



Newmarket Town Council

Newmarket Town Council cemetery regulations Effective from 1 May 2021

The foregoing Rules and Regulations will come into operation from 1 May 2021 All previous Rules and Regulations previously made by the council are hereby superseded. The council reserves the right from time to time to make alterations, additions or amendments to these Rules and Regulation specified herein. These rules and regulations will be reviewed at least once per year.

Introduction

We seek to observe the rights and choices of any individual wherever possible, but to be fair to all, to keep everyone safe, and to maintain our cemetery to high standards we do need some regulations. Everyone visiting our cemeteries needs to follow these regulations.

When we mention 'cemetery' in the regulations we are referring to Newmarket Cemetery at High Street, Newmarket.

Newmarket Town Council (referred to as 'the council' or 'we' in the regulations) is legally responsible for managing and controlling the cemeteries. The council authorises West Suffolk's cemetery manager to act with its authority and enforce the regulations.

To comply with the relevant laws, we run the cemeteries in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.

If you have any questions about these regulations, please contact

Cemeteries Manager
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

Email: cemetery.services@westsuffolk.gov.uk

Website: <https://www.westsuffolk.gov.uk/>

Phone: 01284 757068

General

Opening times

1. The cemeteries are open daily to visitors. We display the times on notices at the cemetery gates and on our website: www.westsuffolk.gov.uk/cemetery

Note: Opening times will change according to the seasons.

Rights of use or admission

2. a. We reserve the right to:
 1. close or limit access to the cemeteries when necessary, and
 2. withdraw the use of the cemeteries from any person or organisation.
- b. You may bring dogs into the cemeteries, but they must be kept on a short lead and always remain under your control.
- c. Dog fouling is prohibited.
- d. Only vehicles associated with a funeral cortege, or those displaying a valid disabled parking permit ('blue badge') may enter the cemeteries. Any vehicle entering must be:
 - driven slowly keeping to the 10mph limit.
 - kept to the main roadways, and
 - parked in a way that does not inconvenience visitors or staff.
- e. Cycling, scootering, and skateboarding is prohibited in any part of the cemetery; users of these modes of transport should dismount at the gate.
- f. No consumption of alcohol may take place within the cemetery. Anyone under the effects of such substance will not be admitted or may be asked to leave.

Fees

3. All fees for interments and memorials applications are payable in advance
4. All cemetery fees and charges are reviewed annually and are displayed on both the Council and West Suffolk's website:
https://www.westsuffolk.gov.uk/Births_and_deaths/cemeteries.cfm

Exclusive right of burial

5. At the time of the interment you may buy an exclusive right of burial (ERB) in a grave for an agreed period. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The exclusive

rights of burial vary between grave types. The pre-purchasing of any graves (either full burial or cremated remains) in Newmarket Cemetery is not permitted.

6. The exclusive right of burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the council has given permission).
7. On the fifth anniversary of the purchase we may offer the deed holder the opportunity to buy an extension of another five years, bringing the exclusive right of burial back to its original term.
8. The exclusive right of burial relating to cremation vaults and cremation earthen plots may at any time be extended for a further 25 years subject to the appropriate fee being paid.
9. Our policy is to excavate graves to the maximum depth available. With regards new graves we will initially aim to excavate them to a depth of 2.75 metres (approximate 9ft). This will enable the grave to accommodate three interments. The council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments.
10. We will allocate new graves in strict rotation. We will try to meet the wishes of applicants who buy grave spaces if it is practical to do so, subject to the council's approval and payment of the appropriate fee.
11. The council keeps plans and records of graves which visitors may view, by appointment, during normal office hours.
12. When the exclusive right of burial period comes to an end the buyer (or his or her heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.
13. Deed holders will need to apply to renew the exclusive right of burial within 12 months of the previous grant finishing.
14. The council may grant a renewed right of burial to another person if the exclusive right of burial grant period has finished, and nobody has informed us that they want to renew it. Before we do this, we will where possible, notify the previous owner (or his/her personal representative) to give them the option to renew it.
15. Where no interment has taken place in the grave, the owner of the exclusive right of burial may surrender it to the council. We will pay the owner an amount which is in proportion to the number of years remaining for the exclusive right of burial. We will not make a payment if the exclusive right of burial has lapsed or finishes within ten years.
16. If the council gives permission, the owner of an exclusive right of burial may transfer it to another person if he or she provides satisfactory evidence of ownership. The owner must register the transfer in the cemetery's records, have the deed of grant of right of burial endorsed by the council and pay the appropriate transfer fee. The number of deed holders which can be entered onto each Deed of Grant is restricted to a maximum of two persons. When one deed holder dies the remaining deed holder will then become the sole deed holder of the grave. Where a family dispute results in a stalemate and relevant consents are withheld, the ownership cannot be transferred.

This can only be resolved if the various next of kin reach an agreement, possibly with the mediation of a solicitor or other parties. It is not the responsibility of the Council cemeteries service to facilitate this this action.

17. Provided that there is sufficient room and subject to receiving consent from the Cemeteries Manager cremated remains can be interred in any adult grave in the cemetery for which you have the exclusive right of burial. No adult interments, either full or cremated remains can be interred into the grave of a child or baby unless the child or baby was interred into a full adult grave and the appropriate adult exclusive right of burial fee was paid.
18. Ownership of the ground does not at any time; pass from the control of the council.
19. Before the reopening of a purchased grave the ownership for exclusive right of burial must be proven.

Coffins and caskets

20. To help us all respect the environment, all bodies entering the cemetery for burial must be contained in a coffin/wrapping made of a perishable material bearing the full name, age, and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the Cemeteries Manager. Any type of metal coffin or casket is not permitted. A coffin or casket which is 6 feet 10 inches or over in length or 30" or over in width will be regarded as extra-large and will be liable to additional fees.

Interments

21. You can apply for a burial by contacting the Cemeteries Service (contact details are shown in the introduction section of this document). The service operates from 9am to 5pm, Mondays (apart from bank holidays) to Fridays. You must deliver a completed interment notice to the office at least two clear days before the interment (excluding Saturdays, Sundays, and bank holidays).
22. If the burial is being arranged by a funeral director all coffin, casket and grave sizes must be sent to the Cemeteries Office in writing by them. Verbal instructions will not be accepted from families.
23. Interments normally take place on Mondays to Fridays between 9.30am and 3pm (subject to the season).
24. The interment fee includes the excavation and preparation of the grave, matting and attendance by cemetery staff and backfilling on the day of service. The fee also includes all administration, entries into the burial registers and onto the burial database. The fee does not include the removal or reinstating of any memorial (whether the memorial belongs to the grave to be opened or other graves within the area which need to be removed to provide access), planting, shrubs, or trees. The cost of any of these actions must be covered by the applicant. An estimate of the cost would be provided by the cemeteries office before the work could be undertaken.
25. The time booked for a funeral is the time the cortege is due to arrive at the cemetery. If the funeral director or person in charge of the funeral is later than the appointed time, he or she must act under the direction of the manager (or his or her representative) as to when the funeral service may proceed.

26. The council will not open a grave covered by an exclusive right of burial without the written permission of the registered owner unless the burial is to be that of the registered owner.
27. We will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid, then a statutory declaration must be made.
28. We must receive the registrar's certificate for disposal or coroner's order for burial before any burial can take place.

We will require a medical practitioner, midwife, or nurse's certificate if the interment is for a non-viable foetus.
29. We reserve the right to delay or reschedule a funeral if any burial area or excavated grave becomes unstable or dangerous due to severe weather, other naturally occurring instances or an act of God.
30. The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the funeral director or person arranging the funeral.
31. Once we have a notice of interment, we reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The applicant will pay the cost of removal.
32. We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. We also reserve the right to move memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial.
33. Only the council can authorise or employ people to prepare graves.
34. Council staff are not permitted to accept tips.
35. A council representative will be present at all interments to make the final checks to ensure the funeral is completed lawfully.
36. During a funeral (or before) we have the right to exclude those who are not mourners, or not officially connected with the funeral.
37. Newmarket Cemetery contains a children's grave section. We do not permit the interment of adults in children's graves in the children's section. Financial assistance is available from Central Government to families who have lost a child (under the age of 18) to allow choice with regards to burial and memorial options. Information and advice can be given by the Cemetery Manager.
38. Persons authorised by the council will normally carry out the back filling of any grave. However, if relatives and friends wish to do so, permission must be sought from the cemeteries office and the back filling must be carried out under the direction of a member of cemeteries staff or another authorised person. A risk assessment must be

completed by the funeral director and sent to the cemetery's office at least two working days before the interment takes place.

Management of memorials

39. We will give you the correct form to complete if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. The form will include:
- name and address of the memorial mason who will carry out the work.
 - material and measurements of the memorial.
 - details of inscription and a diagram of the proposed memorial, including fixing methods, and
 - full names and signatures of the registered grave owner/s to give permission for the work.
40. Issuing a permit to work confirms that approval for any such application is given. The applicant must not start any work until they have a permit. We will give permission if the work undertaken fully complies with the details specified within the application form, the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM) schemes and the requirements of these regulations.
41. You may be required to remove any work that you do, or any memorials or kerb sets – and pay all the costs of removal – if these do not comply with the cemetery regulations.
42. All memorials must be erected in accordance with BS8415 and the National Association of Memorial Mason's (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the exclusive right of burial is responsible for keeping the memorial in a good and safe condition. The manager is permitted to instruct removal of any memorial that becomes unsafe or is otherwise dilapidated.
43. All memorial mason companies who work within the cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM). Fixing teams will contain at least one mason in possession of a BRAMM or NAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.
44. We do not permit any kerb sets in the lawned sections of Newmarket Cemetery.
45. You may only use granite, marble, slate, or other suitable material of durable and sound quality for memorials.

Grave maintenance

46. Graves in all sections of the cemeteries will be grassed, with no mounds unless there is a kerb set fitted by a registered stonemason. You may install a memorial of the dimensions indicated below at the head of the grave. You may not place any other

memorial or other items in or around the grave space or on the grassed area in front of the grave including shrubs, plants, and bulbs. Artificial grass is not to be laid on graves at any point after an interment has taken place or at any other time. Any artificial grass laid will be removed by site staff without notice. Graves in all sections of the cemeteries will be made good with turf or grass seed during the months that follows a burial. All sections of the cemetery will have natural grass covering the grave except in compartments where a kerb set is permissible.

Memorial sizes

47. Headstones and memorials must not exceed 975 millimetres (3'3") in height (above ground level); 750 millimetres (2'6") in width. The stone must be of sufficient thickness to support its height, and any reasonable force exerted upon it, to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with, or below, the adjoining ground level. Headstones or headstones bases may not be linked over two or more graves.
48. A drilled base which should not exceed 3 feet in width, by 18 inches in depth and 6" in height, may accommodate:
- up to two flower containers or
 - up to two natural stone vases not more than 300 millimetres (1'0") high and not more than 175 millimetres (7") square or
 - a natural stone tablet, not more than 300 millimetres (1'0") high, not more than 300 millimetres (1'0") wide and not more than 50 millimetres (2") thick or
 - up to two, natural reconstituted, stone figures, not more than 375 millimetres (1'3") high, provided the stone is not covered, coated in plastic, gilded, glazed, or painted.

Any such vase, tablet or figure must not extend beyond the perimeter of the base.

49. Alternatively, a memorial may consist of:
- a natural stone vase not more than 300 millimetres x 225 millimetres x 225mm (1'0" x 9" x 9") fixed to a plinth not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the plinth or
 - a book or tablet not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") fixed to a base not more than 450 millimetres x 300 millimetres x 50 millimetres (1'6" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground. The base may be drilled to accommodate up to two flower containers or may incorporate two small vases or figures or
 - a flat tablet not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") fixed to a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground.
 - a baby or child (up to the age of 12 years) memorial must not exceed the following dimensions. The head stone 24 inches high x 1 inches wide x 3 inches deep, the base 18 inches wide x 1 inches high and the landing 24 inches wide x 1 inches deep x inches high.

50. You may fix photographic plaques, either ceramic or other material, of an approved size to memorials, if you have the council's written approval.
51. The grave number must be inscribed on all memorials erected in the cemetery, on the lower right corner of the rear of the base (or other conspicuous position as approved by the council), in characters of not less than 25 millimetres (1") in height, to match the main inscription.
52. Trade names must be inscribed on any memorial in the lower left corner of the rear of the base or other location approved by the council in characters of not more than 12 millimetres (1") in height, to match the main inscription.
53. All contractors engaged on work in the cemetery must comply with all council directions and requirements. Proof of Public Liability Insurance and membership to one of the national associations for memorial masons should be supplied to the cemeteries office prior to working in the cemetery
54. All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material must be removed in a like manner. Mats, boards, or canvas must be used, as directed by the council, to achieve this end.
55. Masons must notify the council of intent to work in the cemeteries at least 24 hours before arrival at the cemetery. No work will be permitted outside of the opening times of the cemetery or at weekends unless specifically approved by the council.
56. Any person removing a memorial to permit a further interment may only do so after informing the council. Upon reinstallation of such memorials, they shall be re-fixed in accordance with BS8415 and the National Association of Memorial Mason's or British Register of Accredited Memorial Masons Code of Practice, this will include the installation of new dowels between the base and headstone plate.
57. We will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.
58. The Council advises that at least 12 months lapse between a full burial and the setting of a memorial headstone (unless there is a continuous headstone base). The Council will not accept responsibility for stone movement if the stone is fitted before the advised time frame.

Cremation gardens

59. You may purchase an exclusive right of burial for a period of 25 years. The term of exclusive right of burial may extended for a further 25 years subject to the appropriate fee being paid.
60. The only memorials permitted are desk-type or a flat tablet (subject to the council's approval). The colours of these memorials are restricted to black, dark grey and light grey only.
61. Up to two sets of cremated remains may be buried in each grave.

Memorial benches

62. All benches placed in the cemetery must be purchased through the cemetery's office. Any new unauthorised benches (those not purchased through the cemetery's office) will be removed to a safe compound. The owner will be contacted to arrange removal.
63. All unauthorised benches placed in the cemeteries prior to 1 July 2017 will be allowed to remain in the cemetery until they are assessed by the council to be no longer fit for purpose. At this point the bench would be removed to a safe compound and the owner will be contacted regarding the collection or disposal. Any unauthorised benches will be subject to the same terms and conditions as authorised benches. Any replacement benches must be approved and be purchased through the cemetery's office.
64. Anyone wishing to lease a dedication bench for a predetermined term will be asked to read and sign the terms and conditions set by the cemetery's office. If any of the terms and conditions of the bench lease are broken, then the bench would no longer be included in the maintenance programme and a further leasing period would not be offered.
65. The council may provide memorial benches at various locations within the cemetery, these benches may be leased for an agreed period. The council reserves the right to relocate all benches on site to meet operational needs.
66. No other memorial or other items may be placed on the bench.

Memorial trees, roses, and shrubs

67. The council may provide trees, roses, and shrubs for dedication at locations within the cemetery, and you may lease memorial plaques from the council for a period of up to 15 years. It is prohibited to inter cremated remains within this type of memorial.
68. No other memorials or items may be placed on or around the tree area.

Public graves

69. A public grave is a grave in which no exclusive right of burial has been granted by the council and in which unrelated persons may be interred.

Maintenance

70. All floral tributes, including artificial will be removed two weeks following the interment unless we are told in writing that the family wish to arrange for their removal. It is forbidden to place glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic, or other material on graves. The council may remove these without notice.
71. The council will remove Christmas wreaths from 1 February each year.
72. Temporary wooden markers are permitted subject to the council's approval. These should be removed from the grave when the permanent memorial headstone is set.

73. The council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes, or wreaths which have deteriorated or become unsightly.
74. No floral tributes should be placed on graves which are not owned by the deceased family. If there are excessive amounts of tributes, they are to be placed at a location directed by the Cemetery Manager.
75. A fee for the removal of floral tributes may be levied by the Cemetery Manager where there are large amounts (over 20).

Scattering of cremated remains

76. The scattering of cremated remains on purchased or unpurchased graves, or in any other area in the cemetery is forbidden.

Repair of failed memorial headstones

77. Newmarket Town Council reserve the right to test all headstones for safety every five years or at any time if it is suspected that the stone maybe unsafe.
78. Memorial headstones that fail the safety test will be required to be repaired as soon as possible by the deed holder. If the repair is not undertaken within six months from notification, the council will fund the repair to the stone; this cost must then be repaid to the council before the exclusive right of burial is further exercised.

Oversized graves in lawn compartments

79. When purchasing a grave within a lawn compartment of the cemetery for a coffin or casket over 6 feet 10 inches or over in length or 30 inches or over in width, families must be aware that any proposed headstone dimensions will need to be the same as a standard sized grave. Larger memorials will not be authorised under any circumstances.

Balloons and sky lanterns

80. The release of air filled or helium balloons or sky lanterns from the cemetery is strictly forbidden due to the adverse effect the balloon material, cords, ribbons, and lantern parts potentially have on the environment. It is prohibited to bring any type of balloons into the cemetery to display on graves, headstones, benches or in trees.

Funerals requiring brick lined or vaulted graves

81. Booking interments into pre purchased or reopened graves to be brick lined or vaulted will be required to give the cemeteries office the minimum of 10 working days' notice. This work must be carried out by a qualified trades person who holds adequate public liability insurance, a copy of which must be supplied to cemeteries office.
82. Work carried out by third parties (stone masons, builders for bricking out of pre purchased graves) may only take place on Monday to Friday and within the opening times of the cemetery.