

HELMSLEY TOWN COUNCIL CEMETERY RULES
Reviewed May 2022 Addendum added March 2023 re Grave Memorial Sizes

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These rules and regulations for the control and proper management of the Cemetery are made under the provisions of the *Local Authorities Cemeteries Order 1977* and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations please contact the Town Clerk, Helmsley Town Council on 01439 772572 or via email on helmsleytc@gmail.com.

DEFINITIONS

1. Throughout these rules and regulations the following definitions apply:
 - a. "The Council" means Helmsley Town Council
 - b. "The Cemetery" means the Cemetery provided by the Council; land bounded by Carlton Lane, Baxtons Lane, Warwick Place and the Sports Field.
 - c. "Grave" means a burial place formed in the ground by excavation and without any internal wall of brickwork or stonework or any other artificial lining.
 - d. "Memorial" means any gravestone, monument, cross, vase or other monumental work.
 - e. The Clerk means the Town Clerk of the Council and The Registrar is the burial authority's representative
 - f. "Lessee" means a person to whom the exclusive right of burial in a specific grave space has been granted.
 - g. A resident of Helmsley parish' shall include any person residing in the parish at the time of death, or who resided in the parish for a period of not less than two years within a ten-year period prior to death.

The Cemetery is open daily from 9.00am until 5.00pm or dusk whichever is earlier.

REGISTRAR

2. The Registrar of Births Marriages & Deaths is located at Ryedale House, Old Malton Road, Malton, North Yorkshire YO17 7HH Email registrars.malton@northyorks.gov.uk
3. None of the following can take place without specific permission of the Registrar or Clerk:
 - a. Burials or exhumations
 - b. Scattering or burial of ashes.
 - c. Erection or fixing of a memorial.
 - d. Inscription on a memorial.
 - e. Renovation of a memorial.
 - f. Removal and /or replacement of a memorial.

4. A plan showing grave locations and numbers, and registers of grants of rights are kept and are available for public inspection – by prior appointment. A charge will be made for searches of persons buried in the cemetery.

5. A copy of these Rules and of the current fees and charges are displayed on the Town Council's website www.helmsleytowncouncil.co.uk and copies are available on request.

CONDUCT

6. The *Local Authorities Cemeteries Order 1977* provides that "No person shall:

- a. Wilfully create any disturbance in a cemetery.
- b. Commit any nuisance in a cemetery.
- c. Wilfully interfere with any burial taking place in a cemetery.
- d. Wilfully interfere with any grave, tombstone or other memorial, or any flowers, trees, shrubs or plants.
- e. Play at any game or sport in the cemetery.

7. None of the acts described in the foregoing paragraph are therefore permitted in the cemetery and in particular:

- a. No person is to enter, leave, seek to enter or seek to leave the cemetery other than through the main entrance on Carlton Lane or the side entrance on Warwick Place.
- b. No person is to interrupt or delay a burial by his or her behaviour, nor is any person to obstruct, disturb or annoy any person lawfully using the cemetery.
- c. No person is to wilfully destroy or damage any grave, memorial, wall, fence, tree, plant or shrub in the cemetery.
- d. No person is to mark or disfigure any memorial, wall or fence in the cemetery or put up any printed paper, handbill or sign.
- e. No vehicles may enter or leave the cemetery without specific permission from the Registrar or Clerk.
- f. Members of the public are not to cycle on the paths in the cemetery.
- g. No music is to be played in the cemetery except with the specific agreement of the Town Council
- h. Dogs are only allowed in the cemetery on a lead.

8. Children under 14 are not allowed in the cemetery unless they are under the care of a responsible adult.

9. Any damage in the cemetery is to be made good at the expense of the person causing it.

10. The Town Council reserves the right to exclude from the cemetery at any time all or any persons who are not members of the family of a deceased person whose funeral is taking place in the cemetery, or any persons not having any connection with such funeral.

GRAVES

11. a) Graves are only to be dug by approved personnel appointed for this purpose via the Undertaker, the Council will confirm the location and are dug at the expense of the person making the request.

11b) Grave diggers are required to have at least £10m public liability insurance and funeral directors who have appointed grave diggers must supply the council with a copy of the public liability insurance, both theirs (£10million minimum) and the grave digger's, and a risk assessment.

11c) Re-opening of graves: Undertakers re-opening a grave must ensure that the existing memorial has been removed from the Cemetery by a memorial mason prior to the burial.

12. All bodies for interment are to be contained within a sealed container such as a wooden coffin. Such containers are to bear the identity of the person contained therein.

13. Graves are to be dug to accommodate a coffin 78 inches in length and up to a maximum width of 26 inches. **Notice must be given if a coffin exceeds these limits and an extra fee may be payable.**

Graves will be dug to a depth of 54 inches for a single burial plot. Double depth graves are allowed in the cemetery. Once a burial has taken place a further three cremated remains can be buried in the same plot.

14. If a grave is re-opened for further burial, no human remains will be disturbed and no offensive soil will be removed.

15. Once the earth on a grave has settled, the Lessee may seek permission to erect a memorial, not before six months after the interment. Any holder for plants or flowers must form part of this memorial and must be constructed of a non-breakable material.

15A The undertaker who has contracted the grave digger, or grave diggers who have made direct arrangements with the council, is responsible for any levelling that the surface of the grave may require for up to 1 year after interment. This work must be carried out within 15 working days of a written request from the council or the council will carry out the work and recharge the undertaker. Suitable top-up soil may be left in an unused corner of the cemetery.

16. In respect of any grave for which no exclusive rights of burial has been granted, or in which the right has lapsed, the Council may re-open graves to permit further interments, where these can be accommodated, after 5 years have elapsed from the date of the last interment.

EXHUMATIONS

17. No exhumation of remains can take place without the specific approval of the Secretary of State and, where appropriate the Diocese of York.

EXCLUSIVE RIGHT OF BURIAL

18. No interment can take place in any private grave unless a prior grant of exclusive right to burial in that grave has been made. The name and address of the owner of this right, known as the Lessee, must be given to the Town Clerk and Registrar at the time of giving notice of the interment.

19. Grants of exclusive right of burial are granted for a period of 50 years. At the expiry of a fixed period for which such a right has been granted, the Town Council may offer the owner an opportunity to purchase a further number of years. The Town Council may serve notice of determination on those graves where the grave does not appear to be tended and where the right has not been exercised for 10 years. The right will then cease unless the owner notifies the Town Council in writing of his/her wish to retain it for a further period.

20. A Lessee may make a choice of grave space from those available but any choice is subject to the approval of the Town Council.

21. Before a grave, in respect of which exclusive right of burial has been granted, can be re-opened to admit a further interment, the Registrar must be reasonably satisfied that the Lessee agrees to the interment. Normally the signature of the Lessee on the notice of interment will suffice providing the particulars appear to agree with records. If the deceased to be buried is the Lessee himself/herself then normally the right would be transferred and the signature of the transferee would suffice.

22. Any right granted may be transferred by deed by a Lessee to another person but the transfer must be agreed and recorded by the Town Council and the Registrar. Such right may also be bequeathed by will whose executors must confirm its accuracy in writing. In either case a transfer fee may be payable.

NOTICES OF INTERMENT

23. A notice of interment must be on the form provided by the Town Council. Any instructions received by telephone, email or fax must be confirmed as soon as possible in writing and signed.
24. Every notice must state:
- The full name, age and residence of the deceased (and if such person is a minor, the names of the parents).
 - The date and place of death.
 - The day, date and time of the burial.
 - Details of the grave, including its depth and plot number.
 - Details of the existing Lessee including his/her certificate.
 - The dimensions of the coffin.
25. Notices of interment must be received by the Town Council and Registrar to allow a minimum of two clear days, exclusive of weekends and public holidays.

INTERMENTS

26. No interment can take place unless the Registrar has received a Certificate of Disposal from the Registrar of Births and Deaths or an Order for Burial from the Coroner, or a Certificate of Cremation from a Crematorium, as appropriate.
27. No interment can take place unless the appropriate fees have been paid in advance.
28. Interments can take place on any day, other than public holidays as agreed with the Town Council and the Registrar.
29. The Lessee or his/her representative or appointed Funeral Director should advise the Registrar if the deceased to be buried has died of an infectious disease which may require special arrangements.
30. Relatives or friends of the deceased must make their own arrangements for the conduct of any burial service. Any duly authorised or recognised minister, or any other duly authorised person, may officiate at interments providing the ceremony is conducted with due decorum.
- 30A. All persons, excluding Council employees, engaged for an interment, or where family or friends of the deceased are making the arrangements, must have public liability insurance to a value of £5 million.
- 30B. Relatives or friends of the deceased who are carrying the coffin and/or interring it must ensure that they are wearing suitable clothing, in particular suitably grippy footwear, and that they have discussed with the undertaker the procedure, risk, and health and safety precautions.

MEMORIALS

31. No memorial, with or without inscription, can be erected or fixed in the cemetery **without the written agreement of the Town Council**. The Clerk has delegated authority to approve memorials which she considers in keeping with existing memorials. If she has any reservations, applications will instead be considered at a meeting of the Town Council.
32. Lessees wishing to erect a memorial should contact a stonemason (who should be listed on the British Register of Accredited Memorial Masons BRAMM), who must complete an application for a permit to undertake monumental work. These application forms are available from the Town Council. Completed forms must incorporate a drawing of any proposed memorial, inscription, dimensions, the method of fixing and must carry the signature of the Lessee authorising the stonemason to undertake the work. All memorials must be of naturally quarried materials, be dignified in design and the colour and wording must be approved by the Town Council. The relevant grave number is to be inscribed on any monument or gravestone.

32A. A memorial removed for an additional inscription must be refixed to BRAMM standards when replaced.

33. Approval of the permit by the Town Council is to be taken as conferring to the Lessee a grant of a right to place and maintain a memorial on the respective grave. Such right will expire on the same date as that of the exclusive right of burial.

34. If a grant of exclusive right of burial in a grave expires and is not extended, the Council may serve notice on the Lessee to remove any memorial from that grave and will display appropriate notices of intent in a local newspaper and in the cemetery grounds. If after three months the memorial has not been removed, the Council may then remove and deal with it as it sees fit.

35. Any person employed to erect or fix any memorial must work under the direction of the Town Clerk. The ground is to be filled up and levelled, or slightly mounded, and all bricks, stone, rubbish or other materials are to be removed from the graveside to the spoil heap adjacent to the cemetery. Any damage to adjoining graves or memorials is to be made good. Mortar to be used must be brought in ready-mixed.

36. The dimensions of memorials placed on graves in which the exclusive rights of burial have been granted may not exceed: - **SEE ADDENDUM on last page**

Cremated remains

- a. Tablet 15" square and 2" depth, flush with the ground
- b. Upright memorial. **See addendum on last page** Once the existing row of upright memorials is full, no more will be allowed.

In the interests of safety, monuments will be mounted only on approved bases.

37. For grounds maintenance and health and safety reasons, the placing of fencing, enclosures, kerb surrounds, border stones, chipping stones or pebbles is not permitted on any grave space. Some memorabilia may be placed on the grave space for grieving purposes but must be removed within a 12 month period to comply with these rules and regulations.

38. A programme of memorial testing is carried out ensuring every memorial is tested at least once every six years. All monuments are examined to ensure they pose no risk to users of the cemetery. Where memorials are found to be loose or otherwise defective the Lessees will be, advised and given twenty-eight days to make the memorial safe.

39. In the event of a memorial posing an immediate threat to users of the cemetery or where Lessees having been advised that their memorial was unsafe and having not made good, immediate action will be taken to make it safe. This may result in the memorial being laid down or removed.

40. The Council may remove any memorial, or inscriptions thereon, placed in the cemetery without authorisation and recover any costs so incurred.

41. Helmsley Town Council has determined to use only members of the BRITISH REGISTER OF ACCREDITED MEMORIAL MASONS (BRAMM) so only approved monumental masons are permitted to carry out work in the cemetery. All memorials will be erected in accordance with the BRITISH REGISTER OF ACCREDITED MEMORIAL MASONS code of practice and using solid ground anchor fixings. For details of approved masons, please contact the Town Clerk.

42. The Council will not be responsible for any accidents or damage to any memorial caused by vandalism, storm, wind, lighting, subsidence, general grounds maintenance or any cause that is beyond the Councils control. Owners of memorials are advised to take out appropriate insurance cover against theft or damage.

43. Memorial Benches: please contact the Town Clerk for further information and advice.

44. Change of address: - We request that you notify the Town Clerk of any change of address as soon as possible so that the appropriate records can be updated.

GRAVE MAINTENANCE

45. All grave spaces and memorials are to be kept in good repair by the Lessees.

46. No surrounds, palisading, soft toys, glass vases, jars or tins may be placed on grave spaces. Neither will balloons, wind chimes and lights be allowed as stated in item number 37. Encroachment onto pathways and adjacent plots is not permitted.

47. All graves will be lawned for maintenance purposes and consequently any shrubs or plants placed on a grave will be removed. Anyone undertaking the maintenance of graves must make their own arrangements to remove any excess soil or stones from the cemetery.

48. Artificial shrubs, plants or flowers may be placed on graves but will be removed by cemetery staff when faded or appearing unsightly.

49. Dead flowers, waste paper and other refuse is to be put in the appropriate bins provided for that use and not left for disposal elsewhere in the cemetery grounds. The content of the bins are monitored by the Town Council and misuse of the bins could result in them not being emptied.

50. Cemetery staff will remove floral tributes, when wilted or decayed.

51. Christmas and other festive season tributes (wreaths etc.) will be removed within 3 months after the festival.

GENERAL

52. The above rules and regulations are not exhaustive and where matters arise that are not specifically covered the Town Clerk is authorised to make such decisions as he/she considers to be reasonable and necessary for the day to day management and control of the Cemetery.

53. Any person or persons who knowingly or wilfully contravenes the Cemetery Rules and Regulations maybe the subject of criminal prosecution (*Local Authorities' Cemeteries Order 1977(Section 19)*).

54. Restricted Grave Access – Helmsley Town Council asks you to note that at some time in the future the grave to the side of plots may need to be excavated and spoil may be placed on your plot. This may prevent you from visiting the area for a short period. The grave area will be made clean and left neat and tidy after the funeral by the undertaker responsible for the funeral.

55. Difference or Disputes - Should any difference or dispute arise as to the real intent, meaning or interpretation of these Rules and Regulations, the decision of Helmsley Town Council as the Burial Authority shall be final.

RESERVATIONS

56. No reservations allowed.

57. Alterations to regulations – Helmsley Town Council reserves the right to alter these regulations from time to time as it sees fit.

ADDENDUM TO RULES AGREED 17/10/22 and Memorial sizes for graves 20/3/23

Changes & additions to the Cemetery Rules in advance of a full review.

- i) No grave plot will be allocated for the burial of ashes as a first use.
Maximum height of grave memorial
Headstone 19" high x 21" wide x 3 or 4" deep Base 3" or 4" high x 24" wide x 12" deep
Reinforced precast concrete foundation 3" high x 30" wide x 18" deep set flush at ground level
- ii) Maximum height of ashes plot memorial on back row by hedge 19" (all stones including base stones), maximum width 22".
- iii) No upright memorials will be permitted for ashes plots unless they are for one of the reserved plots in the existing row by the hedge at the western side of the cemetery. The existing row will not be extended beyond the plot of Dr Titchmarsh as originally planned and no ashes plots will be allowed outside allocated areas for ashes plots, e.g. none between grave plots and the hedge.
- iv) Memorial Masons. Testing certificates from manufacturers/installers to be supplied to the clerk within a month of installation to prove that memorials and any component ground anchor and lock-down systems have been designed to meet BS 8415. BS8415:2018 identifies specific testing procedures for those test ground anchors. Soil type can have a major effect on the utility of anchors. They should record the name of the anchor used on the same form.

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