



026 - Memorial Policy for Rothley Parish Council Cemetery 026

This was reviewed at the Full Council Meeting on 17/05/2021 minute ref: 21/355 no amendments made

Note this policy accompanies RPC Cemetery Regulations sections 8 & 10

1. Parish Council responsibilities.

- 1.1 Rothley Parish Council, as owner and acting as the burial authority, has a general duty of care to users of the cemetery. It has health and safety responsibilities to its staff under Section 2 of the Health & Safety at Work Act 1974 and responsibilities to its visitors under Section 3 of the same act.
- 1.2 The Management of Health and Safety at Work Regulations 1999 places a legal duty on the Council to assess the risks from cemetery structures and work activities and to ensure that risks are controlled and to take such actions as necessary to achieve public safety.
- 1.3 The Council also has responsibilities under the Local Authorities Cemetery Order 1977.
- 1.4 In the event of any memorial becoming dangerous or defective the Council can, in accordance with the powers and procedures set out in Article 16(2) and Schedule 3 of that Order, give notice to the owner requiring them to repair or to remove the memorial.
- 1.5 It is important that the owner keeps the Council informed of any change to their address to enable contact to be maintained.

2. Owners responsibilities

- 2.1 The primary responsibility for the condition and the inherent safety of a memorial during its entire lifespan rests with the owner of the memorial or his/her heirs.
- 2.2 The owner has a duty of care to maintain the memorial in a good state of repair at all times so that it does not represent a hazard to themselves, to members of the public or to those working in the cemetery, and to abide by the cemetery policy.
- 2.3 Only the legal holder of the Exclusive Right of Burial can exercise any rights over the grave or the memorial.
- 2.4 Where no legal owner of the grave can be identified, the Burial Authority reserves the right to manage the grave and the memorial appropriately.

3. Installations

- 3.1 All memorials must be erected in accordance with BS8415 and the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation.

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- 3.2 The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good and safe condition during the term of each licence.
- 3.3 The Council may remove / take preventive action should a memorial be dangerously unsafe.
- 3.4 Memorial mason companies who work in the cemetery must be registered with the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM).
- 3.5 Fixing teams will contain at least one mason in possession of a NAMM or BRAMM fixer's licence. At all times memorial teams will operate in accordance with the NAMM or BRAMM scheme and the Council's regulations.
- 3.6 If a memorial is judged by NAMM or BRAMM to be incorrectly fitted the Council will seek advice from another professional body who have powers to withdraw fixer licences.
- 3.7 All workers employed on behalf of the owner of the exclusive right of burial or personal representative of such person, to erect a monument shall carry out their work strictly under the direction of the Council and shall:
 - 3.7.1.1 At the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of work.
 - 3.7.1.2 Perform the work during the normal opening hours of the cemetery.
 - 3.7.1.3 Provide their own tools and equipment and complete the work with due dispatch.
- 3.8 No masons, letter cutters or other workmen engaged in fixing, delivering, painting or repairing memorials will be admitted to the Cemetery on Saturdays, Sundays, Christmas Day, Good Friday or any other public holidays, during a funeral ceremony, or on any other day before 9.00am and must leave the Cemetery no later than the official closing time.
- 3.9 Anyone installing a monument or who undertakes any memorial work within the cemetery not in compliance with these regulations will be required to remove the said memorial and pay all costs involved.
- 3.10 Any unauthorised memorial or tombstone will be removed by the Council in accordance with article 14 of the Local Authorities' Cemeteries Order 1977 and shall be at the expense of the grave owner or their personal representative.

4. Memorial Preservation

- 4.1 All memorials will be inspected visually on an annual basis and physically tested at a minimum of five years. The period between inspections will be determined by risk assessment.
- 4.2 In the event of any memorial falling into disrepair or following testing is deemed to be unsafe the Council will write to the owner requesting the necessary repairs are carried out within 1 month.
- 4.3 Memorials found to be in immediate danger will be made safe by temporary staking in the upright position, embedding into the ground, or laying down flat.
- 4.4 Memorials will only be laid down as a last resort.
- 4.5 If after this notice from the Council the repairs have not been carried out, the Council will undertake preventative work to make safe carried out by the Council subject to

and in accordance with the provisions of Schedule 3, Article 16 of the Local Authorities' Cemeteries Order 1977.

- 4.6 The Council will not accept responsibility for any accidents to memorials etc., occasioned by storm, wind, lightning, subsidence or other cause, or by third parties, but reserves the right to remove any damaged article subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977.
- 4.7 The Council will not be responsible for any criminal damage to memorials. Any incidents of criminal damage or theft are to be reported to the Police.