



CITY OF TRURO

TRURO CITY COUNCIL

**TRURO PUBLIC CEMETERY
ST CLEMENTS HILL
TRURO
TR1 1NT**

REGULATIONS

(Revised July 2019)

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Truro City Council welcomes all visitors to the Cemetery however you are kindly requested to respect the peace and dignity of the facility and others visiting it.

Truro Public Cemetery is open for visitors 24 hours a day 365 days a year.

The Sexton is available in the Cemetery during the following times:

Summer hours (1st April – 31st September) 8am – 5pm Monday to Thursday and 8am - 4pm Friday

Winter hours (1st October – 31st March) 8am – 4:30pm Monday to Thursday and 8am -1pm Friday

The Sexton does not work on a Bank Holiday, Saturday or Sunday.

Interments are available between the following hours:

Summer hours (as above) Monday to Thursday last interment 3:30pm and Friday 2pm

Winter hours (as above) Monday to Thursday last interment 2pm and Friday 11am

The Burial Department is open from Monday to Thursday 9am – 4:30pm and Friday 9am – 4pm

The Cemetery is managed and operated by Truro City Council in accordance with the Local Authorities' Cemeteries Order (LACO 1977), as amended by the Local Authorities' (Amendment) Order 1986 and such other regulations as may be made by the Secretary of State for the Home Office, from time to time.

MANAGEMENT OF THE CEMETERY

1. The Cemetery is open 24 hours a day 365 days a year but Truro City Council reserves the right to close the Cemetery and limit visiting entry at any time.

No person (including elected members of Truro City Council), other than a person authorised by a Council employee, shall enter or remain in the Cemetery when it is closed to the public.

2. All persons (including elected members of Truro City Council) entering the Cemetery will be subject to the orders and control of the Council or any person authorised by the Council.

3. All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of the provisions of the LACO article 18 (1): - *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 or vault, any tombstone or other memorial or any flowers or plants on any grave; or*
- (e) *play at any game or sport in a Cemetery.*

4. Visitors to the Cemetery shall not unreasonably interrupt the Council's employees at their duties, employ them to execute private works within the Cemetery or extend to them any gratuity.

All enquiries, complaints and requests by members of the public must be made to the Burial Department at Truro City Council and not to Council employees in the Cemetery.

Truro City Council's complaints procedure can be provided by the Burial Department.

5. All animals **MUST** be kept on a lead.

6. Children (e.g. under the age of 12 years) are not permitted in the Cemetery except under the care and supervision of a responsible adult.

7. No person shall sell, offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same, within the Cemetery.

8. Any person using a motor vehicle in the Cemetery shall do so on a carriageway suited to that purpose, except with the consent of the Council, and shall not exceed 10 mph.

9. All visitors to the Cemetery must keep to the footpaths or roads provided, except whilst visiting a grave, and refrain from touching the trees, shrubs, plants or flowers.

10. No person shall drop, throw or leave any wastepaper or refuse of any kind in the Cemetery. Litter bins are provided.

11. No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.

12. No Council employee is to demand or receive any gratuity.

13. No interment shall take place, no monument shall be erected or removed, nor shall any additional inscription be made on a memorial, without the prior written consent from the Council's Burial Department.

An appointment with the Sexton **MUST** be made prior to any work being executed in Truro Public Cemetery.

INTERMENT

14. Application for interment must be submitted to the Council's Burial Department on the correct application form at least three working days prior to the proposed interment.

The application form must be completed in full, signed by the funeral organiser and be accompanied by the appropriate fee.

Please note if a memorial is removed for interment an application must be completed and fees paid.

15. In the case of re-opening a purchased grave Truro City Council requires written authorisation from the Exclusive Right of Burial grantee; no consent is required for the interment of the Exclusive Right of Burial grantee.

16. No interment will be permitted on Saturday, Sunday, Good Friday, Christmas Day or a public holiday (please contact the Burial Department for advice).

17. The appointed time for an interment will be when the funeral cortège arrives at the entrance gate of the Cemetery.

The funeral director/person in charge of the funeral arriving after the appointed time must act under the direction of the Council, or their authorised person, as to when the funeral service may proceed.

18. In cases of emergency, certified by acceptable medical authority, Regulation 16 may be waived in the interest of public health.

19. The person or persons arranging the interment shall be responsible for the attendance of a Minister of Religion, if appropriate, to officiate at the burial service and for payment of any fee to which the Minister is entitled.

20. Services are limited up to one hour but may be extended by special agreement from the Council.

21. Any form of religious service may be used but any other ceremony is subject to the approval of the Council. Alternatively, the interment may be performed without service.

22. A Certificate for Disposal issued by the Registrar of Births and Deaths or a Coroner's Order for Burial must be handed to the Sexton when the funeral cortège arrives at the Cemetery.

23. Any body brought into the Cemetery shall be contained in a suitable coffin unless an un-coffined burial has been previously authorised by the Council.

No coffin shall be accepted unless it bears adequate particulars to the identity of the deceased person within.

A coffin may only contain one body with exception of a mother and baby (babies).

24. The responsibility for providing sufficient bearers to carry the coffin from the hearse to the grave, whether mourners are present or not, rests with the funeral director or person arranging the funeral.

25. All graves will be prepared by Truro City Council employees. New graves are allocated in strict rotation within each section of the Cemetery. Plans of the Cemetery are kept in the Burial Department and may be viewed during normal office hours.

26. Where a grave is re-opened for the purpose of interment no person shall disturb any interred human remains or remove any soil from the grave.

27. No body or cremated remains may be removed from any grave without the production of an Exhumation licence from the Ecclesiastical Faculty and/or Ministry of Justice. This is a requirement by law. Further information about Exhumation can be found on the following link:

<https://www.gov.uk/apply-for-an-exhumation-licence>

28. The Council may exclude any person or persons who are not mourners or officially connected with a funeral at any time.

CREMATED REMAINS

29. Cremated remains may be interred, in caskets or other approved containers, in a large grave plot providing the Exclusive Right of Burial has been purchased and written authorisation from the deed holder is provided.

Once cremated remains have been interred into a large plot the grave space will be deemed full and no further coffin interments will be allowed.

Cremated remains can sometimes be interred at double/triple grave depth allowing future coffin interments – please seek advice and guidance from the Burial Department.

Small plots are also available in the Cemetery exclusively for cremated remains/ashes.

Cremated remains can only be interred by a representative of the City Council.

There is no facility for “scattering” cremated remains in Truro Public Cemetery.

FEES

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

31. Residence fees apply where the person to be interred, or in respect of whom the Exclusive Right of Burial is granted, was an inhabitant/parishioner of the City of Truro immediately before death; excluding residents in hospitals or institutions, or for any person who can provide evidence of being a full-time resident/parishioner for five years in their life (evidence must be provided). Please write to the Town Clerk for consideration of resident fees if evidence cannot be provided.

All non-resident applicants will be charged a 100% surcharge (excluding memorial permits).

32. All fees are payable in advance to Truro City Council by BACs payment, cheque or cash. Please note all cheques must have cleared prior to any authorised work in the Cemetery (including interment).

RESERVATION OF GRAVES AND CREMATION PLOTS

33. The responsibility lies with the purchaser to contact Truro City Council to renew the reservation and pay the relevant fee at the time of the ten-year expiry.

If this is not renewed the grave (if a plot was allocated) WILL be used should the Sexton deem necessary.

The option of renewal is subject to capacity in the cemetery at the time of the ten-year expiry.

Graves are dug in rotation and per section. At the time of reservation, you will have the choice of the next available plot, and receive a grave reference, or you will be allocated the next available plot at the time of interment.

There may be occasions when Truro City Council need to contact you regarding your reservation plot; it is essential that Truro City Council be informed of any change of address.

Should the grave be required during the ten-year period of reservation the full Exclusive Right of Burial fee (at the time) will be charged less the initial reservation fee. The purchaser, or person arranging the funeral, must also provide this reservation agreement and completed Exclusive Right of Burial and interment application forms. No refund will be given for any period of the ten-year reservation that is unused.

EXCLUSIVE RIGHT OF BURIAL

34. The Exclusive Right of Burial (ERoB) gives the grantee/s lease of a grave plot for a maximum of 100 years. The land remains the property of Truro City Council.

The purchase of the ERoB includes the issuing of a deed grant which must be stored safely and submitted upon application for the grave to be opened.

35. Grantee/s have an entitlement to determine who is buried in the grave, whether a memorial is erected/removed and any future additional inscriptions added to that memorial.

Truro City Council allows a maximum of three grantees on any ERoB grant.

36. The ERoB may be purchased at the time of interment upon submitting a completed application form and payment of the appropriate fee.

Should the grave need to be re-opened, permission **MUST** be submitted, in writing, by all grantees unless interment is for the grave owner.

Truro City Council must be informed of grantee/s change of address.

37. All private graves will be initially excavated to the purchased depth however the Council cannot be held responsible if, due to factors outside their control, the full number of interments in a grave cannot be achieved.

Truro City Council will contact you should they become aware of this.

38. At the expiry date on the ERoB the grantee will have the option to renew subject to restrictions and regulations in force at that time.

An application for the renewal of ERoB should be made within twelve months of the expiry of the grant.

39. A **public (common) grave** is a grave in which no ERoB has been purchased.

Truro City Council reserves the right to inter into a public grave, if deemed necessary, and does not allow memorials to be erected on public graves.

40. All named deed holders have the right to be interred into the grave providing there is sufficient space. Once the grantee/s is/are deceased the grave can only be re-opened if the ERoB deed is transferred to a new owner (see transfer of ERoB).

TRANSFER OF EXCLUSIVE RIGHT OF BURIAL

41. A **Form of Assignment** is used by a living owner to transfer the ownership or to add additional names to the ERoB deed. An administration fee is required for this and an amended deed will be issued to the new/additional grantee/s.

42. A legal document **MUST** be submitted to the Burial Department before the transfer of ERoB can be completed.

One of the following would be acceptable –

- Grant of Probate – showing the legal executor and bearing the embossed seal of the Courts.
- Letters of Administration – showing the legal right to administer the estate and bearing the embossed seal of the Courts.

(Please seek advice and guidance from a solicitor).

A **Form of Assent** can be used to transfer ERoB from an executor/administrator once ownership has been transferred into their name (similar to a **Form of Assignment**).

43. In the absence of a legal document a **Statutory Declaration** can sometimes be used to transfer the ownership of the ERoB to an 'entitled' person/s.

The Burial Department will write the **Statutory Declaration** (administrative fees apply) which the applicant would be responsible to sign in the presence of a Magistrate or Commissioner for Oaths (fees apply for this).

Upon sight of the signed, original **Statutory Declaration** the Burial Department will transfer the ERoB to the named person on the declaration and issue a revised deed.

A transfer will not extend the date of the original lease.

An administration fee is applicable to transfer the Exclusive Right of Burial.

44. To change any personal details on the ERoB grant please contact the Burial Department.

45. The above list of combination and forms with reference to transferring the ERoB is not exhaustive - contact the Burial Department for advice and guidance.

MEMORIALS - Permits

46. A permit to erect a memorial can be applied for through submitting a completed application form and payment of the applicable fee - the application form **MUST** be signed by the ERoB grantee/s.

The approval of any application will be confirmed by the issue of a Memorial Permit to the ERoB grantee/s and notification authorising the proposed work to the stone mason. This notification will be valid for a period of 12 months and **MUST** be handed to the Sexton upon arrival in the Cemetery. Should this expire a new application must be submitted and fees paid in full.

47. A permit to remove/re-erect any memorial and to add any additional inscription can be applied for – **see above (46)**

The approval of any application will be confirmed by the issue of a notification to the monumental mason and the grantee/s.

This notification will be valid for a period of 12 months and **MUST** be handed to the Sexton upon arrival in the Cemetery.

Should this expire a new application must be submitted and fees paid in full.

Within twelve months of removal a memorial must be re-erected whether an inscription has been made or not.

48. An appointment with the Sexton **MUST** be made prior to any work being executed in Truro Public Cemetery.

49. No permit is required for cleaning; up-righting and re-levelling; repair of existing lettering, or painting of existing inscriptions unless the monument is to be removed from the Cemetery.

50. Trade names and grave reference (inscribed) **MUST** be indicated on every monument, in a location approved by the Council and in characters of not more than half an inch (12mm) in height to match the main inscription.

51. A monument may only be erected on a grave space in accordance with these regulations.

A memorial permit can only be issued once the following criteria has been submitted:

- i) grave number and name of the deceased;
- ii) in the case of a new monument, a drawing and specification. This must include the type, colour and finish (i.e. polished, honed etc) of the material (i.e. natural stone) to be used and show all dimensions (including those

of the kerb set and the foundation slab - all materials must be durable;

iii) text of any inscription to be inscribed, altered or added to any existing monument and the method of lettering (incised, inlaid with lead etc);

iv) the name, address and signature of the ERoB grantee/s and the monumental mason executing the work.

Truro City Council permits memorials and additional inscriptions that relate to the deceased ERoB grantee; the applicant should be the deceased's nearest surviving relative or executor (evidence is required). For any further work ERoB must be transferred – see page 5.

52. A memorial permit is issued on the understanding that work executed will fully comply with the details specified on the submitted application form and the requirement of these Regulations.

Anyone who erects any unauthorised monument or undertakes any monumental work within the Cemetery, not in compliance with these Regulations, will be asked to remove the monument and pay all costs involved.

53. Any memorial erected in the Cemetery remains the property and responsibility of the ERoB grantee/s. All memorials remain in the Cemetery at the sole risk of the owner and must be kept in good state of repair.

54. The Council undertakes safety inspections on all memorials every five years. Where an unsafe memorial is found the Council will contact the ERoB grantee/s to advise and, if necessary, make the memorial safe by staking or fixing into the ground. Where contact cannot be made and a memorial is classed as a priority one, risk to employees and/or the public, the Council will make safe by fixing or burying.

55. The Council reserves the right to remove any memorial which has become, or is likely to become, dangerous or which is in a derelict or unsightly condition.

56. Truro City Council shall not be held responsible for any damage or breakage which may occur to any memorial.

Memorials continued – Measurements

57. The base of each headstone erected must be a maximum of thirty-two inches long (812mm), twelve inches wide (304mm) and set so that the top of the base is four inches (101mm) above the level of the ground (measured on the high side).

The maximum width of the headstone must be no more than thirty inches (762mm) and the maximum height no more than thirty-two inches (812mm) above the top of the base; the headstone to be four inches thick (101mm). The overall height (including base) is to be no more than thirty-six inches (914mm).

The foundation stone should be set and doweled into a minimum of four inches (101mm) deep concrete foundation made up of:

- one-part cement;
- two parts sand;
- four parts of gravel or three-quarters to dust.

The foundation stone to be fixed below ground level.

The base stone to be doweled to the foundation stone following the final burial and inscriptions.

No kerbs or ledgers are to be fixed in the new sections of the cemetery.

A flower receptacle not forming an integral part of a headstone may be placed to the right-hand side of the headstone and in line with the base of the headstone.

Any flower receptacle placed elsewhere upon the grave space will be removed.

Wooden crosses may be erected if in compliance with these regulations.

58. Other memorials can be:

- i) book or tablet not more than 24 inches x 18 inches x 3 inches (609mm x 457mm x 76mm) fixed to a base not more than 28 inches x 18 inches x 3 inches (711mm x 457mm x 76mm) of the same material, fixed on a foundation of the same dimensions as the base;
- ii) flat tablet not more than 12 inches x 12 inches x 2 inches (304mm x 304mm x 50mm) fixed to a foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground, all to be in natural stone; number 50.
- iii) Child/stillbirth memorials - 24" height x 20" width x 3" depth - headstone
3" height x 24" width x 12" depth - base

All memorials upon completion will be inspected and signed off by the City Council's Sexton/Parks & Amenities Manager.

59. No hewing or dressing of stone, other than the cutting of an inscription or cleaning of the stone, will be permitted in the Cemetery.

60. All materials and equipment shall be transported in the Cemetery to prevent damage to walks, paths, roads or turfed areas and all soil or waste material **MUST** be removed when work is completed. Mats, boards or canvas shall be used, as directed by the Council to achieve this. Any damage caused is the responsibility of the perpetrator who **MUST** fund any repair.

61. All persons employed on behalf of the owner of the EROB to erect or remove any monument shall carry out their work strictly under the direction of the Council.

MAINTENANCE AND UPKEEP

62. After an interment has taken place and a reasonable time has elapsed for the natural subsidence of the earth used to fill the grave, Truro City Council shall, in accordance with the Local Authorities Cemeteries Order 1977, cause the surface to be levelled, covered with top soil and seeded; excluding any area covered by a memorial.

63. It is the responsibility of the grave owner to keep the grave space in a tidy condition. In default the Council reserves the right to level top soil and re-seed.

64. The placing on graves of glass containers or shades, items of pottery, toys, tins, plastic or wire mesh fences or other items of metal, plastic or other material are forbidden and will be removed by the Council without notice.

Temporary (or permanent) wooden crosses are permitted subject to approval by the Council.

65. Spring flowering bulbs may be planted on a grave, as directed by the Council. The planting of perennials, shrubs and trees is not permitted.

66. The Council reserves the right to remove from any grave space flowers, plants, floral tributes, wreaths or receptacles which have deteriorated or become unsightly and dispose of them in such manner as they deem fit.

67. Grass cutting will be carried out by Truro City Council, at a frequency determined by weather conditions and by the Council. Within the Conservation Area set aside by the Council, maintenance will differ from the normal grass cutting cycle.

68. Maintenance work conducted by members of the public is restricted to manually operated hand tools only.

69. Cleaning headstones should be undertaken in controlled conditions and meeting Control of Substances Hazardous to Health Regulations (COSHH) Assessments.

GENERAL

70. All contractors working in the Cemetery must comply with Truro City Council's requirements and submit the necessary documents annually; please contact the Council's Compliance Officer for information kate@truro.gov.uk

Any contractor failing to comply with these regulations will not be able to conduct business in Truro Public Cemetery.

71. All rubbish and waste material, including wreaths and floral tributes, which have been removed from graves, should be disposed of in the litter bins provided.

Household waste or other waste material, not generated in the cemetery, must not be placed in the litterbins.

72. The Council is empowered to alter or amend the foregoing regulations at any time; to introduce further regulations as they consider necessary; to waive any of the foregoing regulations in exceptional circumstances or to impose temporary restrictions on any matters not specifically covered by these regulations.