

Cyngor Cymuned Trefriw Community Council
Mynwent Cyhoeddus Trefriw a Llanrhychwyn
Trefriw and Llanrhychwyn Public Cemetery

Cemetery Rules and Regulations

1st April 2014



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The Clerk's name and address is:

**Mrs Vikki Teasdale
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Trefriw
LL27 0JJ**

For an appointment, please contact the Clerk either by:

- Telephone: 07305 316095**
- Email: clerk@trefriwcommunitycouncil.co.uk**

1. Introduction to the Rules and Regulations

- a. All Local Authority managed cemeteries are subject to standards and conditions known as Cemetery Rules and Regulations. These are designed to inform all Cemetery users about various aspects of the management of the Cemetery and the reasonable requirements applicable to them.
- b. The regulations include the statutory requirements contained within the Local Government Act 1972 and the Local Authorities Cemetery Order 1977 together with any other relevant legislation that governs this service.
- c. Trefriw Community Council reserves the right to make alterations in or additions to the Rules, Regulations, Fees and Charges specified herein.
- d. These regulations will come into force on 1st February 2014

2. Interpretation of terms

Throughout these Rules and Regulations: -

- a. **“The Cemetery”** means Trefriw & Llanrhychwyn Public Cemetery Cowlyd Road, Trefriw, Conwy
- b. **“The Clerk”** means the person appointed by the Council in the position of Clerk or any person authorised by him/her or by the Council to exercise any of the powers or duties conferred on him/her by these regulations.
- c. **“The Council”** means Trefriw Community Council
- d. **“Purchased Grave”** means any earthen grave, where the Exclusive Right of Burial (subject to these Regulations) has been granted by the Council.
- e. **“Un-purchased Grave”** means any earthen grave, where the Council has not granted the Exclusive Right of Burial.
- f. **“Resident”** A person shall be treated as a resident if:
 - i. His/her ordinary place of residence was in Trefriw or Llanrhychwyn
 - ii. He/she died while resident in a hospital, nursing home, old people's home or institution of any kind and that his or /her last place of residence had been in Trefriw or Llanrhychwyn
 - iii. He/she had moved away from in Trefriw or Llanrhychwyn within the preceding 12 months having been a resident throughout the previous 5 years.
- g. **“Memorials”** means all memorials that are authorised to be permitted within the cemetery.

3. The Cemetery Service

- a. Trefriw Community Council provides family burial plots in Trefriw and Llanrhychwyn Public Cemetery. Most of the cemetery has traditional type graves with headstones and kerbs. Those in the cemetery extension area will be laid out 'Lawn Style' as inspired by the work of the Commonwealth War Graves Commission.
- b. Our cemetery offers cremation plots for families whose relatives have been cremated. Cremated remains may also be buried in an existing grave or in a full sized plot on payment of the appropriate fee.
- c. The Council also regulates the placing of memorials onto burial or cremation plots
- d. So that people of all denominations can use Trefriw and Llanrhychwyn Public Cemetery, most of the graveyard is un-consecrated. Families, if they wish, can have their plot consecrated at the time of burial or interment of a cremation casket.
- e. The Council is solely responsible for the management and upkeep of the Cemetery
- f. The Clerk is responsible for the day to day management of this facility. No business shall be conducted on Saturday, Sundays or public and local holidays.

4. Cemetery Records

Cemetery records and plans showing the position and number of each grave space may be inspected, without charge, by appointment with the Clerk at the address on **Page 3**.

5. Cemetery opening hours

- a. Trefriw & Llanrhychwyn Public Cemetery is open to the pedestrian public at all times. There is a car park next to the cemetery for cars attending funerals and for people tending to graves
- b. With the exception of Disabled Badge Holders, motor vehicles are prohibited from entering the Cemetery other than for the purpose of conducting or servicing funerals or in connection with the erection of monuments and attendance to graves with the permission of Trefriw Community Council.
- c. Funerals may be conducted between the hours of 10:00 to 16:00
- d. Interments will not be allowed on Sundays, Christmas Day, Good Friday or Public Holidays.
- e. In cases of emergency where the burial must take place on one of these days a medical certificate must be produced to confirm that the immediate burial is necessary on the grounds of public health.

6. Notice for interment

- a. All Interment requests must be made on the Notice of Interment form supplied by the Council. The details provided on the form must be clear and complete.
- b. The Notice of Interment must be delivered to the Clerk at least two working days (48 hours) prior to the time the burial is due to take place.
- c. Only the grave owner can authorise the re-opening of the grave space. Therefore, if the original grave owner is deceased, arrangements must be made to officially transfer the ownership prior to the requested opening of the grave.

7. Disposal certificates

- a. No funeral can take place without a Certificate for Disposal or the Coroner's Order for burial. The appropriate documentation must be provided to the Clerk at least two working days (48 hours) before the time the burial is due to take place.
- b. Failure to provide the necessary documentation will result in the delay of the burial until the certificate can be produced.

8. Payment of Fees

All amounts due to be paid to the Council for burial and cemetery charges shall be paid to the Clerk at least 48 hours before the burial occurs

9. Ministers and Clergy

A burial can take place with or without a religious service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or other persons authorised to officiate at the burial.

10. Purchasing a private grave space

- a. The Council will provide a document titled „Exclusive Right of Burial“ upon receipt of the fee for the purchase of a new grave. This document is proof of ownership and will be sent direct to the purchaser.
- b. This document must be produced to the Council when a request is made to re-open the grave.
- c. No grave in which the Exclusive Right of Burial has been purchased shall be opened without the signature of the owner or his/her next of kin or assignees.

- d. The period of which the Exclusive Right of Burial is granted is 50 years. This means that once the title deed period has expired families have the option of extending this grant for a further period. Upon the expiry date the ownership of the grave space will revert back to the Council if the family have expressed no desire to extend the grant period.
- e. To ensure availability of the service for those that need the graves now and not later, the Council no longer accept requests for the advance purchase of any type of grave space.

11. Transfer of grave ownership

- a. In the event of the death of the original grave owner, the person claiming to be entitled to the ownership rights must obtain a formal transfer of ownership with the Council.
- b. A copy of the last will and testament identifying the Executor/Executrix will be accepted as proof of intended ownership. If this information is not available then the full names and addresses of all surviving children of the deceased will be required to prepare the title deed/ownership transfer. This procedure is to ensure that the remaining family of the deceased agree to that person taking over the ownership rights of the grave space.
- c. The formal transfer must take place before funeral arrangements are made to re-open the grave space or approval granted on any proposed memorial work.

12. Burials

- a. Burials take place under regulations laid down in the Law of Burial, Cremation and Exhumations and The Local Authorities' Cemetery Order 1977
- b. No scattering of ashes is allowed

13. Dimensions of plots

- a. Burial plots are a maximum of 2440mm x 1220mm (8ft. x 4ft.)
- b. Cremated Remains Plots for the interment of ashes shall be a maximum of 1220mm x 1220mm (4ft. x 4ft.)
- c. Burial Plots will usually accommodate a maximum of three coffins.
- d. Cremated Remains Plots will accommodate a maximum of four caskets.

14. Allocation of grave spaces

All grave spaces are allocated in sequence at the discretion of the Council.

15. Burial area descriptions

For full details see 19 to 29 below.

Traditional burial areas:

- a. In the traditional burial areas of the cemetery, grave owners may tend the grave space on an individual basis. The grave owner can provide flowers or bedding plants appropriately. The Council does not permit items such as wooden or synthetic fencing or kerbing, etc., either as a temporary or permanent measure.
- b. The Council, without notice to the grave owner, will take over the maintenance of any grave that is not being regularly maintained.

Lawned burial areas:

- c. Parts of the Cemetery will be laid out as Lawned Areas as inspired by the work of the Commonwealth War Graves Commission. After a burial, when the earth has had time to subside, grave owners may turf them over.
- d. The Council reserves the right at any time to remove any unauthorised item placed upon the grave space.

16. Up-keep of private grave spaces

- a. The grave owner must maintain all graves situated within traditional sections of the cemetery to an acceptable standard.
- b. The Council reserves the right to take over the maintenance without notice to the grave owner, of any grave space that has not been suitably maintained by the grave owner.
- c. To avoid accidents and to retain a well-maintained appearance the Council will remove damaged, broken and discarded items found on all burial areas.

17. Burial excavation procedures

- a. The Funeral Director is responsible for arranging for the excavation of the grave and removal of any existing memorials or kerbstones and the replacement of it after burial. **He/she must inform the Clerk of the name of the contractor.**
- b. Permission must be obtained from the Clerk for the use of mechanical diggers/excavators in the Cemetery. The use of such equipment will only be permitted where damage to surrounding graves can be avoided.
- c. Any person or persons excavating graves within the Cemetery shall deposit surplus soil in a tidy manner in the area specifically allocated for such material.
- d. Undertakers, contractors, etc. must not drive their motor vehicles onto the grassed areas, except for the sole purpose of grass cutting and excavating or backfilling graves. They must keep any such vehicle access over grassed areas for these purposes to an absolute minimum, and all possible protective measures must be taken by the contractors to avoid damage to the grass surface.

Burial excavation procedures (continued)

- e. With the exception of the work described in Regulation 18b, any person or persons carrying out work within the Cemetery shall, on completion of the work, remove all materials not used or any waste materials from the Cemetery and shall be responsible for the cost of repairing any damage caused during the execution of those works

18. Interment of Cremated Remains Caskets

- a. The burial of cremated remain caskets is allowed in existing full grave spaces in the cemetery.
- b. Where a further full coffined burial is expected to be required in the future, the cremated remains casket must be positioned at a sufficient depth to ensure that the casket is not disturbed in any way.

19. Grave reinstatement

- a. Whenever an interment has taken place the grave will continue to settle for approximately six months or longer depending upon soil conditions.
- b. No shrubs or trees may be planted on any grave space.
- c. The Council reserves the right to remove any plants or flowers at any time when in their opinion the same have become unsightly or overgrown.

20. Memorials general

- a. No headstone or tablet of any kind will be allowed unless Exclusive Right of Burial has been purchased and it has the prior consent of Trefriw Community Council.
- b. The Council must approve the materials, design and inscription of all memorials before manufacture. A professional stonemason, who must be NAMM or BRAMM registered, must fix all memorials to NAMM standards.
- c. Hardwood Crosses of timber obtained from sustainable forests may be erected in place of a headstone or tablet. Crosses must not exceed 2'6" (750 mm) in height, 20" (500 mm) in width, or 3" (75 mm) in thickness. They must be set in a sufficient stone or concrete plate or base, the surface of which is to be below ground level to enable a mower to pass freely over it. The Council, at its discretion, will remove any wooden crosses that have fallen into disrepair.

- d. No memorial stone crosses of any description are permitted for any reason.
- e. Trefriw Community Council will accept no responsibility for making good any damage caused to any headstone or tablet through ordinary wear and tear, severe weather conditions or any other circumstances over which it has no control.
- f. No grave burial memorial may be erected until at least six calendar months after the date of interment.
- g. Memorial ground plaques are permitted on the plots allocated for cremated remains, but for ease of maintenance, the stone must be installed below the level of the surrounding turf.
- h. Any monument, memorial, stone, shrub, plant or item whatsoever, erected or placed in the Cemetery in contravention of these Regulations may be removed by Trefriw Community Council at any time without notice.
- i. The maximum size for grave memorials shall be 1000mm in height, 650mm in width

21. Memorials in traditional burial areas

- a. Families wishing to create and maintain a garden area (max 3ft (w) x 5ft(l) x 1ft (h)) in **those areas of the cemetery not designated as lawned areas** may do so providing the garden is created in accordance with these regulations and remains well maintained at all times. The Council reserves the right to turf over any garden areas that are not maintained to an acceptable standard. A stone kerb must enclose the garden.
- b. Families choosing this option must keep the area free of weeds and the grass surrounding the garden must be edged. The Council reserves the right to remove any edgings and turf over any garden which is not maintained to an acceptable standard.
- c. Those who initially choose to maintain a plot but at any time cease to be able to do so may subsequently turf the area.

22. Memorials in lawned burial areas

- a. In the Lawned Areas of the cemetery, the Council does not permit any item other than a traditional headstone mounted on a concrete base or a slab sunk below the level of the surrounding turf.
- b. Neither does it allow vaults, railings, kerbs or other enclosures and items such as wooden crosses, wooden or synthetic fencing, kerbing, bedding plants, vases, flower displays, windmills etc. as a temporary or permanent measure.

23. Memorial ground plaques

- a. A memorial ground plaque may (subject to application approval) be installed in the lawned areas
- b. Plaques must be of natural stone and of dimensions between a minimum of 30cm x 30 cm (12" x 12") and maximum of 45cm x 45cm. (18" x 18").
- c. One flower container not exceeding 25cm (10") in diameter and 20cm (8") in height may be placed on the ground plaque.
- d. The vases must be constructed of stone, ceramic or metal. No glass or plastic vases are permitted.
- e. No ornaments, figures, cards or other additions to this area are permitted.

24. Memorial wall plaques

- a. The Council offers the opportunity to fix memorial wall plaques in the Cemetery for families who wish to commemorate the memory of their loved ones
- b. Application requests must be made to the Council on the application forms provided.
- c. The responsibility for any loss or damage will remain with the applicant. The Council will monitor the condition of the memorial plaque and report any deterioration to the applicant. The Council will remove plaques that fall into disrepair.

25. Approval of memorials for private grave spaces

- a. Memorials are allowed only on privately purchased graves.
- b. At least 35 days before the erection of any memorial, a drawing with any proposed inscription must be submitted to the Clerk for the approval of Trefriw Community Council.
- c. The type(s) of material to be used shall be stated, together with exact dimensions and all associated details.
- d. All memorials are subject to Council approval prior to being installed within the Cemetery. These Regulations contain the required standard of the installation of the memorial and the maximum permissible sizes of memorials that can be authorised.
- e. All applications should be made to the Council on the appropriate memorial application form that the Council provides. The application should indicate full details of how the memorial is to be installed.
- f. Each application must include a detailed drawing showing all dimensions, the type of material to be used and full inscription details.
- g. All memorial applications will incur a memorial fee, payable to the Council.
- h. Memorials are not allowed on un-purchased grave spaces. Persons wishing to commemorate the memory of a loved one buried within an un-purchased grave space have the option of considering a Memorial Wall Plaque.

26. Memorial permit conditions

- a. The Memorial Mason will receive a memorial permit allowing him/her to carry out the work.
- b. It is a condition of the memorial permit that all memorials installed within the Cemetery must have the grave and section numbers clearly inscribed upon them before installation. Memorial Masons who do not abide by this condition will be refused permission to install the memorial.
- c. The Memorial Mason will be responsible for leaving the grave area in a clean and tidy condition and is responsible for any damage that may be caused to any surrounding ground or memorial as a result of the installation.
- d. The Council reserves the right to make good any damage at the Memorial Mason's expense.
- e. The Council will remove any memorial that has been installed without the necessary authorisation at the expense of the grave owner.
- f. The name of the Stonemason may be discreetly inscribed in an appropriate place on the memorial. The address and/or contact details for the stonemason are not permitted.

27. Installation of Memorials

- a. All foundations for headstones, the removal or re-fixing of them and any other work connected therewith shall only be carried out with the authority of The Council.
- b. Any person undertaking such work shall use such means as the Clerk shall direct for the protection of the grass and walks during the progress of the work.
- c. Such persons shall, when the work is completed, clear away any materials not used, or any other rubbish deposited on the site of the works to the satisfaction of the Council and shall be responsible for the cost of repairing any damage done in carrying out and completing the above works.
- d. All memorials must be fixed or re-fixed in accordance with the National Association of Memorial Masons Recommended Code of Working Practice.
- a. The work of fixing or removing memorials must be carried out between the hours of 9.00am and 5.00pm Monday to Friday only.
- b. All Memorial Masons must first contact the Clerk and make arrangements to collect and sign for the key to the cemetery. The Memorial Mason must present the approved Memorial Permit to the Clerk.

- c. Any Memorial Mason arriving without the approved permit notice will be refused permission to install or work on the memorial.
- d. No other work apart from fixing the memorial is allowed within the Cemetery, this includes inscription work, cleaning, etc.

28. Maintenance of memorials

- a. All memorials are the sole responsibility of the grave owner.
- b. Grave owners must keep memorials in good repair. The Council will periodically inspect the cemetery to determine the condition of memorials. It will report any memorial classified as unsafe to the grave owner in order for them to arrange immediate repair. If this request is not complied with within three months, the Council may lay the memorial flat to remove the danger of instability.
- c. If the Council cannot identify and contact the grave owner, it may arrange any necessary repair. The Council will register the cost as a charge against the grave to be repaid by the grave owner or his successor at a future date.
- d. The Council has the power to remove any memorial, which they deem objectionable or of unauthorised type or size, or which may have fallen into decay or is classified unsafe.
- e. The Council strongly recommends all grave owners obtain an appropriate insurance to protect the memorial from unforeseen circumstances.
- f. The Council will not be responsible for any damage, theft or vandalism or any other circumstances beyond the control of the Council.
- g. No memorial shall be removed from a Cemetery for the purpose of cutting an additional inscription until the formal written approval of the Clerk has been given in respect of the proposed addition(s).
- h. No work of any kind may be done to any monument or memorial within the Cemetery without the prior written consent of the Clerk.

29. Removal of memorials

- a. Memorials may not be installed or removed during the week-ends.
- b. No memorial shall be removed from the Cemetery without the permission of the grave owner or their representative and without the Council being informed as to the whereabouts of the memorial.

The Council reserves the right to:

- c. Authorise the removal a memorial headstone from a grave to allow for adjacent graves to be excavated. As soon as the funeral has taken place the funeral director or person arranging the funeral must fully re-instate the headstone.
- d. Lay flat or make safe any memorial headstone that has been identified as unsafe at the time of checking adjacent headstones prior to excavation operations.
- e. Remove any unauthorised memorial from a grave.

30. Fees and charges

A table of fees is available upon request. The Council reserves the right to revise these fees and charges.

31. Dogs in the cemetery

- a. No person shall allow any dog belonging to him or her or in his or her charge to enter the cemetery unless it is on a lead.
- b. Persons visiting the cemetery with dogs must ensure that the dog is kept under strict control at all times. Owners must remove dog faeces from the cemetery. Any person who does not abide by this ruling will be liable to prosecution.

32. Advertisements or selling

- a. No person shall be allowed to distribute business cards or advertisements within the Cemetery.
- b. No person is allowed to solicit/sell/offer for sale/advertise for sale within the cemetery or at the entrance thereof any article or commodity of any description.

33. Alterations to these Regulations

The Council reserves the right from time to time to make alterations or additions to these Rules and Regulations and the Cemetery Charges specified herein.