PORLOCK PARISH COUNCIL

Old School Centre, Porlock Somerset. TA24 8NP

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Burials & Memorials Regulations

1. Introduction

1.1. These regulations apply to all cemeteries, burial and memorial grounds owned and/or managed by Porlock Parish Council 'the Council'.

1.2. Currently the grounds include:
Porlock Cemetery 'the cemetery'
St Dubricius Church closed Churchyard 'the churchyard'
Dunster Steep War Memorial

All these grounds are open 24 hours a day 7 days a week.

1.3. These regulations apply to funeral directors, memorial companies, third party service providers, and members of the public, all of whom are required to comply with them as stipulated under the Local Authorities' Cemeteries Order 1977 and under Council's statutory health hand safety duties to protect visitors and others under the Health & Safety Act Work Act 1974.

2. Contact Details

2.1. All general and funeral related enquiries and comments regarding any of the grounds must in the first instance be directed to the Clerk to the Council at the above address.

3. General Regulations

3.1. These regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other relevant regulations currently in force.

3.2. These regulations will be reviewed annually, or as required by the Burials & Memorials Committee, with any recommendations submitted to the Council for consideration.

3.3. No contractor, volunteer, employee or member of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the grounds at any time.

3.4. No person shall canvass or solicit business on the grounds.

3.5. All fees for interments or memorial works must be paid in full to the Council in advance.

3.6. All paperwork for interments must be completed, received and approved by the Council at least five clear working days before any activities are carried out.

3.7. The Council will publish on its website a scale of fees and charges. These fees will be reviewed on an annual basis.

3.8. All fees will be quadrupled in respect of non-residents and will be applied at the discretion of the council.

A resident of Porlock is defined as somebody who:

1. Was a resident of the parish on their death,
2. Lived in the parish for over ten years and moved out of the parish less than five years before their death,
3. Was a resident of the parish but moved out to be cared for,
4. An individual with ancestors up to and including the grandparent generation interred in the cemetery.

3.9. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

4. Admission to grounds

4.1. The grounds are places of peaceful reflection. They are also workplaces.

4.2. The grounds are open to visitors every day of the year.

4.3. Visitors to the sites are welcome, but please respect the special nature of the grounds, the needs of other users, and safety factors.

4.4. No games, sports, riding of bicycles, skateboards, roller blades or similar are permitted in the grounds.

4.5. No consumption of alcohol or drugs may take place within the grounds.

4.6. Any person creating a nuisance or a disturbance, such as interfering with a funeral, grave, headstone, flowers, trees, etc, may be the subject of subsequent legal action.

4.7. Children under the age of 14 are permitted in the grounds but must be supervised by a responsible adult.

4.8. Climbing on monuments or memorials within the grounds is not permitted.

4.9. Dogs on leads are permitted in the grounds but must be kept under control and owners must clear up after their dogs and dispose of the faeces responsibly.

4.10. Visitors who require assistance with access or other requirements should contact the Council office.

5. Exclusive Right of Burial

5.1. An Exclusive Right of Burial (EROB), 'the deed', for a grave can be purchased for a period of 30 years, calculated from the date of issue.

5.2. Any deeds issued before the adoption of these regulations shall remain valid for their existing term.

5.3. The deed can be purchased in advance of need.

5.4. The deed will be in the name of the registered grave owner, i.e. the applicant, and not the person who will be interred, as specified in the notice of internment.

5.5. During the period of the deed, if an interment has already taken place, the named person(s) on the deed, known as the registered grave owner, has permission to:

1. authorise the interment of ashes in the plot/grave, if there is space;
2. place or amend a memorial;
3. have their ashes interred in the grave, if there is space.

and is responsible for:

4. ensuring the memorial is kept in a safe condition; and
5. maintaining and repairing the memorial, if required.

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5.6. The Council will require written consent from all persons named on the deed before any interment or works can be carried out. Possession of 'the deed' does not itself convey ownership or entitlement to ownership.

5.7. The registered grave owner(s) can arrange to transfer the deed via the legal process by contacting the Council.

5.8. If the named holder of the deed has died, the deed forms part of the deceased's estate. The Council must be satisfied as to who is legally entitled to be the new registered grave owner. This is usually determined by one of the following:

1. a copy of the deceased's last Will and Testament and the grant of probate;
2. a sealed copy of Letters of Administration; or
3. a Statutory Declaration made before a magistrate or commissioner for oaths.

6. Expiring and renewal of deeds

6.1. For deeds that were not granted in perpetuity, the Council will write to the registered grave owner six months before the expiry of the current deed to:

1) offer renewal of the deed for up to 30 years; and
2) advise them of the Council's policy on maintaining the grave and memorial after the deed has expired.

6.2. A renewal term of between one and 30 years will be permitted, subject to the original deed term and provided that the renewed term does not exceed 30 years from the original date of issue.

6.3. Renewals for deeds purchased before the 31 March 2027 will be permitted, subject to the renewal of deed term does not exceed 30 years.

6.4. The cost of a deed renewal is as stated in the schedule of fees for 30 years. Any renewal for less than the maximum term of 30 years will be charged on a pro rata basis.

6.5. If the registered grave owner does not renew the deed before the expiry date the deed expires and returns to the Council.

6.6. Once a deed has expired there will be no further opportunity for renewal, however a new lease can be purchased by contacting the Council.

7. Expired Deeds and Reusing Plots

7.1. On expiry of a deed, the Council will write to the previous registered grave owner(s) at the last known address on file to advise them that the deed has expired and to explain the Council's policy on maintaining the grave and memorial going forward.

7.2. Following the expiry of a deed, the grave and any related memorial become the responsibility of the Council. The Council will continue to maintain and manage the grave and memorial until such time as the memorial becomes unsafe and beyond economical repair, at which point the memorial will be retired.

7.3. When a memorial is deemed uneconomical to repair, the Council will instruct its appointed contractor to remove the memorial and place a lawn-level stone memorial plaque in its place, with the name and date of burial inscribed on the plaque.

7.4. Retired memorials will be recycled through the Council's appointed contractor.

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7.5. To manage future occupancy requirements at Porlock Cemetery, the Council reserves the right to reuse any section of the cemetery where the graves and deeds have expired. Before doing so, the Council will carry out a full assessment of the available options and undertake formal public consultation.

8. Plots

8.1. Plots are available in the cemetery, which consists of consecrated and unconsecrated sections. The allocation of a plot shall be at the final discretion of the Council.

8.2. All plots are single depth due to the rocky nature of the ground within the cemetery.

8.3. Every interment shall take place either in a private or public plot.
Private plots - are those where a deed has been issued.
Public plots - are those where no deed has been granted.

8.4. The cemetery offers Lawn plots and Cremated Remains plots.
Lawn plots are laid to lawn for full-body interments or cremated remains.
Cremated remains plots are available in the Garden of Rest only.

8.5. All plots have a unique reference number which is recorded on the cemetery map.

8.6. Fences cannot be erected around a grave nor the space defined.

8.7. Appointed contractors will be provided with the plot number and must only excavate within the identified plot.

8.8. The standard size of a new lawn plot is 244cm x 122cm, with an additional strip of virgin ground 40cm wide.

8.9. The standard size of a new cremated remains plot is 60cm x 60cm with an additional strip of virgin ground 20cm wide.

8.10. Any new plots dug in the top eight rows of the slope in New Part 3 must be dug by hand.

8.11. All excess soil from the excavation of a plot must be put in the compound provided and not under any circumstances be distributed in other parts of the cemetery or its boundaries.

8.12. The Council must be in receipt of a completed Notice of Interment prior to any plot being excavated.

8.13. All plots will be excavated and prepared for interment by the Council's appointed contractors only. No other person or company will be allowed to undertake any excavation within the grounds.

8.14. The depth of each plot will be in accordance with the provisions of the Local Authorities Cemeteries Order 1977, or subsequent legislation.

9. Booking of Interments

9.1. A provisional booking for an interment may be made by email to the Council.

9.2. The provisional booking should be followed up by the submission of a completed Notice of Interment to the Council at least five clear working days in advance of the intended date and time of the interment. Receipt of the correctly completed Notice of Interment will act as confirmation of the provisional booking.

9.3. As much information as possible relating to the interment must be given to the Council in advance.

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9.4. It is the responsibility of the company making the interment arrangements to ensure that any memorial on the grave is removed at least five working days prior to the date and time of the interment, as required.

9.5. The certificate given by the registrar of births and deaths, or an order of the coroner, must be delivered to the Council at least five clear working days prior to the interment

10. Coffins, Urns etc.

10.1. Coffins and urns for burial must be made from suitable biodegradable materials such as wood, wicker, cane, bamboo, wool or cardboard. The Council also permits shroud burials.

10.2. The exact size of the coffin, casket or container must be given in writing to the Council prior to excavation of a plot, together with any other relevant information relating to its size and shape, such as locking bar handles, casket shape or wicker construction. If the designated plot is too small to accommodate the coffin, an additional plot and EROB will need to be purchased.

11. Interments

11.1. No interments are permitted on Sundays, Christmas Day or Good Friday.

11.2. All interments will be subject to the control of the Council's Clerk.

11.3. An Officer or a member of the Burials and Memorials Committee of the Council shall be present at all interments to oversee proceedings.

11.4. The time appointed for an interment must be punctually observed.

11.5. It is the responsibility of the company making the interment arrangements to organise a minister or officiant for the funeral where one is required.

11.6. Any floral tributes from the interment will be placed on top of the grave following backfilling and will remain in situ. These tributes will be removed when, in the opinion of Council staff or its appointed contractors, they become unsightly or after 8 weeks, which ever occurs first.

11.7. Once settlement has occurred, the Council's appointed contractor will level the grave and either re-turf or topsoil and seed it, as appropriate to the season.

12. Memorials

12.1. A memorial is defined as a statue or structure established to remind people of a person or event.

12.2. Memorials will only be permitted on purchased plots.

12.3. Memorials with a small vessel for flowers are permitted at the head of a grave.

1. Lawn Memorials - The maximum height is 60cm, the maximum width is 60cm, the maximum depth is 30cm, and the memorial must be at least 7.5cm thick.
2. Cremated Remains Memorial - A tablet or vase in the Garden of Rest should not exceed 30cm by 45.5cm.
3. A single vase is permitted on a memorial and will not exceed 30cm in height.

12.4. Kerb sets, fences or surrounds are not permitted. Unpermitted kerb sets, fences or surrounds will be removed without consultation.

12.5. Memorials must be constructed of natural stone or wood suitable for the environment and for the period of the deed.

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12.6. The Council reserves the right to reject an application for any memorial that it deems unsuitable.

12.7. All memorials fixed in the burial grounds must comply with British Standard 8415 (latest version), the BRAMM Blue Book (latest version) or the NAMM Code of Working Practice (latest version).

12.8. Ground anchors and fixing systems used in the construction of memorials must have a guarantee of conformity in line with BS 8415 (latest version). This certificate must be issued to the registered grave owner prior to the installation of the memorial and a copy logged with the Council.

12.9. All memorials must come with a valid insurance policy that covers the memorial for a period of at least five years.

12.10. Existing memorials that do not conform to BS 8415 being removed for additional inscriptions or repairs must comply with BS 8415 (latest version) as set out in 12.7 when being reinstalled.

12.11. Only memorial masonry businesses that are BRAMM or NAMM accredited, and memorial masons who hold a current BRAMM or NAMM Fixer Licence, will be able to work in the burial grounds. Fixers who do not hold a BRAMM or NAMM Fixer Licence will only be permitted to work under the direct supervision of a mason who holds a BRAMM or NAMM Fixer Licence.

12.12. Memorials other than those fixed by a BRAMM / NAMM accredited memorial mason are not allowed.

12.13. The plot number must be indicated on the rear of the headstone. The memorial mason may only inscribe the company name on the reverse of the stone. No trademarks, phone numbers, email addresses or other advertising will be allowed.

12.14. Memorial masons must remove all arisings from the grounds at the conclusion of their work and must leave the area in a tidy condition.

12.15. It is not possible for memorials to be stored at the burial grounds prior to re-fixing following an interment. Any such memorial must be removed from the grounds by the appointed memorial mason before the grave is excavated.

12.16. Masons carrying out work in the burial grounds must comply with these regulations.

12.17. Memorial plaques on benches at the burial grounds are also permitted. All enquiries for such plaques and fees should be made in writing to the Clerk.

13. Memorial inspections and repairs

13.1. The Council will carry out inspections every five years as a minimum.

13.2. The Council's appointed contractor will carry out regular memorial safety inspections according to the recommended schedule:

- New and safe memorials – Once every 5 years
- Loose memorials – Once a year
- Unsafe memorials - See regulation 13.4

13.3. Before inspections are carried out, the Council will issue public notices at least 28 days ahead of any pending inspection. Notices will be placed at the grounds, on Council and community noticeboards, on social media and on the Council's website and, where possible, through other community groups and organisations.

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13.4. Where an inspection is due to take place on consecrated ground, the diocese will be informed at the same time as the public, or earlier, and advised of the work required and any faculty to be submitted. Where a faculty is required, the Council will request that the life of the faculty is a minimum of five years, to match the five-year inspection process.

13.5. During the initial inspection in the five-year cycle, every memorial must be inspected and a record of the inspection maintained by the Council.

13.6. The results of any inspection by the Council's appointed contractor will contain, as a minimum, the following essential information: plot section, plot number, name of deceased person first interred, size of memorial, type of memorial, memorial material, condition including cracks, leaning, joints or movement, action required, category of action 1-3, force failure if used, digital image, name of inspector and date of inspection.

13.7. The Council's appointed contractor will take immediate action to make safe any memorial assessed as unsafe (category 1) in order to significantly reduce or eliminate the risk. This may include making the memorial permanently safe, temporarily supporting it and issuing an unsafe memorial notice, or, in cases of immediate risk to safety, laying it down as a last resort.

13.8. The Council will notify the registered grave owner at the last recorded address of any necessary works to make the memorial safe.

13.9. The registered grave owner will be given a period of six months from the date of the letter to effect the necessary repairs.

13.10. If the registered grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the registered grave owner's expense.

13.11. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls into disrepair and to recover any expenses from the registered grave owner.

13.12. No trees, shrubs or plants may be planted in plots. Existing plots with plants will be managed by the grounds maintenance contractor in agreement with the Council office. Where a plant has become intrusive to other graves, or is past its useful life, the Council will endeavour to contact the deed holder prior to its removal.

14. Maintenance of Graves and Memorials

14.1. All memorials are erected at the sole responsibility of the registered grave owner(s).

14.2. All graves must be kept in a neat and tidy condition, and all litter must be removed from the site.

14.3. The Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred.

14.4. The memorial remains the responsibility of the grave owner during the deed period.

14.5. All flower holders or other permitted items left on graves must be made of non-breakable material. The Council cannot be held responsible for any damage to items howsoever caused. The Council will without notice remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the grounds or which interfere with the Council's maintenance of the grounds.

14.6. Grave owners will be permitted to place personal items on either side of the memorial and/or immediately in front of the memorial, provided this enables maintenance of the grassed areas without risk of damage.

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15. Grounds maintenance

15.1. The grounds shall be maintained by the Council's appointed contractor to a standard determined by the Council.

15.2. In the interests of public safety, a risk assessment of the site will be undertaken annually at the grounds.

15.3. Guidance regarding rubbish disposal at the burial grounds is publicly displayed and should be adhered to.

16. Review

16.1. These regulations will be reviewed annually, or as a result of recommended changes in best practice by the Institute of Cemetery and Crematorium Management, or as a result of changes to legislation. The review will be carried out by the Burials & Memorials Committee, with any recommendations considered by the Council at its next ordinary meeting.

These regulations were adopted at the ordinary meeting of Porlock Parish Council on the 9 December 2026 and will come to effect on the 1 April 2027.

Duncan McCanlis
Chair

Johnathan Jones
Clerk & Responsible Financial Officer

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