

Certificates

All certificates supplied with transfer applications must be originals or certified copies. (NB Birth certificates supplied for identification in a Deed Transfer must be a full birth certificate and not a short birth certificate.)

Copies of the Statutory Declaration form, Transfer of Exclusive Right Of Burial form and the Assignment of Right form can be obtained from Gainsborough Town Council. Please note that you should seek your own independent legal advice regarding your circumstances and completing of the forms. You are responsible for ensuring that the correct form has been completed and all details contained in it are correct.

Further information and advice

Please keep both the Exclusive Right of Burial and the Exclusive Right of Memorial deeds safe as these will need to be presented periodically. During the period of your grave rights being granted any change of address or transfer of rights should be notified to the Council Office as soon as possible. Once the owner of the Exclusive Right of Burial is deceased it is important that an official transfer of these rights is undertaken so that our records show who the owner of the rights belong to. Otherwise problems can arise when a further burial in the grave is desired. If you require any further information or advice please contact Gainsborough Town Council on 01427 811573. The Council is committed to carrying out this important service in a sensitive and caring way, meeting the needs of all those who are bereaved and we welcome your comments on all aspects of the service.



GAINSBOROUGH TOWN COUNCIL

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Gainsborough
TOWN COUNCIL

Guidance Notes on Practices and Regulations within Gainsborough Town Councils Cemeteries

These Guidance Notes on Practices and Regulations within Gainsborough Town Councils Cemeteries outline the regulations for specific grave sections. This guidance should therefore be read by yourself as the purchaser of the grave exclusive rights. You must agree to these as it is important as a prerequisite before any grave rights are purchased.

Hours of Interments

The hours for interments for all denominations are as follows:

Summer (1st April - 30th September)
0900 - 1500

Winter (1st October - 31st March)
1000 - 1430

Notice of Interment

Notice shall be given to Gainsborough Town Council not less than three full working days between the hours of 0930 and 1530 Monday to Friday. No notice shall be received on weekends and bank holidays (unless special circumstances apply)

Damage

Any damage identified within Gainsborough Town Councils Cemeteries should be reported to the Council offices immediately. All damage caused wilfully to any property within the cemeteries will be liable to prosecution.

Motor Vehicles

Motor vehicles are allowed in the General Cemetery, however drivers are requested to adhere to speed limits (10mph) and ensure vehicles are parked in a sensible manner on firm ground and not grassed verges. Council personnel may request owners to move their vehicles if they believe they are causing a hazard or obstructing the highway.

Dogs

Dogs must be kept on leads at all times whilst in the Cemetery grounds and all dog mess must be picked up .

Child Safety

All children must be accompanied whilst they are in the Cemetery grounds.

Conduct

Visitors to Gainsborough's Cemeteries are asked to conduct themselves in such a manner so that a quiet and peaceful environment may be experienced by all.

The applicant for transfer of ownership should complete a Statutory Declaration. Statutory Declarations are legal documents produced by this office and must be signed in the presence of a Magistrate or Commissioner for Oaths.

The Statutory Declaration should clearly set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner.

The original Deed of Grant and a certified copy of the owner's death certificate should accompany the Declaration. Where the Deed has been lost, suitable wording should be incorporated within the declaration to the effect. It is essential that the written agreement of all the next of kin of the deceased owner to the transfer of ownership should also be obtained.

A fee is payable to the Council for the transfer of grave ownership. Please do not hesitate to contact the Cemeteries Administration Office if you require any further information or advice on how a transfer can be effected.

Forms for Transferring Deeds Ownership

Transfer of Exclusive Right Of Burial

Used by a living owner to transfer or change the ownership of the exclusive Rights of Burial i.e. to transfer to new owner or add an additional owner.

Assignment of Right (Form of Assent)

Used to transfer ownership from an executor or administrator after ownership has been transferred into their name by production of Probate of Letters of Administration

Grant of Probate

Granted to the executor/s of a Last Will and Testament once a document has been proven in Court. To be legally acceptable we can only accept sight of a "SEALED" Grant; i.e. it must bear the embossed seal of the court.

Letters of Administration

When a deceased person dies intestate then the next of kin can apply to the Courts to be made Administrator of the estate. An Administrator receives the same powers to administer the estate of the deceased as an executor.

Statutory Declaration

Used to transfer ownership from a deceased owner when no official documents have been issued. Declarations can be either based on a Will that did not go to probate, claiming ownership by the executor or by the Next of Kin if the deceased left no will. The Statutory Declaration must be agreed and signed by a Justice of the Peace or Commissioner of Oaths. A solicitor may have the right to sign as a Commissioner of Oaths.

Transfer of Grave Ownership

The grave owner can assign the Exclusive Rights of Burial, during their lifetime, to another individual on completion of an Assignment Form. Return of the original grave deed will be necessary.

Returning Grave Ownership

The owner can surrender the Exclusive Rights of Burial if the grave has not been used for burial, on completion of a Surrender Form. The surrender value being the original purchase price as specified on the original Deed of Grant. Return of the original grave deed will be necessary.

The procedure for establishing grave ownership when the original owner has died depends upon whether there is a will.

Deceased left a Valid Will

If the deceased grave owner has made a valid will and left an estate of sufficient value to require the Grant of Probate to executors, ownership of the grave can be transferred to the executor. The applicant must produce a sealed copy of the Grant of Probate and complete the Transfer - Grant of Probate Form.

If the estate is not of sufficient value, ownership may be transferred to the executor named in the will by Statutory Declaration and the production of the will. It is then the executor's responsibility to identify the correct person for the transfer of ownership and assent the transfer by completing an assent form.

Grant Letters of Administration Have Been Obtained

If there is no will, or the will is not valid, and the estate is of sufficient value as to require a Grant of Letters of Administration, ownership of the grave can be transferred to the personal representative of the deceased.

The applicant must produce a sealed copy of the Grant of Letters of Administration Form. It is then the applicant's responsibility to identify the correct person for transfer of ownership and assent the transfer by completing an Assent Form.

Difference Between Probate and Letter Of Administration

Grant Of Probate

Confirmation of a Will and its allocation, as decided by the deceased prior to death. Probate required if assets worth more than £5,000.00 (may vary)

Letters Of Administration

Required when someone has died intestate (without a Will). Grants the same rights to a family member as a Will (i.e. makes an executor of the estate)

Deceased Dies Intestate

If there are no Executors or Letters of Administration have not been granted, the rules of intestacy apply as laid down in the Administration of Estate Act 1925.

Purchasing the Rights to a Grave plot

These notes are for the guidance of those who are purchasing the **Exclusive Right of Burial** of a grave in any of the cemeteries administered by Gainsborough Town Council.

We understand that at such a distressing time, rules and regulations are very far from your mind, but we believe that the information will be of assistance to you, and so ask that you keep these notes with your grave deed for future reference.

On all grave sections within Gainsborough Town Councils Cemeteries, there are policies and regulations formally agreed in order to maintain the sites. These regulations also help keep the sites tidy and free from unsolicited items and to conserve the respectful ambience of the grounds. The grave plot that you have selected will fall under specific regulations and it is important that you know what these are and that you agree to abide by them, before purchasing the grave in question.

The Exclusive Right of Burial which you have purchased gives you authorisation to make all applications affecting that space for a period up to 99 years (dependant on terms of purchase) and also once the appropriate fee has been paid and permission granted, the right to erect a memorial on that grave.

Plot Dimensions

Adult/older children

All grave spaces as standard shall be seven feet by two feet six inches (84" x 30")

Small Child/Baby

All grave spaces as standard shall be four feet by two feet (48" x 24")

Cremated Remains

All grave spaces as standard shall be two feet by two feet (24" x 24")

General Rules & Regulations for Grave Plots

- a) A marker or name plate may be placed on a grave space at the time of burial. The marker/name plate will remain until it is replaced with a headstone or other approved memorial.
- b) No tree or shrub may be planted on any grave without prior permission being granted by the Council.
- c) Raised mounds or turfed banks will not be permitted on any grave, apart from after a burial where the earth is mounded on the grave to allow for initial settlement.
- d) The Council has the right to remove from any grave any items that are considered unsightly or that may interfere with the grounds maintenance of that area after serving notice to the registered grave owner. Any items seen to be causing an immediate hazard or danger will be removed immediately without notice.

e) If any unauthorised items are left on or around a grave space, the Council reserve the right to remove such items forthwith. The owner of the grave rights will be advised in writing and the items(s) will then be retained for 28 days. If these items remain uncollected or it proves necessary to remove the items on more than one occasion, the Council reserves the right to retain and dispose of these items at its discretion without further consultation with the owner.

f) The Council has the right to remove and dispose of any floral tributes, flowers, plants etc, that have withered or died or have become unsightly on any grave space. The Council has the right to remove all floral tributes left at a grave once fourteen days have expired after the burial. Christmas wreaths will be removed during February.

g) No body shall be buried, or cremated human remains interred/scattered in any grave without the consent in writing of the owner/applicant of the exclusive right of burial.

h) All burials and interments shall take place in accordance with the statutory requirements laid down in the Local Authorities Cemeteries' Order 1977, and any other subsequent legislation that comes into force.

The first few weeks after burial

After the burial has taken place, any floral tributes from the burial will remain on the grave for approximately 21 days after which they will be removed by grounds staff.

The first year

It is normal for graves to subside during the first year especially after periods of heavy rain, grounds staff will regularly check the graves and re-instate them where necessary. If upon visiting the cemetery you are concerned about the condition of the grave please contact the Council office for advice.

Older grave sections

Burials can still take place in older sections of the cemetery where kerbs and surrounds have been allowed under previous legislation. However since the Local Authorities Cemeteries Order 1977, new type sections (as described below) have been introduced by most authorities which enables unhindered grounds maintenance by keeping the graves clear of all kerbs and articles, etc. The Council is charged with a duty of management of the cemetery and these regulations allow such responsibilities to be carried out effectively in the interests of all cemetery users.

New grave specifications for new sections K onwards

New grave sections within the Councils Cemeteries will only allow memorials that have flower holders incorporated within the headstone in order to keep the graves neat and tidy and to remove hazards that may cause harm to the grounds maintenance operatives.

The Exclusive Rights may be renewed for a further term towards the end of the lease but must not exceed 99 years in total.

Ownership of the Exclusive Right of Burial is therefore a very important matter. Ownership can be transferred either during the owner's lifetime or after their death. The procedure for transferring the ownership is detailed below.

The Council's records contain the details of the registered grave owners. However, it is important that the grave owners keep safe their Deed of Grant. The Council issues this document when the grave is first purchased and should be produced for each burial.

Possession of the Deed does not in itself signify ownership of the Exclusive Rights.

If the original deed was originally purchased from any other authority prior to the formation of Gainsborough Town Council, the fact that the issuing authority is no longer in existence means that a new deed cannot be issued but you will be issued with official documentary evidence of the transfer, detailing the new deed owner.

Burials within any GTC Cemetery will not be permitted until the owner of the Grave has been satisfactorily established by the Cemeteries Administration Office. Headstone inscriptions likewise, will not be permitted.

Basics of Exclusive Rights of Burial Transfer

If you have the original Deed and Grant of Probate or Letters of Administration and wish to assume ownership, we would request you send them to this office along with the completed ***Transfer of Exclusive Rights of Burial*** form. We will then proceed with the Transfer of grave ownership. The original deed/documents will be returned with the new transfer of ownership document.

If you have the original Deed but neither Grant of Probate or Letters of Administration and wish to assume ownership of this grave, a ***Transfer of Exclusive Rights of Burial & Statutory Declaration and Indemnity*** (Solicitor signature required) will be necessary. We will then proceed with the Transfer of grave ownership. The original deed will be returned with the new transfer of ownership document.

If you do not have either the original deed, Grant of Probate or Letters of Administration and wish to assume ownership of this grave, a ***Transfer of Exclusive Rights of Burial & Statutory Declaration and Indemnity*** (Solicitor signature required) will be necessary.

Transfer Forms

The necessary documents which may be required for completion by the intended Deed holder:

Transfer of Exclusive Rights of Burial	(£54 administration charge)
Statutory Declaration and Indemnity	(Solicitor signature required)
Assignment of Exclusive Right of Burial	(£54 administration charge)

* all fees quoted accurate for 2017/2018

Exclusive Rights of Memorial

On receipt of application and appropriate fee an Exclusive Right Of Memorial will be issued to the grave owner, it is suggested that this is kept with the Exclusive Right of Burial. It must be pointed out that the Exclusive Right Of Memorial is subject to a **30 year** lease with a five yearly inspection cycle expected to be made (subject to resources financial and otherwise). This Right could be extended for a further period determined by the Council after the thirty year period (subject to the memorial being inspected and being found safe).

Exclusive Rights Of Memorial will be subjected to the following conditions: The memorial may be inspected once every five years and any subsequent repairs identified from the inspection will be carried out at the owners own expense using a BRAMM registered mason. If the required repairs are not undertaken then the Exclusive Right of Memorial will be deemed to be terminated.

As holder of an Exclusive Right of Memorial you will be responsible for the maintenance of the memorial and ensure it is in a safe condition. You should also ensure you have insurance to cover damage by vandalism etc, this can be obtained from most memorial masons.

Opening of Adjacent Graves

When a grave plot is being opened the excavated soil is placed to the side of the grave, it may be necessary when opening a grave between two existing graves for the soil to be placed on one or both of the adjacent graves. The adjacent graves in question will be covered with boards so that the soil does not lie directly on the graves, this method is common practice in Cemeteries throughout the country. We expect that the excavated soil will be placed on the grave for at most a few days where a weekend is involved, this will unfortunately interfere with access to the graves for that period. After the funeral has taken place, the whole area will then be cleared and left neat and tidy. Where a memorial has been installed in close proximity to the grave to be excavated this may need to be removed for Health and Safety and/or for excavation access. The Council will contact the owners in question and will fund the removal of the memorial and its re-instatement after the burial has taken place.

Transfer Of Ownership

When you buy a grave at any Gainsborough Town Council Cemetery, what you are actually buying is the Exclusive Right of Burial for a specific period of years, you are not buying the grave freehold, it is a lease. The lease purchaser has direct responsibilities for headstone/memorial maintenance and must comply with the rules and regulations of the cemetery.

No burial may take place in the grave and no memorial may be placed on the grave without the written permission of the grave owner during the period of the Exclusive Rights. A fee is payable for the digging and preparation of a grave at the time of burial and a fee is also payable for the installation of a memorial.

No kerbs or surrounds must be placed within the entire area of the grave or any articles such as stone chippings, glass containers, plastic surrounds, kerbs and plants. Within the new type graves temporary plants may be left at the head of the grave within the earth border after a burial for six months only to allow time for a permanent stone memorial to be fixed. After six months the Council reserves the right to remove these without prior notice or right of appeal.

Cremated Remains Burials

All excavations for the interment of cremated remains will only be undertaken by Council staff.

All cremated remains shall be interred in urns or caskets of a suitable and approved construction and design

Children & Baby Graves

The regulations for these graves come under the same rules set out in the General Rules and Regulations for Grave plots section within this guidance. The Council recognises that this is a most difficult time for the parents and family and understand their desire to place tokens, toys, etc on to the grave plot as a sign of devotion in memory of their little ones. We do ask however that all items are kept well within the grave space so that no damage occurs whilst the grounds team maintain the area.

Memorials

Procedure prior to installing memorial

a) Applications for permission for the right to have a memorial can only be made by the registered grave owner. An application fee is payable in advance. If permission is granted, it is valid for 30 years only, after which the grave owner may extend the period for a further 5 years on the production of a certificate of memorial inspection and payment of the Council's reasonable administration costs (All fees are published from time to time). Rules apply as to the type, size, style, material and wording that can be used and all memorial designs and inscriptions must be approved in writing by the Town Clerk prior to installation.

b) Before a memorial can be installed 6 months must have elapsed from the date of the interment.

Memorials for cremated remains and in the baby section may be allowed after 3 months depending on ground conditions.

Memorial Specification Guide

A memorial can be placed within the constraints of regulations in force or the grave left unmarked.

The Grave Owner (applicant) has the responsibility to maintain the memorial upon the grave during the period of rights granted, or any extension made to this period. The memorial cannot be disturbed or moved during this period without the Grave Owner's express permission, unless it poses a safety hazard. The safe erection and maintenance of the memorial is the Grave Owner's responsibility during the period of rights.

The Grave Owner has the right to use any memorial mason of their choice, but they must be registered to the BRITISH REGISTER OF ACCREDITED MEMORIAL MASONS Scheme (BRAMMS) or the REGISTER OF QUALIFIED MEMORIAL FIXERS (RQMF) run by the NATIONAL ASSOCIATION OF MEMORIAL MASONS

(NAMM). All fixers must follow the NAMM Code of Practice or the BRAMM Blue Book as well as comply with current British Standards.

When can the memorial be erected?

Memorials should not be installed until at least 6 months after the date of the interment to allow for full settlement of the soil within the grave plot, this should then ensure the stability and longevity of the memorial (for further information and advice contact the memorial mason).

Temporary Memorials

An informal application can be made to the Council regarding the installation of a temporary memorial, this may be a wooden cross that can be sourced by the funeral director or memorial mason company. Temporary memorials deteriorate quickly and so after six months the Council reserves the right to remove any temporary memorials without prior notice or right of appeal. Artificial memorials must not be placed at any time.

Can the Grave Owner apply to put a monument there themselves?

No - In order to protect the health and safety of the public in the cemetery we only permit BRAMMS registered stone masons to install memorials in the cemetery.

Memorial specifications for sections A—J only

In these older sections, historically a more haphazard approach has been taken to regulation and therefore it is delegated to the Town Clerk to determine what is reasonable, taking into consideration the safety, ease of maintenance and what has previously been permitted in each area.

Memorials are only permitted at the western side of full graves or in line with the existing memorials in the section. No kerbstones, railing, planting, loose fill material, horizontal or concrete memorials are permitted.

Synthetic stone or plastic must not be used.

Every effort should be made to keep any inscriptions simple and any epitaph appropriate. Inscriptions should be on the front of the memorial only. The grave number only may be marked on the reverse.

Within these limitations the Grave Owner may apply to have any design of memorial you like. We will consider each memorial on its own merits and will generally approve a monument as long as it is not likely to offend or in bad taste and is sufficiently well constructed to be safe for at least the period of the Rights. If we refuse permission an explanation will be given. The type of monument wanted may be limited by the area of the cemetery your grave is in (for example some ground is unsuitable for larger memorials).

Whilst vandalism is a very rare event in our cemeteries, it can occur from time to time. The Council cannot be held liable for any damage caused by the irresponsible actions of others, although we will work with the police to prosecute anyone caught causing vandalism. We strongly recommend that Grave Owners take out insurance to protect their property.

Materials, wording and images

Materials must be natural stone (e.g. granite, marble, Portland). Reconstituted stone, resin or plastic materials are not permitted. Any wording and images should be appropriate to the setting as a cemetery and it is delegated to the Town Clerk to determine what is decent and appropriate. In this matter the Council have determined that the Town Clerk's decision is final.

Memorial Safety

Should a memorial be found to be in a dangerous state it may need to be made safe immediately either by cordoning off or laying down. The Council has a legal duty of care to all members of the public, staff and contractors that visit its Cemeteries under the Local Authorities Cemeteries Order 1977 and the Health and Safety at Work Act 1974. Where possible, the Council will try to make contact with the grave owner before any remedial works take place, although dangerous memorials may require immediate action and in this case the Council will try to make contact with the grave owner after the memorial is made safe.

Memorial sizes

The standard size of a memorial within the non cremated remains/ children's sections shall be no more than three feet (36") in height measured from the ground, two feet six inches (30") in width, and four inches (4") in thickness

Children's Section

No memorial within the children's section shall exceed two feet (24") in height measured from the ground, two feet (24") in width, and four inches (4") in thickness.

Cremated Remains Section

No memorial within the cremated remains section shall exceed two feet (24") in height measured from the ground, two feet (24") in width, and four inches (4") in thickness.

Flat plaques will also be allowed within the Cremated Remains section but should be a maximum of eighteen inches square and no more than two inches thick, (18" square and 2" thick) not exceeding six inches (6") at its highest part.