

BARNSTAPLE TOWN COUNCIL

BEAR STREET CEMETERY

Rules and Regulations

1 Hours of Opening

The Cemetery is open to the public as follows: -

Summer (27 March – 30 October)

Pedestrian gates Mon – Fri 8.00 to 21.00

Vehicular gates Mon – Thurs 8.00 to 17.00 and Friday 8.00 to 12.30

Winter (31 October – 26 March)

Pedestrian gates Mon – Fri 8.00 to 17.00

Vehicular gates Mon – Thurs 8.00 to 16.00 and Friday 8.00 to 12.30

The Council reserves the right to exclude the public if it should be necessary on any particular occasion. Such days and hours may be varied by the Council from time to time, notice whereof will be given in the Cemetery.

2 Hours of Burial

Burials shall normally take place on Mondays to Fridays inclusive. They must not start before 9.00 or later than 15.00 during summer, and 9.00 or later than (14.00) during winter except that at the discretion of the Clerk of the Council or his/her representative. A further additional fee is payable if burials are to take place after the stated times Monday to Friday or on a Saturday morning.

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.

3 Notice of Interment

Notice of Interment is to be given between the hours of 9.30 to 16.30 Mondays to Fridays, at the Office of the Clerk to the Council. At least four working days (exclusive of Saturdays, Sundays, and all public holidays) must elapse between the day on which notice of burial is given and the day of the funeral. The Clerk of the Council is authorised to limit the number of burials which may take place on any one day and to vary the requirements of this regulation if warranted by exceptional circumstances.

No second burial will be permitted in any grave unless the Exclusive Right of Burial has been purchased and the relevant Deed of Grant is produced for inspection. In such cases where the Deed of Grant cannot be produced the Council's form of Statutory Declaration of Lost Grant will need to be signed and sent with the Notice of Interment.

Interments may take place with or without the services of a clergyman or minister of religion.

All the information required on the Council's official forms must be provided.

4 Fees

All fees and charges must be paid at the Council Offices at the time when notice of burial is given, unless an alternative arrangement has been agreed beforehand.

5 Cremated Remains

A suitable receptacle containing the ashes of a cremated person may be buried in any plot in the Cemetery for which the exclusive right of burial has been purchased, or in a plot measuring 36 inches x 36 inches in the cremated remains plot. Cremation plots are available at single or double depths.

Only four interments of cremated remains will be permitted in an adult grave.

6 Certificate of Burial

The registrar's or coroner's Certificate for Burial (or in the case of a still-born child, a certificate in accordance with the Births and Deaths Act, 1926) must be produced at the time of burial and given to the Sexton on duty.

Before cremated remains can be buried, a Certificate of Cremation must be produced.

7 Exclusive Right of Burial

The Exclusive Right of Burial in a grave space or cremation plot may be purchased and will be conveyed by Deed of Grant to the purchaser of the grave/cremation plot itself. Such Deed only conveys the right to decide who shall be interred and the right to erect a memorial.

The Council in exercise of its powers under Article 10 of the Local Authorities' Cemeteries Order 1977 will grant the exclusive right of burial for the period of thirty years.

The Council reserves the right to select grave spaces, but the wishes of the purchasers will be met so far as is practicable.

Purchasers or owners of an Exclusive Right of Burial in any ground cannot transfer their rights therein to any other person, or persons without the consent of the Council and every such transfer shall be surrendered for the purpose of transfer to the person or persons to whom the owners desire, if the Council shall so think fit.

If any Parishioner of Barnstaple Town shall, after the purchase of the Exclusive Right of Burial in any space or spaces, leave the said area and reside elsewhere, such purchaser shall retain the same rights to the use thereof, as if such purchaser had continued in residence.

8 Common Graves

Every grave for which no Exclusive Right of Burial has been granted shall be available for two burials should that be necessary. The selection of grave spaces for common interments will be at the discretion of the Council.

No headstone may be erected on a common grave.

9 Child Graves

All child graves are excavated at 4ft by 3ft. Cremated remains are permitted within a child grave, subject to permission from the purchase grave owner and Barnstaple Town Council.

10 Digging and Depth of Graves

The depth of every grave (whether or not the Exclusive Right of Burial has been purchased) is controlled by the Council. No grave shall be deepened after the first burial. Every new grave for adults will be dug five feet for a single depth grave or six feet for a double depth grave, and a layer of at least six inches of earth must be left between each coffin. Due to the nature of the ground triple depth graves will **not** be permitted. **No part of any coffin shall be less than three feet below the level of the ground.**

The Council undertakes the digging of ashes plot, but contractors undertake the digging of graves. Grave Diggers must adhere to the Code of Practice for Grave Digging; this safe working procedure applies to all new graves and re-opened graves. No grave shall be dug in the Cemetery until it has been marked by the Council.

Only Council employees or Council contractors will be allowed to excavate graves. Any unauthorised graves will be filled in by the Council and the cost charged to those responsible for the excavation.

11 Lawn Area

All graves provided in the lawn area will be turfed flat and mown by the Council. A headstone or vase may be placed only at the head of the grave.

Cultivation of the grave space is **not** permitted in the Lawn Area.

12 Memorials

The right to place a memorial will only be granted in respect of graves for which an Exclusive Right of Burial has been purchased. No memorial shall be erected until at least 6 months after the burial.

The scale of fees and charges in respect of memorials and the sizes permitted are available upon request from the Council Offices.

Before any memorial is placed in the Cemetery a drawing thereof showing the dimensions, type of stone and finish, system of fixing, foundation depth and the inscription to be placed thereon shall be sent to the Office of the Clerk of the Council for approval, and the prescribed fee paid.

Ground anchor systems are permitted in order to fix memorials on the Graves and full details of such must be submitted to the Office of the Clerk of the Council for approval.

The Council has the power to remove unauthorised memorials in accordance with Article 14 of the Local Authorities Cemeteries Order.

The Council will not be responsible for any damage to monuments, gravestones and other structures other than damage occasioned by the negligence of its officers, agents, servants, contractors or workmen.

The Council may require the owner of any monument, gravestone or other structure, which in their opinion has become unsafe, to remove it. If the owner fails to comply with any such requirement within 14 days or if in the opinion of the Council the removal should be effected immediately then the Council may carry out the work without incurring any liability for any damage arising and the costs thereof shall be recoverable from the owner as a simple contract debt in any court of competent jurisdiction.

No fee will be charged for the erection of the memorials provided by the Imperial War Graves Commission (which eventually replace the Wooden Cross) on Service Graves.

No fee will be charged for private memorials erected by relatives over Service Graves or for inscriptions on memorials commemorating members serving in H.M. Forces at time of death.

Soliciting for orders within the Cemetery for the erection or repair of any monument, headstone, or other structure, or for any other work connected with graves, is strictly prohibited. The Council reserve the right to exclude from the Cemetery any person or company or firm on whose behalf any person, has been found so soliciting.

13 General Conditions

Under no circumstances may dogs, other than Guide Dogs, be brought into the Cemetery. Generally, animals will not be admitted to the Cemetery nor shall they be tied to the gates or railings thereof. However, the Council will consent to the admittance of a horse-drawn funeral carriage provided that advance notice is given at the office of the Clerk to the Council.

Every person who shall wilfully destroy or injure any building, wall or fence, belonging to the Cemetery, or destroy or injure any tree or plant therein, or wilfully destroy or injure, or deface any monument, tablet, inscription or gravestone, or do any other wilful damage, play at any game or sport, or discharge firearms (save at a military funeral) in the Cemetery, or wilfully

and unlawfully disturb any persons assembled therein for the purpose of burying any body therein, or commit any nuisance within the Cemetery, is liable to prosecution.

In areas where the planting of flowers, shrubs or plants is permitted the natural growth shall not exceed four feet in height. All planting and cultivation shall be subject to the approval of the Council and the Council reserves the right to prune, cut down or dig up and remove any flower, shrub or plant at any time when, in the opinion of the Council, the same has become unsightly or overgrown, or when necessary for the purpose of allowing the grave to be used again.

No person shall photograph within the Cemetery or measure monuments, headstones or graves without the written authority of the Clerk of the Council. Any application to photograph a specific grave or to take measurements shall be accompanied by the owner's written consent.

The servants and officers of the Council are not permitted to take any gratuity or to carry out privately work of any kind in connection with the Cemetery.

Attendance of Council Staff is required at all Committal Services.

No trees can be planted in any part of the ground except by the Council.

Visitors to the Cemetery shall not pick, cut, fell or remove from the Cemetery any flower, tree or shrub without permission from the Council, nor sit on any memorial, monument, headstone or structure other than a seat provided for the purpose.

Litter and withered flowers should be placed in the appropriate receptacle provided.

The registers, records, tables of fees and plan of the Cemetery are available for inspection at the Town Council Offices during normal office hours without charge. However, if requesting a member of staff to research burial records a fee of £28.00 will be charged for each year researched.

Visitors to the Cemetery are asked to behave in a quiet, orderly manner so as to preserve the quiet reverence and peaceful atmosphere created in the Cemetery.

The Council reserves the right to alter or add to these regulations.

The Clerk of the Council and the staff will be pleased to render whatever help or advice is needed and enquiries can be made personally, by telephone, or in writing to:

**The Clerk of the Council
Barnstaple Town Council
Barum House
The Square
Barnstaple
North Devon
EX32 8LS**

Tel: 01271 373311

Fax: 01271 321987

Email: admin@barnstapletowncouncil.co.uk