

Penkrige Parish Council

Burial Ground Authority



Rules & Regulations

Introduction

The following Rules and Regulations have been introduced by Penkridge Parish Council to assist the safety and welfare of all visitors and staff within its Burial Ground.

In addition to maintaining its high standards of grounds maintenance and overall service to the public, your co-operation in complying with the Rules and Regulations is greatly appreciated.

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Penkridge Parish Council

Burial Ground

Rules and Regulations

1. Introduction

- 1.1 Penkridge Parish Council's Burial Ground is operated in accordance with the following rules and regulations.
- 1.2 They impose certain restrictions and requirements on users of the Burial Ground, which the Council expects users to observe. They have been prepared to balance individual rights against the need to regulate for safe, respectful, dignified and tidy grounds. For example the prohibitions relating to glass and breakable items is based upon those items becoming a hazard when the grass is mown by cutting machinery and not on aesthetic considerations
- 1.3 These conditions are in addition to the provisions of the Local Authorities Cemetery Order 1977 which is the relevant legislation concerning Council owned Burial Grounds.

2. Interpretation

- 2.1 For clarity, and unless the context otherwise requires, the following terms shall be defined as stated: -

Additional Inscription	means each inscription, after the first, referring to one other deceased person whether or not that person is interred in the grave.
Burial Ground	means the place provided by the Council for the interment of human remains.
Contractor	means any person employed by the Council.
Council	means Penkridge Parish Council and any authorised officer in its employ
Exclusive Right of Burial	means the exclusive right, granted by deed, of the registered owner of the Right of Burial to determine who may be interred therein; such right is for a limited period as specified by the Council
Right to Erect a Memorial	available by grant to the owner of the exclusive right of burial to erect an approved memorial on the grave in question, such right is for a limited period, determined by the Council.
Grave Space	means the area allowed by the Council for the establishment of a grave. Positions and alignments will be determined solely by the Registrar. There is no legal requirement for the graves to be aligned in a particular way
Grave	means a burial place [inclusive of those used for cremated remains] formed in the ground by excavation and without any internal brickwork, stone, or any other lining.
Inscription	means a reference on a memorial to one deceased person, whether or not that person is interred in the grave.
LACO 1977	means Local Authorities' Cemeteries Order 1977
Lawn Grave	means a grave where only an approved memorial at the designated head end of the grave is permitted. Graves may be in single rows.
Local Authority Owned	means a grave in which no exclusive right of burial will be granted by the Council and in which unrelated persons will be interred: formerly known as a common grave. There will be no option to purchase or to erect a memorial.
Memorial	means any authorised stone, vase, tablet, or any other object placed on a grave space excluding wreaths and flowers.
Office	The Haling Dene Centre, Cannock Road, Penkridge, Stafford, ST19 5DT Tel: 01785 714157 Fax: 01785 714744 e-mail: clerk@penkpc.co.uk
NAMM	means the National Association of Memorial Masons
Private Grave	means a grave in respect of which the exclusive right of burial is granted.
Registrar	means that person appointed by the Council, normally the Deputy Parish Administrator, or person otherwise delegated.
[for Burial Ground]	
Uninscribed Vase	refers to a vase on a grave, which has no inscription.
Working Days	means the days on which the office is open, i.e. Monday to Friday inclusive 9.00 am until 5.00 pm [excluding Public Holidays]

3. General Regulations

- 3.1 The Burial Ground shall be a Lawn Burial Ground, and only Lawn Graves shall be permitted.
- 3.2 The Burial Ground will be open to the public on such days and hours as the Council may, from time to time determine.
- 3.3 There are currently no restrictions on access or opening hours.
- 3.4 All persons entering the Burial Ground will be subject to the orders and control of the Council.
- 3.5 All persons shall conduct themselves in a decent, quiet and orderly manner and are reminded of Section 18[1] of the Local Authorities' Cemeteries Order 1977, which states that:
No person shall:
 - [a] Wilfully create any disturbance in a cemetery
 - [b] Commit any nuisance in a cemetery
 - [c] Wilfully interfere with any burial taking place in a cemetery
 - [d] Wilfully interfere with any grave/vault/tombstone or other memorial or any flowers or plants on any such matter; or
 - [e] Play at any game or sport or discharge a firearm (save for a military funeral) in a cemetery
- 3.6 Visitors to the Burial Ground shall not unreasonably interrupt the Council's employees or their contractors at their duties, or employ them to execute private work within the Burial Ground or extend to them any gratuity.
- 3.7 All complaints and requests by members of the public must be made to the office and not to the workers employed in the Burial Ground.
- 3.8 All dogs must be kept on a lead at all times and must not foul within the Burial Ground. If this is unavoidable, the person in control of the dog must remove the deposit.
- 3.9 Children who are, or appear to be, under the age of 14 will not be permitted in the Burial Ground except under the care of a responsible person.
- 3.10 No person [other than the Council] shall sell or expose for sale any article, commodity or thing of any kind whatsoever or solicit orders for the same, within the Burial Ground.
- 3.11 Any person using a motor vehicle in the Burial Ground shall only do so on a carriageway suited to that purpose, except with the consent of the Registrar.
- 3.12 All visitors to the Burial Ground must keep to the footpaths whilst visiting a grave and refrain from interfering with trees, shrubs and flowers
- 3.13 No person shall drop, throw away or otherwise deposit and leave in the Burial Ground, any wastepaper or refuse of any kind, except in the receptacles provided for the purpose.
- 3.14 The taking of photographs, video and tape recordings, within the Burial Ground shall be subject to the approval of the Registrar, who may demand production of the Deed of Grant of Exclusive Right of Burial or an indemnity in the Council's favour where it is proposed to photograph a private grave or memorial.
- 3.15 No employee of the Council, or its contractors, is to demand or receive any gratuity.

4. Interments

- 4.1 Enquiries about sections of the Burial Ground reserved for different purposes shall be made to the office.
- 4.2 In sections of the Burial Ground consecrated in accordance with the rites of the established church, burials will only be permitted in accordance with the rites of a Christian denomination, or without any religious service, provided that any other rites are decorously performed.
- 4.3 Interments may only take place in accordance with the Regulations between the hours of 10am to 3pm Monday to Friday. Interments will not normally be permitted on Saturday, Sunday, Good Friday, Christmas Day or other Public Holidays.
- 4.4 The time appointed for the interment shall relate to when the funeral cortege is to arrive at the graveside where the interment is to take place. The Funeral Director, or person in charge of the funeral, arriving after the appointed time must act under the direction of the Registrar as to when the funeral may proceed.
- 4.5 Whilst every effort will be made to accommodate clients' requirements, the Council cannot be held responsible if this cannot be achieved due to factors outside its control, e.g. ground conditions, weather etc.

- 4.6 Prior telephone booking is required for every interment. The Notice of Interment (on a form approved by the Registrar) and the disposal certificate shall be delivered to the office so as to allow a minimum of 3 clear working days between the date of the delivery of such notice and the date of the interment. The Notice of Interment is also confirmation of the telephone booking which is provisional until the Registrar checks the Notice of Interment.
- 4.7 The Council will accept no responsibility whatsoever for verbal arrangements where such arrangements have not been confirmed in writing on the prescribed form(s).
- 4.8 The Notice Of Interment must contain full details of the deceased; the proposed interment; the size of the coffin and the signature of the owner of the Exclusive Right of Burial for the grave.
- 4.9 The Council will not accept responsibility for consequences arising from the loss or delay of such notice, order or any other document sent by post, nor for the accuracy of the details contained in the Notice of Interment.
- 4.10 The coffin or casket size must be confirmed in writing. The size must be exact and to include mouldings and any opened handles. Funeral directors must be aware that the coffin size submitted to the Council must be the exact dimensions and no additional measurement is to be added. Any additional dimensions necessary will be added by the Registrar
- 4.11 Any alteration to the sizes given must be notified to the Council Offices in writing at least one working day prior to the funeral.
- 4.12 In the instances where a burial is booked with less than 24 hours notice for religious reasons, the Notice of Interment must be faxed or e-mailed to the Registrar by 12.00 noon on the day of burial to confirm the booking
- 4.13 Regulations on hours for interment may be waived in cases of emergency, certified by a medical authority acceptable to the Council as being in the interest of public health.
- 4.14 The person arranging the interment shall be responsible for the attendance of the Minister of Religion, or other appropriate Officiant, to officiate at the burial service, and for the payment of any fee to which the minister is entitled.
- 4.15 A certificate for the disposal issued by the Registrar of Births, Marriages and Deaths or a Coroner's Order for Burial must be delivered to the office one clear working day before the burial can take place.
- 4.16 Any person procuring an interment [foetal remains and still births] without production of such certificate or order [as described in 4.12 above] will be required to make a written declaration on a prescribed form in accordance with Section 1 [1] of the Births & Deaths Registration Act 1926, confirming and declaring that the death has been registered and the certificate issued.
The Declaration shall be delivered to the Council's Registrar before the burial can take place.
- 4.17 In the case of an interment of cremated remains, a Certificate of Cremation, issued by the Cremation Authority, will be required and must be delivered to the Council's Registrar before the interment may take place.
- 4.18 In the case of foetuses, the Medical Practitioner's Confirmation of Delivery of Non-Viable Foetus will be required.
- 4.19 All bodies brought to the Burial Ground for burial shall be contained in a suitable coffin to a pattern agreed with the Council. For burial purposes coffins can be made of wood, wicker or cardboard. All cremated remains must also be held in a suitable container.
- 4.20 The coffin or suitable container must be clearly marked for identification purposes and include the full name of the deceased (full name to be shown on all connecting paperwork).
- 4.21 The funeral director or family are responsible for providing sufficient bearers to carry the coffin from the hearse to the grave and lower the coffin into the grave.
- 4.22 Family members who wish to bear a coffin should seek appropriate advice from their appointed funeral director as to the safe procedure for bearing a coffin.
- 4.23 Representatives of the deceased may, at their own risk, backfill the grave after an interment, but must adhere to instructions from the Burial Ground staff and/or contractors in attendance.
- 4.24 After interment, no body or cremated remains may be removed from any grave without the production of the ecclesiastical faculty and/or licence for exhumation required by law. The original documents will be required for this purpose.
- 4.25 Ceremonies of a special nature are subject to the Registrar's approval.
- 4.26 The owner of the Exclusive Right of Burial shall be responsible for arranging for the removal of any monument to facilitate the re-opening of the grave.

- 4.27 In the case of the re-opening of a private grave the written permission of the registered grave owner is required. Where the owner is deceased a transfer of ownership must take place by the production of Grant of Probate or Letter of Administration or equivalent. Where these documents have not been applied for a statutory declaration will be required.
- 4.28 The Burial Ground is private land owned by Penkridge Parish Council; to strew ashes in the Burial Ground requires the permission of the Parish Council beforehand.
- 4.29 Employees of the Council will prepare all graves.

5. Exclusive Rights Of Burial

- 5.1 Exclusive Right of Burial can be purchased in respect of available grave space, in accordance with these Regulations and Scale of Fees and Charges applicable to such purchase at the time. Such purchase may only be made at the time when the grave is required for an interment, and the purchase of "reserved graves" is not permitted.
- 5.2 All graves, including cremated remains graves, will normally be allocated in strict rotation within each section. Plans showing the grave spaces allocated are kept at the offices, where they may be seen during normal office hours.
- 5.3 Whilst every effort will be made to achieve the full number of interments in a grave, the Council cannot be held responsible if this cannot be achieved due to factors outside its control, e.g. ground conditions, weather etc.
- 5.4 A grant of Exclusive Right of Burial confers no other right, (e.g. right to erect a memorial; ownership of land), other than that of burial and each applicant for Exclusive Right of Burial must confirm receipt, in writing, of the Deed of Grant.
- 5.5 All grants of Exclusive Right of Burial shall be for a period of 50 years (fifty years) and grants of Right to Erect a Memorial shall terminate on the same date as the Exclusive Right of Burial.
- 5.6 The owner(s) of the Exclusive Right of Burial must be the same as the owner of the Right to Erect a Memorial.
- 5.7 Where the owner of the Exclusive Right of Burial is deceased, and provided that the Exclusive Right of Burial has not been specifically left to another person, upon production of a will or Letters of Administration the Exclusive Right of Burial may be legally transferred to the person in possession of the Letter of Administration or the beneficiary of the residue of the estate under the terms of the owners of Exclusive Right of Burial's will.
- 5.8 In cases where the owner of the Exclusive Right of Burial is deceased and there is no will or Letters of Administration available then the Exclusive Right of Burial may not be transferred to another person, however a further burial in the grave space may be permissible (if there is available depth) subject to the applicant for the burial completing a statutory declaration and ensuring that any other person equally entitled counter signs the statutory declaration. A statutory declaration must be witnessed by a Solicitor or a Commissioner for Oaths.
- 5.9 At the expiration of that, the period, the purchaser, and his/her successors, may have the option to renew the Exclusive Right of Burial, together with the Right to Erect a Memorial if granted, for a further period not exceeding 30 years, subject to such restrictions and regulations as may be in force at that time. Application should be made for renewal of the Exclusive Right of Burial during the three months before the expiry of the previous grant.
- 5.10 When the Grant of Exclusive Right of Burial and Right to Erect a Memorial (together with any extension) expires, all rights shall revert to the Council.
- 5.11 Any transfer of ownership of Exclusive Right of Burial and/or Right to Erect a Memorial shall be subject to the production of satisfactory evidence of title (as defined in section 4.16) and the approval of the Council. Such transfer shall be registered in the records of the Burial Ground and the Deed of Grant of Exclusive Right of Burial must be produced for endorsement at the Registrar's Office. The appropriate fee shall be paid.
- 5.12 In cases where the owner of the Exclusive Right of Burial is still alive the transfer may be done by completion of a Form of Assignment. This form should be completed and signed by the owner of the Exclusive Right of Burial and the person taking over the ownership and submitted to the Council Offices together with the original Deed of Grant.

5.13 The fees payable shall be dependent upon the Residence Address of the Deceased at the time of death. If the deceased had an address within the Parish Boundary then single fees will apply [Electoral Registers may be checked by Officers]. If the address of the deceased does not meet the aforesaid requirements, and/or the deceased was not on the electoral roll at the time of death, enhanced fees shall be payable, in accordance with the current scale of fees and charges, unless evidence is shown to confirm their residency at the time of death.

6. Memorials

- 6.1 A temporary memorial, in the form of a cross is allowed at the head of a new grave; this will be removed either when the permanent memorial is put in place or one year after interment, whichever is the sooner.
- 6.2 In addition to 6.1 above, no more than two flower vases may be placed at the head of the new grave; these shall be Dark Grey or Black in colour and shall be of Marble appearance. Such temporary vases shall be removed when the permanent memorial is in place, or 1 year after interment, whichever is sooner.
- 6.3 The Right to Erect a Memorial is issued subject to the relevant fees being paid and a "Guarantee of Workmanship" produced by the Monumental Mason for a period of not less than 30 years. Only those Memorial Masons on the Council's approved list may operate within the Burial Ground.
- 6.4 A memorial may only be erected on a grave space within the Burial Ground in accordance with these regulations, with the approval of the Registrar and upon the payment of the appropriate fee. The Right to erect a memorial will be for the unexpired portion of the Exclusive Right of Burial.
- 6.5 Prior approval (a Permit) is required before any work in the Burial Ground in connection with memorials is started. This includes the placing, removal (whether permanently or temporarily), alteration of or addition to any memorial; or the alteration, addition or removal of any inscription. Application forms for Permits are obtainable from the Registrar.
All Permits are issued on the understanding that the work will conform in all ways to the details on the application form and to any requirements under these Regulations. Failure to comply may result in the memorial being removed without notice (subject to LACO 1977) and the cost being charged to the person owning the Exclusive Right of Burial.
- 6.6 Memorials shall be placed at the end of the grave designated as the head end, and shall be accurately positioned according to the details included in the Permit.
- 6.7 All memorials shall comply with the following requirements:
- Consist of a foundation that shall be in accordance with the current NAMM Code of Practice and shall be no wider than the width of the grave as shown on the plan less 50 mm. The top surface of the foundation shall be level, and flush with the adjoining ground at its lowest point.
 - The design and material specification for foundation and memorial shall be shown as in Appendix I of these Regulations.
 - All fixings shall be strictly according to the current NAMM Code of Practice.
 - Kerb Sets, Fences Of Any Description, "Cutting Out", Or Any Other Form Of Marking The Edge Of The Grave Area Is Not Permitted.
- 6.8 No hewing or dressing of stone permitted in the Burial Ground.
- 6.9 All materials and equipment shall be conveyed in the Burial Ground in such a manner as to prevent damage to walks, paths, roads, or grassed areas and all soil or waste material shall be removed from the Burial Ground immediately in a professional manner. Mats, boards or canvas shall be used, as directed by the Council, to achieve this end.
- 6.10 All work people employed on behalf of the owner of the Exclusive Right of Burial, to erect any memorial or to perform work on an existing memorial, etc, shall carry out their work strictly under the direction of the Registrar, in accordance with all current Health and Safety regulations and shall:-
- At the Owner's cost fill up and level the ground, remove off site all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of work.
 - Perform the work during normal opening hours of the Burial Ground Monday to Friday 10.00am to 3.00pm, having first obtained the written permission of the Registrar and given a minimum of 3 clear working days before commencement.
 - Provide all their own tools, equipment and materials, mortar being ready made and complete with due dispatch.

- 6.11 The removal and/or re-erection of a memorial to facilitate the re-opening of a private grave, or to level such a grave shall be at the expense of the grave owner, or the Council if ordered by the Registrar.
- 6.12 Any person removing a memorial to permit further interment, shall either remove it from the Burial Ground, after informing the Registrar, or place it in a position indicated by the Registrar.
- 6.13 Any memorial removed from a grave to facilitate an interment shall be replaced as soon as possible and be re-installed to NAMM standard with guarantee given.
- 6.14 Any memorial placed in the Burial Ground remains there at the sole risk of, and must be kept in a good state of repair by, the owner of the Exclusive Right of Burial and at his/her expense. The Council reserves the right to remove and dispose of any memorial not kept in a good state of repair or which has become unsightly, after giving such notice as is required by law (LACO 1977).
- 6.15 The Council reserves the right to remove and subsequently replace without notice (subject to LACO 1997) any memorial and take precautions as necessary, to safeguard the Council's employees or contractors when digging graves adjacent to any memorial.
- 6.16 The Council accepts no responsibility for damage to memorials of any sort or from any cause. The Council are unable to provide insurance for memorials and strongly recommend that you consider arranging your own insurance.

7. Maintenance and Upkeep

- 7.1 The surface of every grave shall be at ground level, except for an approved memorial permitted in accordance with these Regulations.
- 7.2 The placing on graves of vases, glass shades, items of pottery, glass jars, tins, plastic or any other material, including other items such as toys, storm lanterns, windmills, trees and shrubs is strictly forbidden. Any such items will be removed and disposed of by the Council without notice.
- 7.3 The Council reserves the right to remove, without notice from any grave flowers, plants or wreaths that, in its opinion, have become unsightly and to dispose of the same in such a manner as deemed fit.
- 7.4 The repair of memorials or any other items permitted on a grave is the responsibility of the grave owner.
- 7.5 Under no circumstances should the turf be removed from a grave without the written permission of the Council.

8. Fees and Charges

- 8.1 The Fees and Charges prescribed for the use of the Burial Ground shall be those specified in the Tables of Fees and Charges, set by the Council and amended from time to time.
- 8.2 All Fees and Charges are payable in advance to the Council, except in the case of Funeral Directors dealing continuously with the Council. Then payments may be permitted to be rendered weekly [to be discussed and agreed, in advance, with the Registrar].
- 8.3 Families who wish to self-arrange a funeral must pay all fees and charges to the Council a minimum of 5 working days before the funeral.

9. General

- 9.1 All persons [not employed by the Council] engaged in work in the Burial Ground, shall comply with all reasonable requests, directions and requirements of the Registrar.
- 9.2 Admission of vehicles is subject to the following conditions:
 - o Access is available to the car park for visitors
 - o Access to 'on site' roads is limited to Funeral Directors, grounds maintenance staff, authorised ornamental masons and holders of blue disability badges.
- 9.3 Access is subject to absolute right of way being given to any cortege in the Burial Ground at all times.
- 9.4 No vehicle is to be left in a position to cause an obstruction to other traffic.
- 9.5 A speed limit of 5 mph is not to be exceeded. Vehicles must only be driven on roads intended for vehicular use. Permission for admission of vehicle may be withdrawn at any time.
- 9.6 The Council accepts no liability for loss of or damage to any vehicle the contents thereof, or injury to drivers or passengers, however arising.
- 9.7 All reasonable requests and requirements of the Registrar shall be complied with.
- 9.8 Registers of all burials and graves are kept at the office, where searches by staff can be made, and certified extracts obtained, upon payment of the prescribed fee.

- 9.9 The Council recognises the need to manage the burial facilities with competence and efficiency, to ensure that the entire bereavement experience occurs without error or insensitivity. It will therefore seek to develop and operate a "Charter for the Bereaved" based upon best practice in similar circumstances. Copies of the Charter are available for inspection at the Office.
- 9.10 The Council has the right to put soil on graves, without notice, next to those that need to be opened for a burial. In this event, an information notice will be placed on the soil mound indicating the period of time that the soil will remain in place. Cemetery staff will remove the soil as quickly as possible and leave the grave tidy.

10. Trees

- 10.1 Any unauthorised artefacts, or cut flowers used to adorn any tree will be removed immediately without prior notice.

11. Floral Tributes

- 11.1 Floral tributes will be removed from the grassed and slabbed areas around the grave spaces by Council staff and disposed of 1 calendar month after the funeral.
- 11.2 Following a new interment the Council allow no more than two flower vases to be placed at the head of the new grave; these shall be Dark Grey or Black in colour and shall be of Marble appearance. Such temporary vases shall be removed when the permanent memorial is in place, or 1 year after interment, whichever is sooner.
- 11.3 Floral tributes will be removed from the grassed and slabbed areas around the grave spaces by Council staff and disposed of 1 calendar month after the commemoration of a seasonal/special occasion.
- 11.4 Christmas wreaths/tributes or any other decoration will be removed from the grassed and slabbed areas around the grave spaces at the end of January.
- 11.5 The Council may alter or amend the foregoing Regulations, as they consider necessary.
- 11.6 The Registrar, on behalf of the Council, may only waive any of the foregoing Regulations after consultation with Full Council.

Appendix 1

Memorials

Prior approval (a Permit) is required before any work in the Burial Ground in connection with memorials is started. This includes the placing, removal (whether permanently or temporarily), alteration of or addition to any memorial; or the alteration, addition or removal of any inscription. Application forms for Permits are obtainable from the Registrar.

All Permits are issued on the understanding that the work will conform in all ways to the details on the application form and to any requirements under these Regulations. Failure to comply may result in the memorial being removed without notice (subject to LACO 1977) and the cost being charged to the person owning the Exclusive Right of Burial.

A memorial may be placed on a grave immediately after an interment, this applies to full coffin and ashes, subject to a permit being obtained.

- 1.1 All memorials shall be made from Granite, Dark Gray to Black in colour and polished on all sides.
- 1.2 Memorials and foundation slabs shall conform in size strictly to the measurements given or the nearest metric equivalent.
- 1.3 The foundation slab for Full Coffin graves shall be placed on the grave at the Head end and for the interment of Cremated Remains shall be placed on top of the grave. The slab shall be accurately centred on the grave and set using lines of the marker slabs to ensure that the row is straight.
- 1.4 All Memorials shall be fixed centrally to a concrete foundation slab in accordance with current NAMM Code of Practice. In the event of the NAMM Code of Practice not being applicable to a Monument, the foundation slab shall be 3 feet wide by 2 feet deep by 2" thick, and the Memorial shall be cemented to the slab.
- 1.5 Memorials shall be in accordance with the below design (Flat Desk) or with an Engraved outline [not raised].
- 1.6 All lettering and Motifs, if any, shall be incised and coloured Gold, Silver or White, or inlaid in accordance with 1.7 below. There shall be NO coloured inscription or motif other than mentioned above. The inscription and Motif shall be on the sloping face and the front vertical face may also have a one line inscription matching the lettering on the sloping face. *There will be up to two motifs on a memorial.* Motifs shall be no larger than 4" x 4".
- 1.7 Memorials may be inlaid with natural stone, Grey, Black or White in colour, Lead or Bronze as part of the design or inscription. Such inlaid material must not protrude above the surface, nor reduce the thickness of the memorial to less than 50 mm (2"). No frames or inserts containing photographs shall be allowed.
- 1.8 Kerbsets, chippings or any other form of demarcation are not permitted [see regulation 6.6 & 6.7]
- 1.9 The initials of the Memorial Mason, the section number and grave number are to be incised on the vertical back face, lettering style to match that of the Inscription, in a space not exceeding two inches from the top edge.

