



AND



**STONEMASONS AND FUNERAL DIRECTORS  
REGISTRATION SCHEME**

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## 2. Definition of Terms & Responsibilities

The Council	Rugby Borough Council
Rainsbrook	Rainsbrook Crematorium and Cemetery
Member / Scheme Member	Any registered participant including any individual or body who has agreed to be bound by this Scheme. This includes their employees and any other person contracted or instructed by them to carry out works as defined in this Registration Scheme.
Cemetery Representative	Any member of staff appointed by the Council or Rainsbrook Crematorium to carry out Cemetery and Crematorium work.
Memorial	A memorial is a permanent, fixed, typically inscribed, structure used to memorialise the person(s) interred. Memorials include memorial headstones, kerb-sets and integrated flower vases.
Regulations	Current version of the Council's and Rainsbrook Crematorium Regulations.
Scheme	Stonemasons and Funeral Directors Registration Scheme.
Bereavement Services Manager	The manager responsible for all Cemeteries and Crematorium.
Graveyards	All closed cemeteries that RBC are responsible for.
NAMM	National Association of Memorial Masons .
BRAMM	British Register of Accredited Memorial Masons.
Exclusive Right of Burial	The legal document that confirms who is the current legal owner of the right to say who will be buried in a named grave.

2.1 All obligations and requirements of this Registration Scheme with which Scheme Members are required to adhere by are outlined below.

2.2 No aspects or obligations of this Scheme may be assigned, subcontracted or transferred to a third party without the written approval of the Bereavement Services Manager. In any event such approval will only be given to those individuals / companies / other bodies that are already Scheme Members as defined above.

### **3. Introduction**

#### **3.1 General**

3.1.1 The Stonemasons & Funeral Directors Registration Scheme (referred to as the Scheme), establishes a standard level of workmanship and working practices throughout all of the Cemeteries and graveyards administrated by the Council and Rainsbrook Crematorium and memorial gardens.

3.1.2 The Scheme is needed to establish a standard level of working practice within all Cemeteries administrated by the Council, including “closed cemeteries” maintained by the Council and Rainsbrook Crematorium.

3.1.3 Registration with the Scheme ensures common standards are practiced by Funeral Directors and Stonemasons for

- Burials
- Cremations
- The installation, repair and maintenance of memorials, both new and existing
- Insurance cover, health and safety and administrative requirements

3.1.4 Through the provision of the Scheme, it is the Council’s objective to identify and promote best practice within the industry by all registered participants.

#### **3.2 Aims of the Scheme**

3.2.1 The Scheme aims to achieve three primary purposes:

- To ensure the highest standards of workmanship, competence and customer care and promote industry best practice.
- To ensure the safety of those visiting and working within the cemeteries and crematorium and meet all relevant standards.
- To promote partnership, good long-term working relationships, innovation and development initiatives between all registered participants and the Council.

3.2.2 It is considered that working together will assist all Scheme Members to comply with the Regulations.

3.2.3 Registration emphasises the Council’s intent that all work carried out for and on behalf of the deceased and their family/representatives is of the highest standard.

### **4. Scope & Administration of the Scheme**

#### **4.1 General**

4.1.1 Any Stonemason or Funeral Director who works, intends to work, or liaises with clients wishing to have work carried out in any of the Council’s Cemeteries and Crematorium is required to be a registered member of the Scheme.

4.1.2 Stonemasons and Funeral Directors who are not Scheme Members are not permitted to work within any Cemetery under the management of the Council or Rainsbrook Crematorium.

4.1.3 All Scheme Members must comply with the current Regulations at all times.

4.1.4 All applicants who wish to be considered for Registration must complete and submit Form A, please see Appendix 1

4.1.5 This Scheme is administered by Bereavement Services who are based at Rainsbrook Crematorium, Ashlawn Road, Rugby, CV22 5QQ.

## **4.2 Requirements of the Scheme**

4.2.1 All Scheme Members are required to adhere to the obligations detailed in the Scheme. These are the minimum acceptable requirements of the Council and may be amended and reviewed by the Council as and when required.

## **5. Eligibility**

### **5.1 Insurance Requirements**

5.1.1 Stonemasons and Funeral Directors applying for registration are required to be insured for Public Liability to the value of Five Million Pounds (£5,000,000) for any one incident. It is mandatory for all Scheme Members to have the below cover when applying for membership

- Public Liability and Employer's Liability cover.

5.1.2 Before or at expiry of their certificate, it will be the Scheme Member's responsibility to update Bereavement Services with written details of their new certificate promptly to ensure on-going membership and maintain permission to work within the Council Cemeteries and Crematorium.

### **5.2 Workmanship, Materials and Construction**

5.2.1 Stonemasons and persons instructed to undertake work on their behalf shall be suitably qualified, experienced and competent to perform all necessary work. All memorial work, including erecting, dismantling and repairing memorials must conform with current industry and statutory Health and Safety requirements, guidelines and standards. The materials used should comply with industry recommendations.

5.2.2 Stonemasons and Funeral Directors carrying out the work must be either registered with the National Association of Memorial Masons (NAMM) or British Register of Accredited Memorial Masons (BRAMM). Details of your registration should be added to the application form.

### **5.3 Stonemasons**

5.3.1 All Scheme Members will guarantee all individual memorials for safety and stability for a minimum period of 10 years. All guarantees issued must include an obligation to repair/replace all joints and materials that may fail during the course of the guarantee.

5.3.2 Scheme Members may not process or submit an application without first ensuring that the applicant is the current holder(s) of the Exclusive Right of Burial for that grave.

5.3.3 Please refer any applicant to Bereavement Services where the owner of the Exclusive Right of Burial is deceased as a Transfer of Ownership is required before any work may commence.

5.3.4 Scheme Members must ensure that all materials used in the construction of memorials comply with industry codes of practice (Section 5.2) and are drawn from legal and sustainable sources.

### **5.4 Funeral Directors**

5.4.1 Scheme Members are responsible for ensuring that they have visited the Cemetery in advance of an interment, where a family has requested a family backfill. The Scheme Member

must carry out a Risk Assessment and provide a copy of this to the family and Bereavement Services. A declaration must be completed by the applicant for a burial where a family backfill has been requested.

5.4.2 Scheme Members must continue to attend the grave-side until the interment and family backfill is completed or such time the family no longer wish to backfill the grave.

5.4.3 Scheme Members should ensure that all families are informed of all relevant costs associated with cremations and burials, including any additional costs that will apply for late arrivals or the overrun of a service. No responsibility will be accepted by Bereavement Services for Scheme Members failure to charge in accordance with our current fees and charges.

## **5.5 Registration Scheme Compliance**

5.5.1 Each Stonemason and Funeral Director joining the Scheme is required to comply with the following:

- Local Authorities Cemeteries Order (1977)
- NAMM Code of Working Practice (Latest Relevant Edition) / BRAMM Blue Book
- Health and Safety at Work Act (1974)
- The Council's Safety Policy and Risk Assessment
- The relevant British Standards, (including BS8415)
- All other relevant statutory requirements

5.5.2 Each Stonemason and Funeral Director can download the Cemetery Regulations from [www.rainsbrookcrematorium.co.uk](http://www.rainsbrookcrematorium.co.uk) and must comply with the following:

- The Council's Cemetery Regulations
- The Council's Stonemasons and Funeral Directors Registration Scheme
- Bereavement Services Rules and Regulations

## **6. Procedures**

### **6.1 General**

6.1.1 All interments and memorial installations in the Council's Cemeteries by registered participants of the Scheme must fully comply with the Regulations and the procedures outlined below.

### **6.2 Applications to Carry Out Work Within RBC Cemeteries**

6.2.1 Prior to works within the Council's Cemeteries being undertaken, all works to be carried out must be approved by Bereavement Services.

6.2.2 Bereavement Services can be contacted using the details below:

- Email – [Rainsbrook@rugby.gov.uk](mailto:Rainsbrook@rugby.gov.uk)
- Post – Rainsbrook Crematorium, Ashlawn Road, Rugby, CV22 5QQ
- Telephone – 01788 533715

### **6.3 Memorials**

6.3.1 Scheme Members are required to give the Cemeteries Office at least 3 working days notice, by telephone or email, prior to undertaking any work within one of the Council's Cemeteries, to avoid clashes with burials or other works being undertaken.

6.3.2 Scheme Members are responsible for ensuring that all applications comply with the Regulations.

6.3.3 Scheme Members are required to advise their customers that the Regulations can be viewed and downloaded on [www.rugby.gov.uk](http://www.rugby.gov.uk). This prevents additional distress to the bereaved as a result of applications requiring amendment or rejection.

6.3.4 The Council will hold the Scheme Member submitting an application liable for the content, accuracy and correct completion of all necessary forms and applications.

6.3.5 Memorial Applications must be checked by the Scheme Member before submission to ensure they comply with maximum sizes. Kerbset applications will only be permitted within permitted sections only.

6.3.6 All application fees are non-refundable and therefore the Scheme Member should ensure that an application is not submitted for a memorial that does not comply with the Cemetery Regulations.

6.3.7 No application will be processed until full payment has been received. No refunds will be issued.

6.3.8 Scheme Members agree to rectify at their own expense any works that need to be dismantled as a consequence of the Scheme Member erecting a memorial that does not meet the requirements of the Regulations.

### **6.4 Interments**

6.4.1 The Scheme Member must ensure that a valid copy of the Exclusive Right of Burial accompanies all applications for Interments. If the family are unable to provide a valid copy of the Exclusive Right of Burial, a Statutory Declaration must be made before a Commissioner of Oaths, please see Appendix 2. Non-production of the Exclusive Right of Burial or Statutory Declaration will delay the customer's request being progressed.

6.4.2 The Council will hold the Scheme Member submitting an application, liable for the content, accuracy and correct completion of all necessary forms and applications.

6.4.3 Scheme Members are reminded of the requirement within the Regulations that the exact maximum external coffin or casket sizes must be measured. These exact measurements must be declared on the Notice of Interment form when submitted. No measurement allowances are permitted and inaccurate details on these forms will result in the Failure to Comply procedure being commenced (Please see Section 8).

6.4.4 Scheme Members are required to advise their customers that the Regulations can be viewed and downloaded on [www.rugby.gov.uk](http://www.rugby.gov.uk).

6.4.5 It is the Scheme Members responsibility to ensure they explain to their customer that unless specifically requesting a kerb section (where there is limited availability), the grave will be a lawned grave where no items may be placed on the lawn.

6.4.6 Scheme Members are responsible for advising their customers if their coffin size is outside



of the maximum sizes that can be accommodated and a double plot may be required, prior to the burial taking place.

## **6.5 Memorial Installation or Maintenance**

6.5.1 No work on in-situ or new memorials shall be carried out unless the appropriate application has been approved in writing by Bereavement Services. There will be no exceptions to this requirement which must be strictly adhered to.

6.5.2 The Scheme Member will be given a Permit for each memorial application granted which must be available to be produced for inspection when requested by a Cemeteries Representative.

6.5.3 Scheme Members do not need to complete a Memorial Application for in-situ memorials that are being cleaned/maintained, for memorials they installed. However, please give the Bereavement Office notice of this as stipulated in 6.1.1.

6.5.4 It is the responsibility of the Scheme Member to ensure works are undertaken with consideration to adjacent memorials.

6.5.5 Only work instructed by the owner of the Exclusive Right of Burial should be undertaken regarding the cleaning of headstones.

6.5.6 All memorials must comply with BS8415 and the NAMM Recommended Code of Practice.

6.5.7 Scheme Members are not permitted to install any memorials or plaques in Section W of Watts Lane.

6.5.8 Scheme Members must install the memorial within 12 months of the memorial application being approved. Failure to do so will require the submission of a new application and repayment of the fee.

6.5.9 Scheme Members must take pictures of the front and the reverse of the memorial on which they worked and submit these alongside the cut off section of the form to the Cemeteries Office for confirmation of works.

6.5.10 Scheme Members must engrave the grave number on the reverse of the headstone.

## **6.6 Memorial Inspections**

6.6.1 Bereavement Services will inspect the installation of a memorial after completion. Where work is found to be unacceptable either because it does not conform to the Scheme standards or for any other reason, Bereavement Services will instruct the Scheme Member and Exclusive Right of Burial holder(s) that rectification works are required to meet the Council's standards at the expense of the Scheme Member who installed the memorial.

6.6.2 The Council undertakes its duty to ensure the provision of safe open spaces and Cemeteries through mandatory memorial safety testing. This is undertaken on a cyclic programme, with all memorials tested by trained personnel as outlined in Section 6.3.

## **6.7 Post Work Inspection**

6.7.1 The Council will inspect a memorial following installation or completion of other work. All Scheme Members must inform Bereavement Services after work has been completed within 5 working days of the work taking place. Where work has been identified that does not meet the required Scheme standards, Bereavement Services will instruct the Scheme Member to re-erect the memorial to ensure compliance with the Scheme's standards, the Cemetery Regulations and any other relevant standards (such as BRAMM, NAMM etc).

6.7.2 The costs of dismantling and re-erecting in these circumstances is the responsibility of the Stonemason or Funeral Director. The Council reserves the right to charge a fee (10% of the application fee) for re-inspection of the memorial where this arises due to the actions of the Scheme Member.

6.7.3 All memorials are subject to mandatory inspections by the Council at least every 5 years to comply with our duty of care, Health and Safety Executive & Ministry of Justice Guidelines and Rugby Borough Council Memorial safety scheme policy and Scheme Members should take this into consideration when issuing their guarantee. Any repairs, replacement of joints or other parts of the memorial considered necessary from the inspection shall be notified to the registered EROB Holder(s) in writing.

6.7.3 All remedial works need to be completed within 28 days of written notification being issued.

## **6.8 Refusal to Co-operate**

6.8.1 If the Scheme Member refuses to co-operate following post-work inspections the Cemeteries Representative may, at their discretion, engage a third party (a qualified Stonemason registered under the Scheme) to perform the work. In these circumstances, whether the work complies or fails to comply with the Scheme standards, the costs incurred by the third party will be the responsibility of the Scheme Member originally installing the memorial.

6.8.2 An invoice will be issued to the Scheme Member refusing to cooperate and recovery action will be undertaken by Rugby Borough Council for failure to make payment. The Scheme Member will also face action under the Disciplinary Procedures (Section 8) of the Scheme.

## **7. Tendering**

7.1 The Council may require the submission of tenders for a range of memorial works, including inspection, repair, removal and replacement of memorials. Scheme Members will be eligible to tender for any such works.

## **8. Failure to Comply Procedure**

### **8.1 General**

8.1.1 To ensure that the Scheme standards are maintained, and Scheme Members are operating in uniformity with these standards, Bereavement Services will operate a 'Failure to comply' procedure which applies to all Scheme Members.

### **8.2 Stage 1: Breach of the Scheme Standards**

8.2.1 Following an investigation by Bereavement Services and a confirmation that a breach of the Scheme standards has occurred; a written warning will be issued by the Bereavement Services Manager. The written warning shall be maintained on the Scheme Member's record for a period of 12 months from the date of issue. If no further breach occurs during that period, the warning will be removed from the record.

### **8.3 Stage 2: Subsequent Breach of the Scheme Standards or failure to Rectify Stage 1 Breach**

8.3.1 Throughout the 12 month period following a Stage 1 Breach (Section 8.2), another breach of the Scheme standards is committed, or the original Stage 1 breach is not rectified to the satisfaction of the Service Manager, this will result in the issue of a Final Written Warning. A Final Written Warning shall be maintained on the Stonemason's or Funeral Director's record for a period of 18 months, from the date of the 2<sup>nd</sup> breach. If no further breaches occur during that period the warning will then be removed from the record.

## **8.4 Gross Misconduct**

8.4.1 Certain circumstances shall be considered Gross Misconduct and will not be subject to the above stages of the Failure to comply procedure. The Bereavement Services Manager will decide, at their discretion, whether or not an incident constitutes Gross Misconduct. Examples include unsafe working practices or undertaking actions which directly, indirectly, or has the potential to bring the reputation of the Council into disrepute. Please see section 8.4 for actions taken for Gross Misconduct

## **8.5 Exclusion from Registration Scheme**

8.5.1 Members found guilty of Gross Misconduct or committing a further breach of the Scheme standards within the 18 month term, as described in Stage 2 (Section 8.3) will be removed from the Scheme. The Scheme Member will be precluded from applying for re-registration and from carrying out any work within the Council's Cemeteries for a period of 2 years from the date of expulsion. In instances of exclusion for Gross Misconduct the Service Manager, at their discretion, may consider advising other local authorities or industry registration schemes of the circumstances.

## **8.6 Re-registration following an Exclusion**

8.6.1 A Scheme Member committing any breach of the Scheme Standards, or an act of Gross Misconduct, during the 18 month period following the re-registration, following expulsion, may be excluded from Registration for a further period at the discretion of the Service Manager.

8.6.2 Any persons wishing to re-register must disclose the previous exclusion on their application. Failure to disclose this information will result in immediate expulsion from membership and will not be permitted to re-apply for 2 years.

8.6.3 The Bereavement Services Manager reserves the right to refuse re-registration onto the scheme.

## **8.7 Disciplinary Procedure Appeal**

8.7.1 A Stonemason or Funeral Director not satisfied with the decision made under this Failure to Comply Procedures is entitled to appeal. An appeal may only be made in writing and must be submitted within 14 days from the date of the decision letter that notified the Stonemason or Funeral Director. An appeal must clearly state the reasons for the appeal and only these reasons will be admissible at the appeal hearing. Appeals will be heard by the Chief Officer responsible for Cemeteries.

## **9. Payments**

9.1 All Memorial Applications must be paid in full prior to the process of the application.

9.2 Payment may be made by:

- Cheque (payable to Rugby Borough Council)
- Cash (payable at Rainsbrook Crematorium)
- Debit/Credit card payment – either in person or over the telephone (01788 533715)

9.3 All payments are non-refundable.

9.4 All Funeral Directors may request a monthly invoice for any cremation or burial they book with Rainsbrook Crematorium and Rugby Borough Council. Each invoice issued MUST be paid by

the date given on each invoice. Failure to make payment by the date supplied will result in the facility to pay by invoice being withdrawn.

9.5 In the case where invoice facility has been withdrawn a payment **MUST** be made at the point of the funeral booking and any further charges incurred **MUST** be paid prior to the service.

9.6 It is the responsibility of the Funeral Director to ensure that you comply with the timescales of each service booked and failure to do so will result in additional charges as per the current fees and charges. The Bereavement Services Managers decision is final where charges apply for late arrival/overrun of service time.

## **10. Review of Scheme and Modifications**

10.1 Scheme Members and the Council may jointly review the rules, requirements and performance of the Scheme on a periodic basis. The Scheme rules will be reviewed every 24 months. Scheme Members will be notified in writing of any modification to the scheme. The Council reserves the right to ask all Scheme Members to re-register following a major review of the Scheme.

## **11. Further Reading**

- Rugby Borough Council website – [www.rugby.gov.uk](http://www.rugby.gov.uk)
- Rainsbrook Crematorium website – [www.rainsbrookcrematorium.co.uk](http://www.rainsbrookcrematorium.co.uk)
- Managing the safety of Burial Ground Memorials – Ministry of Justice
- British Standard BS8415

Appendix 1

Stonemason and Funeral Directors Registration Scheme

Form A – Scheme Registration Application

I declare that I have read and understood the Stonemason and Funeral Director Registration Scheme requirements and the Council's current Cemetery Regulations and declare that I will comply with the Council's Cemeteries Regulations and the above named Registration Scheme requirements.

Please complete all sections in full, forms with omissions will be returned.

Company Name:	
Address:	
Telephone:	Email:
<b>Stonemason's - Public Liability and Employer's Liability (where applicable) Cover</b> Please confirm that current details of your Public Liability insurance and Employer's Liability (where applicable have been provided to: (please tick) NAMM <input type="checkbox"/> BRAMM <input type="checkbox"/>  NAMM Associate membership number ..... and a copy of my current certificate is attached  BRAMM Associate membership number..... and a copy of my current certificate is attached	
<b>Funeral Director's – Public Liability and Employer's Liability Cover</b> Please confirm that the company you represent holds the above cover. I confirm that .....are the holders of the above Liability cover, which expires on .....	
As an authorised person of the above stated company, I agree to adhere to all Rules, Bye-Laws, Cemetery Regulations, Health and Safety Requirements, Insurance Liabilities, Installation and Maintenance Specifications, Inspection procedures and all other requirements as laid down by this Scheme.  I agree to inform Rainsbrook Cemetery and Crematorium of any changes to the above within 2 weeks.  I have not been excluded from the Stonemason and Funeral Director Registration Scheme <input type="checkbox"/> or I have previously been excluded from the Stonemason and Funeral Director Registration Scheme <input type="checkbox"/>	
Signed: .....	
Print Name: .....	Dated: .....

**Rugby Borough Council  
Bereavement Services  
Rainsbrook Cemetery and Crematorium  
Rugby, CV22 5QQ**

**STATUTORY DECLARATION**

**Application to erect a new headstone or add a new inscription**

**Section 1. Details of person making the Declaration.**

Full name (Print) .....

Address (including postcode) .....

**Section 2. Details of Declaration**

I do solemnly and sincerely declare that ..... purchased the Exclusive Rights of Burial/became the owner of the Exclusive Right of Burial when it was transferred to me on ....., described in the Plan as Section ..... No ..... Grant No ..... in the ..... Cemetery.

AND THAT

I, ..... am unable to produce the grave deeds to prove the ownership of the grave because .....

To the best of my knowledge and belief ..... had never assigned the benefits of the grave rights to any other person or specified any reservation of the grave for any particular person.

I hereby declare that I will indemnify Rugby Borough Council against all actions, proceedings, demands, costs and expenses of any nature whatsoever (including the exhumation of any burial) should it be subsequently proved my claim as aforesaid is unfounded and that I have no title to exercise the rights in this grave.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835"

Signed .....Date .....

**Section 3. Declaration in the presence of a Magistrate or Commissioner for Oaths**

Declared at (*Address of Magistrate or Commissioner of Oaths*)

Before me:.....Date: .....  
(*signature of Magistrate or Commissioner of Oaths*) (*Please apply business stamp as authentication*)

## **Guidance notes for completing a Statutory Declaration**

A statutory declaration is a legal document and is required by the Council as evidence of the ownership of a grave. Only the registered grave owner may authorise burials or a memorial for a grave. In accordance with the Local Authorities' Cemeteries Order 1977, the only exception to this is if the grave owner is to be buried within the plot.

- The statutory declaration should be signed by the applicant in the presence of a magistrate, an authorised court official or a commissioner for oaths.
- The requirement for a statutory declaration exists when the original Exclusive Right of burial cannot be produced to prove ownership and serves to protect both the owners of those rights and the Council. It is a procedure used by most burial and crematoria authorities in England and in accordance with the Local Authorities' Cemeteries Order of 1977 to ensure that burial rights are assigned only to the rightful owner(s) or the correct documentation has been received to prove ownership to either open a grave, place a new headstone or add an inscription to an existing headstone.

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