

Ware Town Council

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WARE CEMETERY RULES AND REGULATIONS

Ware Cemetery is located on both sides of Watton Road, Ware. The North side, accessed from Watton Road is primarily used for interment of cremated remains. The South side, accessed from Wulfrath Way is used for burials. The Cemetery is controlled and administered by Ware Town Council ("the Council") under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977.

All enquiries should be addressed to:

The Cemeteries Officer
Ware Town Council
The Priory, High Street
Ware SG12 9AL

Tel: 01920 460 316

Email: cemetery@waretowncouncil.gov.uk

1) OPENING TIMES

- a) The Cemetery shall be open to the public from 8am until sunset daily or as notified by the Council.

2) CONDUCT OF VISITORS

- a) It is an offence while in the Cemetery to:
 - Wilfully create any disturbance
 - Commit any nuisance
 - Wilfully interfere with any burial taking place
 - Wilfully interfere with any grave, vault, tombstone or other memorial, or any flowers or plants.

Any person who commits such an offence shall be liable on summary conviction to a fine not exceeding the limit as stated in the Local Authorities Cemetery Order 1977 as amended from time to time.

- b) Visitors must keep to the surfaced roads and paths except where there is a need to approach a particular grave and must behave in a quiet and orderly manner.
- c) Children younger than 12 years of age will not be admitted except under the care of a responsible adult.
- d) Dogs must be kept on a lead at all times whilst in the Cemetery.
- e) Litter must be placed in the bins provided.

- f) Canvassing or soliciting orders is not permitted in the Cemetery and no advertisements must be displayed without the prior approval of the Council.
- g) Council staff and contractors working in the Cemetery are not permitted to accept any gratuities from members of the public and none should be offered to them.
- h) Any person infringing these rules or otherwise causing disturbance to users of the Cemetery will be removed from the Cemetery and proceedings may be taken against them.
- i) The Council may take proceedings against any person found wilfully damaging or removing any building, wall or fencing, any monument or inscription or any flowers, trees or shrubs in the Cemetery.

3) ADMISSION OF VEHICLES, CYCLES ETC.

- a) The Council reserves the right to exclude all vehicles (other than those attending funerals, delivery of memorials or carrying out work for the Council) from all parts of the Cemetery and notices will be displayed on the site to this effect indicating the restricted areas.
- b) All drivers must obey a 5mph speed limit whilst in the Cemetery and should avoid causing any disturbance to funerals. Vehicles must give way to pedestrians.
- c) Vehicles must only use surfaced roads within the Cemetery and must not drive on any grassed or unsurfaced area. All vehicles must be parked in such a way that other vehicles and pedestrians can pass alongside at all times.
- d) Riding of cycles, motorcycles, skateboards, rollerblades and other such equipment will not be allowed in the Cemetery.
- e) The Council will not be held responsible for any damage to vehicles or other property left within the Cemetery.

4) ENTITLEMENT TO BURIAL OR INTERMENT IN WARE CEMETERY

- a) The Council administers the Cemetery in accordance with the Local Government Act 1972 and the Local Authorities Cemeteries order 1977. All burials or interments must comply with this and/or any successor legislation and, subject to this legislation, the following will be entitled to burial or interment in Ware Cemetery:
 - People who are normally resident within the parish boundaries of the town of Ware at the time of death. Evidence to confirm this will be required. In the case of minors, proof that their parents or guardians are normally resident in Ware may be required.
 - People who have spent most of their life as residents of Ware but who have spent the latter stages of their life outside the parish boundaries, e.g., in nursing care.
 - At the discretion of the Town Council, people who are close relatives or partners of residents of Ware. Evidence to confirm the residency entitlement of relatives or partners and the relationship to the deceased will be required. In such a case the fee charged would be the non-resident rate as specified in the current fees and charges schedule.
 - In the case of a grave re-open, where the grave was previously purchased at a resident rate, the resident interment fee will apply.

- The Council can, at its discretion, agree to burials or interments of people who are not eligible under any of the above criteria. In such a case the fee charged would be the non-resident rate as specified in the current fees and charges schedule.

5) REGISTER OF BURIALS AND INTERMENTS

- a) The Council maintains a Register of Burials and Disinterments. These records are available for consultation, by appointment, free of charge, or for any such fee as is prescribed under future legislation and adopted by the Council. The Council will, at its discretion, charge a fee for searches and for provision of certified copies of entries in the registers.

6) BURIALS AND INTERMENTS

- a) Burials and interments shall take place between the hours of 10 am and 3 pm Monday to Friday unless by special arrangement with the Council.
- b) An Exclusive Right of Burial must be purchased in respect of every space allocated for a grave or a cremated remains plot. The Exclusive Right of Burial will be sold subject to the payment of all fees in respect of subsequent burials and interments (i.e. digging below 6ft in order to accommodate subsequent burials or interments) and all other fees relating to the current burial. Any subsequent burial or interment will be subject to the fees and charges in force at that time.
- c) The Ware Town Council permits single ownership of Exclusive Rights of Burial. Ownership of graves can only be transferred to an entitled person via a legal process and on payment of the applicable fees.
- d) Grave plots may not be purchased in advance.
- e) Cremated remains plots may not be purchased in advance.
- f) All burial plots will be selected by Ware Town Council.
- g) All earth graves shall be dug, excavated, opened and filled up or covered over by Council staff or others authorised by the Town Council. All superfluous soil shall be disposed of as the Council may from time to time direct.
- h) Only coffins or caskets of wood, wicker or other easily perishable material will be allowed in an earth grave unless agreed otherwise by the Council.
- i) Coffins must comply with any conditions that may, from time to time, be required by the Council in special circumstances, particularly in relation to health and safety issues.
- j) Caskets in cremated remains plots must be no larger than 30cm (11 ¾") long x 20cm (7 ¾") wide x 15cm (6") deep.
- k) A maximum of four cremated remains caskets may be interred in cremated remains plots in the North side of the Cemetery.
- l) A maximum of three cremated remains caskets may be interred in existing cremated remains plots in the South side of the Cemetery.
- m) A maximum of six cremated remains caskets may be interred in an earth grave.
- n) The Council reserves the right to restrict the number of burials and interments in each grave space.
- o) No coffin/container/shroud shall be accepted at the Cemetery unless the name of the deceased is clearly shown thereon.

- p) The identity shown on the coffin/container/shroud shall be verified at every funeral.
- q) The total costs of excavation, masonry and smith's work for a brick grave must be paid by the purchaser. The purchaser will be responsible for engaging appropriate workers to excavate and construct the brick grave and for providing all required materials. The Council reserves the right to specify the standard of materials and workmanship required and must be provided with written details in advance of work commencing. The Council reserves the right to withhold approval for the works if it is of the opinion that the work will not comply with the requirements of the relevant legislation or guidance, including health and safety legislation.

7) NOTICE OF INTERMENT

- a) Notices of interment must be given to the Council office during opening hours and not less than two clear working days before the day of interment, except by special arrangement.
- b) The Notice of Interment must be on the form provided by the Council. Every notice must be properly completed and contain a statement of the full name, occupation or description of the person to be buried (or if a minor, the names of the parents or guardians), and the date of death, age at death, the day and hour of the proposed burial, the description and depth of the grave together with the coffin size and the name of the person who it is proposed shall officiate. No order for an interment or purchase of a new grave will be accepted unless the name and address of the person(s) to be registered as the owner are supplied.
- c) The Registrar's Certificate for Burial or Cremation Certificate must be supplied to the Council prior to the burial.
- d) All fees and charges must be paid upon giving Notice of Interment. The table of current fees and charges is available from the Council.

8) MAINTENANCE OF GRAVES

- a) After a period of time reasonably sufficient for the natural subsidence of earth with which the grave has been filled, the Council will have the grave levelled and grassed over and maintained with the rest of the grassed areas in the Cemetery.
- b) The Council welcomes measures to personalise graves but asks that the surface of the grave must be kept in a neat and tidy condition.
- c) No trees are permitted to be planted on a grave space, and the Council reserves the right to cut down or remove any trees as it sees fit.
- d) Small shrubs, plants or flowers may be planted over a grave but the Council reserves the right to cut down or remove the same when necessary for reopening the grave and the right to demand or carry out the pruning, trimming or removal of any such shrubs, plants or flowers which in their opinion have become unsightly or overgrown.
- e) No form of edging to cultivated or planted surfaces to graves shall be allowed other replacement of existing or timber edging not exceeding 50mm (2") thick by 152mm (6") deep, which shall not protrude above the surfaces of the surrounding ground and the Council reserves the right to remove such edging if, in their opinion, it becomes decayed or defective or interferes with the general maintenance of the Burial Ground.

- f) No form of covering to the tops of earth graves such as stone, concrete gravel or stone chippings will be permitted other than replacement of existing.
- g) Pre-cast concrete bases 0.61cm (2") x 0.61cm (2") will be provided and fixed by the Council on all plots for interment of cremated remains in parts of the Cemetery set aside for that purpose and no additional planting of flowers, shrubs etc will be permitted around these plots.
- h) If graves are left untended and the registered owner cannot be traced, the Council reserves the right to remove any planting and replace with turf.
- i) To avoid disturbance or annoyance to other visitors to the Cemetery, no bells or chimes shall be left on graves or vegetation in the Cemetery.
- j) The Council reserves the right to remove any faded flowers, wreaths, vases, bottles, tins or any object which, in its opinion, are objectionable or unsightly.
- k) If any item(s) on graves are contrary to these Rules and Regulations or likely to cause disturbance or annoyance to other visitors of the Cemetery, the Council will contact the registered owner and ask that they be removed within a reasonable period. Where the Council is of the opinion that the item(s) are potentially dangerous the item may be removed and stored and the registered owner will be advised accordingly and asked to collect or agree to the disposal of the item concerned. The registered owner will be responsible for repayment of any costs.

9) MEMORIALS – GENERAL

- a) All memorials in the Cemetery and inscriptions thereon are subject to the prior approval of the Council and payment of the appropriate fees before erection. Applicants are advised that decisions will be taken primarily on the need to meet health and safety requirements and the Council will not approve the erection of potentially unstable memorials.
- b) Applications for memorials will only be accepted from the owner of the Exclusive Right of Burial. Transfer of Ownership must be completed if the owner of the Exclusive Right has died.
- c) Written agreement must be obtained from the Council that the submitted application or any amended application has been approved before any orders are placed for work to memorials. The Council will not entertain reimbursement of costs associated with a memorial for whatever reason.
- d) The Council will only accept Memorial Masons who undertake to work in accordance with the NAMM (National Association of Memorial Masons) Code of Practice of BRAMM (British Register of Accredited Memorial Masons) Code of Practice.
- e) Memorials cannot be erected on earth graves for at least 6 months after the date of interment to allow for settling of the ground.
- f) Memorials can be erected on cremated remains plots immediately after the date of interment.
- g) Kerb stones and cover slabs are not permitted. However, these on some older plots and may be replaced like for like.

- h) All applications for permission to erect memorials must be made to the Council and include:
 - Full details of the inscription and wording
 - A drawing showing the shape, size, material and colour(s) of the memorial, including size and material of any vases and all details of fixings, in accordance with the NAMM Code of Practice.
 - Details of special features, e.g., photographs which should be set flush with the face of the headstone.
- i) For safety reasons only permanent vases or containers will be permitted and then only if incorporated in the memorial or the base thereof. In particular glass vases must be avoided.
- j) The registered owner of each plot will be responsible for repair, maintenance, cleaning and insurance of all memorials. The registered owner will also be responsible for the removal and replacement of all memorials, e.g., when a further burial or interment takes place in the plot.
- k) Registered owners are advised that they may be held responsible for any injuries or damages caused by memorials, planting or other items placed on their plot, whether or not the Council has given approval.
- l) If the Council is of the opinion that memorials are defective, dangerous or potentially unsafe then, subject to any legal requirements, such memorials will be made safe by appropriate means and the registered owner will be advised. The registered owner will be responsible for the repayment of any costs incurred.
- m) The Council reserves the right to remove any memorials not authorised by the Council. Removed unauthorised memorials will be kept by the Council for 60 days for collection. If not collected within this time they will be disposed of.
- n) All memorials must be securely and properly fixed in position with an approved concrete foundation which shall not protrude above ground level. All to be in accordance with the NAMM Code of Practice.
- o) All grave spaces are numbered in accordance with the plan of the Cemetery held by the Council and the number of the grave space must be cut into any monument or stone at the expense of the person erecting the monument or stone.
- p) Memorials will be subject to periodic testing by the Council to ensure that they remain stable. Any memorial failing this test will be made safe temporarily and the owner contacted to arrange repairs. All repairs remain the responsibility of the owner.

10) MEMORIALS – SPECIFICATIONS AND DIMENSIONS

a) Memorials on Earth Graves

Memorials on earth graves shall be in the form of a headstone only and shall comply with the following measurements:

Height -	Maximum 914 mm (3ft)
Width -	Minimum 381 mm (1ft 3") – Maximum 762 mm (2ft 6")
Thickness -	Minimum 76 mm (3") – Maximum 102 mm (4")

A base will be permitted to the headstone provided it is constructed of the same

material as the headstone and with a width equal to the width of the headstone, a depth not exceeding 305 mm (1ft) from front to rear and a thickness of minimum 76 mm (3") and maximum 152 mm (6").

b) Memorials on Cremated Remains Plots

Precast concrete bases 610 mm (2ft) x 610 mm (2ft) will be supplied and fixed by the Council to each plot. Any memorial fixed on the base must be in the form of a single, flat stone, sloping stone or open book with maximum dimensions of bases 610 mm (2ft) x 610 mm (2ft) by 457mm (1ft 6") in height and placed centrally to the base.

c) Memorials on Children's Graves

Shall be a maximum of 610 mm (2ft) high and 381 mm (1ft 3")

11) PLOT SIZES

a) Plot sizes will be allocated according to the following dimensions:

- Earth graves – 2.74m (9ft) x 1.22m (4")
- Earth graves in Children's Section – 1.83m (6ft) x 0.91m (3ft)
- Cremated remains plots – 610 mm (2ft) x 610 mm (2ft)

12) RESERVED RIGHTS OF THE COUNCIL

- a) Should any difference or dispute arise as to the real intent, meaning or interpretation of these Regulations or table of fees and charges, the decision of an authorised officer as the designated representative of the Council shall be final.
- b) The Council reserves the right to alter these Regulations or any part of them from time to time as they may see fit and make supplementary regulations to specific sections of the Cemetery.

The previous version of these regulations was published in 2016. The publish date for these reviewed regulations is the 11th of January 2022.