onus of proof of ownership lies with the enquirer, if the Burial Authority records show that previously the plot had been sold to a specific named person or if the plot had been sold back to the Burial Authority by the original Burial Rights owner. ERB for

## 9. ERB for Children's Graves

- a. A burial or ashes plot for a person under 18 years of age will be issued at no charge. This includes a limited ERB, issued to the next of kin, providing the right to site a memorial only. Memorial fees still apply, see the cemetery charges document.
- b. Burial or interment fees are not applicable for children under the age of 18 years.
- c. No additional interments will be permitted where a limited ERB has been issued.
- d. If the next of kin wishes to bury or inter further remains/ashes in the same plot, please refer to the variations below.

### Burial Plots

- e. If the holder of the limited ERB wishes to bury additional remains in the same grave at a later date, they will need to purchase the full ERB for the plot at the standard rate for a person over 18 years of age as detailed in the cemetery charges document. In such instances, the funeral director must notify the Burial Officer that the plot will be dug double depth before the child is laid to rest. This cannot be done retrospectively.
- f. Up to four sets of ashes can be interred into a single-depth child's burial grave subject to the purchase of the full ERB by its current holder (please refer to the cemetery charges document). This purchase can be made at a later date but must be purchased before the interment of any ashes.

### Ashes Plots

- g. Children's ashes plots are located in a designated part of the Garden of Rest. Only children can be interred in this part of the cemetery. The remains of only one child can be interred in each child's ashes plot.
- h. If, at a later stage, a second interment into the same plot as the child's ashes is likely to be required, the full ERB for a standard Garden of Rest plot would need to be purchased at the rate charged for persons over 18 laid out in the cemetery charges document. This plot would therefore not be in the children's Garden of Rest. You, or the funeral director, must communicate this intention to the Burial Officer before any interment. This cannot be done retrospectively.
- i. In a standard Garden of Rest plot, where a full ERB is held, no more than two sets of ashes may be interred.

## Plot Information

- 10. Graves, for the burial of remains within a coffin, are ordinarily dug double-depth. The funeral director can request a single-depth grave; however, a single-depth grave cannot be retrospectively made deeper.
- 11. A double-depth burial grave can allow two coffin burials and four ashes interments. Once ashes have been interred into a grave, no further coffin burials may take place.

12. Garden of Rest ashes plots are always single-depth. Each plot takes two sets of ashes. The first set of ashes is ordinarily located beneath the headstone marker, the second set will be placed in front of the first set.
13. In all cases, the grave or ashes space will be allocated by the Burial Authority. The Burial Officer will have the final decision as to the allocation of plots.

## **Notification Of Intended Burial/Interment**

14. Notices of intended burials or interments are to be given in writing (or via email) to The Burial Officer during office hours, not less than 48 hours in advance of the proposed date of burial or interment. This 48-hour period excludes weekends, public holidays or periods when the Burial Authority offices are closed.
15. If an urgent burial or interment is required for any reason (for example, on religious grounds), the funeral director seeking such a burial or interment should contact the Burial Officer using the emergency contact number published on the Burial Authority's website or at the foot of this document.
16. Every such notice of burial or interment must contain the following particulars relating to the deceased:-
  - a. name in full
  - b. permanent address prior to death
  - c. address at which death occurred
  - d. previous address (in the event that the deceased was resident in the parish within the last ten years but not at the time of death)
  - e. date of death (day of month and year)
  - f. age of the person (in years, at last birthday; in months, for a child under 12 months)
  - g. day and hour of intended burial or interment
  - h. location and type of plot required.
  - i. If exclusive burial rights are required, the full name and address of the person to be the registered holder of the Exclusive Rights Deed of Grant.
  - j. name of the funeral director.
17. All fees for burials are payable when the notice of interment is received and the ground shall not be broken until such fees are paid. All other fees are to be paid before the work is commenced. No receipts will be valid unless duly signed by the Burial officer or a member of their staff.

## **Burial and Interment Procedure**

18. Burials or interments are permitted between 09:00 and 16:00 only.
19. Burials or Interments are not permitted on weekends, public holidays or periods when the Burial Authority offices are closed. Where an urgent burial or interment is required to take place outside of these operating hours, the prior approval of the Burial Officer must be obtained.

20. A certificate of registration of the death, a certificate of cremation or, when an inquest has been held, the coroner's order must be given to the Burial Officer before the interment. For the burial of a stillborn child, a certificate from a qualified medical practitioner (if possible) or a certified midwife, or a coroner's order will be required.
21. The interment of bio-urn caskets is permitted with the prior agreement of the Burial Officer.
22. All full-sized traditional burial graves are to be dug and excavated by contractors employed by a funeral director.
23. The Burial Authority's grounds staff or a Burial Authority-approved contractor, are responsible for excavating graves for the interment of ashes and the payment for this service is included in the list of cemetery charges.
24. Ordinarily, new burial grave plots will be dug at double depth. When more than one coffin is buried in a grave, there shall be a layer of earth at least 12 inches in depth between each coffin and the minimum depth of soil between the upper surface of the second coffin shall be at least 36" below ground level.
25. Wherever a burial has taken place, the turf removed before the excavation shall be buried on top of the coffin and then backfilled with the soil previously excavated. The plot surface shall be covered with soil and levelled to no more than 3 inches above the adjacent ground level. All surplus soil must be removed to a place as directed by the Burial Officer or their grounds staff.
26. After the completion of the work, all bricks, stones and other materials and spare soil and debris shall be removed, and any grave adjoining must be left in a neat and proper condition.
27. Contractors, tradespersons and others will be held responsible for all damage done to the cemetery or anything therein by themselves or their sub-contractors.
28. At any point, the Burial Officer and/or their ground staff may give direction to any person undertaking works in the cemetery in order to preserve the plots, grass margins, pathways, access paths, flowers, shrubs or trees in the cemetery. These instructions must be adhered to.

## Memorials

29. No memorial may be erected on a grave unless an Exclusive Right of Burial has been purchased. No plaques will be permitted in the case of scatterings in the Rose Bed.
30. No memorial headstone, tablet or marker shall be installed upon a grave plot without the prior consent and agreement of the Burial Officer. A period of not less than 6 months shall pass before a memorial is placed on any plot where a burial or interment has taken place.
31. Any memorial mason/stonemason seeking to install a memorial marker shall contact the Burial Authority and request an installation appointment date. This is to ensure that no memorial installations inadvertently occur during a pre-arranged burial or interment in the cemetery which may cause distress and inconvenience to the family & mourners gathered thereupon.

32. No memorial may be brought into or removed from the cemetery outside the usual hours when burials are permitted (see 18 above) without prior agreement and consent of the Burial Officer.
33. All memorials together with all inscriptions are to be subject to the approval of the Burial Authority and when erected to be kept in repair by and at the expense of the respective owners and any memorials erected without such approval or if not repaired after reasonable notice may be removed by the Burial Authority.
34. The owners must remove all memorials on the re-opening of private graves and such portions of memorials that are not removed from the cemetery after an interment are to be replaced by the owners on the grave on the next working day after the interment. In default, the Burial Authority may do the work and charge the owners of the memorial in respect thereof. The Burial Authority will not be responsible for any damage to memorials whether during removal, replacement or at any other time, through any cause other than their own negligence.
35. All memorials must comply with the dimensions set out in the cemetery charges document current at the time of application. A drawing to scale in duplicate of every memorial and a statement as to the description of the stone to be used, together with a copy in duplicate of the proposed inscription must be submitted for approval of the Burial Officer before the installation. One drawing and one copy signed by the Burial Officer as evidence of such approval will be handed to the person applying for such approval and the other will be retained by the Burial Officer who shall see that the memorial and inscription respectively are in accordance therewith. Kerbstones are not permitted in this cemetery.
36. All memorials must be fixed to a foundation which complies with British Standard 8415 – not a paving slab -
37. No kerb is permitted over or around any grave space currently, this includes but is not limited to stone, plastic, concrete, wood or flowers which surround a grave plot.
38. Should a memorial be erected, which is **not** within the dimensions agreed upon as per the cemetery charges document, the installing memorial mason will be liable for all costs in removing, resizing and any legal expenses which may be incurred during the process of removal.
39. All memorials must be completed outside the cemetery, except any additional inscriptions or memorial cleaning where it is not practical or the memorial cannot be removed
40. Masons & stonemasons will be held responsible for all damage done to the cemetery, memorials or anything therein by themselves or their contractors.
41. The whole of the work in connection with the fixing of a memorial must be completed to the satisfaction of the Burial Officer. Such work must be completed within one visit to the cemetery unless prior consent has been granted. All work will adhere to the rules and regulations of NAMM or BRAMM at the time.
42. The Stonemason or Memorial Mason who has applied to undertake any memorial works must be certified by NAMM or BRAMM. They must provide evidence of this upon request and with the application for any new memorial or memorial works. Failure to do so will prevent the proposed works from being undertaken.
43. All masons & stonemasons must provide, upon request, evidence that they hold a valid commercial insurance certificate with a minimum of £5,000,000 of Public Liability Indemnity cover.

44. All charges relating to memorials (e.g. installations or additional inscriptions) must be paid before the work is commenced and subject to the written form of authority issued by the Burial Authority being produced to the Burial Officer or grounds staff present on demand.
45. Masons & stonemasons must not solicit orders whilst within the cemetery grounds.
46. Any memorial marker which falls out of level by more than five degrees within five calendar years from the installation date shall be adjusted by the relevant memorial mason at their own cost (unless it is a ledger which has been placed sloping forward to allow water to run off). Should the Burial Authority be required to undertake such works, the Burial Authority reserves the right to seek reimbursement of its reasonable costs in undertaking such remedial works to ensure the safety of visitors and staff whilst onsite at the cemetery.
47. All headstones or memorials must bear the trade name of the Funeral Director/Stonemason and the plot and grave number. The trade name of the Funeral Director/Stone Mason lettering must not be painted, gilded or leaded. The plot and grave number must be painted, gilded or leaded.

## Flowers, Tributes and Adornments

48. No objects made from glass, porcelain or pottery are permitted on graves under any circumstances as these may pose a safety hazard to visitors and our grounds-staff whilst undertaking maintenance on the site.
49. It is prohibited to adorn graves with any permanent vegetation, including but not limited to flowers, shrubs, trees, ferns and bushes. Vegetation will be deemed permanent if it is planted directly in the ground. Any vegetation must be contained within a plant pot to prevent roots and foliage from infringing on adjacent graves or subsequent burials.
50. No objects may be placed on the grassed area within a plot boundary. Appropriate tributes may be placed on the plinth of the headstone or on top of a flat memorial marker only. Tributes placed elsewhere are liable to be moved if they impede the work of the Burial Authority's grounds staff in keeping the cemetery tidy. The Burial Officer will contact the plot holder prior to the disposal of any such items.
51. The surface of each plot will be turfed by the Burial Authority and regularly maintained using equipment deemed necessary and appropriate.
52. All refuse from floral tributes and trimming of graves shall be removed and deposited in the receptacle provided by the Burial Authority for that purpose.
53. Floral tributes shall be removed from a plot within 6 months of their placement or before if the flowers or plants are seen to have died or become wilted.
54. No person shall trim, cut, fell or otherwise interfere with any tree or shrub onsite without the prior agreement and consent of the Burial Officer. The Burial Authority ask that any overgrown or potentially hazardous growth (such as brambles, nettles etc.) be reported to the Burial Authority upon discovery.
55. Nothing shall be removed from the cemetery without the permission of the Burial Officer and any person detected stealing plants or flowers or any other item will be prosecuted.

## Visiting The Cemetery

56. The Burial Authority respectfully asks that all persons visiting the cemetery must keep to the pathways or roads onsite except while visiting a grave and should refrain from touching the memorials or anything growing in the cemetery. Any damage done in the cemetery must be made good by the person causing it even if such damage was caused accidentally.
57. No dogs shall be admitted to the cemetery unless on a lead. The Burial Authority asks dog owners to control their pets whilst on the cemetery grounds and respect the presence of those who may be mourning or visiting a grave.
58. No member of the Burial Authority's staff present or working in the cemetery may receive or accept a gratuity or payment under any circumstances.
59. Vandalism in any form shall be reported to the appropriate authorities and offenders will be prosecuted to the full extent of the law.

## Duty Of Care

### **Axminster Town Council as the Burial Authority:**

The Council has the responsibility to ensure the cemetery is safe for all users and council employees. This may include inspections of memorials to ensure that they are safe. A notice will be placed at the cemetery four weeks before any inspection.

Please note that this does not mean that the Axminster Town Council are responsible for memorials being safe, this is down to the grave owner or any living relative/descendant. However, in the event that a memorial is found to be unsafe, all reasonable steps will be taken to contact the person(s) responsible for the memorial/plot.

### **Memorial Masons:**

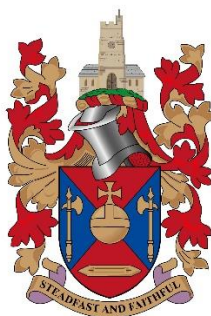
Stonemasons and memorial masons have a duty to ensure that all work is carried out safely and that memorials are safe and have been fixed to NAMM/BRAMM specifications.

Any stonemason planning to undertake work at Axminster Cemetery is required to contact the Burial Authority in advance of their visit in accordance with regulations 31 and 32 in this document.

### **Owners of Memorials**

In the case of memorials, the primary responsibility for ensuring they are safe rests upon the owner of the grave or memorial. It is their responsibility to ensure the memorial is maintained to a safe standard, and all liability for failing to do so lies with them.





# **Axminster Town Council**

**Axminster Town Council as the Burial Authority reserves the right to make further rules and regulations or propose alterations & revisions to the extant regulations which it may determine to be necessary or appropriate at any time.**

**Please contact Axminster Town Council for a copy of our most up to date Cemetery Regulations and charges. Alternatively, these can also be found on our website:**

**[www.axminstertowncouncil.gov.uk](http://www.axminstertowncouncil.gov.uk)**

**Axminster Town Council  
The Guildhall  
West Street  
Axminster  
EX13 5NX**

**Open 9.00 – 16 :00 Monday to Thursday  
(Friday by appointment)**

**Phone: 01297 32088  
Email: [enquiries@axminstertowncouncil.gov.uk](mailto:enquiries@axminstertowncouncil.gov.uk)  
Burial Officer Emergency Contact: 07711 929227**

**These regulations and fees were reviewed and approved by the meeting of the Operations Committee on 27<sup>th</sup> September 2022 (minutes entry OC22/179ii) and ratified by the FULL Council on 10<sup>th</sup> October 2022.**

