

Winchcombe Town Council

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CEMETERY FEES AND REGULATIONS

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CONTENTS

Section Title	Page Number
PART 1 – CEMETERY REGULATIONS	3
Introduction	3
Definitions	3
Applications for Interment	3
Funeral Services / Burial Procedure	4
Memorial plaques and Headstones	5
Fixing detail	7
Exclusive Rights of Burial	7
Surrendering the Exclusive Right of Burial	10
Fees and Charges	10
Purchased Grave Plots (Responsibilities)	11
Ornaments, Flowers & General Tidiness	12
Exhumation	12
Health and Safety	13
Miscellaneous	15
Complaints	16
Alterations to Regulations	16
PART 2 – FEES FOR EXCLUSIVE RIGHT OF BURIAL	17
PART 3 – INTERMENT FEES	17
PART 4 – FEES FOR THE ERECTION OF MEMORIALS	18

PART 1 – CEMETERY REGULATIONS

Introduction

Winchcombe Town Council welcomes all visitors to the cemeteries but does ask that visitors respect the peace, dignity and reverence of the facilities at all times but particularly if a funeral is in progress.

The cemeteries are operated and managed under current legislation covering Burial and Cremation in England and Wales. These Guidelines are a necessary requirement for the management of Winchcombe Cemetery.

Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these guidelines have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

Definitions

‘The Council’ means Winchcombe Town Council, acting as the Burial Authority in exercise of the statutory powers and duties conferred upon it by the Local Government Act 1972, Article 3 of the Local Authorities’ Cemeteries Order 1977, and of all other powers and duties regarding the general management, regulation and control of the cemeteries provided by it.

‘The Cemeteries’ means any cemeteries under the control of Winchcombe Town Council which is currently situated in Greet Road, Winchcombe, Gloucestershire. The churchyard at St. Peter’s Church, Winchcombe is a “closed” churchyard the maintenance of which falls under the auspices of this Council.

The Regulations and Fees contained in this document relate to burials and interments in The Winchcombe Cemetery, Greet Road, Winchcombe.

Applications for Interment

1. No burial shall take place, no cremated remains shall be scattered and no monument or memorial shall be placed in the Cemetery, nor shall any additional inscription be made on a memorial, without the prior consent of the Council.
2. No burials or interments of ashes can be carried out without the permission of Winchcombe Town Council and must only be carried out by their appointed contractors.

3. All notices of interment and applications for grave spaces shall be given or made in the first instance by telephone to the Clerk to Winchcombe Town Council Offices at least seventy-two hours before the time fixed for the interment and subsequently confirmed in writing.
4. Details of the interment, together with the appropriate fee, must be submitted to The Clerk. All charges made, are payable in advance, to “Winchcombe Town Council”.

Funeral Services / Burial Procedure

1. All graves or cremation plots will be dug or excavated only by persons appointed by the Council. At the time of the first interment in a grave, the prospective owner may choose to have the grave excavated for up to three interments. At the first interment of cremated remains the prospective owner may choose to have the grave excavated for up to two interments.
2. The Council reserves the right to place excavated soil on graves adjacent to those that need to be opened for an interment, without notice should this be necessary. The spoil will be removed immediately following the interment and the area restored as much as possible to its former condition.
3. The Council reserves the right of passage over all graves for the purposes connected with the Cemetery.
4. No interment will be permitted unless the body of the deceased person is fully enclosed in a coffin or casket. The coffin or casket should be either wooden or other ecologically-friendly material. Only under exceptional circumstances, such as public safety, will the interment of metal or metal-lined coffins be allowed in any purchased or unpurchased earthen grave.
5. The coffin/casket size must be confirmed with the Clerk preferably in writing to assist with the grave digging. The size must be exact and include mouldings and any open handles.
6. Every coffin, casket or urn must have attached some permanent form of identification marker bearing the name of the deceased.
7. Each individual body, whether an adult or child, must be brought to the cemetery in a separate coffin or casket, except where:
 - a) A mother has died in childbirth, in which case both the mother and child may be interred in the same coffin or casket.

- b) Twins or multiple twins have died in childbirth, in which case the children may be interred in the same coffin or casket.
 - c) The Clerk has exercised their discretion to authorise some other arrangement.
8. The Clerk must be informed by the person giving notice if the deceased suffered from or died of an infectious or notifiable disease or was exposed to radiation.
 9. No funeral director or other person shall be permitted to remove lids from any coffin or casket at interment within the cemetery on any pretence whatever. All treatment, washing or dressing of bodies must be undertaken prior to arrival at the cemetery.
 10. A register of all burials shall be kept by the Clerk at the Council office, where searches may be made during normal office hours. A charge of £10.00 will be made for any search in the Council's Registers of Death, carried out by a member of the public, under the supervision of The Clerk.

Memorial Plaques and Headstones

1. Memorials may not be placed on a grave or cremation plot until the Exclusive Right of Burial has been granted and remains have been interred.
2. No memorial plaques or headstones are permitted without the prior consent of Winchcombe Town Council and can only be erected by a qualified Memorial Mason. Drawings of all memorials, together with the proposed inscription (including additional inscriptions), must be submitted to The Clerk, to be approved by on behalf of Winchcombe Town Council, before they can be erected or fixed in the Cemetery. All fees relating thereto shall be paid in advance.
3. The Exclusive Right of Burial in a Grave space or Cremation plot must be granted before a memorial can be erected (or remains interred), subject to the following:

a)	In the old part of the Cemetery
	A headstone not exceeding six feet (1.8m) in height and three feet (90cm) in width and a vase not exceeding eighteen inches (45cm) in height.
b)	In the new part of the Cemetery
	A headstone not exceeding three feet (90cm) in height and two feet six inches (75cm) in width and a vase not exceeding eighteen inches (45cm) in height.

c)	In that part of the Cemetery where cremated remains are interred
	A stone cremated plaque not exceeding eighteen inches (45cm) in width and twelve inches (30cm) in depth by four inches (10cm) in height which must be laid flush to the ground. Chippings surrounding the plaque are not allowed.
d)	Encroachment of memorial objects or memorabilia on to neighbouring plots is not permitted and these items will be removed.
e)	Additional tablets may be placed on an existing vault.
f)	Additional inscriptions may be added to headstones and cremation plaques.
g)	New kerb stones will NOT be permitted in any part of the Cemetery.
h)	Loose gravel or chippings will NOT be permitted in any part of the Cemetery apart from the pathways.

4. The Monumental Mason erecting a Memorial in the Cemetery may inscribe on the memorial, in discreet small characters, the grave number and also their name or other identifying mark.
5. With the permission of Winchcombe Town Council, Memorials in the form of seats (with or without plaques), trees or shrubs may be placed in the Cemetery. It must be understood however, that items of this nature must be limited and the siting, style and design must be carefully controlled. The Town Council reserves the right to refuse permission and that the decision reached is final. It is therefore essential that no action be taken until complete agreement has been reached with the Clerk.
6. The Council reserves the right to refuse to permit the erection of memorials considered inappropriate or that would cause offence.
7. Any unauthorised memorials will be removed from the grave immediately and without notice and will be kept in the cemetery area for a period of 30 days. If not collected within this time, the memorial will be disposed of by the Council without further notice.

Fixing Detail

1. On installing headstones, the Memorial Mason is expected to comply with current BS8415 guidance to ensure that, not only is the customer provided with a memorial that is of good lasting quality and fit for purpose, requiring as little structural maintenance as possible, but that the Council as the Burial Authority is also afforded similar benefits.

2. Memorials must be constructed to comply with the Code of Working Practice and BS8415 guidance current at the time of fixing. If a memorial is dismantled for any reason, then it must be re-fixed to the latest specification even if the memorial did not comply in the first instance.
3. Memorial Masons are also guided to The National Association of Memorial Masons (NAMM) Code of Working Practice which aims to support the Memorial Mason in complying with current BS8415 standards.
4. Note: As developments and improvements take place in regard to memorial fixing and installation methods, the Council may consider alternative systems, however, the prime consideration is the safety of staff and visitors over the short and longer terms. Any installation method must therefore meet these criteria.

Exclusive Rights of Burial

1. The Council will grant on such terms and subject to such conditions as they think proper and upon payment of the appropriate fee or fees of any person aged sixteen years or over the Exclusive Right of Burial in any grave space or cremation plot for a period of 50 years. The full name and address of the person to be registered as the owner thereof shall be supplied.
2. Purchasers of Exclusive Right of Burial for future use will be allocated a grave space or interment space for cremation by the Council in accordance with the cemetery general plan and with the approval of the Clerk. The purchase of a grave space will be conditional upon the acceptance by the purchaser of the specification and regulations relating to erection and upkeep of memorials and the rules and regulations governing the cemetery.
3. Exclusive Right of Burial will not be sold to a funeral director or firm of funeral directors, their agents or a partner in such a firm, unless evidence is submitted by a funeral director to the satisfaction of the Clerk that the grave is required for use by the applicant as a private individual and not for the purposes of their business.
4. The purchase of an Exclusive Right of Burial gives the holder the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave. The Council will not be held responsible if, due to factors outside its control, the full number of interments cannot be achieved. No body shall be buried or cremated remains interred in any grave plot in which the Exclusive Right of Burial for the time without the consent of the owner of that right.

5. Upon payment of the appropriate fee, the purchaser of the Exclusive Right of Burial in any grave space shall be issued with a certificate, and the particulars thereof shall be entered in a registry book to be kept for that purpose. The certificate will stipulate the full name of the owner and the terms on which the certificate has been issued.
6. The Right of Burial shall be exercisable for a period of 50 years from the date of purchase. At the end of this period, if no interment has taken place, the right of burial can no longer be exercised and all rights relating to the grave in question, and in relation to any memorial erected thereon, revert to the Council. At the expiration of the 50-year period of the Exclusive Right of burial the purchaser, or Grant Holder, will have the option of renewing the Right, subject to such restrictions and regulations as may be in force at the time and on payment of the appropriate fee. If no application to renew has been received the Council may grant the Exclusive Right of Burial to another person.
7. The Council is not able to provide reminders and cannot be held responsible should the Exclusive Rights of Burial time expire.
8. During the period of the Exclusive Right of Burial, the registered owner will have the right to erect upon the specified grave a memorial that complies in all respects, including any inscription thereon, with the requirements of these regulations.
9. For every opening of a private grave, the certificate of ownership or any assignment thereof, and the written consent of the owner must also be produced and given to the Clerk on giving notice of burial. If the burial is to be that of the registered owner, the name of the deceased, as shown on the Registrar's Certificate for Disposal, must be exactly the same as the name on the Grant of Exclusive Right of Burial. The Council reserves the right to require, in appropriate cases, an indemnity from the person applying for interment of a deceased registered owner if, in the opinion of the Clerk, the documentation produced in support of the application is inadequate.
10. Transfer of ownership can take place on production of any of the following relevant original documentation at the Council Offices.
 - a) Grant of Probate: Normally granted to the executor(s) appointed in the will of the deceased person once the will has been proven in court. Only the original

‘sealed’ Grant will be acceptable at the Council Offices, i.e. it must bear the embossed seal of the Court.

b) Grant of Letters of Administration: When a deceased dies intestate (i.e. without making a valid will) then the next of kin (or some other person of sufficient interest) can apply to the Court to be made Administrator of the Estate. As with Grant of Probate, the original document must be produced bearing the embossed seal of the Court.

c) Form of Assent: Normally completed by the deceased’s personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased’s estate.

d) Statutory Declaration: An original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for. Forms and guidance notes are available from the Town Council Offices.

Surrendering the Exclusive Right of Burial

1. Where no interment has taken place in the grave space, the owner of the Exclusive Right of Burial may surrender the same to the Council and receive from the Council payment proportionate to the number of years remaining, as determined by the Council, to purchase such Exclusive Right of Burial. No refund will be made where the Exclusive Right of Burial has lapsed.

Fees and Charges

1. Fees and charges for all cemetery services are determined by the Council in accordance with the powers derived under Article 15 (1) of the Local Authorities’ Cemeteries Order 1977. They are normally reviewed annually, and the current fees and charges are displayed in the cemeteries and on the Council’s website.
2. For the purposes of calculating fees, residents shall include a person who at the time of purchasing the grave was a resident of Winchcombe. The registered owner of the Exclusive Right of Burial shall, if that Right was purchased whilst a resident of the parish, be entitled to have interred in the grave plot to which that right exists, the body of any person who, at the time of purchase, was a resident within the parish but at death resided elsewhere, without payment of an extra fee.

3. Resident status may be granted to other persons at the discretion of the Council. Persons not residing in the Parish will be charged extra fees as shown in the Fees Section. Non-parishioner exemptions are as follows:
 - i) The deceased was the owner (or the spouse of the owner) of the grave (held exclusive right of burial) and was a resident when the purchase was made.
 - ii) Death occurred within 12 months of the deceased moving out of the Parish.
 - iii) The deceased had moved to receive appropriate nursing care for their needs, which was not available in the Parish.
 - iv) The deceased was a serving member of the Armed Forces, living in temporary accommodation, whose parents are still residents of the Parish.
4. A burial (interment) can take place with or without a religious service. It is the responsibility of the funeral director or bereaved family to arrange for a Minister or a funeral celebrant to officiate at a burial. Minister's fees are as notified from time to time by the Church Authority and are payable directly to the officiating Minister, by the Undertaker as are the Celebrant's fees.
5. Facilities for the interment of cremated remains in the Garden of Rest at St Peter's Churchyard, Winchcombe may be available. Agreement of and arrangements for this facility, have to be made directly with the Vicar of St Peter's Church and all fees are payable directly to the Vicar or the Parochial Church Council.

Purchased Grave Plots (Responsibilities)

1. The responsibility for maintaining a grave plot, the associated memorial and other memorabilia in a safe condition is that of the registered owner of the memorial, and their surviving relatives and family. The area of the grave may not be interfered with by the owner of the grave or any persons on his/her behalf, otherwise than in accordance with these regulations.
2. All memorials must be kept in good repair at the expense of the registered grave owner and surviving relatives and family, including repairs necessary due to vandalism. However, owners are reminded that where remedial action is required this should only be carried out by a qualified Memorial Mason and with the knowledge and authority of the Town Clerk (See also section on "Fixing Detail").
3. In the event of any memorial falling into disrepair and the necessary repairs to make it safe are not carried out within 12 months after notice from the Council, where possible the memorial may be repaired or may be "monolithed" in an upright position in the ground by the Council, subject and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. Before taking any action the Clerk shall have made all reasonable efforts to trace the

grave owner (or their living relatives) to communicate by written notice when repairs are needed. The Council cannot accept responsibility for damage to memorials and owners are advised to seek adequate insurance cover.

4. The Council cannot accept responsibility in the event of a memorial being lost, broken or damaged through any cause (including vandalism or natural causes) other than its own negligence.

Ornaments, Flowers & General Tidiness

1. Only cut flowers small plants and flowers are permitted, however NO trees or shrubs shall be planted in the cemetery without the prior consent of the Clerk.
2. The council reserves the right to remove (and dispose of) any ornaments which become unsightly or damaged.
3. The council also reserves the right to remove and dispose of flowers, plants, floral tributes or wreaths which have become badly deteriorated or become unsightly.
4. When attending graves visitors may dispose of their rubbish in the green bin located next to the Cemetery Chapel.
5. There is a water tap located by the Cemetery Chapel along with watering cans. Please do not leave plastic water containers in the cemetery as they are unsightly and will be removed.
6. General grass cutting will be carried out by the Council within the cemetery at a frequency determined by weather conditions and by the Council. Maintenance may differ from the normal grass cutting cycle in any areas identified by Council as conservation / wildlife zones.

Exhumation

1. Section 25 of the Burial Act 1857 makes it unlawful in England and Wales to disturb human burials without a licence from the Secretary of State, or on ground consecrated by the rites of the Church of England, without the permission of the church (known as Faculty). No body or cremated remains may be removed from a grave without the written and signed consent of the registered owner of the Exclusive Right of Burial for that grave, together with all statutory documentation.

2. To exhume human remains from Winchcombe Cemetery in unconsecrated areas (i.e. not Church of England consecrated sections) you must apply for a Secretary of State's Licence.

Obtaining a Secretary of State's Licence

You can apply for a Secretary of State's Licence from:

The Ministry of Justice, Coroners and Burials Division, 102 Petty France, London SW1H 9AJ.

Telephone 0203 334 6390. Fax 0203 334 6452.

E-mail: coroners@justice.gsi.gov.uk

Website: <https://www.gov.uk/apply-for-an-exhumation-licence>

Obtaining Faculty

The cemeteries under the control of the Town Council come under the Diocese of Gloucester.

Exhumation reservations are processed directly by the Diocese Registrar:

Veale Wasbrough Vizards, LLP, Narrow Quay House, Narrow Quay, Bristol, BS1 4QA

Telephone: 0117 925 2020. Fax: 0117 925 2025

3. The Clerk will be able to check whether the burial for exhumation is in a consecrated section.

Health and Safety

1. Winchcombe Town Council treats seriously its duty to take, as far as is reasonably practicable, measures to prevent injury or death from unstable memorials. The Council seeks to strike a balance between preventing the risk of injury on the one hand and causing undue distress to the relatives if memorials are marked as unsafe, supported, or, in exceptional circumstances, laid down.
2. Being mindful of public safety and in accordance with the legislation, namely the Health and Safety Act 1974, Occupiers Liability Acts 1957 and 1984, Local Authorities' Cemeteries Order 1977, and Ecclesiastical Law, Winchcombe Town Council gives notice that it will periodically undertake safety testing, commonly referred to as "memorial stability testing", in its cemeteries and in the closed Churchyard at St Peter's Church.
3. Memorial testing is only performed by fully-trained and certificated individuals.

4. The Council has adopted a risk-based and proportionate approach to managing memorials which includes:
- Knowledge of the different types of memorial currently installed in the burial ground, the various designs and materials of individual memorials and groups of memorials, their historical and social importance, and the likelihood of members of the public visiting or walking past particular memorials.
 - An inspection methodology for assessing the risk of each memorial, which includes:
 - a) A visual check for obvious signs that a memorial is likely to be unstable.
 - b) Where a visual check suggests no stability defects, a hand test can help confirm that assessment or identify stability problems – this test involves no tools or equipment and is intended to provide support to the visual checks.
 - c) Arrangements for more detailed inspections of particular memorials where the initial inspection identifies significant risk, for example by a specialist structural engineer or Memorial Mason.
5. The maximum period between safety testing will be 5 years unless more frequent inspection is required for individual memorials whose condition requires it, or generally whether other factors dictate shorter periods.

The Council undertakes to:-

- Give at least 4 weeks advance public notice of its intention to carry out a general testing programme.
- Notify the owner of the right of burial, if known, if a memorial fails the test.
- Display, in the cemetery and church graveyard itself, lists of memorials which failed the test. Individual notices will be placed on or near a memorial which has failed giving the Council's contact details and the period for making contact.
- If required will demonstrate the safety testing procedure to owners and interested members of the public.

- Only personnel properly trained (and certificated) to do so will carry out the safety testing.
6. The responsibility for maintaining a memorial in a safe condition is that of the owner of the memorial. However, owners are reminded that where remedial action is needed it should only be carried out by a qualified Memorial Mason and with the authority of the Town Clerk.
 7. If appropriate repairs are not carried out within a reasonable timeframe, (12 months from notification) Winchcombe Town Council may seek to undertake the necessary remedial work using an approved Memorial Mason. In the most extreme cases where repair is not practicable due to the extent of the damage or excessive cost, the Council may be minded to “monolithed” the memorial in an upright position in the ground, lay the memorial down or remove it.
 8. Each individual case will be assessed on its own merits but Winchcombe Town Council may be minded to recover all or part of the expenses incurred from the memorial owner or living relatives and family.
 9. For public health reasons and to show due and proper respect for the area, no dogs (with the exception of assistance dogs) will be permitted in the Cemetery.

Miscellaneous

1. All persons entering the cemeteries do so at their own risk and the Council accepts no responsibility or liability for injury to any person, or theft, loss or damage caused to the property of any person or other loss/damage costs and expenses, however caused, to persons and their property entering the cemeteries, except where such damage or injury is directly attributable to the negligence of the Council or its contractors.
2. All allegations of theft should be directed to the Police and the incident reported to the Clerk with a Police incident number, where possible in writing, as soon as practicable after the event.
3. The Council shall not be responsible for any loss or delay which may occur resulting from any discrepancies, errors or omissions or the late receipt of any Notice of Interment, or other document which is required to be given to or served on the Council, or for liability arising from such late receipt.

4. The Permission of the Clerk should be obtained before any object in a cemetery is photographed or a video recording is commenced.
5. Motor vehicles may NOT enter a cemetery except with the express permission of the Clerk and only if an occupier is on cemetery business. Vehicles must not exceed 5mph and must not obstruct footpaths.
6. Visitors are requested to keep to the drives and paths where possible.
7. Children under the age of 12 years must be accompanied by an adult and supervised at all times.
8. Smoking is discouraged in cemetery premises and visitors are asked to refrain from smoking within the vicinity of a funeral as a mark of respect for the deceased and the attendant mourners.
9. No person shall canvass or solicit orders in a cemetery.
10. All cemetery fees and charges shall be in accordance with the scales of fees and charges for the time being adopted by the Council.

Complaints

1. Any complaints should be made in writing to the Clerk.

Alterations to the Regulations

1. The Council reserves the right to make alterations or additions to the foregoing Regulations from time to time consistent with changes to Burial Acts, statutory law, other regulations and to update information.
2. Questions arising for which no provision is made in the Regulations shall be referred to the Council (or any Committee or Officer of the Council to which the Council has delegated its powers on this behalf) whose decision shall be final.

PART 2 – FEES FOR EXCLUSIVE RIGHT OF BURIAL

For the Exclusive Right of Burial, for not more than Fifty Years, in an earthen grave, nine feet (2.7m) by four feet (1.2m), which may be used for the interment of a maximum of three coffins:-

	<u>wef 6 July 2023</u>
Resident of the Parish of Winchcombe	£250.00

Non-Resident of the Parish of Winchcombe	£1000.00
For the Exclusive Right of Burial of Cremated Remains, for not more than Fifty Years, in an earthen grave, two feet (60cm) square, in that part of The Cemetery set aside for the interment of Cremated Remains, which may be used for the interment of a maximum of two caskets:-	
Resident of the Parish of Winchcombe	£125.00
Non-Resident of the Parish of Winchcombe	£500.00
All the above fees include the Deed of Grant and all expenses thereof.	

PART 3 – INTERMENT FEES

These fees include the digging and infill of a grave to a depth required for two coffins. For an additional burial i.e. triple depth, the full cost of additional work required must be met.

These fees apply only when the interment takes place between 9.00 a.m. and 4.00 p.m. Monday to Friday inclusive (Public Holiday excepted) or on a Certificate issued by a Coroner or Medical Practitioner, certifying that immediate interment is necessary. In any other case the full cost of additional work required must be met.

		Inhabitant Winchcombe Parish <u>wef 6 July 2023</u>	Non-Inhabitant Winchcombe Parish <u>wef 6 July 2023</u>
(a)	The body of a still born child or of a child whose age at death did not exceed twelve years	No Fee	No Fee
(b)	The body of a child whose age at death exceeded twelve years but did not exceed sixteen years	£400.00	£400.00
(c)	The body of a person whose age at death exceeded sixteen years (single depth grave)	£750.00	£1000.00
(d)	The body of a person whose age at death exceeded sixteen years (double depth grave)	£1,000	£1,200
(e)	The interment of Cremated Remains	£150.00	£250.00
(f)	Interment in an existing vault	Full cost	Full cost

PART 4 – FEES FOR THE ERECTION OF MEMORIALS

Permission may be granted for the erection of Memorials for those persons whose Remains or Cremated Remains are interred in Winchcombe Cemetery.

For the right to place on a grave, in respect of which an Exclusive Right of Burial has been granted:-

		<u>wef 6 July 2023</u>
(a)	A Headstone	£100.00
(b)	A vase not integral with a headstone	£35.00
(c)	A stone Cremation Plaque	£75.00
(d)	A tablet on an existing vault	£100.00
(e)	Additional inscription on a Headstone / Cremation Plaque	£20.00

Notes:

Memorials may not be placed on a grave or cremation plot until the Exclusive Right of Burial has been granted and remains have been interred.

Headstones MUST be constructed and installed by a reputable Memorial Mason ensuring that they are erected in accordance The National Association of Memorial Masons (NAMM) Code of Working Practice and British Standards Institution BS8415 guidance current at the time of fixing.

Winchcombe Town Council will not be held responsible for damage caused to a Memorial in The Winchcombe Cemetery, unless it can be shown that the damage was caused by a person, or persons, acting on behalf of, or under the instructions of the Council.