



LONGCROSS CEMETERY RULES AND REGULATIONS

Longcross Cemetery is owned and maintained by Dartmouth Town Council as a final resting place. The Rules and Regulations are in place to keep Longcross Cemetery as a peaceful and well-maintained place for those who wish to remember and mourn their loved ones. Dartmouth Town Council asks that all visitors respect this wish.

**These Rules and Regulations take effect from April 2023.
Approved at the Finance & General Purposes Meeting on 20 March 2023**

The Cemetery is open to the public during daylight hours throughout the year, but the Council reserves the right to exclude the public if it should be necessary on any particular occasion.

Burials shall normally take place between Mondays and Fridays. They must not start before 9am.

The time arranged for a burial shall be that of arrival at the graveside. If there is to be a service before the burial, care should be taken to allow sufficient time for its duration and for the journey to the Cemetery.

Burials will only be permitted on a Sunday, Good Friday, Christmas Day, Bank Holiday or any other public holiday in cases of emergency: the certificate of a coroner or registered medical practitioner that immediate burial is necessary will be required.

1. Fees

- a. The current fees are available from the Town Council Office and on the Town Council website.
- b. All charges and fees for interments and purchase of grave spaces shall be paid for at the time of the order, unless agreed otherwise. All fees are double for non-Dartmouth residents, unless the deceased moved from Dartmouth within a twelve month period.
- c. All fees for memorials shall be paid prior to their erection.

2. Burials

- a. A nationally approved Funeral Director must conduct all interments.
- b. By law, no burial or interment of ashes are permitted without the permission of the Town Clerk or authorised representative.
- c. All requests to book an interment will be submitted by the Funeral Director to the Town Clerk at least three working days before the planned interment. In the Clerk's absence, this decision is delegated to the Administrator
- d. No metal coffins will be allowed nor large American sized coffins.
- e. The first interment in each grave shall be at a depth of 6' 6" and no coffin shall be nearer the surface than 3'.
- f. The digging of any grave must be arranged through an approved Funeral Director.
- g. On the day of interment, flowers and wreaths may be placed on the actual area of the grave, but the Town Council reserves the right to remove these tributes after a period of two months.
- h. The granting of the Exclusive Right of Burial will permit the grantee the rights of burial, erection of a memorial stone and the engraving thereof for a period of 100 years.
- i. The Exclusive Right of Burial can be granted under multiple ownership, to a maximum of two people.
- j. When the Exclusive Right of Burial for 100 years in a grave space has been purchased, the holder is entitled to, and shall receive a formal Deed.

Ownership can be transferred to someone else by contacting the Town Clerk for the appropriate form to be completed for which a small 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 Town Clerk, which enables the grave to be transferred to the Executors or other entitled parties.

- k. 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. Any change to the contact details of the holder of the Exclusive Rights of Burial shall be conveyed to the Town Clerk within 28 days of any such change.
- l. If the owner of an Exclusive Right of Burial no longer requires the grave and it has not been used for burial he/she can surrender the Exclusive Rights of Burial. The owner should complete a Deed of Surrender form. The surrender value is the original purchase price as specified on the Deed of Grant, less the administration fee. The owner must not sell on the grave or brokerage for profit.

3. **The Funeral Director will be required to comply with the following:-**

- a. To have Public Liability Insurance of a minimum insured sum of £5,000,000 and to produce their current insurance certificate when requested by the Town Council
- b. To provide confirmation that they have not been barred from working in any other Cemetery in the previous two years and should this occur in the future that they will inform the Town Council immediately.
- c. To ensure that all work carried out shall conform to statutory requirements and the Town Council's Rules and Regulations and to adhere to nationally recognised professional Codes of Conduct.
- d. To ensure that all monuments are removed from a grave at least two working days before an interment and that they will liaise with the monumental mason to ensure removal of the same is affected within the aforementioned time period.
- e. 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.
- f. 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 Town Council's Rules and Regulations relating thereto and for any memorial stone erected thereon.

4. The Monumental Mason will be required to comply with the following:-

- a. To have Public Liability Insurance for a minimum insured sum of £5,000,000 and to produce their current insurance certificate when requested by the Town Council.
- b. To provide confirmation that they have not been barred from working in any other Cemetery in the previous two years and should this occur in the future that they will inform the Town Council immediately.
- c. To manufacture and erect the memorial to the current minimum National Association of Memorial Masons (NAMM) or the British Register of Accredited Monumental Masons (BRAMM) standards and current NAMM/BRAMM Codes of Working Practices and in the case of headstones this will include a NAMM/BRAMM approved anchor system appropriate for the soil conditions in Longcross Cemetery.
- d. All work carried out on the memorial (e.g. removal for additional inscription or other repair work) will meet current minimum NAMM/BRAMM standards and current NAMM/BRAMM Codes of Working Practices and in the case of a headstone will include a NAMM/BRAMM approved anchor system appropriate for the soil conditions in Longcross Cemetery.
- e. To be responsible for any damage caused to the Town Council's property or to surrounding memorials, turf etc. caused by their negligence or that of their workforce and or/any subcontractor employed by him.
- f. To remove all unused materials / rubbish and to leave Longcross Cemetery in a neat and tidy state.
- g. To agree not to carry out any work on site whilst a funeral is in progress.
- h. To confirm that they are satisfied from the enquiries they have made that the applicant is legally authorised to give permission to them to erect/inscribe the memorial and that the applicant has seen and approved the specifications as detailed in their application.
- i. That they have 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.
- j. That they have advised the owner to consider insuring the memorial stone against accidental damage and vandalism.
- k. That all memorials shall be fixed according to and within NAMM/BRAMM standards. That all work shall conform to statutory requirements and the Town Council's Rules and Regulations and to adhere to nationally recognised professional Codes of Conduct.
- l. That the works to the memorial will not be carried out until they have received the written consent from the Town Council.
- m. To complete and sign an application form declaring that the aforementioned requirements have been complied with.

5. **Memorial Stones (defined as headstone, monumental vase or tablet)**
- a. Before any memorial is erected the Exclusive Right of Burial must be purchased.
 - b. Permission must be obtained in advance, and a permit issued by the Town Council for the right to erect a memorial on a grave, or an Ashes plot.
 - c. Dartmouth Town Council will only permit headstones that have an integral steel pin, conforming to the NAMM/BRAMM Codes of Working Practices.
 - d. Memorial stones to be made of natural materials only. No plastic, metal or fibreglass memorial stones will be permitted.
 - e. A free standing memorial vase, used in place of a memorial stone or tablet shall be cuboid in shape measuring no more than 7" x 7" x 7" made from granite, stone, or marble and coloured in a shade of black, brown or grey.
 - f. Headstones must be no more than 3ft in height.
 - g. Only a written memorial inscription should be engraved upon a memorial stone, tablet or memorial vase and any variation of this requirement will be at the discretion and with the approval of the Town Council.
 - h. All memorial stones and memorial vases are placed in Longcross Cemetery at the risk of the holder of the Exclusive Right of Burial. Should the memorial stone, or memorial vase, become unstable within 5 years of its erection/placement, (as judged by the Town Council) the monumental mason shall return and re-fix it without cost to the Town Council according to the standards of NAMM/BRAMM.
 - i. Temporary memorials are not allowed, other than wooden crosses.

Cremated Remains

- Cremated remains may be placed in family graves or in the special section of Longcross Cemetery set aside for that purpose only with the permission of the Town Council and must be carried out by an appointed Undertaker and must be at least 18" below the surface.
- At **NO** time can receptacles containing the ashes of a cremated person be buried in a grave, without the permission of the Town Council or by an unauthorised person
- The dimensions of every cremation tablet shall be no more than 18" x 18" and fixed on a 24" x 24" paving slab provided by the Monumental Mason (the paving slab to be laid under the tablet, with the tablet laid on top, so that its upper surface is level with the ground). The tablet will be laid flat in position.

The Grave Digger will be required to comply with the following: -

- The Council does not undertake the digging of ashes plots or graves. Responsibility for this rests with the Undertaker. Grave Diggers must adhere to the Code of Practice for Grave Digging; this safe procedure applies to all new graves and re-opened graves.

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 Town 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 Town Council reserves the right to maintain the plot in the event that relatives fail to do so.
- The Town Council will cut grass, prune, cut down and remove any tree, shrub, planter or turf or any item which it considers to be unsightly over any grave at any time when in their opinion the grave is unsightly and/or overgrown.
- In the event of the Town 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 Town 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 Longcross Cemetery unless kept on a leash and under proper control.
- Dogs should not be allowed to foul in Longcross Cemetery and the person in control of the dog that does foul must remove any excrement.
- The Town 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 Town Clerk.
- The Town Council reserves all rights to the management of Longcross Cemetery; in particular, graves are liable to be reclaimed after a period of not less than 100 years.
- Relatives are requested to place all waste materials in the appropriate containers provided.
- Planting of graves (eg plants, shrubs, trees etc) is NOT permitted and such vegetation will be removed. Planting that exists prior to the date of the commencement date of these regulations will only remain at the discretion of the Town Council.
- The Town Council maintains the right to level, turf or seed the grave any time after 12 months from the date of burial or earlier should it become necessary.
- The Town Council does not accept responsibility for any damage or loss occasioned to any person, vehicle equipment or otherwise in Longcross Cemetery.
- Fresh flowers/artificial flowers are permitted in a small flower holder. The placing of artificial wreaths to commemorate Remembrance Day or Christmas Day will be permitted but will have to be removed no later than one month after the event otherwise the Town Council will remove the same.
- For safety and environmental reasons, no plastics, glass ornaments, toys, pictures,

lanterns, balloons, food, photographs, porcelain portraits, clothing, are to be placed on or around the memorial stone after a period of two months following interment. All such items will be removed by the Town Council.

- Absolutely no twigs, branches, shells, glass of any description, chippings, chains, stones, railings or anything that emits light or sound, should be used to mark out a burial or cremation plot beyond the memorial stone. No QR codes will be allowed on memorials in the cemetery. The Town 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 Town Council shall grant any concession that waives any of the Cemetery rules.
- Every person to whom the Town 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 Town 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 Town Council, its members and officers, servants, and agents in both contract and tort.

All Cemetery Regulations and Rules made by the Town Council prior to the adoption of these Rules are hereby revoked.