



# **Mary Tavy Parish Council**

## **Parish Cemetery**

# **CHARGES AND REGULATIONS**

Last reviewed and approved by the full council  
on 9<sup>th</sup> January 2024

## **Introduction**

In the early 1950s the parish churchyard had reached the point where there was no further space for burials and accordingly in April 1953 Mary Tavy Parish Council purchased land from the West Devon Mining and Power Company for the establishment of a parish cemetery. The Parish Council made formal application to the Bishop of Exeter and on the 8th June 1956 received a Sentence of Consecration which allowed the land to be used for burials in accordance with the Rites and Ceremonies of the Church of England.

Access to the cemetery is through the parish churchyard over which Mary Tavy Parish Council has a permanent Right of Way. This footpath is maintained by West Devon Borough Council as the churchyard is now classified as closed. The Parish Council also has a Right of Way for vehicular access across neighbouring farmland. This is strictly reserved for the use of contractors preparing graves or carrying out maintenance.

The Parish Council acts as the Burial Authority and has the legal responsibility for administration and maintenance of the cemetery. Accordingly, all fees charged for use of the cemetery are directed towards this purpose. It is the intention of the Parish Council to run the cemetery to a high standard without incurring a financial burden which would become the responsibility of the local electorate.

The following regulations are drawn up by the Parish Council acting as the Burial Authority. There is no presumption that these regulations are totally definitive and it is the belief of the Parish Council that people will use the cemetery respectfully and with due regard for the sensibilities of other parishioners. However, the Parish Council reserves the right to amend these regulations whenever it deems necessary and such amendments will be considered to be retrospective where appropriate. In accordance with current Best Practice, all fees, charges and regulations relating to the parish cemetery are subject to annual review.

All applications for the purchase of graves, burials, the interment of ashes and the installation of headstones and memorial tablets must be made to the Burial Clerk of Mary Tavy Parish Council.

## **Purchase of Exclusive Rights**

It should be clearly understood that “purchased graves” are those to which the “Exclusive Right of Burial” has been purchased. This gives the purchaser the Right to authorise the use of the grave for further interments (subject to the regulation on depth) and to apply for a memorial to be erected. The purchase refers to the Right of Burial and not to the actual purchase of the land itself. The land used for the grave space remains the property of the Burial Authority. Exclusive Right, by law, may not be granted for more than 100 years. These Rights are sold, or to be more correct “granted,” together with the Right to erect a memorial on the grave in accordance with the Rules and Regulations of the cemetery. It is an illegal act for a grantee, or anyone else, to erect a headstone with its inscription without paying the required fee or by failing to follow the regulations for such matters published by the Burial Authority.

A headstone / memorial is erected at the sole responsibility of the grantee of the Exclusive Right of Burial and remains so for the entire period of the lease. The Burial Authority shall not be held responsible for any damage to, or caused by, the memorial howsoever incurred. The Burial Authority will undertake routine safety inspections and reserves the right to repair or make safe any memorial which is deemed to be a hazard to other users of the cemetery.

The Burial Authority will notify a surviving grantee in writing of any deficiency regarding their headstone. Such communications will be sent to the last address held on the records maintained by the Burial Authority. As the obligation of the Burial Authority is limited to matters of Health & Safety and does not include issues regarding restoration, it is clearly good practice for an Exclusive Right to be transferred to another family member on the death of the last grantee or sooner if that is deemed appropriate.

A Grant of Exclusive Burial is for a period of 100 years from the date of purchase. The Exclusive Right of Burial can be issued in the names of up to four people. A Deed for the grave rights is issued to the purchaser(s) on payment of the appropriate fee. It is important that the purchaser(s) of the Rights to a grave space keep safe their Exclusive Right of Burial Deed and it is suggested that this document is stored with the grantee’s Will and other important documents. Possession of the Right of Burial Deed does not in itself signify ownership.

The unexpired period of the Exclusive Right of Burial may be transferred on the death(s) of the registered grantees to the person or persons entitled to receive it. In order to establish grave ownership, the person or persons wishing to take up ownership must be able to produce a Grant of Probate or Letters of Administration. If these legal documents have not been applied for or issued, ownership may be transferred by Statutory Declaration to the Executor named in the Will. Transfer of an Exclusive Right of Burial is recorded on the appropriate Assignment Form available from the Burial Clerk.

**Due to a lack of space in the parish cemetery, a Grant of Exclusive Right of Burial can no longer be purchased in advance of a death. A Grant of Exclusive Right of Burial can only be purchased as and when an earth grave or cremated ashes plot is required for an immediate interment.**

**Additionally, a Grant of Exclusive Right of Burial may only be purchased for the interment of persons who were either resident in Mary Tavy or Horndon immediately prior to death, or had lived in Mary Tavy or Horndon within the ten years previous to the date of death supplied on the Certificate of Burial or Cremation.**

**Please note that should the interment be for someone who lived outside the parish at the time of death, evidence that the person was resident in the parish in the ten years preceding the death will be requested prior to a Grant of Exclusive Right of Burial.**

## Charges with effect from 14<sup>th</sup> February 2023

### Part A - Interments

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| 1. | Interment of the body of a person whose age at time of death exceeded ten years.               | £ 154.00 |
| 2. | Interment of the body of a person whose age at time of death was below ten years.              | £ 77.00  |
| 3. | Interment of a stillborn child or a child whose age at time of death did not exceed one month. | £ 30.00  |
| 4. | For the reopening of a grave.  | £ 94.00  |
| 5. | Interment of cremated remains.   | £ 99.00  |

**Note:** The fees indicated for types 1 - 5 do **not** include the digging of the grave.

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| 6. | The right to erect a headstone or memorial tablet (including initial inscription.) | £ 121.00 |
| 7. | Any additional inscription to a headstone or memorial tablet.                      | £ 54.00  |

**Note:** No reduction in interment fees will be made in the exceptional circumstances of a requirement occurring for a double burial to take place in the same grave space at the same time. The same charging restriction will apply to a similar application for a double interment of ashes.

## **Charges with effect from 14<sup>th</sup> February 2023**

### **Part B - Additional Charges**

**Search Fee** - A fee of £33 will now be charged for information provided from the Register of Graves and Burials kept by Mary Tavy Parish Council. This charge shall only be applied in respect of information supplied which is not required in connection with an application for which another fee is payable.

**Amendment Fee** - An Amendment Fee of £33 shall be charged in connection with any alterations to information contained within the Register of Graves and Burials. This charge shall also apply in respect of amendments relating to Certificates of Purchase of Exclusive Right of Burial

## **Charges with effect from 14<sup>th</sup> February 2023**

### **Part C - Exclusive Right of Burial in an Earth Grave (including cost of Deed of Grant)**

**Note:** The Parish Council does not allow the construction of walled graves.

Single grave = 6' deep or metric equivalent

Double grave = 7' 6" deep or metric equivalent

Grave size is sold as 8' x 4' or metric equivalent

1. In a site selected by the Parish Council (generally the next adjoining space)

<b><u>Parishioner</u></b>
Single £275
Double £330

2. Child's Plot

<b><u>Parishioner</u></b> £55
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**Note:** Grave size is sold as 3' 6" x 2' or metric equivalent

## **Charges with effect from 14<sup>th</sup> February 2023**

### **Part D - Exclusive Right of Burial of Cremated Remains (including cost of Deed of Grant)**

**Note:** Plot size is sold as 3' x 3' or metric equivalent

In a site selected by the Parish Council (generally the next adjoining space in the area reserved for the interment of ashes)

<b><u>Parishioner</u></b>
Single £99
Double £176

## **Regulations for Headstones and Memorials**

1. Headstones on an earth grave must not exceed a maximum size of 36" high x 36" wide x 14" deep or metric equivalent.
2. The pattern of a headstone on an earth grave must be such as to incorporate a minimum of one flower vase within its foot.
3. In order to ensure compliance with current Health & Safety requirements, all headstones installed after 10<sup>th</sup> April 2007 must be fitted with a proprietary anchorage system as recommended by a qualified, registered monumental mason. In the event of a removal of a headstone installed prior to the 10<sup>th</sup> April 2007 for any reason, the headstone must be retrospectively fitted with a proprietary anchorage system before being reinstalled in the Parish Cemetery.
4. As from the 10<sup>th</sup> April 2007, all new headstones and memorial tablets must be engraved with the official grave space identification code provided at the time of purchase or used by the Burial Clerk to Mary Tavy Parish Council. This identification code may be engraved on the rear face of the memorial where size and shape make this possible.
5. Graves are not allowed to have kerbs or earth mounds. Separate flower containers are permitted provided they do not exceed the width of the headstone base and remain within 12 inches or metric equivalent from the headstone. On the grounds of Health & Safety, any additional containers must be made from a shatter-proof material. Glass, plastic and other brittle materials are expressly forbidden and the Parish Council reserves the right to remove and dispose of any found in the Cemetery.
6. The dressing of graves is not permitted. This includes scarves, ribbons, toys, ornaments, tinsel etc. Any such items found on a grave will be removed and disposed of without delay.
7. Memorial tablets above cremated remains must not exceed a maximum size of 21" x 21" or metric equivalent.
8. Cremated remains must be interred in a bio-degradable container.



9. No headstone or memorial tablet may incorporate a photographic or other representation of the deceased. Headstones may contain a motif significant to the deceased provided it remains within the maximum size allowed for a headstone in Mary Tavy Parish Cemetery and will be subject to the approval of the Burial Authority.

10. Any inscription must be simple, reverent and must be in keeping with what would be expected in a rural churchyard or cemetery. An inscription may contain a limited factual statement about the deceased. Mary Tavy Parish Council reserves the right to refuse any application which does not conform to these requirements. Further guidance on these matters should be sought from the Burial Clerk.

11. Mary Tavy Parish Council recognises that, immediately after an interment, the number of floral tributes may completely cover the grave space. Once these floral tributes are sufficiently degraded, they will be removed for recycling and / or disposal. Subsequent floral tributes laid on such a grave should be limited in number and placed only at the head of the grave where a headstone will eventually be placed.

12. The planting of shrubs, plants and flowers on or around graves is not allowed.

13. Headstones and memorial tablets should be of granite or other stone local to the area. Any deviation from this preferred standard is strictly at the discretion of Mary Tavy Parish Council and is non-negotiable.

14. The Parish Council reserves the right to remove floral tributes including those made of artificial materials when degraded by the elements.

15. It is permissible to place a small flower vase of a pattern recommended by a qualified, registered monumental mason on a plot used for the interment of ashes.

## **Point of Contact**

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