



Newmarket

TOWN COUNCIL

THE KING EDWARD VII MEMORIAL HALL, HIGH STREET,
NEWMARKET, SUFFOLK, CB8 8JP

NEWMARKET CEMETERY

EXPLANATORY NOTES

CEMETERY REGULATIONS

NEWMARKET TOWN COUNCIL

CEMETERY EXPLANATORY NOTES

1. Newmarket Cemetery is situated at High Street, Newmarket.
2. The Cemetery Custodian has an office situated at Newmarket Cemetery. The Cemetery Custodian should be contacted to deal with the initial arrangements in respect of interments and the initial arrangements in respect of the purchase of grave spaces. He is also responsible for the day to day maintenance and running of the cemetery.
3. If any queries arise in relation to the cemetery or in relation to a particular interment, Newmarket Town Council should be contacted at the King Edward VII Memorial Hall, High Street, Newmarket, Suffolk, CB8 8JP or by telephone on 01638 667227.
4. A Non-Denominational Chapel is available for use at the Newmarket Cemetery. Arrangements for use of the Chapel should be made with the Cemetery Custodian. Clearly the appropriate Minister will also have to be contacted and a suitable date and time agreed.
5. A Notice of Interment is required at least two working days immediately before the interment or three working days in the case of a bricked grave or vault, failing which an extra fee will be charged. Notice must be delivered to Newmarket Town Council, together with the appropriate fee, between 10.00 a.m. and 4.00 p.m. Monday – Friday. An official order with the size of coffin must also be handed to the Cemetery Custodian. A Grave Deed or Form of Indemnity will also be required. A copy of the Notice of Interment is attached to these documents.
6. It should be noted that headstones are the only monuments now permitted in the Lawn Cemetery and the Paddocks section of the Newmarket cemetery. It should further be noted that any unauthorised or prohibited memorial or the like will be immediately removed from the Council's cemeteries without any notice.
7. The Council has a Table of Fees, which is attached to these documents.

NEWMARKET TOWN COUNCIL

NEWMARKET CEMETERY

CEMETERY REGULATIONS

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE
TO NEWMARKET CEMETERY

1. These Regulations are made by Newmarket Town Council (hereinafter referred to as 'the Council') pursuant to Section 214 of and Schedule 26 to the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977 (as amended).
2. These Regulations or any part thereof (including all or any of the Standard Conditions or any part thereof set out in the Schedule hereto) may be altered, amended, added to, excluded, modified, varied, revoked or waived at any time and from time to time by the Council.

SCHEDULE

STANDARD CONDITIONS

INTERPRETATION

1. For the purpose of these Standard Conditions, the following expressions shall have the meanings hereby assigned to them:-
 - (i) the expression 'the Council' shall mean Newmarket Town Council of The King Edward VII Memorial Hall, High Street, Newmarket, Suffolk CB8 8JP. And shall be deemed to include the duly authorised Officers of that Council.
 - (ii) 'the Cemetery' means Newmarket Cemetery at High Street, Newmarket (as outlined in black on the attached plan).
 - (iii) words importing the singular number shall include the plural and vice versa and words importing the masculine, feminine or neuter genders or any body of persons corporate or incorporate shall include all or any of the masculine, feminine or neuter genders and any body of persons corporate or incorporate unless the contrary as to gender as to gender or number is expressly provided or unless the same is inconsistent with the context.
2. The side headings in these Standard Conditions are provided for ease of reference only and are not to be construed as qualifying, limiting, aiding or otherwise affecting the interpretation of the said Conditions or any of them.

ADMISSION TO THE CEMETERY

3. The cemetery will be open to the public for admission on all days from 9.00 a.m. to sunset. No person other than an officer or servant of the Council or a person duly authorised by the Council shall enter or remain in the cemetery at any hour when the cemetery is closed to the public.
4. No child under the age of twelve years may enter the cemetery unless accompanied by a responsible adult.
5. Visitors to the cemetery shall keep to the paved walks and drives of the cemetery insofar as this is practicable and they shall refrain from unnecessarily touching plants, shrubs and flowers. Visitors shall also observe due decorum and reverence in all respects while in the cemetery and shall not wilfully interfere with any burial taking place in the cemetery. No games or sports shall be played in the cemetery, nor shall anyone wilfully create any disturbance or commit any nuisance in the cemetery.
6. No vehicles, except those authorised by the Cemetery Custodian or, in his absence, his authorised deputy, shall have access to the cemetery.
7. No person may take a photograph within the precincts of the cemetery during a funeral, except with the express desire and consent of a relative or the properly appointed personal representative of the deceased, and in any event, with the prior approval of the Cemetery Custodian.
8. Smoking is strictly prohibited at all times within the cemetery.
9. No visitor shall bring a bicycle or animal (except a guide dog) into the cemetery.
10. Visitors must not stand, sit or lean on any of the monuments within the cemetery, or interfere with or damage or destroy any monument or proper flower vase or any trees, shrubs, plants or flowers.
11. No firearms may be brought into and/or discharged within the cemetery without the prior written approval of the Council.

REGISTER/CEMETERY PLANS

12. A Register of Burials is kept by the Council. Searches of such Register may be made by any person by prior arrangement at Newmarket Town Council, The King Edward VII Memorial Hall, High Street, Newmarket, Suffolk CB8 8JP. Cemetery plans are kept by the Cemetery Custodian and can be viewed by any person by prior arrangement at Newmarket Cemetery, High Street, Newmarket.

PURCHASE OF GRAVE SPACES

13. Initially, all requests for the purchase of grave spaces within the cemetery are to be directed to the Cemetery Custodian. Grave spaces will be allocated within strict numerical order and once the applicant has been given the details of the grave space by the Cemetery Custodian, they should apply in writing to Newmarket Town Council at the King Edward VII Memorial Hall, High Street, Newmarket, Suffolk CB8 8JP. Once granted, the Deed of Grant in respect of an exclusive right of burial may not be transferred without the Council's written consent.

NEGLECTED GRAVES/MONUMENTS

14. The Council reserves the right to prune, cut down or dig up and remove any trees, shrubs, plants or flowers, whenever, in its opinion (which shall be final) the same have become unsightly or overgrown.
15. If, in the opinion of the Council (which shall be final) any monument is no longer maintained in good repair and proper condition, the Council may give the grave owner, if he can be found, notice to effect the necessary repairs. In the event of non-compliance with the notice or if the grave owner cannot be found, the Council in its sole discretion may remove and dispose of the monument without having any liability in respect of its actions. The Council shall also have the right to effect the necessary repairs under this Paragraph and to recharge the grave owner in respect of the Council's reasonable costs in effecting the said repairs.

PLANTING OF SHRUBS AND PLANTS

16. The planting of shrubs, plants, flowers and the like in those parts of the Newmarket cemetery known as the Lawn Cemetery and the Paddocks section is not permitted in any circumstances. The planting of shrubs, plants, flowers and the like in the other parts of Newmarket cemetery is only permitted after obtaining the Council's written approval, which will specify the height to which any plant, shrub, flower or the like will be permitted to grow. The Council shall have the right to remove, trim, top or lop any plant, shrub, flower or the like contravening this Paragraph without prior notice. The Council's decision on this matter shall be final and conclusive.

REMOVAL OF UNAUTHORISED MONUMENTS

17. If any monument or the like be erected or other work done in contravention of these Regulations, the monument or the like, or the work may be removed and disposed of at any time by the Council in its sole discretion, without notice, and without the Council having any liability in respect of its actions. The Council shall also have the right to recharge the person contravening this Paragraph in

respect of the Council's reasonable costs in carrying out removal/disposal works under this Paragraph.

MAINTENANCE OF GRAVE SPACES/SUBSEQUENT BURIALS

18. Whenever any interment has taken place (except in a brick grave or vault), the grave shall forthwith be filled with soil and, after a lapse of such period as specified by the Cemetery Custodian, the surface of such grave shall be suitably reinstated and covered with turf or re-seeded. If there is a default in observing the requirements of this Paragraph, the Council shall have the right itself to undertake the requisite works and to recharge the person contravening this Paragraph in respect of the Council's reasonable costs in carrying out such works.
19. All graves, when reinstated, shall be kept flat and level with the adjoining ground and no mound or raised garden shall be permitted.
20. In the case of any subsequent burial, in the same grave space, any monument must be removed from the grave and stored outside the cemetery until after the subsequent burial. Thereafter it shall be re-erected in accordance with these Regulations.

INTERMENTS

21. No burial shall take place and no cremated human remains shall be scattered in the cemetery, without the permission of the Council. Uncoffined burials are not permitted except with the prior written consent of the Council. Notice of interment shall be given in the prescribed form (which shall be properly completed) to the Council between the hours of 10.00 a.m. and 4.00 p.m. at least two clear days preceding the proposed date of interment (exclusive of Sundays, Christmas Day, Good Friday, statutory Bank Holidays and other general holidays). Three clear days notice shall be given if a brick vault is required. However, the Council shall have the discretion to accept a shorter period of notice, where circumstances render such course desirable upon a payment of such additional fee as is prescribed in the Table of Fees, or where an immediate interment is certified by the Coroner or a registered medical practitioner.
22. A Certificate of the Registrar of Births and Deaths, or a Coroner's Order for Burial, must be delivered to the Cemetery Custodian, prior to the interment. For the burial of a stillborn child, the Certificate of the Registrar of Births and Deaths that he has registered the stillbirth, or that he has received official notice of the stillbirth, or a Coroner's Order for the burial, must be delivered to the Cemetery Custodian prior to the interment.
23. No interment shall take place on Christmas Day or Good Friday.

24. No Notice of Interment shall be accepted by telephone, except in the special circumstances referred to in Paragraph 21 above.
25. In the case of a grave in respect of which an exclusive right of burial has been granted, the Notice of Interment shall be signed by the grantee of the right or the legal representative and the original Deed of Grant shall be produced with the Notice of Interment. If the grantee has died, the grantee's successor in title may sign the Notice of Interment, provided that he can produce satisfactory evidence of his title to the right of burial. If the original Deed of Grant had been lost or mislaid, the Notice of Interment must be submitted along with an Indemnity Form in a format as approved by the Council, to the effect that the Council, in granting such application, is indemnified against all liability, actions, claims, demands, damages, costs and expenses which may arise in connection therewith.
26. All charges and fees to which the Council is entitled, shall be paid when the Notice of Interment is given. Any written direction to the Cemetery Custodian issued by the Council, with respect to any Notice of Interment, shall be delivered forthwith to the Cemetery Custodian by or on behalf of the person completing the said Notice of Interment.
27. Any necessary arrangements with the officiating Minister of Religion must be made by relatives of the deceased or the undertaker. The Council accepts no responsibility whatsoever in connection therewith.
28. Interments shall take place only after prior arrangements have been made with the Cemetery Custodian or, in his absence, his authorised deputy.
29. Funeral Directors shall come under the direction and control of the Cemetery Custodian immediately on entering the cemetery. They must provide sufficient bearers for carrying and lowering coffins into graves.
30. The first interment in each grave, in respect of which no exclusive right of burial has been granted, shall be at a depth of nine feet (274 cms). Without prejudice to the foregoing, no interment shall take place in any such grave so as to result in any part of the coffin, containing the body, being at a depth of less than three feet (91 cms) below the ordinary level of the ground immediately adjoining the grave.
31. Interments in each grave in respect of which an exclusive right of burial has been granted shall be at a depth of not less than five feet (152 cms) and not more than nine feet (274 cms). Without prejudice to the foregoing no interment shall take place in any such grave without a covering of earth three feet (91 cms) in thickness at least, measuring from the top surface of the coffin to the ordinary level of the ground. Provided that, where the coffin is constructed of a perishable material and the soil is of a suitable friable character, the coffin may, with the consent of the Council, be placed at such a depth that no part thereof shall be at a depth less than two feet (61 cms) below the ordinary level of the ground.

32. A layer of earth at least six inches (15 cms) in thickness shall be left between each coffin in the same earthen grave.
33. Graves in respect of which an exclusive right of burial has been granted shall be covered within a specified period of time by a monument, or in such other way as the Council shall require.
34. A grant of exclusive right of burial in any grave space may be purchased by any inhabitant or non-inhabitant of Newmarket, subject to payment of the appropriate fee for the time being prescribed by the Council. No person may purchase the exclusive right of burial in more than two grave spaces without the prior written approval of the Council.
35. A grant of the exclusive right of burial in a grave may not be transferred to another grantee without the prior written approval of the Council. The Council will use its reasonable endeavours, but is not bound to effect an immediate transfer of the exclusive right of burial following the death of the grantee.
36. The allocation of the site for interment will be determined in strict numerical order by the Cemetery Custodian, whose decision will be final and conclusive.
37. 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.
38. When the grave adjacent to a purchased plot is prepared for an interment, there might be the possibility that the spoils of the excavated plot will be placed on boards over the plot next to it. Should this occur, the spoils will be placed on the adjacent grave for no longer than 24 hours.
39. Every walled grave or vault shall be properly constructed to the Council's satisfaction, of materials which are suitable, in the Council's opinion (which is final).
40. Within 24 hours of any burial in a walled grave or vault, the coffin shall be:
 - (a) embedded in concrete not less than six inches (15 cms) thick, or
 - (b) enclosed in a separate cell or compartment of brick, slate, stone flagging or precast concrete slabs or a 1 : 2 : 4 mix, in any case not less than two inches (5 cms) 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.

CREMATED REMAINS

41. Urns or receptacles containing cremated remains may be interred in private graves with the consent of the Cemetery Custodian. Cremated remains may be scattered beneath the surface of a grave, provided that the Cemetery Custodian is satisfied as to the suitability of the grave for this purpose.
42. A certificate for Burial of the Ashes issued by the Registrar of a Crematorium must be produced to the Cemetery Custodian before the interment or disposal of ashes takes place.
43. Cremated remains may not be disposed of on the surface of any part of the cemetery.

MONUMENTS AND INSCRIPTIONS

44. No monument (including any gravestone, memorial, enclosure or erection or the like) of any kind or inscription may be erected, constructed or otherwise effected without prior application having been made to the Council and on production of the original of the relevant Deed of Grant (or such other documentary evidence as required by the Council) confirming purchase of the exclusive right of burial.
45. Any headstone erected in either part of the Newmarket Cemetery known as the Lawn Cemetery and the Paddocks section shall not exceed the following dimensions:-

Height above ground level - 3 feet (91 cms)

Width - 2 feet (61 cms)

Thickness - 4 inches (10 cms)
46. No monuments other than headstones are permitted in the parts of the Newmarket Cemetery known as the Lawn Cemetery and the Paddocks section.
47. Applications to erect, construct or otherwise effect monuments or inscriptions (as the case may be) referred to in Paragraph 44 above must state the material(s) to be used and show drawings of every proposed erection and inscription, including all dimensions, method of fixing and elevations. They must be submitted in duplicate for the prior approval of the Council. The Council will ensure that the monument/inscription is in accordance with the particulars submitted to the Council and the Council's decision on this matter shall be final and conclusive.

48. A minimum period of nine months must lapse between an interment and the erection of the relevant monument.
49. Any monument erected on any grave space shall have the number of the grave cut conspicuously thereon in $\frac{3}{4}$ inch (2 cms) in height lettering on the front thereof on the right-hand side immediately above ground level. Such work shall be carried out at the sole expense of the grantee (or his successor in title) of an exclusive right of burial in respect of the grave on which the monument is situated.
50. Subject to the consent of the grantee (or his successor in title) the name of the firm of masons executing the work may be cut on the monument in question in letters not exceeding $\frac{1}{2}$ inch (1 cm) in height.
51. Where an exclusive right of burial in a grave has been purchased, the original Deed of Grant shall be produced by the grantee (or his successor in title). If the original Deed of Grant has been lost or mislaid, the grantee (or his successor in title) must complete and deposit an Indemnity Form in a format as approved by the Council, to the effect that the Council, in granting such application, is indemnified against all liability, actions, claims, damages, demands, costs and expenses which may arise in connection therewith.
52. No person shall place upon any grave any glass shade, artificial flower, glass jar, bottle or similar receptacle not being a proper flower vase. The Council will remove such unauthorised articles and destroy them without prior notice and without having any liability in respect of its actions. The Council's decision on this matter shall be final and conclusive. Proper flower vases may only be placed upon a grave after obtaining the Council's written approval. Nothing in this paragraph will prohibit the laying of wreaths (which may contain artificial flowers) providing that the wreath is properly constructed and of suitable materials.
53. In any case where a headstone, tomb, or any other similar monument is placed over a grave, a sufficient foundation, as approved in writing by the Council and constructed of concrete or other approved material shall be provided. The Council's decision on this matter shall be final and conclusive.
54. All foundations, fixing and removal of monuments shall be executed under the control and approval of the Cemetery Custodian whose decision in the case of a dispute shall be final. Works may only be carried out between Mondays and Fridays on dates and at times as stipulated by the Cemetery Custodian. All dirt and rubbish shall be cleared away and the site shall be left in a clean and tidy condition. Any damage done to any walls, fences, ground, shrubs or trees during the course of the above activities, may be, in the Council's sole discretion repaired, replaced or renewed by the Council and shall be recharged to the person causing the damage. The Council may at its discretion allow the repair,

replacement, or renewal to be undertaken by a third party, under the supervision of the Cemetery Custodian, and at the expense of the third party.

55. No hewing or dressing of stone shall be permitted within the cemetery, and all materials, monuments and the like shall be conveyed into the cemetery by hand or in such manner under the direction of the Cemetery Custodian as will avoid damage to or the cutting up of the roads or paths. All mortar to be used in the cemetery shall be brought to the cemetery ready for use. If vehicles or barrows are permitted by the Cemetery Custodian, the width of the tyres must be such as will, in the opinion of the Cemetery Custodian, avoid any damage to the ground of the cemetery. No vehicle or barrow shall remain in the cemetery longer than is necessary for loading and unloading. No vehicle other than a hand barrow shall turn off the cemetery roads. Mats, planks, boards or canvass are to be used as may be directed by the Cemetery Custodian to preserve the cemetery grass or roads from injury. Any damage caused will be repaired by the Council and shall be recharged to the person causing the damage.
56. All rubbish, refuse, stone, or other surplus or waste material emanating from the erection, repair, or alteration of any monument shall be removed from the cemetery forthwith.
57. The Council may refix, move, line up or otherwise alter the position of any monument in the cemetery as it may think necessary or appropriate in its sole discretion and without having any liability in respect of its actions.
58. The Council shall not accept liability for the making good of any monuments which collapse. Nor will the Council accept any liability for any damage caused to any adjacent monuments, as a result of the said collapse.
59. Arrangements must be made with the Cemetery Custodian before any monuments are brought into the cemetery.
60. All monuments shall be erected at the head of the burial place.
61. Any monuments placed on any grave shall be of soundly constructed material and shall be kept in good repair and, in default thereof, the Council reserves the right in its sole discretion to remove any such monuments or to require the owner or owners thereof to remove such monuments. If any such monument is removed by the Council, it shall forthwith become the property of the Council who may dispose of it in such manner as they think fit without having any liability in respect of its actions.
62. Any monument shall remain on any grave at the sole risk of the owner thereof and the Council shall not be responsible for any damage or breakage or theft of the said monument.

63. The placing, removal or refixing of any monument on the opening of any grave or vault shall be under the supervision of the Cemetery Custodian. Such placing, removal or refixing must be executed by the owner of the grave or vault or by any person appointed on their behalf.
64. Any monument removed in the process of opening a grave or vault shall be removed at the risk of the person requiring the grave or vault to be opened and shall be temporarily in such position as the Cemetery Custodian may direct. The said monument shall be refixed within a reasonable time following the interment or completion of the purpose for which the grave or vault was reopened. The decision of the Cemetery Custodian as to what is a reasonable time shall be final and conclusive.
65. Any monument removed either for the purpose of allowing an interment to take place or for any other purpose whatsoever shall be re-erected in accordance with these Regulations. The Council shall have the right to recharge any person contravening this Paragraph in respect of any expenses the Council incurs as a result of the contravention.
66. The Council has a right of passage over all graves and may if necessary temporarily cover or remove without notice the monument upon any grave in order to permit the reopening of another grave in the vicinity, or for any other purpose.
67. All monuments shall be of natural quarried materials of a type approved in writing by the Council. Soft stone, wood, plastic, iron or any other metal, concrete or artificial stone will not be permitted. All dowels and cramps shall be of such a type, material and construction as shall be approved by the Cemetery Custodian.
68. Provision may be made within the design of a headstone for the incorporation of a flower receptacle.
69. The Council shall provide, on payment of the relevant fee, a temporary marker in the form of a wooden cross at the head of the grave as soon as is practicable after the interment. The Council will use its reasonable endeavours to retain the temporary marker on the grave for a period of nine months since the last interment. The temporary marker shall remain the property of the Council. The Council shall not be liable if for whatever reason, the said marker is removed from the grave before the nine months have elapsed.

LIABILITY

70. The Council will not accept liability for damage to any grave space or monument or injury to any person within the cemetery except where such damage or injury is directly attributable to the negligence of the Council or its servants or agents.

FEES

71. Fees are payable to the Council in respect of the matters covered within these Regulations. These fees are set out in the Council's Table of Fees, which may be varied from time to time by the Council.

ENFORCEMENT

72. Any person breaching any of these Regulations will be excluded from the cemetery for such period as the Council may in its sole discretion determine. In the case of a mason, not only will the mason be excluded, but also his employees. If the mason works for a Company or Firm, then employees, servants or agents of that Company or Firm are also liable to be excluded, at the sole discretion of the Council. The Council's decision in this matter will be final and conclusive.