



CEMETERY REGULATIONS

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1 THE COUNCIL'S CEMETERIES

- 1.1 These regulations apply to the Council's cemeteries at Ashbourne, Bakewell, Brailsford, Darley Dale, Middleton-by-Wirksworth, Steeple Arch (Wirksworth) and Wirksworth. In addition, the Memorial Mason Registration Scheme applies to those closed churchyards that legally are required to be maintained by the Council.

2 OPENING HOURS

- 2.1 The cemeteries are open to the public from 9.00 a.m. until sunset.

3 TIMES OF BURIALS

Monday to Thursday: 9.30 a.m. to 13.30 p.m.

Friday: 9.30 a.m. to 12.30 p.m.

Excluding Bank and Public Holidays. Interments outside these hours or on other days may be possible for an additional charge.

The time agreed for the funeral must be strictly adhered to in order to prevent inconvenience to other funerals.

4 CONDUCT

- 4.1 All persons must conduct themselves in a decent, quiet and orderly manner and must not:
- 1) Create any disturbance or nuisance.
 - 2) Interfere with any burial.
 - 3) Interfere with any grave, vault, tomb, stone or other memorial or floral tribute.
 - 4) Play any game or sport.
 - 5) Ride a bicycle or use any other recreational equipment.
 - 6) Enter the cemetery when it is closed to the public.
 - 7) Deposit litter or spent floral tributes other than in the receptacles provided for such purposes.
 - 8) Bring animals, except for dogs that are on leads at all times and under control. Dog fouling must be cleaned up and disposed of in an appropriate bin.
- 4.2 Children under the age of 12 years must be accompanied by an adult.
- 4.3 Council employees have the right to exclude or remove members of the public whose conduct is unsatisfactory.

5 VEHICLES

- 5.1 Only authorised service vehicles are permitted, with the following exceptions:
- Where a designated parking area within the cemetery is made available for visitors to the cemetery.
 - Disabled badge holders.

5.2 Vehicles are restricted to a speed limit of 10 mph and must not cause obstructions or interfere with funerals.

6 FEES

6.1 Various fees and charges are applicable in relation to cemeteries. The Council reviews fees and charges annually. Anyone intending to use the cemeteries service is advised to obtain an up-to-date copy of the fees and charges which will be supplied on request.

6.2 The Council will only accept an official receipt as proof of payment.

7 NOTICE OF INTERMENT

7.1 Notice of interment must be given using the appropriate form, which must be returned to the Town Hall, Matlock at least two full working days prior to the funeral. If the interment is required in an existing vault or bricked grave, at least three full working days notice must be given. Telephone bookings remain provisional unless the appropriate form is returned giving the notice required.

7.2 In exceptional circumstances, and only on the production of a certificate from a coroner or registered medical practitioner, these periods of notice may be waived.

7.3 If it proposed to fire a military salute at an interment or if it is expected that a funeral will be attended by unusually large numbers of people, or by bands or choirs, then the Council must be notified at least three working days before the funeral in order that appropriate measures can be put in place for the safety and convenience of those attending.

7.4 Once a notice of burial has been given, no alterations will be possible unless notice is given to the Council before noon on the working day preceding the funeral. The Council reserves the right to recharge any expenses incurred.

7.5 If a grave is to be re-opened, a copy of the Exclusive Right of Burial is required. If this is not available, an indemnity form must be submitted.

8 DISPOSAL CERTIFICATE

8.1 No interment may take place unless a Registrar's Certificate of Disposal or Coroner's Order for Burial is presented, prior to the burial, to the representative of the Council who is present at the cemetery.

9 GRAVES

9.1 The maximum permitted sizes of graves are:

- Earthen graves 2.4 m X 1.2 m;
- Cremated remains 450 mm X 600 mm.

9.2 Before interment, grave surrounds will be covered with grass mats. Webbing for lowering and surface biers will be made available for use by the funeral organiser.

- 9.3 Graves will be backfilled immediately after the mourners have left the graveside. Floral tributes will be gathered together and placed on to the finished grave. Tributes will be removed once spent (normally after two weeks).
- 9.4 Ground settlement will invariably occur in the months following a burial. For six months, the Council will regularly inspect the grave and, as ground settlement occurs, will re-level the surface of the grave and sow grass seed where required.
- 9.5 Applications for new vaults or walled graves will not be approved.

10 CREMATED REMAINS

- 10.1 Cremated remains may be scattered or buried in a Garden of Remembrance or family grave upon application to the Council. A certificate from the crematorium must accompany all applications.

11 EXCLUSIVE RIGHT OF BURIAL

- 11.1 The person to whom the Exclusive Right of Burial is granted (referred to as 'the deed-holder' from this point on) has the sole right to determine who is buried in a grave or cremated remains plot. It does not confer ownership in respect of the land concerned. In any grave, a maximum of two coffins is allowed. Cremated remains may also be scattered or buried in the same grave (space permitting).
- 11.2 The exclusive right may be assigned by deed or bequeathed by will to a relative or nominated person. If the right has not been assigned, it is conferred on a relative as interpreted in the Local Authorities' Cemeteries Order 1977.
- 11.3 The exclusive right of burial is normally purchased at the time that a request for interment is made. However, grave spaces for future burials may be reserved using the appropriate application form.
- 11.4 On purchasing the exclusive right of burial for a grave or cremated remains plot, a deed will be issued to the purchaser valid for a period of 100 years.
- 11.5 The Council will keep records of any rights granted, together with any assignment or bequest of those rights. These must be notified to the Council as soon as possible after an assignment or bequest is made.

12 TEMPORARY MEMORIALS

- 12.1 Temporary memorials may be erected on graves during the first six months following interment, where an application has been made for the erection of a long-term memorial.
- 12.2 Temporary memorials are either stone tablets, not exceeding 200 mm in height and 200 mm in width, or wooden crosses of standard proportion not exceeding 300 mm in height. An Authorised Officer of the Council must give prior approval to new temporary memorials. The appropriate application form must be submitted to the Town Hall, Matlock.

- 12.3** Temporary memorials must state the name of the deceased, date of interment and plot number. No further details are allowed on temporary memorials.
- 12.4** No later than six months from the date of interment, the deed-holder must have removed the temporary memorial. If a temporary memorial remains in place beyond that time, the Council will attempt to contact the deed-holder and request its removal. If the temporary memorial is not removed within 14 days, or if the deed-holder is not contactable, the Council will remove the item and place it in storage.

13 LONG-TERM MEMORIALS

- 13.1** 'Long-term memorials' include lawn memorials, upright memorials, crosses, kerb surrounds, tablets, plaques, open books, vase-blocks and inscriptions.
- 13.2** Memorials are only permitted on graves for which the Exclusive Right of Burial has been acquired and on the application of the deed-holder. A memorial may not be erected on a grave prior to the first interment.
- 13.3** An Authorised Officer of the Council must give prior approval to new memorials, and to any alterations to existing memorials. The appropriate application form, as described in the Council's Memorial Mason Registration Scheme (referred below as 'the Scheme'), must be submitted to the Town Hall, Matlock together with the full fee.
- 13.4** Before erecting a long-term memorial, a Right to Erect a Memorial is required. Such a right will remain valid for 30 years, or the unexpired period of the Exclusive Right of Burial, whichever is the shorter. Following the expiry of a Right to Erect a Memorial, the deed-holder will have the option of renewing it for further five-year periods
- 13.5** The only persons allowed to erect, repair or carry out work on long-term memorials over 200 mm in height are memorial masons registered under the Scheme (see separate document). Memorial erection and additional work must be carried out to the standards laid down in the Scheme.
- 13.6** When memorials need to be removed to enable a further burial to take place, such arrangements are the responsibility of the deed-holder. In relation to memorials over 200 mm in height, removal and subsequent re-installation must be carried out by a registered memorial mason to the standards laid down in the Scheme. Failure to do so could cause delays in the preparation of the grave, resulting in postponement or cancellation of the interment.
- 13.7** The Council may remove any memorial erected in contravention of these regulations and recharge the deed-holder for the costs incurred.
- 13.8** The total height of any memorial including plinth(s) must not exceed 1 m above ground level. The width must not exceed 900 mm.

13.9 In certain areas of cemeteries, the Council provides concrete beam foundations upon which headstones are set. Where foundations are not provided, the Council recommends that long-term memorials should not be erected until six months after burial. This allows for thorough settlement of the ground to take place. Where foundations are not provided, memorials must be positioned to conform to the conventional layout of the cemetery.

13.10 Within the designated lawned sections, only one memorial is permitted per plot. On earthen graves, this will consist of a headstone. Within the Gardens of Remembrance, only one stone vase or block is permitted per plot in the lawned sections, not exceeding 200 mm in height and 200 mm in width.

13.11 Memorials must not encroach upon adjacent plots or other areas of the cemetery.

14 SAFETY OF MEMORIALS

14.1 Fences and railings around graves, glass/pottery objects that may easily shatter, or similar hazards are not permitted under any circumstances. If any such items are found on a grave, the Council will attempt to contact the deed-holder and request the removal of the items. If the items are not removed within 14 days, or if the deed-holder is not contactable, the Council will remove the items.

14.2 The primary responsibility for the safety and ongoing maintenance of a memorial rests with the deed-holder.

14.3 The Council has a general duty of care to ensure its cemeteries are safe for visitors and its employees. In view of this, the Council will undertake regular inspections of all memorials.

14.4 Where a memorial is found to be unsafe, the Council reserves the right to make it safe by temporary means.

14.5 Reasonable efforts will be made to notify the deed-holder that the memorial is in need of attention to make it safe on a long-term basis.

14.6 If the deed-holder is not contactable, or the deed-holder fails to make the memorial safe within a reasonable period after notification then, in accordance with the Local Authorities' Cemeteries Order 1977, the Council reserves the right to make the memorial safe on a long-term basis, including the repair, repositioning, removal or destruction of the memorial. The Council may attempt to recover the costs of making the memorial safe from the deed-holder, should the opportunity arise, at any time in the future.

15 GARDENS ON GRAVES

15.1 Gardens are not permitted on graves prior to the first interment.

- 15.2** Gardens are not permitted on grave spaces within designated lawned sections of cemeteries or similar areas of Gardens of Remembrance. Certain sections within cemeteries and Gardens of Remembrance may be set aside to allow kerbed memorials to be erected. The kerbed areas must not exceed 2.4 m by 1.2 m generally and 450 mm by 600 mm in Gardens of Remembrance. A garden within the confines of a kerbed memorial will be permitted.
- 15.3** Fences and railings around graves, glass/pottery objects that may easily shatter, or similar hazards are not permitted under any circumstances. Ornaments higher than 200 mm, and those which are viewed by the Council as being offensive or in poor taste, are not allowed. Shrubs and plants must be of a reasonable type and size bearing in mind the safety of cemetery users, the area of the grave and the overall appearance of the cemetery. If non-permitted items or overgrown vegetation are found, the Council will attempt to contact the deed-holder and request removal of the items or cutting back of the vegetation. If not carried out within 14 days, or the deed-holder is not contactable, the Council will remove the items or cut back the vegetation.
- 15.4** If a garden has obviously become neglected, reasonable efforts will be made to notify the deed-holder and a reasonable period for restoration allowed. If the deed-holder is not contactable or the garden is not restored, the Council reserves the right to remove without recompense any such garden. In such circumstances, the grave will be leveled and turfed over.