

ESSINGTON MEMORIAL GARDENS LIMITED

RULES AND REGULATIONS

IN RESPECT OF THE

ESSINGTON MEMORIAL GARDENS

April 2025

ESSINGTON MEMORIAL GARDENS RULES & REGULATIONS

Definitions and Interpretation

In these Rules and Regulations, unless the context otherwise requires, the word(s): -

“Burial” includes -

- (a) the interment of cremated human remains;
- (b) the interment of the bodies of still-born children or of the cremated remains thereof; and
- (c) the placing in a Vault of human remains, cremated human remains, or the bodies of still-born children or the cremated remains thereof.

“The Company” means Essington Memorial Gardens Limited.

“Cemetery” means Essington Memorial Gardens otherwise known as Essington Cemetery.

“Cemetery Manager” means the person from time to time appointed by the Company to manage the Cemetery and any assistant working under contract with the Company.

“Private Grave” means a grave in which the exclusive right of burial has been granted to an individual or individuals by the Company and a “Public Grave” is one where no such exclusive right of burial has been granted.

“Vault” means a chamber provided for the reception of human remains or cremated human remains, together with the access thereto.

“Walled grave” means a grave the sides of which are lined with walls.

Opening hours and access

1. The Cemetery will be open to visitors from 08.30 hours to 18.30 hours each day, Monday to Friday other than specified holidays, which include Good Friday, Christmas Day, Easter and other periods specified on the signage at the Cemetery and/or on the Company’s website. Cemetery Gates are closed at 17.30 hours in the winter.
2. In case of emergency the Company reserve the right to vary these hours without notice. In the event of planned works requiring variation of opening hours, the Company will give a minimum of one weeks’ notice by placing signs at the entrance of the Cemetery.

Fees and charges

3. Unless the Company has approved other arrangements in any given case all fees and charges must be paid in clear funds to the Company prior to any interment or any works for the placing or erection or alteration of any memorial being carried out. The matters in respect of which fees or other charges are payable and the amount of such fees and charges shall be determined from time to time by the Company. A table of the matters in respect of which fees or other charges are payable and the fees and charges currently in force shall be available on request or published on the Company's website.

Making arrangements for funerals

4. When making funeral arrangements four clear days' notice must be given to the Cemetery Manager for interment in an earthen grave and four clear days for interment in a brick grave requiring construction. These days' notice must exclude the day of interment and exclude Saturday, Sunday and specified holidays which include Good Friday, Christmas Day, Easter, and other periods specified on the signage at the Cemetery and/or on the Company's website. Special arrangements can be considered for short notice funerals and enquiries should be made with the Cemetery Manager.
5. Interments must take place between 09.00 hours and 16.00 hours each day Monday to Friday. The last burial is to arrive on site no later than 15.00 hours in the months of British Summer Time and 14.30 hours during the months of Daylight Saving Time, and are not permitted on Saturdays, Sundays and specified holidays which include Good Friday, Christmas Day, Easter, and other periods specified on the signage at the Cemetery and/or on the Company's website. Special arrangements can be considered for short notice funerals and enquiries should be made with the Cemetery Manager.
6. Notice of interment must be confirmed to the Cemetery Manager on the form prescribed by the Company. In the event that a large number of persons are expected to attend the funeral every effort should be made to notify the Cemetery Manager so that appropriate arrangements may be made. Where it is desired to bury more than one person in the same coffin separate notices of interment shall be given for each person to be buried.
7. The selection of sites for both Public and Private Graves shall be determined at the discretion of the Cemetery Manager unless a pre-purchase arrangement is in place.

8. No burial shall take place, no cremated human remains shall be scattered and no tombstone or other memorial shall be placed in a Cemetery, and no additional inscription shall be made on a tombstone, or other memorial, without the permission of the Cemetery Manager.

Exclusive Rights of Burial

9. The Company may sell and confer upon a grantee or grantees an exclusive right or rights of burial in a particular grave space or in any number of grave spaces. The grant may be specific to the number of interments and such other matters and terms and conditions that may be stated in the certificate of grant.
10. No grant will be issued in the name of an undertaker or firm of undertakers or a partner of such a firm unless satisfactory written evidence is submitted that the grave is required for use by the applicant as a private individual and not for business or other purposes.
11. On the purchase of an exclusive grant of burial, the Company will provide a certificate to the grantee and make a record in the Company's registers. The certificate is proof of ownership of the burial right. The right of burial does not confer ownership of the land but does confer exclusive rights to use the space for the burial of the grantee.
12. The grantee has the right subject to the terms of the grant to:
 - (a) be buried in the grave or plot if space is available (including cremated remains);
 - (b) authorise further burials in the grave where space is available or for the interment of cremated remains;
 - (c) place an inscribed memorial on the grave or give permission for an additional inscription to be added subject to compliance with these Rules and Regulations.
13. Where no burial has yet taken place in the grave the burial right owner may erect a temporary wooden marker with the name or initials of the grantee on the grave over which rights have been granted. The dimensions of the wooden marker shall not exceed 3' (91.44 cm) in height above ground level and 2'3" (68.58 cm) in width and not exceed 4" (10.16 cm) in thickness.
14. The grantee (whilst living) may transfer the right of burial in a grave space, subject to the proper notice of such transfer being given to the Company. The appropriate transfer form can be obtained from the Company. The transfer is ineffective unless approved by the Company and unless the relevant fee is paid to the Company. The Company will then register the

transfer and endorse a note on the grant or issue a new certificate.

15. No body shall be buried or cremated remains interred or scattered, in or over any grave, Walled grave or Vault in which an exclusive right of burial for the time being subsists, except with the consent in writing of the grantee or their next of kin or assignees. In the event of the death of the original grantee, the person claiming the ownership rights must first obtain legal Letters of Administration or Grant of Probate before formal transfer of ownership with the Company can be arranged.
16. Where the grantee(s) are deceased and other family members want to arrange a further burial to take place in the grave, or for an additional inscription to be placed on the memorial, the exclusive right of burial needs to be transferred to those family members.
17. For every opening of a private grave the exclusive right of burial certificate must be produced and given to the Cemetery Manager on giving notice of burial. Where the grantee is not being buried in the grave, a nomination form signed by the grantee authorising the burial must be produced. If the certificate is lost or mislaid the Cemetery Manager may require a completed form of declaration and indemnity which has to be sworn before a Solicitor, J.P. or Commissioner for Oaths prior to authorising the opening of the grave.

How to transfer exclusive rights of burial

18. All transfers of exclusive rights of burial need to be approved by the Company. The Company will generally accept transfers where the grantee wishes to assign the exclusive right of burial, during their lifetime, to another individual on completion of an assignment form and the payment of a fee to the Company.
19. The procedure generally adopted by the Company when the original grantee has died depends upon whether there is a will:

(a) Deceased owner left a valid will

If the deceased grantee has made a valid will and left an estate of sufficient value to require the Grant of Probate, ownership of the grave can be transferred at the direction of the executor. The executor must produce a sealed copy of the Grant of Probate and complete the Company's documentation.

If the estate is not of sufficient value to obtain a Grant of Probate, ownership may be transferred at the direction of the executor named in the will by Statutory Declaration and the production of the will. It is the executor's responsibility to identify the correct person for the transfer of

ownership.

(b) Grant of 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 at the direction of the personal representative of the deceased. The applicant must produce a sealed copy of the Grant of Letters of Administration. It is then the administrator's responsibility to identify the correct person for transfer of ownership and assent the transfer by completing the Company's documentation.

(c) Deceased owner 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. The applicant for transfer of ownership should complete a Statutory Declaration. Statutory Declarations are legal documents and must be signed in the presence of a Magistrate, Solicitor or Commissioner for Oaths. The Statutory Declaration should clearly set out the facts regarding the original purchase of the exclusive burial rights, the death of the grantee, intestate or otherwise and the relationship of the applicant to the grantee. The original certificate and a certified copy of the owner's death certificate should accompany the Declaration.

Where the certificate 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 grantee to the transfer of ownership should also be obtained and attached to the Declaration.

20. Where a family dispute results in a stalemate and relevant consents are withheld, the Company reserves the right to withhold the transfer of ownership and disallow further burials unless and until the various next of kin reach an agreement between themselves.

End of exclusive right of burial

21. Upon the expiry date of an exclusive grant of burial the use of the grave space will revert to the Company if the family or owner of the right of burial has expressed no desire to extend the grant period. However, families will have the option of extending this grant for a further period of time with an additional payment of a fee and subject to the prior approval in writing of the Company. The Company will issue a fresh certificate or endorse the original accordingly.
22. While the Company shall take reasonable steps to prevent interments in

a Private Grave inconsistent with the strict legal right of the grantee the Company shall not be held liable for the breach of the same.

Funerals

23. Any form of religious service that is not offensive to public decency may be used, but any non-religious ceremony is subject to the approval of the Company. The Company reserves the right to determine what is offensive to public decency. Alternatively, the burial may take place without a service. Relatives or others wishing to hold an appropriate ceremony and unable to arrange for their own minister or other celebrant to officiate must inform the Cemetery Manager not later than 10.00 hours 2 days before the day of the proposed service. It is the responsibility of the person having charge of the funeral to make all arrangements in advance with the minister or other celebrant to officiate.
24. The appropriate certificate for disposal issued by the Registrar of Deaths or the Coroner's Order for burial shall be submitted to the Cemetery Manager prior to the day of the funeral with the confirmation of burial details, or in cases of short notice interments, given to the Cemetery Manager as the funeral cortege enters the Cemetery. A certificate issued by the appropriate Cremation Authority will be required prior to the disposal of cremated remains. The Cemetery Manager will check the coffin plaque details against the appropriate certificate produced for disposal to ensure correctness.
25. Funeral corteges and all persons entering a Cemetery shall be required to follow directions issued by the Cemetery Manager.
26. If a funeral is late the service will take place as soon as possible after the appointed time at the discretion of the Cemetery Manager. An additional fee may be levied as detailed in the Table of Fees and Charges.
27. The Cemetery Manager must be informed in writing prior to the funeral if the person to be interred died of a notifiable disease as defined by the Public Health (Infectious Diseases) Regulations 1988 and the Public Health (Control of Diseases) Act 1988. The body of a person who died of a notifiable disease shall not be allowed onto the Cemetery without the consent of the Cemetery Manager.
28. Traditional wooden coffins or ecologically friendly coffins only shall be used in all earthen graves and must bear a name plate or suitable identification establishing the identity of the body contained therein. Ashes may be placed in the ground without any container, but if a container is used, it must be of perishable material.

Excavation of graves and vaults

29. All grave spaces are excavated by trained cemetery personnel. No grave shall be dug or excavated by any other person unless appointed or approved by the Company. Adjacent grave spaces affected by the interment will be fully reinstated to their original appearance after the interment has been completed. The Company reserves the right to delay or re-schedule a funeral if any part of the burial area or excavated grave becomes unstable or dangerous due to severe weather or other naturally occurring instances or acts of God.
30. No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave; provided that the cemetery company may, where they consider the soil to be of suitable character, permit a coffin made of perishable material to be placed not less than two feet (60.96 cm) below the level of any ground adjoining the grave.
31. No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth no less than six inches (15.24 cm) thick.
32. In the case of the burial of cremated remains in a casket where a further full coffined burial is required, the cremated remains casket will be positioned to a sufficient depth to ensure that the casket is not disturbed in any way in the future.
33. When any grave is reopened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.
34. Every Walled grave or Vault shall be properly constructed of suitable material.
35. Within 24 hours of any burial in a Walled grave or Vault, the coffin shall be
 - (a) embedded in concrete, and covered with a layer of concrete not less than six inches thick; or
 - (b) enclosed in a separate cell or compartment of brick, slate stone flagging or precast concrete slab of a 1:2:4 mix, in any case not less than two inches thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.

Memorials and grave items

36. No memorial or erection of any kind shall be permitted upon or over any grave unless the exclusive right of burial therein has first been purchased.

A. Temporary memorials

37. (a) For the first twenty-four months immediately following an interment, a temporary wooden memorial may be erected.
- (b) The dimensions of the wooden cross or other religious emblem shall not exceed 3'(91.44 cm) in height above ground level and 2'3"(68.58 cm) in width and not exceed 4"(10.16 cm) in thickness.
- (c) At the end of the twenty-four-month period following an interment, the owner of the grant of exclusive right of burial or their personal representatives or next of kin must remove and dispose of the temporary memorial and reinstate the surface of the grave to the satisfaction of the Cemetery Manager. 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.
- (d) Wind chimes and other adornments such as raised or sunken footstones, solar lights, flags or any other similar items as determined by the Company will not be permitted in the Cemetery. The Cemetery Manager's decision is final.

B. Durable memorials

38. Any person to whose order a body is buried in a grave in respect of which an exclusive right of burial has been granted shall, as soon as may be convenient after the subsidence of the earth has been completed, cause the surface of the grave to be covered with any tombstone or other memorial in respect of which a right has been granted by the Company, or with fresh turf, or, where the burial authority permit, with such flowering or other plants, or in such other manner, as may be permitted.
39. There is no obligation to erect a memorial on a grave and the Company do not appoint or nominate contractors to provide or erect memorials. The right to erect a memorial rests with the person who has purchased a right of burial or has purchased a public grave. The Company will charge a permit fee for permission to erect any memorial (i.e. headstone, kerbing, vase, plate, plaque or book, bench) and for adding inscriptions to memorials.
40. Memorials may be erected on Private Graves providing they comply with these Regulations and any memorial that has not been authorised or which does not comply with these Regulations may be removed by the Company without compensation or notice and at the cost of the person who erected the memorial.

41. The prior approval of the Cemetery Manager must be given before removing a memorial or carrying out any work in connection therewith. The Company may also remove memorials from Private Graves when the period of Right of Burial has expired following consultation with the bereaved.
42. Drawings and specifications of all memorials or alterations thereto and any inscription thereon shall be submitted for approval to the Company in duplicate on the prescribed form. In view of the varying Cemetery sections and grave dimensions applicable, it will be necessary for each written application for a grant of memorial to be considered on an individual basis and compliance with other appropriate Regulations will be a requirement. The Company reserves the right to refuse permission for a memorial to be placed in the Cemetery when the inscription is deemed to be unsuitable. On approval a grant of memorial will be issued.
43. The Company may maintain a list of preferred suppliers of funerary memorials from which those wishing to erect a memorial can choose and in which case memorials from other suppliers will not be permitted.
44. The Company can accept no responsibility for damage to memorials. The liability for the safety, repair and maintenance of a memorial lies with the person who erected it and their heirs, but the Company reserves the right to make safe a memorial causing a danger to the public, such as laying the memorial flat.
45. Memorials and vases of quarried material shall have the number of the grave space cut conspicuously thereon in a position approved by the Cemetery Manager, the expense thereof being borne by the applicant. Trade inscriptions other than the supplier's name and district will not be permitted. Subject to the permission of the Cemetery Manager, photographs of the deceased may be affixed to memorials provided that such photographs are of an approved material, do not exceed an overall size of 6" x 4" (15.24 cm x 10.16 cm), and are limited to one per interment in the grave.
46. Permanent memorials must be made of best quarried materials. Limited use of etched and enamelled ornamentation will be accepted subject to the approval of the Cemetery Manager. All new memorials and where practicable re-fixed memorials are to be fixed in the Cemetery in accordance with the Code of Working Practice from the National Association of Memorial Masons. Foundation bases could be of either best-quarried materials or reinforced concrete conforming to British Standard 8415:2018. Portland, Caen, Bath or other free stone and soft York stone must not be used. Permanent memorials may not be of wood or metals.

47. A vase of quarried material bearing a personal inscription shall be regarded as a memorial and is subject to the fees payable under the Table of Fees and Charges.
48. No grave mound, kerbing or other surround will be permitted in any section of a Cemetery declared to be a "Lawn Section" and grave spaces will be turfed at ground level as soon as possible after an interment. In no circumstances shall the grave owner define, or attempt to define, the grave in any manner not approved by the Company.

49. **Specifications for Memorials**

Memorials will be:

No more than 4 feet in height (1200mm) including the base;

No more than 3 feet 6 inches in width (1100mm) including the base;

Headstone to be no more than 6 inches (150mm) thick;

Base to be no more than 1 foot in depth (300mm) including the headstone

A base forming an integral part of the design of a headstone will not project more than 2 inches (50mm) beyond the headstone to the rear and sides, and provided that it is fixed onto the pre-cast concrete raft.

Book-sets must be a maximum of 15 inches (380mm) in height (overall).

Memorials for Children and Babies

In any section set aside for children and babies memorials in this will be:

No more than 3 feet in height (900mm) including base;

No more than 2 feet wide (600mm) including base;

Headstone to be no more than 6 inches thick (150mm)

Base to be no more than 1 foot in depth (300mm) including headstone.

Memorial Inscriptions

All inscriptions will be either bronze, lead, raised or inset, or incised and painted, or carved in relief, or of gilded lettering.

Every memorial will have the grave number and name of the Memorial Mason inscribed upon it, in lettering not more than ½ inch (12mm) in height, and 6 inches (150mm) in length (In the case of headstones, this will be on the side of the base).

Cremated Remains

Memorials in a section set apart for cremated remains lawn memorials shall be:

No more than 3 feet in height

No more than 2 feet 3 inches wide (770mm);

Headstone to be no more than 6 inches thick (150mm)
Base to be no more than 1 foot in depth (300mm) including headstone.

Flat Plaque Memorials to be installed on top of the interred container(s).
The plaque will be flush with the surrounding turf area.

The flat plaque memorial shall be:

18 inches in width (460mm)

24 inches in length (610mm)

2 inches thick (50mm).

50. Memorials will be permitted to span contiguous grave spaces where exclusive rights of burial have been granted to the same person.
51. Memorials may only be admitted into the Cemetery during office hours, after the approval of the Company and after all fees have been paid. Twenty-four hours prior notice must be given before fixing any memorial. The Company reserves the right to remove a memorial if for any reason the prescribed fees have not been paid.
52. Memorials or other objects moved by employees of the Company on the occasion of the re-opening of a grave will be moved and reinstated at the risk of the owner. The Company reserves the right of passage over any grave and the right to cover or move a memorial in connection with a burial in the Cemetery and reserves the right to temporarily place on any grave a memorial from an adjoining grave subject to any damage being made good.
53. No hewing or dressing of memorials will be permitted within the Cemeteries and all materials shall be conveyed into them in such a manner as will avoid annoyance to persons or damage to the grounds and walks. All refuse and materials shall be removed in like manner.
54. The Company may without compensation to the owner or at the owner's cost remove any memorial on a grave if it is dilapidated by long neglect and
 - (a) Notice has been posted conspicuously at the Cemetery gates and in the vicinity of the grave for two weeks.
 - (b) Notice has been published in two publications circulating in the locality of the Cemetery in whatever medium.
55. All dead flowers and wreaths, garden refuse or litter must be conveyed to the nearest wastebasket. The Company reserves the right to remove all funeral flowers and oasis displays when they become unsightly. The Company reserves the right to remove any shrubs, plants or flowers at any time when, in its opinion, the same have become unsightly or

overgrown, or have been planted in an area outside of the designated grave area without permission. All Christmas wreathes may be removed by the Company after the Christmas period, ie by the end of February.

56. Subject to Regulation 47 flower containers may be placed on private graves without a fee provided they are not made of glass, bear no personal inscription and do not exceed 12"(30.48 cm) in height and 9"(22.86 cm) in thickness and do not exceed the width of any memorial as specified in the Regulations for the specific memorial types. There is no restriction on the colour for containers provided they are in accordance with the dignity of the Cemetery.
57. No article placed upon a grave may be taken from the Cemetery by one person may be removed without that person's consent without the Cemetery Manager's permission.

General rules of admission to the cemetery

58. The permission of the Cemetery Manager shall be obtained before any object in a Cemetery is photographed or a video recording is commenced for commercial purposes.
59. Motor vehicles may enter a Cemetery only if an occupier is on Cemetery business. Vehicles must not exceed 5 M.P.H. and must not obstruct driveways and sidewalks.
60. Visitors shall keep to the drives and paths provided. Everyone who visits the Cemetery shall comply with these Rules and Regulations.
61. No child apparently under the age of 12 years will be admitted into the Cemetery unless under proper care.
62. No dogs or other animals except Assistance Dogs for the visually and hearing impaired shall be permitted in the Cemetery.
63. The Company do not accept responsibility for any articles, property or flowers left in the Cemetery.
64. No person shall-
 - (a) wilfully create any disturbance in the Cemetery;
 - (b) commit any nuisance in the Cemetery;
 - (c) wilfully interfere with any burial taking place in the Cemetery;
 - (d) wilfully interfere with any grave or Vault, any tombstone or other memorial, or any flowers or plants on any such matter;
 - (e) play at any game or sport in the Cemetery;
 - (f) smoke or vape nor consume alcohol or illegal drugs in the

- Cemetery premises or within the vicinity of a funeral;
 - (g) enter or remain in a Cemetery at any hour when it is closed to the public not being an employee of the Company or another person so authorised by or on behalf of the Company;
 - (h) canvass or solicit orders in the Cemetery;
 - (i) make for profit, gain or any other purpose (unless authorised so to do in writing by the Cemetery Manager) by drawing or sketch or taking any photographs of any grave, memorial, building or funeral procession within the Cemetery; or
 - (j) deposit or leave in the Cemetery dead flowers, wreaths, weeds and other matter removed from a grave other than in the refuse baskets provided.
65. The Cemetery Manager shall have power to eject from the Cemetery any intoxicated or disorderly person or any person in breach of any of these Rules and Regulations and such persons shall not return without prior written permission from the Cemetery Manager.
66. Musical instruments or appropriate sound reproducing equipment shall only be permitted in a Cemetery with the permission of the Cemetery Manager.

Setting apart burial areas for particular religious and other bodies

67. The Company may agree with an individual, individuals or a corporate body or body of trustees to allot a section of the Cemetery for the burial of the members of a particular denomination or religious or other body. This will normally involve the sale of the exclusive rights of burial in that section to that person or body. The individual or body will have discretion to allocate burial space to individuals in the section subject to completion of a nomination form in each case and may operate their own subsidiary rules and regulations for that section. However any practices, policies, rules and regulations operated by that person or body must comply with English law and must not conflict with these Rules and Regulations. The Company reserves the right to approve and disallow any practices, policies, rules and regulations which it considers to be in conflict with English law or these Rules and Regulations and the person or body must comply with such reasonable directions that the Company gives in this regard.
68. The Company may at the request of a particular denomination or religious body, prohibit the interring or scattering of cremated human remains in or over a part of the Cemetery set apart for their use.

Exhumation of human remains

69. No body or cremated remains (ashes) may be removed from a grave without the production of formal letter of consent or licence for exhumation as required by law. Original documents will be required for this purpose.

Information and complaints

70. Registers of all burials and exclusive rights of burial are maintained by the Company. Copies of certified entries or searches for information contained within the registers can be requested to those who are deemed to have a legitimate interest by the Company.
71. Any member of the public having any complaint to make should report it in the first instance to a member of staff. If, however, dissatisfaction is still felt after that course of action has been taken, the matter should then be referred to the Cemetery Manager and thereafter (if the matter remains unresolved) to the directors of the Company.

General

72. Any Rules and Regulations previously in force in respect of the Cemeteries are hereby superseded.

The Company may from time to time make alterations to the foregoing Rules and Regulations, and any right of interment in any grave will be subject to these Rules and Regulations, and any others that may be made by the Company or any other authority, and subject also to any present or future laws or regulatory requirements imposed on the Company or applicable to the Cemetery.