



East Devon District Council

**Regulations for Management
and Control of
Cemeteries**

2023

Draft

Regulations for the Management and Control of Cemeteries

INTRODUCTION AND HISTORY

East Devon District Council provides and manages three cemeteries in Seaton, Sidbury and Sidmouth following the amalgamation of former rural and urban councils in 1974. In the intervening years the cemeteries have been extended and a woodland section has been developed at the Seaton Cemetery.

The controls on council cemeteries are set out in 'regulations' agreed by the authority. These had been approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974. There have been minor changes made to these regulations since that time including the introduction of the Seaton Woodland section.

There is no restriction on who can be buried in the cemeteries however like most councils, this council has charged double fees for the burial and the placing of memorials of those who before their death were not resident in the district. Double fees are also charged for the purchase of exclusive rights of burial by a non-resident.

It is now intended that this single set of regulations will apply to all three cemeteries drawing on the parts of the old regulations, Local Authorities Cemeteries Order 1977, recent experience and from best practice around the country.

Regulations for the Management and Control of Cemeteries

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Regulations for the Management and Control of East Devon District Council Cemeteries

The District Council manages and controls three cemeteries in East Devon

Seaton Cemetery
Colyford Road
Seaton
Devon
EX10 2DQ

This cemetery includes a woodland area for woodland burials

Sidbury Cemetery
Deepway
Sidbury
Devon
EX10 0SA

Sidmouth Cemetery
Temple Street
Sidmouth
Devon
EX10 9BN

1. Cemeteries Regulations

The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations, please contact the Council - contact details are within this document and may change accordingly.

The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

2. General

The cemeteries will normally be open to the public daily between 0900 hours and sunset.

No person other than a person authorised by the Council shall enter or remain in any cemetery at any time when it is closed.

All persons entering any cemetery shall be subject to the orders and controls of the Council or any person authorised by the Council.

The Council will deal with all matters relating to the management and security of the cemeteries.

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3. Management of Bereavement Services

The burial authority is East Devon District Council, Blackdown House, Heath Park Industrial, Honiton, Devon EX14 1EJ. Telephone contact for general enquiries can be made through calling 01404 515616 or by email at burials@eastdevon.gov.uk.

Staff in Bereavement Services are working Monday - Friday (9.00am - 12.30pm) excluding Bank Holidays and on all days when the council offices are closed. The staff have an extensive knowledge of cemetery processes having undertaken training by the Institute of Cemetery and Crematorium Management (ICCM).

None of the following actions can take place without specific prior permission of the Council:

- (a) Burials or exhumations
- (b) Burial of ashes.
- (c) Erection or fixing of a memorial.
- (d) Inscription on a memorial.
- (e) Renovation of a memorial.
- (f) Removal and /or replacement of a memorial.
- (g) Scattering of Ashes

The Council manages all matters relating to notice of burials, allocation of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. Application forms and forms of notice in connection with burials and interments and memorialisation may be obtained from the Council Offices. Forms and notices may change and vary accordingly.

4. Booking an interment

Initial reservations to arrange a burial [\(Book a burial - East Devon\)](#) should be submitted online through the council's website as bookings will not be accepted by telephone. All reservations will be treated as 'provisional' until receipt of the formal notice of interment form, required certificates and the payment. The Council will not accept any responsibility for any delay or misunderstanding if instructions are given by telephone, nor through the late submission of any documents that are required prior to any interment or scattering of ashes taking place.

The time fixed for a funeral must be that when the procession is to arrive at the Cemetery. The time must be strictly kept to prevent one funeral interfering with another. If a funeral arrives late there may be an additional fee to be paid.

Prior notice should be given for extraordinary or large funeral processions. For example, the use of a horse drawn hearse, a military funeral, or a large gathering.

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5. Notice of Interment

We accept notice of interment (including all burials, interment of ashes or scattering of ashes) as 'confirmed' upon receipt of all forms and certificates required to fulfil statutory requirements, and those required by the Council, being received at the Council office no later than two full working days before the proposed date of the funeral. This period of time excludes Saturdays, Sundays, Bank Holidays and when the Council offices are closed over the Christmas and New Year period. The period of notice may only be reduced in exceptional circumstances at the Council's discretion and not without prior confirmed arrangement.

The fees and charges for any burial, interment or scattering of ashes will be invoiced at the time of booking and are due before the burial, interment or scattering takes place. Application fees relating to the erection of a memorial adding an inscription or the replacement of a memorial will be invoiced when the application is processed and paid before the work to which they relate is started. Funeral directors and monumental masons may apply for an account with the Council. Facilities are available to make payments by BACS bank payment and by card over the telephone. Charges are in accordance with the Councils' published scale of fees for cemeteries and are available on the council's website at [cemetery fees](#).

The notice of burial must be in the form prescribed by the Council and must contain the following information:

- I. Name of person being buried or whose ashes are being interred
- II. Permanent address prior to death
- III. Address at which the death occurred
- IV. In the event of the length of stay in East Devon District being less than one year the deceased's previous address.
- V. Date of birth (day, month and year)
- VI. Date of death (day, month, and year)
- VII. Age of person (if in years that of their last birthday)
- VIII. Date and time of intended interment
- IX. Name of person to officiate at burial (if any)
- X. Situation of the grave or plot, and where relevant the name and address of the owner of the exclusive rights of the grave
- XI. The depth of the proposed grave
- XII. The dimensions of the coffin or casket
- XIII. The name and address of the funeral director
- XIV. The name and address of the person giving notice of the funeral
- XV. The notice must be in writing and plainly signed with the name and address of the person giving it.

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6. Certificate for Burial or Cremation

A certificate for Burial or Cremation issued by the Registrar for Births, Deaths and Marriages, or a Coroner's Order for Burial or in the case of ashes a Certificate of Cremation issued by the crematorium, must be delivered to the Council before the burial of a body or interment of ashes.

For the burial of a stillborn child a Registrar's Certificate for disposal or if there has been an inquest, an order of the coroner will be required. In the case of a non-viable foetus, the medical practitioner or midwife's certificate of delivery will be required. The medical practitioner or midwife must have been involved with the delivery. No interments will take place unless the certificate or order is produced. The only exception is where a burial (not a cremation) is allowed without actual delivery of the Registrar's Certificate or Coroner's Order where the person effecting the disposal is satisfied by a written declaration from the person procuring the disposal that such a Certificate or Order has in fact been issued in respect of the deceased. Regulation 49(3) of the Registration of Births and Deaths Regulations 1987 provides that the terms of the declaration shall be as set out in Form 18. A copy of a Form 18 appears at Appendix B to these regulations.

7. Selection of Graves and Ashes Plots

- (a) The allocation of any grave or ashes plot for any burial or interment of ashes for which exclusive rights have not been purchased will be at the sole discretion of the Council.
- (b) New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground. Un-consecrated ground is available for funeral rites of different denominations, non-denominational and humanist burials.
- (c) New graves will be allocated in 'lawn' type sections. Lawn sections allow only for the provision of a headstone and base placed at the head of the grave with the remainder kept as grass and permanently unobstructed for the purpose of maintaining the cemetery.

8. Interments

- a) Interments will take place between the following times (excluding bank or public holidays):

| | | |
|------------------------|------------------|----------------|
| Winter hours - Burials | Monday to Friday | 09:00 to 14:00 |
| - Interment of ashes | Monday to Friday | 09:00 to 14:30 |
| Summer hours Burials | Monday to Friday | 09:00 to 15:00 |
| Interment of ashes | Monday to Friday | 09:00 to 15:30 |

Please check with bereavement services for exact dates that summer &

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- winter hours are in force
- b) The Council may at its discretion grant permission for a burial between the hours of 0900 and 1300 on Saturdays for which an additional fee will be charged.
 - c) When the Council offices are closed or over the Christmas/New Year period. bookings for interments can be made through of [online booking form](#). The booking may not be confirmed until the Council offices reopen.
 - d) No burials or interment of ashes will normally be permitted to take place within 60 minutes following the time appointed for an earlier funeral at the same cemetery.
 - e) The party arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the coffin resting place/and/or the graveside.

9. Officiating at a Funeral

A person having charge of a funeral who wishes for a person to officiate at any burial or scattering of ashes must make arrangements for that person to attend. The Council takes no responsibility for making such arrangements or collecting any fees for such attendance.

10. Full Memorial Graves

Full memorial graves are no longer available in any of the Council cemeteries. These graves are located in the older parts of the cemeteries; Sidbury cemetery sections AA, A – Q, Sidmouth cemetery sections A – Z and XA – AG. Whilst kerbs, railings, posts or chains and similar items to enclose a grave were permitted when these areas were purchased in the past, no further items of this nature are now permitted. Where items and structures have been damaged or general wear has taken place they can be replaced 'like for like' but providing in all cases that the Exclusive Right of Burial for the grave has not expired and with the permission of the holder of the Exclusive Right of Burial. This must only be with the Council's written consent. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

11. Graves in Lawn Section

All new graves in the Council cemeteries with the exception of any woodland grave are Lawn Plots. A memorial may be placed at the head of a grave only with the Council's prior written consent. No other permanent memorial may be placed on the grave. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

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All containers left on the grave must be of a non-breakable material. Any items left on the graves are at the owners own risk and the Council cannot be held responsible for any breakages however caused. The Council may remove any articles from any grave that are likely to cause risk, damage, or amount to an offence or which may interfere with the Councils maintenance of the grounds and site.

12. Woodland Graves (Seaton only)

The woodland section is managed to evolve in a way that will be contributing to the creation of a new sanctuary for wild plants, birds, butterflies, and other wildlife. Only biodegradable coffins will be permitted allowing the area to remain as natural as possible. After an interment the area will be returned to grass. We will plant trees and shrubs, at our discretion, to enhance the woodland feel. No individual markers or monuments will be allowed on any grave.

Only single body burials are permitted in the woodlands cemetery. An exclusive right of burial certificate may not be purchased for the woodlands cemetery. No reservations are permitted.

13. Dimensions of Graves and Ashes Plots

- a) Full Size Graves measure 1.20m (4') wide x 2.70m (8' 10") long x 2.00m (6' 6") deep. Where two coffins are to be interred in a grave the grave must be sufficiently deep to allow for a minimum of 0.16m (6") of soil between each coffin and in all cases there must be 0.92m (3') of soil between the top of the coffin and the surrounding ground level.
- b) In any woodland area only one coffin is permitted in a grave.
- c) A maximum of four sets of ashes may be interred in any full size grave.
- d) All ashes plots, from the date of the approval of these regulation, are suitable for the interment of a maximum of two sets of ashes in plots measuring 0.45m (18") long x 0.45m (18") wide x 0.45m (18") deep. The use and allocation of single plots and for 4 sets of ashes has been discontinued.

14. Excavation of Graves

The funeral director or the person having charge of the funeral must contract the services of a suitably qualified and council approved gravedigger to excavate the grave and will be responsible for paying the gravedigger or contractor the appropriate fee. The Council does not collect grave-digging fees nor undertake arrangements to excavate the grave currently.

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Graves must be dug to conform to Health and Safety requirements. All graves exceeding 1m (3' 3") deep must be shored during excavation. Shoring may only be removed when the grave is refilled.

Unattended open graves must be covered by a fully secured "lock-down" of the open grave in order to minimise the risk of injury to any person nearby. The cover will be removed immediately prior to the interment service.

Where a concrete memorial support beam has been built into the ground, the head of the grave must be dug to the extreme edge of the beam.

The surface of the grave will be levelled by Council staff after six months.

15 Excavation of Ashes Plots

The Council will arrange for qualified council technicians to excavate ashes plots for the interment of ashes and to back fill upon completion.

16 Coffins and Caskets

- a) No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. For interment in a vault or brick-lined grave, coffins must be entombed in an airtight manner by concreting, cement, stone or brickwork to the satisfaction of the Council (Vaults and brick-lined graves will only be found in the older cemetery sections).
- b) Every coffin must bear the details of the deceased person thereon and may only contain one body except in the case of a mother and her baby(ies).
- c) Ashes must be interred in a biodegradable casket or similar suitable container in graves or ashes plots

17. Removal of a Body or Cremated Remains (Exhumation)

- (a) No body or cremated remains (ashes) may be removed from a grave or ashes plot without the prior production of an ecclesiastical faculty and/or a Home Office exhumation licence (Burial Act 1857 section 25 as amended by Criminal Law Act 1977 section 31). Both documents may be required. Only original documents will be accepted for this purpose. A minimum of 14 clear working days' notice must be given for any exhumation once authorised.
- (b) For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances and are not automatically approved.
- (c) All costs relating to exhumation will be the responsibility of the person making

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- the request and charges will be in addition to standard interment fees, including costs of additional work, locating graves and preparing documents.
- (d) Exhumations are generally rare and complex and advanced contact with the Council is recommended prior to considering any application.

18 Exclusive Right of Burial

- (a) With the exception of the Council's Woodland burial areas the Exclusive Right of Burial in an earthen grave or ashes plot may be purchased and is subject to approval by the Council who may give or withhold such approval.
- (b) The period for Exclusive Rights of Burial is fifty (50) years commencing from the date that approval is given. Exclusive Rights of Burial issued for Sidmouth Cemetery before 31st October 1980 and before 1st January 1981 in Sidbury Cemetery were for ninety nine (99) years. Exclusive Rights of Burial issued in Sidmouth Cemetery sections A - R are in perpetuity. The Council hold limited records for the oldest part of Sidbury Cemetery, there is no register of graves all these graves have the prefix "O", there is no purchase register. In the absence of information it is assumed that graves where there is already a memorial, Exclusive Rights of Burial were issued in perpetuity. Prior to the expiry of the Exclusive Right the Council will offer the holder the opportunity to purchase a further 10 years.
- (c) Exclusive rights of burial cannot be purchased in any woodland burial area.
- (d) No more than two grave spaces may be purchased by one person
- (e) The selection of any grave or ashes plot for exclusive rights will be at the sole discretion of the Council and will be allocated in strict rotation. They are not available for selection other than consecrated or un-consecrated ground may be chosen. In line with current guidance from the Institute of Cemeteries and Cremation Management all new areas in the cemeteries will be un-consecrated ground to permit the burial of funeral rites of different denominations, non-denominational and humanist burials.
- (f) Exclusive Rights will not be sold to undertakers, their agents or other persons for resale but will be granted to a single or a couple of named owners.
- (g) The Council must be satisfied in writing that the holder of an Exclusive Right consents before a grave can be re-opened to allow a further interment,.
- (h) An Exclusive Right granted may be transferred by deed by the holder to another person but the transfer must be agreed and recorded by the Council. Transfer of Exclusive Right must be bequeathed upon death of the holder by will whose executors must confirm its accuracy in writing. In either case a charge to transfer will be payable to the Council.
- (i) The next of kin may apply for the rights to be transferred to them for the remaining period upon the death of the holder of the deeds of Exclusive Rights, subject to obtaining the Council's permission. The applicant will be required to provide sufficient proof of their relationship with the deceased which will be established by the production of the original copy of the sealed

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- grant of probate, or a signed Statutory Declaration.
- (j) If the holder of Exclusive Rights should die intestate then the next of kin can apply to the courts to be made an Administrator of the estate.
 - (k) Owning an Exclusive Right of Burial for a grave does not give ownership of the actual land, but does give the owner of the deed right to:
 - (i) Be buried in that grave if space is available
 - (ii) Authorise further burials in that grave, where space is available, or the interment of ashes in that grave
 - (iii) Place a memorial on that grave, subject to the Council's regulations relating to memorials with prior, written approval
 - (iv) Have inscriptions, or additional inscriptions, on a memorial on that grave, subject to the Council's Regulations and prior, written approval.
 - (l) Exclusive Rights may be returned to the Council only by the named owner. If legal transfer of rights has occurred, return may be considered with proof of transfer through grant of probate. The council will apply a charge and may reimburse some costs not being in excess of the original deed purchase.

The Exclusive Right of burial deed is an important document to be kept safely.

19 Memorials

- (a) No memorial will be allowed over any grave for which the exclusive right of burial has not been purchased.
- (b) No memorial shall be erected or placed in a cemetery without the prior approval of the details by the Council.
- (c) The Council reserve the right to remove any unauthorised memorial to a safe location. Unauthorised memorials include but are not limited to items of pottery, tin, plastic, glass, wire mesh, wood or plastic fences, artificial grass or other materials not permitted. The Council will not be responsible for any damage that may be caused to unauthorised memorials during removal. The Council reserves the right to charge the owner for the removal of any unauthorised memorial.
- (d) Memorial stonemasons should carry out approved work to nationally accredited standards (i.e. BRAMM, NAMM). Should memorial work be below the standard required or not to authorised dimensions, the memorial may be removed. The Council will not accept any responsibility for costs of removal.
- (e) No masons, letter cutters or other workmen engaged in fixing, delivering, erecting or repairing memorials will be admitted to the cemeteries on Saturdays, Sundays, Christmas Day, Good Friday or other public holiday, or on any other day before 0900 hours and must leave the cemetery no later than the official closing time.
- (f) Any memorial removed from a full grave to facilitate an interment within that grave shall be replaced as soon as practicable, but in any case no less than 6 months for a headstone, and 6 months for a kerbstone. Ashes memorials can be placed straight away following an interment.

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- (g) The Council reserves the right to move any memorial temporarily in order to allow another burial to take place.
- (h) All memorials must be completed outside the cemetery, except that inscriptions may be added inside the cemetery.
- (i) All work must be done as quickly as possible and to knowledge of an authorised Council employee who may give directions as appropriate to preserve grass margins, flowers, shrubs, and trees in the cemetery.
- (j) After the completion of the work all bricks, stones and other materials, spare soil and rubbish shall be removed, and the grave with the adjoining ground left in neat and proper condition. Masons, tradesmen, and others will be held responsible for all damage done to the cemetery, or anything therein by themselves or their workmen.
- (k) Memorials of any kind are not permitted in any woodland area.
- (l) Providing an exclusive right has been purchased for a grave and the council has approved the design of the temporary memorial, a temporary wooden memorial may be erected on a grave (not an ashes plot) for the first twelve months following an interment. The dimensions of the wooden cross or other religious emblem shall not exceed 91.44 cm (3') in height above ground level and 68.58 cm (2'3") in width and not exceed 10.16 cm (4") in thickness. At the end of the twelve-month period following an interment, the owner of the exclusive right of burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the council's satisfaction. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.
- (m) Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone and fall within the maximum permitted size. With the exception where these have been approved in the past.
- (n) Kerbs, railings, posts or chains and similar items to enclose a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (o) Chippings and similar materials to cover the surface of a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (p) Tree, shrubs and other plants are not permitted unless planted by the council or with its written approval and may be removed by council staff.
- (q) Under burial law, at the end of the period of the grant of Exclusive Right of Burial the Council may:
 - (i) move any memorial to another place in the cemetery
 - (ii) remove from the cemetery, for preservation elsewhere or for destruction any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to lace and maintain it in the cemetery

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20 Memorial Applications

- (a) A memorial may only be erected on a grave space within the cemetery with the Council's permission and upon payment of the appropriate fee. The right to erect a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) A memorial application can only be accepted by the council after the burial or interment has been booked or already taken place.
- (c) All applications relating to erecting, repair of memorials, or inscriptions thereon must be made in writing to the Council. Application forms are available from the Council.
- (d) The approval of the Council for any application will be confirmed in writing and will be valid for 6 months. No work will be permitted without suitable written authority.
- (e) In accordance with the condition specified in the application there shall be produced with the application evidence of a policy of insurance to cover the liability of the contractor in the sum of at least £5 million. In the case of an undertaker or stonemason who regularly carries out works in the Council's cemeteries it will be sufficient for the undertaker or stonemason to furnish the council on an annual basis with the necessary evidence of insurance cover.
- (f) Prior to commencing work stonemasons must produce, if requested to do so, the written authority to the person appointed at the cemetery for that purpose.
- (g) Any person who undertakes any memorial work for which prior written authority has not been obtained will be required to remove the memorial and pay all costs involved.
- (h) All memorials shall at all times be kept in good repair by the owners, and in the event of the memorial falling into disrepair and the necessary repairs not carried out within 6 months after notice from the Council, the memorial may be removed. The Council reserves the right to charge the owner for any work deemed necessary to make a

21. Memorial Inscriptions

- (a) An inscription will only be permitted on a memorial with the Council's permission and on payment of the appropriate fee. The right for an inscription on a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) All applications relating to inscriptions on memorials must be made in writing to the Council. Application forms are available from the Council.
- (c) Inscriptions must be simple and reverent and in keeping with surrounding memorials.
- (d) The approval of the Council for any inscription will be confirmed in writing and will be valid for 6 months. No work will be permitted without this written authority.
- (e) Prior to commencing work stonemasons must produce, if requested to do so,

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the written authority to the person appointed at the cemetery for that purpose.

22. Memorial Design, Construction and Installation

- (a) All work involving the design, construction, installation of memorials and inscriptions on them must conform to British Standard BS8415 and be carried out by approved contractors. The Council reserves the right to refuse access to any person(s) undertaking unapproved or unsatisfactory installation and construction.
- (b) All new memorials and where practicable re-fixed memorials are to be fixed in the cemeteries in accordance with NAMM or BRAMM Code of Working .
- (c) Permanent memorials may not be of wood, metals or non-stone material.
- (d) Sub bases must be of reinforced concrete conforming to BS8415, flush with ground and fixed to the memorial using NAMM/BRAMM approved fixings of a maximum size:
 - (a) Width 0.91m (36 inches)
 - (b) Front to back 0.46m (18 inches)
 - (c) Thickness 0.08 (3 inches)
- (e) All new memorials must have the corresponding grave plot number inscribed clearly on the reverse side of the memorial
- (f) Only single grave memorials are permitted on lawn plots and must not exceed the following dimensions:
 - (a) height 1.20m (47.25 inches)
 - (b) width 0.90m (35.5 inches)
 - (c) thickness 0.10m (4 inches)
- (g) Headstone base of a design to match and must not exceed the following dimensions:
 - (a) Width 0.61m (24 inches)
 - (b) depth 0.30m (12 inches)
 - (c) thick 0.10m (4 inches)
- (h) All headstones shall be constructed of granite, slate or other similar natural hard stone. Any other material will be removed at cost to the owner.
- (i) Where there is no concrete memorial support beam built into the ground memorials must be placed in the defined line at the head of the grave– not on the part of the ground that has been dug. Foundation bases should be of either best-quarried materials or reinforced concrete conforming to BS8415 and fixed flush with the ground and leave a maximum of 0.05m (2 inch) margin around the memorial base.
- (j) Grave numbers must be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”) and Monument’s Mason’s name may also be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”)
- (k) No permanent planting will be permitted.
- (l) With the approval of the Council inscriptions may be added to the back of headstones.
- (m) In the Full Memorial Graves sections a single flat cremation marker, ledger or

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wedge will be allowed in front of a headstone, which is full and over where ashes have been added. Not exceeding the following dimensions: 0.46m (18 inches) x 0.46m (18 inches) an maximum height of 0.10m (4 inches) to be fixed to a sub base flush with the ground not exceeding 0.61m (24 inches) square.

- (n) We will consider each memorial application on its own merits and will generally approve. Should we refuse an application we will give a written explanation. Should you wish to appeal this decision please do so in writing.

23. Ashes Plots

- (a) All ashes sections brought into use following the approval of these regulations and including the ashes plots in Seaton cemetery - section L, Sidbury cemetery - section SA and Sidmouth cemetery - section XO are suitable for the interment of two sets of ashes. Single and plots for 4 sets of ashes have been discontinued.
- (b) New ashes plots will be designated by the council with a flat concrete slab 0.45m (18") x 0.45m (18") x 0.05m (2") flush with the surrounding grass to mark each plot. The slab will be removed for an ashes burial and replaced afterwards level with the surrounding ground. Only the flat concrete slab provided by the Council can be used and that the plaque must be cemented to this.
- (c) Following the approval of these regulations only tablet style memorials are permitted on ashes plots in any of the council's cemeteries. They must be flat and measure 0.45m (18") long x 0.45m (18") wide and 0.05m (2") high
- (d) All tablets shall be constructed of granite, slate or other similar natural hard stone.
- (e) Where a vase is required it must be included within the tablet. No memorials, vases, plants, planters etc. may be placed on the grass surrounding the tablet. This restriction will be relaxed immediately following an interment to allow for the extra floral tributes that would be expected at that time. The Council will remove flowers, wreaths or decorations which have become unsightly. Glass, ceramic or plastic containers will not be permitted in the future.
- (f) No permanent planting will be permitted.

24. Woodlands Area

In any area of a cemetery set aside for woodland burial the following applies:

- a) A maximum of one coffin only may be interred in each grave space.
- b) The depth of a grave shall be 2.00m (6' 6").
- c) Exclusive rights of burial will not be available.
- d) No memorialisation of any kind will be authorised.
- e) Interment of ashes is not permitted in any Woodland grave.
- f) No graves can be reserved. The Council will allocate the next available grave

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g) Planting is only permitted by the Council

25. Un-purchased Graves

The Council reserves the right to bury unrelated bodies in any grave for which no exclusive right of burial has been purchased subject to sufficient depth and provided existing remains are not disturbed.

26. Gardens of Rest

Scattering of Ashes (Seaton and Sidmouth only)

With prior approval from the Council ashes may be scattered in cemeteries where there is a garden of rest. In Seaton cemetery a plaque containing the information set out below may be purchased to be placed on the wall of remembrance:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

This is not available in Sidmouth as there is no longer any space on the wall of remembrance.

Unmarked Plots (Sidmouth only)

With prior approval of the Council ashes may be buried in unmarked plots.

Wall of Remembrance (Seaton only)

Where the interment has taken place elsewhere a plaque may be purchased to be placed on the Wall of Remembrance in commemoration

In all cases the plaque will contain the following information:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

A space may be reserved on the Wall of Remembrance by purchasing a blank plaque that may be replaced by the purchase of a new plaque containing the deceased person's name, their year of birth and year of death.

27. Chapel (Sidmouth only)

A chapel is available for use at a funeral service at Sidmouth Cemetery upon payment of the appropriate fee. No burials may take place within the chapel. At least five clear working days' notice must be given if the use of the chapel is required.

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28. Cemeteries Registers

- a) The registers of burials are maintained by the Council.
- b) Members of the public are entitled to view the burial registers by prior appointment.
- c) The registers relating to ownership and allocation of graves are not for public access.
- d) Searches of the registers will be undertaken by the Council. There is a fee for the search of each entry.

29. Fees

The Council will determine fees for all cemetery services. All fees for burials, graves, vaults, interment of ashes or scattering of ashes must be paid before any work is commenced. All fees are payable in advance to the Council. No receipts will be valid unless on the official form of receipt issued by the East Devon District Council. Exhumation of remains is a complex matter requiring fees on a case by case basis in line with the additional staff time required to ensure approval.

Burial fees and Purchase of Exclusive Rights of Burial will be doubled where:

- a) at the time of death or in the twelve months before death the deceased was not resident in the District,
- b) the pre-purchase of Exclusive Rights of Burial are purchased by someone who is not resident in East Devon at the time of purchase.

All cemetery fees will be reviewed annually. Any fee changes will come into force for all burials and interments taking place, memorial applications and request to purchase Exclusive Right of Burial from 1st April following the review.

30. Non-Residents

Non-residents for the purposes of these regulations are defined as persons who were not residents of East Devon at the time of the death or in the previous 12 months

31. Conduct Within Cemeteries

- a) All persons visiting the cemeteries should endeavour wherever possible to keep to the paths or roads except while visiting a grave and refrain from touching any ornaments or anything growing in the cemetery. Any damage must be repaired at the expense of the person responsible for it.
- b) In any cemetery all persons shall conduct themselves in a decent, quiet and orderly manner having regard to the dignity of any service taking place in the cemetery or any other visitor who may be present.
- c) All persons entering the cemeteries will be subject to the orders and control of

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- East Devon District Council or any other person authorised by the Council.
- d) Any person using a motor vehicle in a cemetery shall do so on a carriageway suited to the purpose and with the consent of the Council and will usually be limited to the following:
 - Vehicles used for maintenance of the cemeteries by Council Staff
 - Vehicles used by Approved contractors
 - Vehicles used by funeral directors at the time of interment
 - e) In any cemetery without a suitable carriageway no motor vehicle of any description will be permitted other than those used for maintenance of the cemeteries by Council staff, approved contractors and vehicles that form part of the funeral service at the time of the interment
 - f) No person shall ride a bicycle, skateboard or any similar wheeled device or machine in the cemeteries.
 - g) No person shall drop, throw or otherwise deposit and leave in the cemeteries any wastepaper or refuse of any kind except in the litter bins provided.
 - h) No person shall operate any sound reproducing equipment or play any musical instrument in the cemeteries without prior written consent of the Council.
 - i) Ashes will not be scattered in any cemetery without the prior consent of the Council and the appropriate fee having been paid. The scattering of ashes over graves is not permitted.
 - j) Funerals must arrive on time as failure to do so may cause the interference with other funerals.
 - k) No smoking shall take place within or close proximity to any place where an interment is taking place.

32 Soliciting of Services within Cemeteries.

Any person soliciting orders within the cemeteries for any services or sale of any goods will be required to leave the cemeteries and will not be readmitted without the permission of the Council.

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33. Dogs

No dog will be permitted to enter or remain in any cemetery unless kept continuously on a lead and under proper control. Any fouling must be cleaned up and removed from the cemetery.

34. Floral Tributes, Planting and Ornamentation

On the day of a funeral, flowers and wreaths may be placed upon the grave in which the burial takes place and will be removed at the discretion of council staff when they become unsightly. **No permanent planting of any kind will be permitted.**

- a) No persons other than duly authorised officers of the Council shall interfere with or alter the grass area of the grave, which will be maintained by the Council at no cost to the owner of the grave.
- b) Flowers, shrubs, trees of any kind, wreaths, flower containers or items of similar nature shall not be taken out of the cemetery without the permission of a duly authorised Council officer or the written permission of the owner of the article concerned.
- c) No trees, shrubs or any other plants shall be planted on any grave or ashes plot whether exclusive right of burial has been purchased or not.
- d) Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreaths which are permitted and will be removed when they fade or decay.
- e) Vases should be placed on the plinth of the memorial or in a recesses designed for the purpose on ashes tablets – not on the grass or soil adjoining the memorial or tablet. Glass, ceramic and plastic vases are not permitted.
- f) Wreaths and floral tributes may be laid on the graves immediately following the burial, Remembrance Day Poppies and traditional Christmas wreaths and will be removed when they fade or decay and cut flowers placed in metal or stone vases placed on the memorial plinth. Glass, ceramic and plastic containers are not permitted. If there is no plinth, a single vase may be sunk into the ground immediately in front of the memorial – the vase must be sunk below the level of the surrounding ground so that it does not impede and will not be damaged by a mower.

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35. Maintenance and Upkeep

With the exception of some of the older sections of the cemeteries all graves and ashes plots are laid to grass. Permanent plantings, shrubs, saplings or trees may be planted on graves only by the Council in the woodland areas. The Council has sole discretion about the distribution and variety selected. No other plants of any description are permitted to be planted on any grave or ashes plot.

- a) The Council will not accept any responsibility for any damage caused through the maintenance and upkeep of the cemetery.
- b) Stability checks are conducted every three years and any monument found to be unsafe will be laid down to be rectified and repaired by the owner at their own expense.

36. Offences in Cemeteries (Local Authority Cemeteries Order 1977, Section 18)

- a) No person shall:
 - i. wilfully create any disturbance in a cemetery
 - ii. commit any nuisance in a cemetery
 - iii. wilfully interfere with any burial taking place in a cemetery
 - iv. wilfully interfere with any grave or vault, any tombstone or other memorial, or any other flowers or plants on any such matter; or
 - v. play at any game or sport in a cemetery
- b) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

(The Local Authorities' Cemeteries Order 1977 articles 18 (1) and (2))

37. Miscellaneous

- a) Funeral directors shall give special notice to the Council whenever they have a funeral which is likely to be attended by an unusually large number of mourners.
- b) Issues arising for which no provision is made in these Regulations shall be referred to the Council, or any Committee or Officer of the Council to which the Council has delegated its powers on its behalf, whose decision shall be final.
- c) The Council reserves the right to revise these regulations at any time.

38. Revocation

All other regulations for cemeteries made by this Council are hereby revoked.

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Definitions

“Cemetery” and “Cemeteries” refer to the cemeteries provided by the Council at:
Temple Street, Sidmouth
Deepway, Sidbury
Colyford Road, Seaton

“Council” means East Devon District Council

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Full Memorial Plot” means a grave plot where the entire area of the grave may be used for memorialisation and or planting flowers. New Full Memorial Plots are no longer available in any of the District Council’s cemeteries.

“Lawn plot” means a grave where only the head of the grave may be used for memorialisation.

“Ashes plot” means a grave reserved solely the interment of ashes.

A “memorial” is any object placed upon the ground above a grave. It may be an engraved stone, a plant, cut flowers in a vase or any other object. The term also refers to benches, trees and other items donated to the Cemetery *in memoriam*.

“Vault” means an underground burial place of any description except a grave as defined above.

“Resident” means a person residing within the District of East Devon or in a property owned or provided by the Council outside East Devon during the twelve months immediately preceding the ‘resident’s’ death.

“Un-purchased, public or common grave” means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons may be interred.

“Woodland Grave” means any grave in an area of a cemetery set aside for woodland burials.

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Appendix B

Form 18

Declaration that Certificate or Order has been issued

Regulation 49(3) Births and Deaths Registration Act 1926, Section 1(1)

I,

of

in pursuance of the Births and Deaths Registration Act 1926, declare:

(1) That I am the person procuring the burial of the body

of

who died at on the

(2) that a registrar's certificate/coroner's order * authorising burial was issued by

the registrar/coroner * at

to

living at

on; and

(3) that the reason why the said document cannot be delivered before burial is that

.....

.....

I make this declaration believing the same to be true.

Signature of the declarant

Date

* Strike out whichever does not apply