

APPENDIX A

DATED

19 / 8 /

1982

ST. STEPHEN-BY-SALTASH
CEMETERY

A G R E E M E N T

concerning the upkeep
and maintenance thereof

See.

Sitwell Money,
2 Princes Street,
TRURO.

50P
G
1988/10/16

D3-38

THIS AGREEMENT is made the *nineteenth* day of *August* One thousand nine hundred and eighty *two* BETWEEN THE REVEREND PHILIP VAUGHAN HILLS Justice of the Peace Incumbent of the Benefice of the Ecclesiastical Parish of Saint Stephen-by-Saltash in the County of Cornwall and Diocese of Truro and WARWICK JONES Bachelor of Arts of 18 Hillside Road Saltash aforesaid and JOHN TREFFRY HOSKING of 14 Stuart's Way Hatt Saltash aforesaid Churchwardens of the Parish Church of Saint Stephen-by-Saltash aforesaid (hereinafter called "the Incumbent and Churchwardens" which expression shall include their successors) of the first part THE PAROCHIAL CHURCH COUNCIL OF SAINT STEPHEN-by-SALTASH aforesaid (hereinafter called "the Parish Council") of the second part and SALTASH TOWN COUNCIL (hereinafter called "the Town Council") Saltash aforesaid of the third part

WHEREAS:-

(1) The Incumbent and Churchwardens are responsible for the control and maintenance of the Churchyard and garden of rest surrounding and adjoining the Parish Church of Saint Stephen-by-Saltash situate in the County of Cornwall and Diocese of Truro which is for the purpose of identification shown on the plan annexed hereto and thereon verged pink and green

(2) The part of the said Churchyard verged pink on the said plan was closed by Order in Council dated 28th May 1889

(3) The Town Council is by virtue of the Local Government Act 1972 the municipal authority for the area in which the said Churchyard is situate

(4) The Incumbent and Churchwardens at the request of the Parish Council and under the authority of a Faculty given under the seal of the Vicar General of the Diocese of Truro on 17th September 1980 have agreed with the Town Council to license to the Town Council as from the date hereof and subject as hereinafter mentioned that part of the said Churchyard as is verged green on the said plan (hereinafter called "the Churchyard") and the Town Council has agreed to take the Churchyard for the purpose of controlling and maintaining the same at the expense of the inhabitants at large of the said area

NOW IT IS HEREBY AGREED as follows:-

1. In pursuance of the said agreement and in consideration of the premises the Incumbent and Churchwardens at the request and with the approval of the Parish Council do hereby irrevocably license

the Town Council to take the Churchyard verged green on the said plan for the purpose of contrölling and maintaining the same in good order and condition subject nevertheless to the stipulations and conditions set out in the Schedule hereto

2. A joint Burial Board shall be established by the Incumbent and Churchwardens and the Town Council of which the Incumbent or Priest-in-Charge for the time being shall be ex-officio Chairman and the Mayor Deputy Chairman provided that the Chairman shall be entitled to vote but shall not have a casting vote The Members of such Board shall be as follows:-

The Incumbent or Priest-in-Charge for the time being
of the Parish of Saint Stephen-by-Saltash

The Mayor of Saltash for the time being

The Deputy Mayor of Saltash for the time being

Two members elected by the Town Council in such manner as the Town Council shall determine

The two Churchwardens for the time being of the Parish of Saint Stephen-by-Saltash

In addition the undertakers regularly using the Churchyard shall be entitled to appoint a representative to represent their views at meetings but he shall have no vote the Secretary to such Board shall be the Clerk to the Council such Board shall create standing orders for the maintenance of the Churchyard and the day to day supervision thereof including employment and dismissal of staff or delegation of such tasks and provision of implements and machinery for use in the Churchyard Provided that the Incumbent will remain responsible for the organisation of funerals directly concerning Saint Stephens Church and it will be the undertaker's responsibility to ensure that a suitable Minister is appointed to conduct such funeral

3. The Incumbent and Churchwardens and the Parish Council shall pay to the Town Council all income received from existing or future trusts and investments of monies given or bequeathed for the upkeep of the Churchyard and the Town Council shall be free to seek donations from the local Churches who make use of the Churchyard and to receive contributions from the Commonwealth War Graves Commission

4. The Incumbent or Priest-in-Charge for the time being of the Parish of Saint Stephen-by-Saltash will have the right to determine the situation of all new graves in the Churchyard and the design and construction of all new monuments or memorial

ne
f
ne
ll
ws
board
nding
ay
ff
nt
ctly
r's
d to
ll
or
ree
e
h War
he
and



0011
1.042ha
2.50

stones and the nature and wording of inscriptions on new or existing memorials shall be subject to his approval
IN WITNESS whereof the Incumbent and Churchwardens have hereunto set their hands and seals the Chairman and two members of the Parish Council have hereunto set their hands and seals and the Common Seal of the Town Council has been hereunto affixed the day and year first before written

The Schedule referred to
Stipulations and Conditions

1. The Town Council will henceforth observe the following stipulations and conditions and keep the Incumbent and Churchwardens and the Parish Council indemnified against all actions claims and liability whatsoever in anywise appertaining to the Churchyard
2. The terms and conditions of the Faculty granted to the Parish of Saint Stephen-by-Saltash on 5th June 1956 shall continue to apply to the Churchyard including that part sometimes called "the Lawn Cemetery" and the Garden of Rest
3. To call the Churchyard "Saint Stephen-by-Saltash Cemetery" and by no other name
4. Not to permit any public body or person to be granted an easement of any description over under or affecting the Churchyard or any part thereof without a Faculty first obtained
5. Not to remove or interfere with any existing grave or monument or alter or add to the inscription thereon without the written approval and consent of the Incumbent and Churchwardens and also the authority of a Faculty if after consultation with the Diocesan Authorities a Faculty is deemed to be necessary
6. To bear the whole of the financial cost of maintaining the Churchyard (but not any building or erection thereon apart from the workers hut) subject to the Town Council having the right to impose and receive such charges as the Town Council may determine and as may be authorised by law or regulation
7. To require the Undertaker to pay the Minister officiating at each and every burial (including the burial of ashes) a fee of not less than that prescribed by the Ecclesiastical Fees Measure 1962 as varied by subsequent Fees Orders such fee being the fee indicated therein as payable to the Incumbent and to require the Monumental Mason to pay to the Incumbent a fee in respect of any monument or memorial stone as prescribed by the most recent Fees

and

Order

8. To provide to the Parish Council details of each burial such information as is required to complete in all respects the Parish Burial Register

9. Not to permit to be reserved any gravespace without the authority of a Faculty

SIGNED SEALED and DELIVERED)
by THE REVEREND PHILIP VAUGHAN
HILLS WARWICK JONES and JOHN
TREFRY HOSKING in the
presence of:-

Josephine M. Lobb.
22 FAIRFIELD

ST GERMAN'S SALTASH CORNWALL

STUDENT NURSE

SIGNED SEALED and DELIVERED)
by THE REVEREND PHILIP
VAUGHAN HILLS the Chairman
and DAVID EDWARD GILLARD and

ANDREW WILLIAM FRANK LYNE
two members of the Parochial
Church Council of Saint
Stephen-by-Saltash in the
presence of:-

Josephine M. Lobb
22 FAIRFIELD

ST GERMAN'S SALTASH CORNWALL

STUDENT NURSE

THE SEAL of Saltash Town
Council was hereunto affixed)
in the presence of:-

X R. R. Avery.
Mayor of Saltash.

Philip Vaughan

Warwick Jones.

John T. Hosking.

Philip Vaughan

David Gillard.

Andrew W.F. Lyne

