

Milton Road Cemetery Regulations

Introduction

Weston-super-Mare Town Council acknowledges the importance of a memorial as a means of commemorating the life of a loved one, acting as a focus for grief initially and, in years to come, as an historical record.

Weston-super-Mare Town Council, as a Burial Authority, has in pursuance of the General Powers of Management contained in Article 3 (1) of the Local Authorities' Cemeteries Order 1977 made the following Rules and Regulations to be observed in the cemeteries under their management.

For the purposes of these regulations "The Council" means Weston-super-Mare Town Council and "Memorial" means any headstone, monument, cross, flatstone, kerbing, or any other erection placed for the purpose of a memorial over any grave.

Weston-super-Mare Town Council welcomes all visitors to the Cemetery but requests that they respect the peace, dignity and reverence of the facility.

Part 1 Interpretations etc.

1. Interpretation:

In these regulations, unless the context otherwise requires, the following expressions shall have the meanings assigned to them:

"The Council" means the Weston-super-Mare Town Council acting as the Burial Authority for Milton Road Cemetery.

"Cemetery" means Milton Road Cemetery..

"Burial" means of the interment of the body of a deceased person, a stillborn child, a non-viable foetus or cremated remains.

"Deeds" means the document issued by the Town Council, detailing the exclusive right of burial in a grave.

"Deedholder" means the person to whom exclusive right of burial has been granted or to whom it is transferred or assigned.

"Form B" means the statutory form of certificate of medical practitioner.

"Form C" means the statutory form of confirmatory medical certificate.

"Form F" means the statutory form of authority to cremate issued by the Council's Medical Referee.

"Grave" means a burial place formed in the ground by excavation and without any internal wall of brickwork, stonework or other permanent lining.

"Grave space" means the area of land in which a grave has been or will be excavated.

"Grave number" means the number of a grave space in the records of the Council.

"Medical Referee" means a medical referee or a deputy medical referee appointed in pursuance of Regulation 10 of the Regulations, dated 28 October 1930, made by the Secretary of State for the

Home Office, under Section 7 of the Cremation Act 1902 and Section 10 of the Births and Deaths Registration Act 1926.

"Memorial" means any ornament erected, constructed, placed or laid (for the purpose of a memorial) over or upon any grave space.

"Inscription" means the reference to each deceased person.

"Additional Inscription" means the reference to each deceased person on a memorial, additional to the first inscription, whether the additional inscription is inscribed at the same time as the first or later.

"Minister" means any person officiating at a funeral service where the Council is the authorised burial or cremation authority.

"Office" means the office of Weston-super-Mare Town Council in Grove House, Grove Park, Weston-super-Mare, Somerset.

"Town Clerk" means the person for the time being holding the office of Town Clerk and any person appointed by the Town Council to act on his or her behalf.

"Section letter" means the letter of the alphabet indicating the section of a cemetery in which a grave space is situated.

2. Administration:

Milton Road Cemetery is administered from the office situated at:

Weston-super-Mare Town Council

Grove House, Grove Park,
Weston-super-Mare,
Somerset, BS23 2QJ

Tel: (01934) 632567 Fax: (01934) 642794

E-mail: amenities@wsm-tc.gov.uk

3. Payment of fees:

Fees for all Cemetery related services will be determined by the Council annually and will take effect from 1st April each year.

Normally all fees relating to an interment shall be paid prior to the burial taking place. However, with the permission of the Town Clerk, arrangements may be made for a Funeral Director to pay weekly. Where this has been agreed, payments for each week's burials or interments must be received at the Office by the following Tuesday.

Part 2 Regulations Relating to Milton Road Cemetery.

4. Hours of Opening:

Milton Road Cemetery is open daily to the public at 9.00 a.m. and closes at the following times:

Nov - Feb 5.00 p.m.

Mar & Oct 6.00 p.m.

April & Sept 7.00 p.m.

May - Aug 8.00 p.m.

5. Conduct in:

1. All persons admitted to a cemetery shall be subject to the control and supervision of the cemetery staff.

The Town Clerk or Town Council representative is empowered to take such action, as he/she may consider appropriate against any person who may:

- a) Commit any nuisance or cause distress to any person.
- b) Wilfully interfere with any burial taking place.
- c) Wilfully create any disturbance.
- d) Wilfully interfere with any grave, memorial or any plants, flowers or other such objects.
- e) Play at any game or sport.

2. Any person not being an officer of the Council or another person so authorised by on behalf of the Council shall not enter or remain in the cemeteries at an hour when they are closed to the public. (Article 18 (2) Local Authorities Cemeteries Order 1977).

3. Dogs are not permitted in the grounds (except in the case of a guide dog for a blind person or a hearing dog for a deaf person) without the permission of the Grounds Staff and any fouling shall be cleared up.

4. All persons shall conduct themselves in a quiet, decent and orderly manner within the Cemetery.

5. No person shall remove or take away any plants or flowers without lawful authority.

6. Any person who wilfully destroys or harms any property or article within or forming part of the Cemetery or wilfully, unreasonably or unlawfully disturbs any persons assembled for the purpose of attending any funeral, or any person attending the cemetery or commits any nuisance within a Cemetery shall be liable to prosecution.

7. All persons attending a funeral service, including a burial, shall leave the chapel or graveside after a reasonable period following the conclusion of the service or if requested to do so by the Town Council Representative.

8. No person shall bring any litter or other waste material into a Cemetery and any waste or litter arising from attending or caring for graves shall be deposited in the receptacles provided.

9. Cycling is not permitted in the grounds except on the main carriageways marked on the plan available in the Office.

10. Skateboarding, roller skating or similar pursuits are not permitted in the grounds.

11. Vehicles. Drivers shall not exceed the speed limit of 15 mph. Cars and other light vehicles must only be driven on the main carriageways marked on the plan available in the Office. The Town Clerk or Town Council Representative may permit other vehicles to be driven within the cemeteries should the need arise. Vehicles shall not be driven on footpaths, grass areas or planted areas. All vehicles shall be neatly parked, as directed as occasions demand, to allow access to other vehicles.

The Town Council shall not accept responsibility for loss from or damage to any vehicle brought into the Cemetery however caused.

12. The taking of commercial photographs and filming is not permitted in the Cemetery except with the prior approval of the Town Clerk for which a fee may be charged.

13. Windmills are only permitted on babies' graves and even then providing that they do not make sufficient noise to be deemed a nuisance to other visitors.

14. The Grounds Staff may remove, or cause to be removed, any glass jar and vase or any other object considered to be a hazard to public safety or to cemetery workers, from any grave without notice.

15. No person shall unreasonably interrupt the Council's workers at a Cemetery whilst they are engaged in their duties nor seek to employ them privately to execute any work within a cemetery.

16. No smoking shall take place within or in close proximity to any place where an interment is taking place.

17. No person shall canvass or solicit orders in the cemetery grounds.

18. No person employed by the Town Council is allowed to receive any gratuity whatsoever.

19. Alcoholic drinks shall not be consumed in the cemetery.

6. Funerals:

1. The conduct of any funeral in a cemetery shall be subject to the control and supervision of Town Council Staff.

7. Control and Punctuality:

1. The funeral in a cemetery shall be at a time arranged and an additional fee may be charged if the funeral is more than ten minutes late to recover costs incurred by the Council. The Town Council's staff may re-schedule the funeral if considered appropriate.

8. Unusual Arrangements:

1. In any instance where a funeral or burial service at a cemetery is likely to be attended by a large number of persons or at which musicians or banners may be in attendance details shall be given to the Town Clerk by the person making the funeral arrangements at least twenty-four hours before the funeral. In the case of a funeral to be attended by musicians, the musicians shall cease to play at the entrance to a cemetery unless consent has previously been otherwise obtained from the Town Clerk.

2. Rehearsals of funeral arrangements shall not take place in the cemetery without the written consent of the Town Clerk.

9. Public Health:

1. The person arranging a burial shall notify the Town Clerk in all cases where the deceased suffered from a notifiable infectious disease or was exposed to radiation.

2. If, in the interests of public health, the Town Clerk decided and directs, a body shall be taken direct to the grave and shall not be brought within the Chapel at a cemetery or crematorium.

10. Notice of Interment:

1. Two Clear working days written notice must be given to the Town Council Offices for an interment. Such notices exclude Saturday, Sunday, Christmas Day and any other day set apart as a Bank Holiday or Special Public Holiday. A longer period of notice may be required where; in the opinion of the Town Council Staff, a grave cannot be prepared within the minimum period of notice.

2. Notice of interment can be accepted by Telephone between 9.00 a.m - 5.00 p.m Monday to Thursdays and 9.00a.m - 4.30p.m Fridays excluding Public Holidays, but shall be subject to confirmation in writing as in 10(1).

3. Notice of interment shall be given on the printed form supplied by the Town Council, on which all the particulars requested should be clearly stated; responsibility for any error or omission shall rest upon the person signing the notice. Incomplete or incomprehensive forms will not be deemed to comply with this regulation.

4. The Town Council will not accept responsibility for the consequences arising from the loss or delay of any notice, order or other document sent by post.

5. After notice of interment has been given any alteration required in the arrangements will be subject to the consent of the Town Clerk. An additional charge may be imposed if such alteration is likely to include the Town Council in any additional expense.

11. Hours:

1. Interments shall normally take place between the hours of: -

9.00 a.m. and 3.00 p.m. Monday to Friday (excluding public holidays).

The latest times for an interment involving the use of the cemetery chapel shall be 2.30 p.m. and for a committal service which does not include the use of the cemetery chapel shall be 3.00p.m. Interments and services outside these hours will be subject to the payment of an additional fee.

2. The Time allowed for a burial service held in the crematorium or cemetery chapel shall be limited to 20 minutes commencing on the hour or 30 minutes past.

12. Exhumation:

Once interred, no human remains (including cremated remains) shall be removed from the grave without specific permission of the Town Clerk and the production to the Town Clerk of the statutory faculty or licence to exhume.

13. Certificate Required:

The appropriate certificate for burial issued by the Registrar of Births and Deaths or the Coroner's order for burial must be delivered to the Town Clerk prior to the interment at the cemetery.

Any person procuring a burial who fails to deliver such certificate or order shall be required to make a written declaration in the prescribed form in accordance with the provisions of Section (1) of the Burials and Deaths Registration Act 1926. Any person failing to comply with this regulation shall be liable for prosecution under Section (1) of the Act aforesaid.

A certificate issued by the appropriate crematorium will be required for the disposal of cremated remains.

14. Bearers:

The Funeral Director or other person(s) arranging a burial shall observe the regulations drawn up by the Town Council and is responsible for the provision of sufficient bearers to convey the coffin reverently to the graveside and lower the coffin into the grave.

15. Officiating Minister:

The Funeral Director or other person(s) arranging a burial shall be responsible for the attendance of a minister/officiant, where required to officiate at the burial.

16. Coffins:

1. No body or cremated remains will be accepted for burial unless contained in a perishable coffin or casket of wood or wood derived material or in an urn of a traditional type. Details of any special type of coffin or container proposed should be given in writing to the Town Clerk at the time when the initial Interment Notice is given.

The Town Clerk may refuse a coffin of extraordinary design, size or construction or may make an additional fee to recover costs incurred by the Council.

2. Every coffin and casket/urn shall bear a nameplate establishing the identity of the body contained therein.

17. Grave spaces, Excavations, Measurements, etc:

1. All work in connection with the excavation of a grave shall be carried out by the Council or by a contractor employed by the Town Council.

2. The required excavation for an interment may be to a maximum depth sufficient for three interments. Internal walls of brickwork, stonework or other permanent lining are not permitted.

3. No grave or grave space shall be raised above the level of the ground immediately adjoining the grave or grave space.

4. No body shall be buried in a grave in such a manner that any part of the coffin is less than 1 metre (3 feet) below the level of any ground adjoining the grave.

However the burial authority may, where they consider the soil to be of a suitable character, permit a coffin made of perishable materials to be placed not less than 60cm (2feet) below the level of any ground adjoining the grave.

5. Where any grave is re-opened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove from soil, which is offensive.

6. No body shall be buried in a grave unless the coffin is effectively separated from any other coffin interred in the grave on a previous occasion by means of a layer or earth not less than 15cm (6 inches).

7. The planting of graves and grave spaces is not permitted unless prior permission has been obtained in writing from the Town Clerk, which will only be given in exceptional circumstances.

Permission for planting that exists prior to these regulations will only remain at the discretion of the Registrar and will be based on the following criteria:-

- Where the planting does not constitute a hazard or obstruction.
- Where the planting is not overgrown or not properly maintained.
- Where planting or growth does not affect other graves.

The Town Clerk will arrange to remove planting at his/her discretion if in default of the above after first requesting the owner to do so and giving an appropriate period of notice.

8. The placing of artificial trees or shrubs is not permitted but artificial flowers and plants may be permitted at the discretion of the Town Clerk. However, any such articles must be adequately secured to their container so as to prevent littering and the Town Council cannot accept responsibility for damage or loss. The Town Clerk is empowered to remove such items at his/her discretion.

9. The Town Council will normally maintain the surface level of the grave, keeping the turf in good order and mowed. Where planting or the placing of objects impedes maintenance the Town Council may cease maintenance.

Grass maintenance will also be restricted to a frequency decided by the Town Council where kerbstones exist on a grave, such maintenance being deemed the responsibility of the owner of the memorial.

18. Lawn Cemeteries:

1. No grave space shall be raised. No planting is permitted on graves. A plant contained in a pot may be placed in the hole for the flower container. After an interment has taken place in a lawn cemetery grave, the soil will be allowed to settle naturally over the following months. Any subsidence will be rectified by the Town Council's staff who will add top soil periodically until settlement ceases.

When conditions are suitable the Town Council will turf or seed the area of the grave and carry out subsequent maintenance of the lawn. Memorials in the form of a tablet placed at the foot of the grave only will be permitted on lawn sections.

2. The purchase of a grave space in a lawn section is conditional upon the acceptance by the purchaser of:

(a) The principle maintenance of the grave area as a lawn cemetery including the use of mechanical mowers and other apparatus or treatment over the grass of the grave areas. With the exception of the erection of a memorial the remainder of the grave space will be turfed or seeded flat.

(b) The specification relating to memorials meets the requirements of the regulations governing their erection, size, and design. Please read the code of working practise issued by the National association of Memorial Masons.

19. Plants etc:

The cemetery staff may cut back or remove any tree; plant, shrub or other form or decoration planted in or placed on the grave space.

20. Floral Tributes:

Following an interment all floral tributes will be placed on the grave or where the quantity is such that they cannot be accommodated on the grave surface, will be stored at a place directed by the

Town Clerk. Floral tributes will be removed when in the opinion of the Grounds Men they become unsightly.

21. Grant of Exclusive Right of Burial:

On receipt of the appropriate fee a grant of exclusive right of burial in a private grave for a period not exceeding 80 years (30 years cremated remains plots) will be issued to the purchaser and such person will be registered in the records of the cemetery as the owner of the right of burial in that grave space. The full name and address must be supplied to the Town Clerk at the time of purchase.

The grant of exclusive right of burial will be confirmed by the issue of a deed. Any change of address must be notified in writing to Weston-super-Mare Town Council, Grove House, Grove Park, Weston-super-Mare, Somerset, BS23 2QJ.

A grant of exclusive right of burial confers no right other than of burial but the privileges of erecting a memorial on a burial place are granted only in respect of burial places in which exclusive rights exist.

At the expiration of the said period of the exclusive right of burial the purchaser, or his/her successors, will have the option of renewing the right, subject to such restrictions and regulations as may be in force at that time.

22. Private Graves:

1. When notice is given of the first interment in a private grave, the person responsible for making the arrangements shall indicate whether the grave will be required for one, two or three persons and the number of interments in that grave shall be limited accordingly. This limitation shall not apply to the interment of cremated remains. The number of interments in any grave may be limited by ground conditions.

2. In the case of a private grave to be re-opened, the grant of exclusive right of burial must be produced or other authority of the owner to open, given in the form prescribed by the Town Council.

23. Unpurchased Graves:

An unpurchased grave is a grave in which there is no intention to purchase the exclusive rights. The grave will be selected by the Town Clerk and the interment of unrelated persons will be permitted.

24. Memorials and Markers:

1. A memorial is only permitted on a grave space within the cemetery in accordance with these regulations and upon payment of the appropriate fee. A memorial will not be permitted on an unpurchased grave. The approval of the Town Council is necessary before a memorial is placed on the cemetery and before the alteration or addition of an inscription to a memorial.

Following approval the Town Council will issue a permit allowing the placement and maintenance of a memorial on the grave or to make the proposed alteration or addition thereto. The permit will remain in force for a period which corresponds to the period during which the exclusive right of burial is held by the deed holder and subject to a maximum period was originally granted in perpetuity.

2. Application for approval required under Regulation 23.1. shall be made at least 2 weeks in advance of the proposed date of placing the memorial in the cemetery by notice to Weston-super-Mare Town Council, Grove House, Grove Park, Weston-super-Mare, Somerset BS23 2QJ.

The Town Council cannot be held responsible where a memorial manufactured prior to application for approval does not satisfy approval requirements.

3. The notice must be given on a form provided by the Town Council entitled 'Memorial Permit Application'. The notice must contain full particulars of the proposal including:

- In the case of a memorial to be erected in the cemetery, a drawing of the memorial and its specification including the nature and quality of the material to be used and showing dimensions including those of the foundation slab.
- Any text to be cut upon the proposed memorial or any text to be altered or added to an existing memorial.
- All inscriptions will be subject to approval to ensure that no offence is caused to any person, race or religion.
- The name and address of the person placing the order for the monumental work to be undertaken.

4. Approval will only be given to the proposed memorial or addition / alteration thereto when the proposal satisfies the following requirements:

- The memorial shall be of natural stone only. Memorials of concrete, wood, pottery, plastic, metal or fibreglass are not permissible. Re constructed or reconstituted stone will be acceptable provided it meets British Standard BS 6457 (1984).
- The memorial shall be a headstone, vase or horizontal tablet only. Kerbs, leger stones, paving, gravel, stones or chippings and the like obstructions are not permitted.
- Every memorial shall be set on a suitable foundation in accordance with the dimensions specified.

5. The construction and installation of every memorial shall comply with the Recommended Code of Working Practice published by the national Association of Memorial masons or with such other Code of Practice that the Council may deem appropriate.

25. Memorial Dimensions:

The maximum dimensions (including base) of any memorial shall be:

Width of grave site Height (above ground Width level)

600 mm 600 mm 450 mm
900 mm 775 mm 600 mm
1200 mm 1050 mm 1050 mm

Thickness

Under 775mm in height 75 mm
Over 775 mm in height 75 mm

Length (i.e. The dimension of the memorial measured longitudinally head to foot of the grave) 300 mm.

A vase shall have no dimension greater than 230 mm.

Memorials and vases shall have the grave number cut conspicuously.

26. Memorial Foundation Slabs

- All memorials including vases and tablets shall be mounted on a foundation slab of natural stone or pre cast concrete with a minimum thickness of 50 mm. The foundation slab shall be set into the turf leaving the upper face flush with the level of the surrounding ground.
- The foundation slab shall measure 910 mm x 910 mm.
- Each memorial placed or erected in the cemetery shall have the number of the grave to which it is appropriated inscribed in a conspicuous position, in letters not less than 25 mm in height and deeply incised or leaded.
- If the trade name of the monumental mason is to be included on a memorial, the monumental mason is responsible for obtaining the approval of his client including details of the size and position of the trade name. No hewing or dressing of stone other than cutting of inscriptions will be allowed in the cemetery.
- All memorials, materials and equipment used in connection with memorial work shall be conveyed in such a manner as will avoid annoyance to persons, or damage to turf, paths, kerbs or any other part of the cemetery grounds.
- The owner of the grave when necessary, shall remove all memorials and stones from a grave where such a grave is reopened and shall be liable for the cost incurred. The owner shall be responsible for the replacement of the memorials at their own expense. Memorials removed shall not be placed on adjacent graves but removed from site until re erection can take place. Any removal of memorials will only occur following the permission of the Town Clerk or Senior Grounds Man.
- Permission to perform memorial work will only be given to memorial masons approved by the Town Council. Application for approval can be obtained from the office of Weston-super-Mare Town Council, Grove House, Grove Park, Weston-super-Mare, Somerset BS23 2QJ and will be reviewed annually.
- A memorial in the cemetery remains at the sole risk and responsibility of the owner of the exclusive right of burial. The Town Council has statutory powers to remove or make safe any memorial that becomes unsafe. Memorial masons are advised to notify their clients of their responsibility in this regard.

27. Removal of memorials upon expiry of rights:

The owner of the exclusive right of burial will be responsible for removing the memorial on expiry of the exclusive right of burial or permission to place and maintain the memorial. The Town Council has statutory powers to remove and dispose of memorials in default of this clause.

28. Unauthorised memorials:

- Any item placed on a grave without the prior permission of the Town Council in accordance with these regulations may be liable to be removed at the discretion of the Grounds Staff.
- The Town Council will cease maintenance of any grave surround obstructed by an unauthorised memorial.
- The Town Council has statutory powers under article 14 of the Local Authorities Cemeteries Order 1977 to remove unauthorised memorials and recover any costs from the person responsible.

29. Safety of Memorials:

Under the provisions of the Health and Safety at Work Etc. Act 1974 and associated legislation and in accordance with the Local Authorities' Cemeteries Order 1977, the Council is obliged to assure safety within the Cemetery and to have a documented memorial inspection programme in place.

The inspection programme will identify unsafe memorials and ensure that they are made safe by whichever method is appropriate. There is also a requirement for the Authority to ensure that new memorials are properly and securely erected to ensure long term safety of visitors to the Cemetery.

The Council will carry out a programme of regular checks of memorials. When a memorial has been identified as very unsafe and laid flat, every effort will be made to contact the Exclusive Right holder, requesting them to carry out the necessary repair. Further information on this programme of memorial safety testing is available from the Council Offices.

The Council reserves the right to lay flat or remove unsafe memorials at its discretion if the owner or successor cannot be found or refuses to arrange repairs.

30. Review and Amendments of Regulations:

The Council reserves the right to amend any of the foregoing regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

31. Alternative Formats:

Disability Discrimination Act 1995 - copies of this document in large print (A3 format) or larger font size can be made available for those with sight impairment on request from the Council Office or by telephoning 01934 632567 or e-mailing amenities@wsm-tc.gov.uk.

32. Freedom of information:

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website: www.wsm-tc.gov.uk