



Okehampton Town Council

# Okehampton Town Council

## DRAFT Cemetery Rules and Regulations

Okehampton Town Council welcomes visitors to the Cemetery at All Saints Church and asks that visitors respect the peace and dignity of the facilities ~~as well as other users~~. This is a communal space for quiet reflection and remembering loved ones. We thank you in advance for your consideration.

Please make yourself familiar with the regulations and ask a member of Council staff if there is any aspect on which you require further clarification. Through the rules and regulations, we aim to provide a balance between individual rights and information and the need to regulate for a safe, tidy and dignified environment with respect for the bereaved and visitors to the Cemetery. Please be aware that the ground surface can be uneven and we ask for your safety that you wear appropriate footwear when visiting. This is a burial area with only one hard standing path and has no hand rails or mobility aids provided and so visitors should recognise that they need to take care on uneven and possibly muddy or slippery ground. The cemetery is uneven in places and those with wheelchairs and mobility aids may find it a little difficult to move freely around the burial locations.

The newest Cemetery area at All Saints Church was purchased by Okehampton Town Council in 2004 and managed by the Northmoor Team Ministry until 1<sup>st</sup> April 2021 when it was brought in-house and run by Okehampton Town Council under the Local Authorities Cemeteries Order 1977.

These Regulations have been approved by the Town Council in respect of the Local Authorities' Cemeteries Order (LACO) 1977 and will subsequently be updated as required. Copies may be obtained from the Town Council Office, Town Hall, Fore Street, Okehampton, EX20 1AA, or from the Town Council website at [www.okehampton.gov.uk](http://www.okehampton.gov.uk)

Okehampton Town Council is committed to providing excellent customer care and maintenance standards. Our professional, committed and dedicated staff are more than pleased to assist, you need only ask.

### Hours of Opening

The Cemetery will be open to the public daily throughout the year, however, please be aware that at certain times access to individual graves may be restricted, for instance when an adjacent grave is being dug. Any disturbance will be kept to a minimum. Okehampton Town Council reserves the right to close all or part of the Cemetery at any time and without prior notice in the interest of public safety. Such closures will be published on the noticeboard situated at the entrance to the Cemetery and on the Council website, [www.okehampton.gov.uk](http://www.okehampton.gov.uk).

### Office Hours

Okehampton Town Council Officers are available to assist you between 9.30am and 4.00pm Monday to Thursday, or by appointment outside of these hours.

Appointments can be made by calling 01837 53179 or alternatively by email to [cemetery@okehampton.gov.uk](mailto:cemetery@okehampton.gov.uk)

### **Hours of Interment**

Interments may only take place Monday to Friday between the hours of 10am and 4pm, this being the time the last interment at the grave side must be concluded.

The time arranged for the interment is the time it commences at the graveside. If there is to be a service before the interment, sufficient time should be allowed for its duration and the journey to the Cemetery.

### **Notice of Interment**

A provisional telephone booking followed by a written Notice of Interment form, provided by the Town Council, must be submitted to the Town Council at least 4 working days prior to an interment (exclusive of weekends, Public Holidays and the day of interment itself), except when an immediate interment under exceptional circumstances is required. **All information provided must be clear and completed on the Notice of Interment form in order to avoid delays or errors on the day of interment.**

The certificate of burial or cremation or the Coroner's Order for Burial and the appropriate fee must be submitted with the Notice of Interment form wherever possible. The burial may be postponed or delayed if the certificate or Coroner's Order is not delivered prior to the arranged time for the burial.

### **Fees**

The list of burial fees and charges [are is](#) available from the Town Council and by visiting [www.okehampton.gov.uk](http://www.okehampton.gov.uk). All fees and charges must be paid upon submitting the Notice of Interment. Fees are payable either via card payment (in person only), BACS or by cheque, made payable to Okehampton Town Council. Receipts for all payments will be given to the account holder.

### **Grave Spaces**

The depth of every grave is controlled by the Town Council. No grave shall be deepened after the first interment. All coffins or other receptacles are interred in accordance with Part 1 Schedule 2 of the Local Authorities Cemetery Order (LACO), 1977.

No grave shall be excavated until verified and a grid identifying the location has been provided by a member of Town Council staff. Contracted grave diggers organised by funeral directors shall adhere to the Town Council's Code of Safe Working Practice which is available from the Council Office or via the Town Council's website. Funeral directors must notify the Town Council of all arranged grave digging.

### **Grave Rights**

A Grant of Exclusive Right of Burial (EROB) may be purchased at any time. An Exclusive Right of Burial is currently granted for a period not exceeding 30 years from the date of purchase.

The Exclusive Right of Burial can be issued in the names of up to three people.

A deed for the Exclusive Right of Burial will be issued to the purchaser/s of the grave upon payment of the appropriate fee. The Town Council's records contain the details of the registered grave owners; however, it is important that the grave owners keep safe their Exclusive Right of Burial deed. Possession of the deed does not in itself signify ownership of the Exclusive Rights.

When an interment is not that of the deed holder, consent in writing<sup>1</sup> from the deed holder(s) is required on the Notice of Internment form prior to the interment taking place.

Ownership of the Exclusive Right of Burial can be transferred either during the owner's lifetime or after their death. Transfer of the Exclusive Right of Burial from the living owner(s) to another individual(s) is done so upon completion of an Assignment Form.

The Exclusive Right of Burial may be transferred on the death of the registered owner to the person or persons entitled to it. In order to establish grave ownership, the person or persons wishing to take up ownership must be able to produce a Grant of Probate or Letters of Administration. If these legal documents have not been applied for or issued, then ownership may be transferred to the executor by Statutory Declaration.

A transferred Exclusive Right of Burial is only valid if it has been registered and acknowledged by the Town Council.

Where no Exclusive Right of Burial exists the Town Council has the right to use unpurchased graves, that have sufficient depth, for further interments. No previous interments will be disturbed in such circumstances.

### **Funerals**

The conduct of all funerals within the Cemetery is subject to the control of the Town Council. Coffins made from biodegradable materials only are accepted. Non-standard coffins may incur an additional fee.

After the interment the grave will be backfilled and any floral tributes will be respectfully placed on the grave.

The Town Council reserves the right to place soil on the graves next to those which are being opened without any prior notice. The soil will be removed immediately after the interment and the grave will be restored to its previous condition. Any work completed will be done in a respectful and sensitive manner.

### **Cremated Remains**

Scattering of ashes is only permitted on the scattering lawn at the far end of the Cemetery. Please do not scatter ashes in other areas of the cemetery or attempt to bury them yourself. Cremated remains left at a graveside or scattered without consent may be removed without notice. We are keen to ensure that the burial ground remains true to its ethos and it is important that the scattering lawn can be enjoyed as a place of peace and quiet reflection for the bereaved and future generations. As with all interments the location of the grave is recorded on the cemetery plans, and in the Register of Burials in Okehampton Town Council accordance with the Registration of Burials Act 1864, Births and Deaths Registration Act 1926 and 1953, Registration of Births and Deaths Regulations 1987. The placing of flowers and memorials on ~~graves~~ the scattering lawn is not permitted. The ~~meadow~~ lawn itself is a natural memorial for all to appreciate. If you would like to have a memorial arranged, please contact Okehampton Town Council.

### **Exhumation**

Once human remains or ashes have been interred, they can only be removed with the permission of the Town Council and a licence granted by the Secretary of State. Any disturbance of buried remains is deemed to be an exhumation.

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<sup>1</sup> In writing must include a "wet" signature, consent by email or with an electronic signature will be rejected.

## Memorials

No memorial of any description may be placed on unpurchased graves<sup>2</sup>.

Only the deed holder/s may place a memorial on a grave.

No memorial may be placed on a grave without the approval of the Town Council. Memorials must be placed in accordance with British Standard 8415. The maximum size permitted is 0.91m (3ft) in height x 0.61m (2ft) in width, see the Schedule of Fees and Payments for more information.

An application for a Permit to Undertake Monumental Work will only be accepted from [the Okehampton Town Council's list of](#) approved monumental masons. The appropriate fee must be submitted with the application form.

Memorials may not be placed on burial plots for 12 months from the date of interment, this includes second internments. This is to allow the earth to settle and prevent possible damage to memorials. The cremated remains section is exempt from the 12-month waiting period.

Temporary memorials may be placed on graves until a permanent memorial is placed. There is no fee required. A temporary memorial is defined as one that is provided by the undertaker.

Any unauthorised memorials placed on graves shall be removed in accordance with Article 14 of the Local Authorities' Cemeteries Order (LACO), 1977 and the cost invoiced to the family.

All new memorials must have the corresponding grave space number and the name of the monumental mason placed conspicuously on the reverse of the memorial.

Kerbstones, border stones or any kind of boundary marking are not permitted in the Cemetery.

When digging graves in certain areas of the Cemetery we may need to respectfully move memorials and flowers from surrounding graves without notice, to make room for equipment. We will replace memorials in their correct position as soon as possible after the burial.

Prior authorisation is required to be sought from the Town Council before any work is undertaken, including the move of a Memorial to allow the interment of a second burial.

## Maintenance

It is the responsibility of the grave owner to maintain the grave and memorial. Should it become dilapidated or unkempt through neglect, the Town Council will take appropriate action in accordance with Article 16 (2) of Local Authorities Cemetery Order (LACO), 1977. This could mean the removal of the memorial.

## Records

The location of individual graves is recorded on the Cemetery plans, and in the Register of Burials in accordance with the Registration of Burials Act 1864, Births and Deaths Registration Act 1926 and 1953, Registration of Births and Deaths Regulations 1987 and the Local Authorities' Cemeteries Order 1977. The records are available to view by appointment.

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<sup>2</sup> Burials that took place before April 2021 were under ecclesiastical rules and Okehampton Town Council does not expect EROBs to be purchased for these graves before a headstone can be erected. A statutory declaration signed in front of a solicitor will be required instead.

It should be noted that records, including the Burial Register prior to 1<sup>st</sup> April 2021 were the responsibility of the Northmoor Team Ministry.

### **General Regulations**

All visitors to the Cemetery must give due consideration and respect to other visitors, ceremonies and services that may be taking place at the time of their visit.

Grave owners must keep the Town Council advised of any change of address in writing, such notices must be signed by the registered owner.

The entrance to the Cemetery shall be kept clear at all times to allow the entry and exit of emergency vehicles, funerals, and visitors.

For their own safety children under the age of 12 are not permitted to visit the Cemetery unless accompanied by a responsible adult. Children must be supervised at all times.

Bicycles, skateboards or similar equipment may not be ridden in the Cemetery.

Visitors shall not sit, stand or climb on any memorial, gate, fence, tree or hedge in the Cemetery. Visitors should stay well clear of any monuments marked with fluorescent tape as they may be unstable.

We recognise that you may wish to leave tributes, therefore we allow pot plants and suitable artefacts to be placed at the head of the grave where they are at less risk of damage by mowing. We reserve the right to remove any articles placed along the length of the grave and place them at the head of the grave or take them to the Council offices for collection. We ask that vases are made from non-breakable material, as glass or ceramic pots will shatter during winter due to the freezing of any water in them. Broken glass or pottery presents a danger to visitors, staff and wildlife in the cemetery and any such items found will be removed and disposed of by Town Council staff without notice or taken to the Council Offices. Plastic flowers and astro-turf, gravel or similar are not permitted.

The planting of bulbs only on graves is permitted. Any other planting will be removed by Town Council staff and disposed of without prior notification.

Okehampton Town Council reserves the right to remove flowers placed on graves as part of routine care and maintenance. When funeral flowers and wreaths become unsightly, they will be removed for disposal. To avoid undue distress, bereaved family members who wish to retain wreaths or the attached memorial cards are advised to remove these prior to the third week after the interment.

All Christmas wreaths will be removed by Town Council staff for disposal during the last week of January. Bereaved family members who wish to retain wreaths or the attached memorial cards are advised to remove these prior to the above date to avoid any undue distress.

Plastic wrapping must be removed from floral tributes before being placed on a grave.

The Council shall not be liable for personal property brought into the Cemetery or for any damage or loss of memorials or memorabilia.

Photography is allowed for personal genealogy use only. Permission for all filming and photography for other purposes must be obtained in advance from the Town Council.

No alcohol is to be consumed within the Cemetery grounds.

Dogs must be on leads.

Visitors shall not interfere with Town Council employees working in the Cemetery, nor employ them to execute any private work whatsoever. Employees are not permitted to accept gratuities.

Those visiting or carrying out work in the Cemetery are required to follow these Rules and Regulations and any instruction given by Town Council staff.

### **Offences**

In accordance with Article 18 of Local Authorities' Cemeteries Order, 1977 it is an offence to:

- Wilfully create any disturbance in a Cemetery
- Commit any nuisance in a Cemetery
- Wilfully interfere with any burial taking place in a Cemetery
- Wilfully interfere with any grave, vault, tombstone or other memorial, or any plants or flowers
- Play any game or sport in a Cemetery
- Enter the Cemetery when closed to the public unless authorised to do so by a member of Town Council staff

Okehampton Town Council reserves the right to update and amend these Rules and Regulations as and when deemed appropriate. Significant changes to the policy will be communicated as soon as reasonably practicable.

The Town Council can assist or advise on queries relating to the Cemetery. Please contact:

Okehampton Town Council  
Town Hall  
Fore Street  
Okehampton  
EX20 1AA

01837 53179  
cemetery@okehampton.gov.uk  
www.okehampton.gov.uk