

## MALTON TOWN COUNCIL CEMETERY RULES & REGULATIONS

### Memorials New Malton & Old Malton Cemetery

- i) Owners of exclusive rights of burial are entitled to apply for permission to have a permanent memorial erected upon a grave plot. Because a memorial is a lasting monument and a tribute to a person's life, perhaps a final gift to someone dearly loved, it is important to choose it carefully. Hasty decisions made while still in great distress can result in later regrets so it can be sensible to wait and to spend time on selecting a suitable design.

ii) Application to the council for permission to erect a memorial

There are two aspects to the application:

- the owner of the grant seeks permission from the council to erect a memorial;
- the monumental mason (who has been instructed by the owner of the grant to provide and install a memorial) sends details to the council of the design, material and its colour and inscription for approval.

The council charges the owner of the grant a fee for permission to erect a memorial.

Those who are given the right to erect a memorial will have to keep the council informed of change of address. Where tenure is not reaffirmed then it is deemed abandoned and the memorial may be removed.

The council advises all applicants to ensure that the monumental mason neither begins work on the memorial nor inscribes it before permission and approval have been given.

iii) Restrictions

- a) There are no restrictions upon the design of a memorial other than considerations of public safety, the prevention of offence to cemetery visitors and the upright part, on which the inscription is usually engraved, being no more than 2' 6" in height.
- b) There are no restrictions on the material used to make the memorial other than it should complement the material of other memorials in that section of the cemetery in which it is to be located.
- c) There are no restrictions on the wording inscribed on a memorial other than it should not give offence to other members of the public.
- d) The council will not allow the installation of kerbs or fencing or railings, trees, hedging or planting on the grave plot or a groove to be dug around the grave as a boundary.**

The council will remove memorials which have not been authorised, do not comply with its regulations or are considered to be a danger or offensive to other members of the public.

iv) Fees

The council reviews each year the fees for permission to erect a memorial and additional inscriptions and any increase in the fee comes into force on 1 April of the following year.

v) Responsibility for memorials

- a) The owner of the grant is responsible for ensuring that any memorial masonry installed on the grave plot has been properly constructed, and has been installed in accordance with the standards laid down by the National Association of Memorial Masons.
- b) It is recommended that all memorials should be insured against theft, loss, or damage.

v) Responsibility for memorials (continued)

- c) It is important to remember that it is the owner of the grant and not the council that is responsible for the maintenance of the memorial and its foundation. It is strongly recommended that the owner of the grant should have the stability and condition of the memorial checked and whether the foundation is level at least annually and make good at his or her own expense any defect or defects that is identified. Failure to do so may result in the owner of the grant being held liable for any injury or death caused to a third party if the injury or death is shown to be due to the condition of the memorial or the manner in which it was installed.
- d) The council has a duty of care towards cemetery visitors. In order to comply with this duty, the council will carry out safety inspections of memorials.

In the event that a memorial is identified as being a potential hazard, the council is duty bound to take action to reduce the risk to visitors. If the memorial is unstable, and liable to fall, the memorial has to be laid down onto the ground to reduce the risk of injury to others. The council will attempt to contact the owner of the grant, at their last known address, to inform them of the reason for taking action. Regular memorial inspections arranged by the owners of the grant themselves will avoid the need for such action.

Next Review October 2023