

Cemetery Regulations



CHESTERFIELD
BOROUGH COUNCIL

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BEREAVEMENT SERVICES

Cemetery Regulations

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The Cemeteries Office is situated at the Chesterfield and District Crematorium, Chesterfield Road, Brimington, Chesterfield, Derbyshire S43 1AU and is open Monday to Friday from 8:30am to 5:00pm (normal public holidays excepted) under the control of the Bereavement Services Manager. For further advice or information please call 01246 345888.

Chesterfield Borough Council welcomes all visitors to its cemeteries, and they are asked to respect the peace, dignity, and reverence of the facilities.

The cemeteries are managed and operated in accordance with current legislation covering burial and cremation in England and Wales. These regulations are a

necessary requirement for the management of Chesterfield Borough Council cemeteries. Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these regulations have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

With regards to regulations, the Charter for the Bereaved gives the following rights:

(a) You have a right to be given a list of regulations used by Chesterfield Borough Council (as set out in this document).

(b) You have a right to be given a written explanation of why a particular regulation has been used to restrict or otherwise influence your rights. Where you remain dissatisfied, you can use the Council's complaint procedure and the grievance procedure under the Charter for the Bereaved. Further information on these procedures is available upon application.

The Council has adopted the Guiding Principles for Burial Services, published by the Institute of Cemetery and Crematorium Management (ICCM). The Bereavement Services Manager and Cemeteries Officer are members of the ICCM.

Regulations made by the Council of the Borough of Chesterfield (hereinafter called "The Council") acting, as the Burial Authority for the Borough in exercise of the powers and duties conferred upon them 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 them.

INTERPRETATION

1. In the construction of these regulations the following words have the meanings hereinafter respectively assigned to them, unless the context otherwise requires: "Applicant" is a person other than a funeral director who wishes to arrange a funeral. "Burial" (Interment) means to place in a grave or tomb. "The Council" means the Council of the Borough of Chesterfield (Chesterfield Council). "Cemetery" or "Cemeteries" means the following cemeteries in the ownership and under the control of the said Council as Burial Authority within the Borough and situated at:

- Brimington Cemetery, Chesterfield Road, Brimington;
- Boythorpe Cemetery, Boythorpe Crescent, Boythorpe;
- Spital Cemetery, Hady Hill, Chesterfield;
- Staveley Cemetery, Inkersall Road, Staveley.

The "Manager" means the Bereavement Services Manager or the Officer for the time being appointed by the Council and holding office by that designation, responsible for

the management of all burial grounds and cemeteries provided by and under the control of the Council and the person who shall be acting for him/her at the Cemetery in his/her absence.

“Funeral Director” means any person, chosen by the relatives of a deceased person, appointed to carry out of the arrangements for interment.

“Cemeteries Office” means the office provided and occupied for the business of the Cemeteries, situated at Chesterfield and District Crematorium, Chesterfield Road, Brimington, Chesterfield, or such other places as the Council may from time to time appoint accordingly.

“Memorial” means any gravestone, tomb, monument, cross, flat stone, kerbing or other monumental or wooden work that serves as a memorial of a person or persons buried.

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Grave Space” means the area of land in which a coffin has been or will be buried.

“Grantee” and or “owner” means the person who has the Exclusive Right of Burial in a grave, or the person or persons deriving title under him or her.

“Full memorial plot” means a grave space where the entire area of the grave may be used for memorialisation and/or planting flowers.

“Lawn plot” means a grave plot where only the head of the grave may be used for memorialisation and/or planting of flowers.

“Parishioner” means any person residing or owning land or property or dying within the Borough of Chesterfield or in property owned or provided by the Council outside the Borough of Chesterfield.

“Resident” means a person residing or dying within the Borough of Chesterfield or in property owned or provided by the Council outside the Borough of Chesterfield.

“Scale of Charges” means the fees that are charged for the use of the cemeteries.

“Unpurchased, Public or Common Grave” means a grave in which no Exclusive Right of Burial has been or will be granted by the Council and in which unrelated persons may be interred.

“Vault” means an underground burial place of any description except a grave to which the word “grave” interpreted as aforesaid applies.

Unless the expression otherwise requires, the expression “burial”, includes the interment of cremated human remains, and the expression “cemetery”, includes any place set aside for the interment of cremated human remains.

I. HOURS OF OPENING

OFFICE HOURS

2. The Cemetery Office is open for public business from 8:30am to 5:00pm Monday to Friday, for the purpose of affording information, the registration of interments, the receiving of applications for grave spaces and interments and applications for

memorials. The office will not be open on Saturdays, Sundays, or Public and local fixed holidays, which include Good Friday, Christmas Day, Easter, Spring, etc.

HOURS FOR ADMISSION OF VISITORS

3.The cemeteries shall be open to visitors at the following times, unless otherwise determined by the Council:

Month	Opening times
November, December, January and February	9:00am – 4:00pm
March and October	9:00am – 5:00pm
April and September	9:00am – 7:00pm
May, June, July and August	9:00am – 8:00pm

HOURS FOR INTERMENT

4. The standard hours of interment are 9:00am – 3:30pm Monday to Friday. Interments are allowed on Saturdays by special appointment between 9:00am – 12:00pm. Interments are not allowed on Sundays, Public and local holidays or any other day appointed for public feasts and thanksgiving. In special circumstances, interments may take place outside the standard hours with the consent of the Manager and subject to the payment of an additional fee, which is prescribed within the Scale of Charges, but not on Good Friday, Christmas Day or New Year’s Day, except in cases of urgency upon the order of the Consultant in Communicable Disease Control. No interments will be permitted to take place after 3:00pm between October and March or after 5:00pm at other times.

II. ADMISSION OF VISITORS

ADMISSION TO CEMETERIES

5. No person not being an Officer or servant of the Council, or another person so authorised by or on behalf of the Council, shall enter or remain in the cemetery at any hour when it is closed to the public. Any person who contravenes this regulation shall be liable on summary conviction to a fine not exceeding £100.00, and in the case of a continuing offence, to a fine not exceeding £10.00 for each day during which the offence continues after conviction therefore. All persons entering the cemeteries will be subject to the orders and control of the Council or any person authorised by the Council and will be subject to the regulations in force. Application forms and forms of notice in connection with burials and interments may be obtained from the Cemeteries Office.

ADMISSION OF CHILDREN

6. Children apparently under 12 years of age will not be admitted into the cemetery unless accompanied by, or under the care and supervision of a responsible adult, or with the express consent of the Manager.

ANIMALS

7. Dog Control Orders are in place within all four cemeteries. It is an offence for any person in charge of a dog, which defecates on that land, not to remove the faeces forthwith and dispose of accordingly. It is an offence for any person in charge of a dog, to not keep it on a lead in the cemeteries.

VEHICLES

8. Motor vehicles may enter a cemetery only if an occupier is on cemetery business. Any person using a motor vehicle in a cemetery, shall only do so on a carriageway suited to the purpose and with the consent of the Council. Vehicles must not exceed 15 mph and must not obstruct paths or driveways. The requirements of the Highway Code must be observed at all times. Permission allowing vans, lorries and other commercial vehicles to be driven into the cemeteries, for any purpose other than attending a funeral, must be obtained from the Cemeteries Office on application. Vehicles must not be parked in a position that obstructs other motor vehicles, or any other form of access. The Council will not accept responsibility for loss from or damage to any vehicle brought into the cemeteries, howsoever caused.

BICYCLES

9. Cyclists shall ride to the left of carriageways in single file and must not exceed 15 mph. Bicycles shall not be ridden on footpaths, grass areas or planted areas. Bicycles must not be placed against memorials, benches or trees and shrubs, and if laid on the ground, must not cause an obstruction. The Council accepts no liability for loss or damage to any vehicle, bike, moped or bicycle whilst on the premises.

BUILDINGS, ENCLOSURES AND ENTRANCE GATES

10. No person, except on business, shall be allowed access to any of the buildings or enclosures in the cemetery, and no visitor shall be permitted to enter or leave the grounds except by the proper entrance gates.

FUNERAL SERVICES SUBJECT TO MANAGER'S DIRECTIONS

11. All funerals at the cemetery are under the control and direction of the Manager or nominated representative, and all hearses, carriages and persons entering a cemetery must proceed to the places directed. Motor vehicles and carriages accompanying funerals will be admitted to parts of the cemetery as may be sanctioned by the Manager. The Manager shall have power to exclude from the grounds any vehicle which he/she deems unsuitable.

III. CONDUCT

BYELAWS

12. Regard shall be had to any Byelaws applicable to the cemetery concerned.

UNSEEMLY CONDUCT

13. No person in the cemetery shall behave in a noisy, disorderly, or unseemly manner, consume alcohol, gamble, hold any picnic or barbeque, sunbathe or play any game, use improper or indecent language, trespass on any portion of the cemetery, damage, destroy, or touch any tree, shrub, plant, headstone, monument, memorial, grave or any other property within the cemetery, or obstruct any officer as aforesaid of the Council in the execution of his/her duty. All persons shall conduct themselves in a decent, quiet, and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977 article 18(1) whereby 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 or vault, any tombstone or any other memorial or any plants on any such grave; or
- (e) play at any game or sport in a cemetery.

Note: Under article 10 of the Local Authorities' Cemeteries Order 1977, any person who contravenes article 18 shall be liable, on summary conviction, to a fine not exceeding £100.00 and in the case of a continuing offence to a fine not exceeding £10.00 for each day during which the offence continues after conviction thereof.

SITTING, OR CLIMBING UPON HEADSTONES, ETC.

14. No person shall lean, sit, stand, or climb upon or over any gravestone, headstone, tombstone, monument, railing, gate, wall, fence, or building within or belonging to the cemetery.

VANDALISM

15. Any person found vandalising any part of the cemetery, or desecrating any grave plot, will be liable for prosecution by the Council under the provisions of the Local Authorities' Cemeteries Order 1977.

WASTE AND LITTER

16. No person shall drop, throw, or otherwise deposit and leave in the cemeteries, any wastepaper or refuse of any kind except in the litter bins provided. It is an offence to leave or throw litter within the cemeteries and enforcement action will be taken against people responsible for littering.

PLAYING OF MUSIC

17. The playing of music from any instrument, or device used to generate and/or amplify sound, is not permitted in the cemetery. The playing of music as part of a funeral service is permissible with the prior approval of the Manager.

SMOKING

18. Smoking is prohibited in the cemetery.

CANVASSING

19. No person shall sell, or offer, or expose for sale any article, commodity, or thing of any kind whatsoever, exhibit designs, or solicit for business for any company or individual within a cemetery, or to ask of, or attempt to obtain from any employee, either directly or indirectly, information as to grave owners.

DISTRIBUTING LITERATURE OR OTHER ADVERTISEMENTS

20. No person shall be permitted, by themselves or any agent, to distribute leaflets, business cards, or any other advertisement within the cemetery. This regulation does not apply to the distribution of information relating to the cemetery by bodies such as Friends groups and similar organisations, in respect of which specific arrangements have been made with the Council.

PATHS AND DRIVES

21. Visitors shall keep to the drives and paths provided. No person shall be permitted to trespass upon or use the cemetery roads or walks for the conveyance of goods, parcels or other materials not intended for use in the cemetery.

PHOTOGRAPHS

22. With the exception of the photographing or filming of images for personal use only, no photographs or video recordings may be taken in the cemeteries without the prior consent of the Manager and, where applicable, the holder of the deed of the Exclusive Right of Burial. In applying for such consent, the applicant is deemed to acknowledge that the copyright of all resulting filmed images may not be reproduced without permission. The Council reserves the right to charge a fee for any commercial filming in the cemetery.

GRATUITIES

23. No employee of the Council is to receive any gratuity, or to undertake privately work of any kind connected with the cemetery, either in their own time or in the Council's time. The receipt or demand of a gratuity, fee or unauthorised charge by any Officer or servant of the Council, will subject such offender to disciplinary action.

VISITORS NOT TO INTERFERE WITH THE CEMETERY EMPLOYEES

24. Visitors, or persons attending funerals, shall not unreasonably interrupt or interfere with the Council's employees at their duties, nor employ them to execute any private works whatever in the cemetery. All enquiries, complaints, and requests by members of the public, must be made to the office of the Council and not to the employees in the cemeteries.

EXCLUSION OR REMOVAL OF PERSONS FROM CEMETERY

25. The Council may, at any time, by their Officers as aforesaid, exclude or cause to be excluded from the cemetery, any person, or persons, who are not mourners or officially connected with the burial of any deceased person. The Manager may also cause to be removed therefrom, any person who shall be guilty of any breach of the regulations for the time being in force in respect thereof, for such period as the Council may determine, and may take such actions as may be deemed necessary in the event of unreasonable refusal to leave the cemetery when required to do so. All cases of exclusion under these regulations shall be forthwith reported by the Manager to the appropriate representative of the Council. No person shall be permitted to enter or leave the grounds except by the proper entrance gates.

IV. APPLICATIONS FOR INTERMENT

CONSENT OF THE COUNCIL

26. No burial shall take place and no cremated remains shall be scattered without the prior consent of the Council.

NOTICES AND APPLICATIONS REQUIRED PREVIOUS TO INTERMENT

27. All Notices of Interment, applications for grave spaces and for the construction of vaults and brick graves, shall be given or made in the first instance by telephone to the Cemeteries Office and subsequently confirmed in writing. Requests should be made to the Cemeteries Office between the hours of 8:30am and 5:00pm Monday to Friday (except public holidays). The minimum periods required for Notice of Interments are:

- (a) Interment in an earthen grave – 3 working days
- (b) Construction or interment in a walled grave or vault – 5 working days

These notice periods must exclude the day of interment, and exclude Saturday, Sunday and specified holidays which include Good Friday, Christmas Day, Easter, Spring, etc. Wherever it is practicable, in the opinion of the Manager, for excavation of the ground to be completed before the date and time of the proposed interment, shorter notice than the aforesaid will be accepted.

NOTICES OF INTERMENT

28. All Notices of Interment shall be given in writing, signed by the owner of the Exclusive Right of Burial (if applicable), a near relative or the person legally responsible for the payment of the fees for the burial of the deceased, on the prescribed form supplied for the purpose to the Council at least 3 working days prior to the appointed date and time of the interment, exclusive of Saturdays, Sundays, Public and local fixed holidays. The forms are available online or from the Cemeteries Office and shall state the forename and surname, occupation (if any), age, place of death and last residence of the deceased person to be buried, the day and time of the intended burial, whether in the “Consecrated”, “Unconsecrated”, “Roman Catholic” or “Muslim” portion of the ground, whether intended to be purchased or not, the name of the Minister or Celebrant who is to officiate and any other particulars required. The particulars required must be fully and distinctly filled in by the applicant or Funeral Director. Interment will not take place until all the forms are fully complete and other statutory documentation has been received.

INTERMENTS AT SHORT NOTICE

29. In the instances when a burial is booked with less than 24 hours’ notice for religious reasons, the Registrar’s Certificate for Burial and Notice of Interment must be received at the Cemeteries Office by 12:00pm on the day of the burial to confirm the booking. The original signed documents are to be given to the cemetery official attending the interment. If the completed Registrar’s Certificate for Burial and Notice of Interment is not received by the required time, the funeral may be delayed or postponed at the discretion of the Manager.

ALTERATION OF DAY OF INTERMENT

30. Where it is found necessary to alter or postpone the day or time previously fixed for an interment, notification of the alteration or postponement must be given in writing at the Cemeteries Office not later than 3:00pm on the day prior to the day of interment.

TIME OF INTERMENT - PUNCTUALITY

31. The time booked for the arrival of a funeral, namely the time when the procession or cortege is to be at the gates of the Cemetery in accordance with the time specified on the notice given for interment, must be punctually observed in order to prevent, as far as possible, the interference of one funeral with another. The time must be agreed with the Manager. If a funeral arrives after the time specified on the notice given for interment, the service will take place as soon as possible after the appointed time at the discretion of the Manager.

NUMEROUSLY ATTENDED FUNERALS

32. In every case in which a funeral is likely to be attended by a large number of persons, the fact must be notified in writing, to the Manager, by the Funeral Director having charge of the funeral, at least one clear day before the day fixed for the funeral.

UNUSUAL ASPECTS OF FUNERAL SERVICES

33. We welcome any unusual or innovative arrangements for funerals including horse drawn vehicles, pipers, military ceremonies, bands etc., subject to the Cemeteries Office being informed so that any necessary preparations can be made.

VERBAL INSTRUCTIONS

34. Any order or instruction given by telephone, concerning any funeral, will be received at the sole risk of the person giving such order or instruction and, unless and until such orders or instructions are confirmed in writing in the manner provided for in these regulations, the Council will accept no responsibility for any consequential failure to comply with them.

V. CERTIFICATES REQUIRED

CERTIFICATE OF REGISTRY OF DEATH

35. The Certificate for Disposal issued by the Registrar of Births and Deaths or, in any case where a Coroner's Inquest has been held, a Coroners Order for Burial or a duplicate thereof must be delivered to the Manager or his/her authorised officer at least 3 working days prior to the time of the funeral.

DUPLICATE CERTIFICATE OF REGISTRY OF DEATH

36. No interment will take place unless the Registrar's Certificate for Disposal or Coroner's Order for Burial is produced. In circumstances where the Certificate or Order has been issued but lost or mislaid, the person having charge of the funeral must sign a declaration in accordance with the Births and Deaths Registration Act 1926, that a certificate has been issued before the interment may proceed.

CERTIFICATE FOR STILL-BORN CHILDREN

37. The Certificate of the Registrar of Deaths given in pursuance of the Births and Deaths Registration Act 1953 or the Order of the Coroner, must, in a like manner, be produced in respect of every stillborn child brought for burial. If the birth does not fall within the definition of "Still-born" or "Still-birth" as mentioned in the Still-birth (Definition) Act 1992, a certificate from a registered Medical Practitioner or other responsible person in attendance at the birth, stating that it took place before the twenty fourth week of pregnancy, must be produced alongside the consent form for the disposal of fetal remains.

CERTIFICATE OF CREMATION

38. Before the Manager can authorise the interment of cremated remains of any person, a certificate must be produced from the appropriate Officer of the Crematorium that the Certificate for Disposal has been produced to the Medical Referee of the Crematorium and that the Notification of Disposal has been delivered to the appropriate Registrar of Births and Deaths.

VI. EXHUMATION

CONSENT OF REGISTERED GRAVE OWNER

39. No body or cremated remains (ashes) can 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 other statutory documentation.

STATUTORY DOCUMENTATION

40. The statutory documentation required is dependent upon whether the exhumation is to take place from a grave located in the consecrated or unconsecrated section of the cemetery. Original documents will be required for this purpose.

EXHUMATION FROM UNCONSECRATED GROUND

41. Where exhumation is proposed from a grave in unconsecrated ground, a Secretary of State's Licence is required from the Ministry of Justice, and this can only be obtained upon the application of the registered grave owner.

EXHUMATION FROM CONSECRATED GROUND FOR INTERMENT IN UNCONSECRATED GROUND

42. Where exhumation is from a grave in consecrated ground, followed by interment in unconsecrated ground in another cemetery, then both a Secretary of State's Licence and a Faculty from the Diocese of Derby are required.

EXHUMATION FROM CONSECRATED GROUND FOR INTERMENT IN CONSECRATED GROUND

43. Should exhumation be from a grave in a consecrated section to another consecrated section in a cemetery or churchyard then only a Faculty from the Diocese of Derby will be required.

LICENCE AND/OR FACULTY CONDITIONS

44. In all the various circumstances described above, the Secretary of State's Licence and/or Faculty may prescribe specific actions that are to be carried out during the exhumation process. Exhumation will always take place very early in the morning and in most cases will require the attendance of a local Environmental Health Officer.

FEES AND CHARGES FOR EXHUMATIONS

45. It will be the responsibility of the person requiring the exhumation to pay all fees for all requirements and to ensure that logistically, the exhumation is carried out with due regard for the health and safety of all those involved, public decency and respect for the deceased.

VII. FUNERAL SERVICES

RELIGIOUS SERVICES

46. Any form of religious service may be used, but any other ceremony is subject to the approval of the Council. Burials may take place either with or without a religious service.

APPOINTMENT OF MINISTER

47. Relatives or representatives of the deceased making arrangements for interments at the cemeteries may appoint their own minister or Member of the Clergy to perform the ceremony thereat when a religious service is required. The ceremony may be conducted by a Minister, Priest, Celebrant, member of the family or a friend, but notice of the appointment must be given to the Manager when the application for interment is made, and it shall always be subject to the regulations of the cemetery. The persons making such an appointment must themselves give notice to and make all arrangements for the attendance accordingly of the appointed minister. Alternatively, the coffin may be committed without a service. Fees for the officiating minister are paid separately through arrangements with the Funeral Director.

PREPARATION OF GRAVES

48. All graves will be dug or excavated by persons or contractors employed by the Council and situated as near as possible to the centre of the grave spaces. 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. Children's graves are designed for multiple interments. All graves may include the interment of cremated remains.

LOCATION OF GRAVES

49. No burial (including those of cremated human remains) will be allowed in any Chapel and no encroachment will be allowed for burial purposes on any ground allotted to paths or buildings or in the walks, shrubberies, or gardens within the cemetery.

PLACING OF SPOIL

50. The Council reserves the right to place excavated spoil on graves adjacent to those that need to be opened for an interment, without notice. The spoil will be removed immediately following the interment and the area will be restored to its former

condition or as close as reasonably practicable dependant on weather and ground conditions.

REMOVAL OF MEMORIALS

51. The Council reserves the right of passage over all graves for all purposes connected with the cemetery and the right to remove and replace memorials adjacent to those that need to be opened for an interment, without notice, to provide access for equipment. Any memorials disturbed in this way will be re-erected as soon as possible after the interment, but the Council will not be responsible in the event of a memorial being lost, broken or damaged through any cause other than their own negligence.

CONSTRUCTION OF COFFINS

52. No interment will be permitted unless the body of the deceased person is fully enclosed in a traditional wooden coffin or ecologically friendly coffin, shroud or casket considered suitable. For interment in a vault or brick-lined grave, coffins must be entombed in an airtight manner by concreting, cement, stone or brickwork to the satisfaction of the Council. Un-coffined burial is permitted providing that the Council is informed beforehand of the type and design of the shroud and that the deceased is suitably wrapped causing no offence to the living or indignity to the deceased. Under no circumstances will the interment of metal or metal lined coffins be allowed in any purchased or unpurchased earthen grave, although this is permissible within a vaulted grave where available.

COFFIN DIMENSIONS

53. The coffin/casket size must be confirmed in writing. The size must be exact and include mouldings and any opened handles. Any alteration to these sizes must be notified to the Cemetery Office in writing at least 3 working days prior to the funeral.

IDENTIFICATION

54. To every coffin, shroud or casket must be attached some permanent form of identification marker bearing the name of the deceased and their date of death. A footplate must be included to enable the Council Officer to carry out an identification check prior to the removal of the coffin from the hearse.

BEARERS

55. Families and Funeral Directors are to ensure that at least four people are able to bear the coffin to the graveside with due respect.

NOT MORE THAN ONE BODY IN EACH COFFIN

56. Each individual body, whether an adult or child, must be brought to the cemetery in a separate coffin, 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
- (b) twins or multiple twins have died in childbirth, in which case the children may be interred in the same coffin, or
- (c) the Manager has exercised his/her discretion to authorise other arrangements.

DEATH FROM INFECTIOUS DISEASE

57. The Manager shall 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.

COFFIN LIDS, ETC., NOT TO BE REMOVED

58. No Funeral Director or other person shall be permitted to remove coffin lids from any coffin at any interment within the cemetery on any pretence whatever.

DRESSING AND WASHING OF BODIES

59. All treatment, washing or dressing of bodies must be undertaken prior to arrival at the cemetery.

BACKFILLING OF GRAVES

60. Representatives of the deceased may, at their own risk, backfill the grave after an interment, but must strictly adhere to the instructions of the Manager or his/her representative in attendance. The Council will provide the equipment. Shoring must remain in place and may only be removed by Council employees at the appropriate time.

CREMATED REMAINS

61. Cremated remains may be interred in caskets or containers constructed of biodegradable material in conventional purchased graves or graves for cremated remains. Cremated remains may be scattered or interred into any previously purchased grave or in any area reserved for the purpose in any cemetery. If a container is used, identification of whose remains it contains must be firmly attached to that container. Cremated remains may only be interred in an unpurchased grave with the knowledge and consent of the Manager.

REGISTERS

62. A Register of all burials shall be kept by the Manager at the Cemeteries Office, where searches may be made during office hours and certified extracts or certificates obtained on payment of the prescribed fees.

VIII. EXCLUSIVE RIGHTS OF BURIAL

GRANT OF EXCLUSIVE RIGHT OF BURIAL

63. 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 to any person aged eighteen years or over, for a period of fifty years, the Exclusive Right of Burial in any grave space, or the right to construct a walled grave or vault together with the Exclusive Right of Burial therein. The full name along with postal address, email address and telephone number of the person to be registered as the owner thereof shall be supplied.

SELECTING GRAVE SPACES

64. Purchasers of Exclusive Rights of Burial for future use may select the location of any grave space for interment together with the required total depth subject to the approval of the Manager and consistent with the Council's general plan. Where at all possible the wishes of the purchaser will be considered. Exclusive Rights 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 satisfactory to the Manager that the grave is required for immediate use or by the applicant as a private individual and not for the purposes of their business. The Council will mark every grave space according to the official plan.

RIGHT OF BURIAL

65. The purchase of an Exclusive Right of Burial entitles the deed 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.

CONSENT OF GRAVE OWNER REQUIRED

66. The consent of the owner of the Exclusive Right of Burial is required in writing for any body to be buried or cremated remains interred or scattered in a grave space. There shall be no right to inter in any private grave or vault, any person except the owner of the Exclusive Right of Burial.

INTERMENT OF GRAVE OWNER

67. To ensure that only the correct person is interred in the grave, any variation in the names must be explained and confirmed in writing or via email from the Funeral Director or Applicant before the interment can take place.

CERTIFICATE OF GRANT

68. Upon payment of the appropriate fee, the purchaser of the Exclusive Right of Burial in any grave space or vault shall be furnished with a certificate thereof, and the

particulars thereof shall be entered in a register 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 as follows:

(a) The right of burial shall be exercisable only (subject as mentioned below) for a period of 50 years from the date of purchase. At the end of this period 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.

(b) 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.

(c) The registered owner (or their successor in title) may at the discretion of the Manager, during the last ten years of the aforementioned period (or any extension thereof), and on payment of the appropriate fee, obtain a renewal of the grant for an additional period of 50 years.

PRODUCTION OF DEED OR GRANT

69. For every opening of a private grave, the certificate of ownership or any assignment thereof, and the written consent of the owner must be produced and given to the Manager on giving notice of burial. If the burial is to be that of the registered owner, written permission of the applicant to open the grave will be required, as well as the production of the Grant together with all other relevant documentation (including the Certificate of Registry of Death and one of the documents referred to in paragraph 77 below). However, 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 (unless written explanation of variation is received as referred to in paragraph 68 Section (c) above). Where a Grant is produced, transfer of ownership must be completed prior to the interment taking place, unless the Grave Owner is being buried. If the certificate is lost or mislaid, a grave will be reopened only on the receipt of a completed Statutory Declaration, which has to be sworn before a Solicitor, Magistrate, Justice of the Peace or Commissioner for Oaths at least 3 working days before the interment. The application forms are available from the Cemeteries Office.

PURCHASED GRAVES – REPAIR OF MEMORIALS

70. All memorials shall be kept in good repair at the expense of the registered grave owners, including repairs necessary due to vandalism. In the event of any memorial falling into disrepair and the necessary repairs not being carried out within 6 months after notice from the Council, the memorial may be removed by the Council subject and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. The Manager shall make reasonable efforts to communicate with the grave owner by giving written notice by post to the owner when repairs are

needed. The Burial Authority can accept no responsibility for damage to memorials, and owners are advised to seek adequate insurance cover.

MAINTENANCE OF GRAVES

71. The area of the grave may not be interfered with by the owner of the grave or any persons on their behalf otherwise than in accordance with these Regulations. The registered grave owner is responsible for maintaining the grave space, with its monument and headstone, in good condition and repair.

LAWN SECTIONS

72. Graves in lawn sections will be allocated by the Council in accordance with the sequence marked on the lawn cemeteries plans. The site allocated will generally be the next available vacant site at the date when the first interment takes place in that grave unless approved by the Manager. The purchase of and interment in a grave space in any area designated as a lawn section will be conditional upon the acceptance by the purchaser of the specification relating to memorials and the regulations governing their erection.

GRAVE SPACES

73. All grave spaces are 9 feet by 4 feet (2745mm x 1220mm), whilst the area of the ground in which burial can take place and a memorial erected is 7 feet by 3 feet, allowing adequate space between graves. Graves will be dug to the depth required by the purchaser, but in no case will a grave or vault be deeper than 7 feet 6 inches or deepened after the first interment. Cremated Remains grave spaces are 3 feet by 2 feet. Children's and Infant Graves are 6 feet by 3 feet whilst the area of ground in which burial can take place is 4 feet by 2 feet.

PLANS

74. Plans of the cemeteries showing the whole of the grave spaces and vaults therein and their respective divisions within the cemeteries are kept at the Cemeteries Office and may be inspected free of charge by all parties making application for pre purchasing grave spaces or vaults by prior arrangement with the Cemeteries Office during normal office hours.

ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL

75. Exclusive Rights of Burial shall not be assigned except by deed, and on each change of ownership, whether by purchase or devise, the person claiming such right shall forthwith give notice of their claim to the Manager and establish the same by sufficient evidence, when their title, if satisfactory, will upon payment of the prescribed fee in respect of the registration of such transfer, be recorded in the register. Where the living owner of the grave wishes to transfer ownership of a grave, this can be conducted by completion of a Form of Assignment and submission to the

Cemetery Office together with the original Deed (suitable forms are available at the Cemetery Office). The Council will endorse a note of the transfer on the grant and update the computerised record and register.

TRANSFER OF EXCLUSIVE RIGHT OF BURIAL

76. Following the death of the grantee, the Exclusive Right of Burial in any grave space, walled grave or vault must be transferred and re-registered before the grave can be further re-opened, or any stone or monument erected thereon or any existing stone or monument repaired, altered or removed.

TRANSFER OF EXCLUSIVE RIGHT OF BURIAL – DOCUMENTS REQUIRED

77. Transfer of ownership (as referred to above) can take place on production of any of the following relevant original documentation at the Cemetery Office:

(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 of Probate will be accepted at the Cemetery Office, i.e. it must bear the 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 with a 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 to the Cemetery Office bearing the 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 another person on closure of the deceased’s estate.

(d) Statutory Declaration: An original document prepared by the Cemetery Office to be completed and witnessed by a Magistrate, Solicitor, Justice of the Peace, or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.

(e) Form of Assignment: Used by a living owner to transfer the ownership to a person of their choosing.

IX. WALLED GRAVES AND VAULTS

CONSTRUCTION

78. Walled graves or vaults, at the time of the first interment, shall be constructed satisfactorily by a competent tradesperson. Each coffin within a vaulted grave shall be enclosed in a separate cell or compartment of slate, stone flagging or precast concrete slabs of suitable thickness in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interiors of the cell or compartment.

EXCAVATIONS

79. Excavations for walled graves and vaults will be made by the Council. Arrangements for brickwork and masonry may be undertaken by the purchasers of the Exclusive Right of Burial in such graves on providing suitable evidence of the competence, insurance and safety methods of those undertaking the work. All brick and stone work for graves or vaults and all foundation work and removals shall be executed under the supervision and to the satisfaction of the Manager. Contractors must provide the Manager with a signed method statement before work commences. Such walled graves and vaults must be sealed on the day of the interment.

OPENING OF WALLED GRAVES AND VAULTS

80. The approved fee for re-opening earthen graves will apply in these cases.

VAULTS - SEALING OF COFFINS

81. All coffins that are for interment in a vault must be sealed so that they are airtight.

REPAIR OF WALLED GRAVES AND VAULTS

82. The owners must keep all walled graves and vaults in good repair.

X. UNPURCHASED GRAVES

UNPURCHASED GRAVES

83. Unpurchased graves are available for those requiring burial, but who choose not to purchase an Exclusive Right of Burial. When it is desired that the interment shall take place in an unpurchased grave, the Notice of Interment must be signed by:

- (a) a near relative of the deceased, and/or
- (b) accompanied by a form of consent in writing signed by a near relative, or
- (c) consent in writing signed by a person acting on behalf of the relatives of the deceased authorising the interment in an unpurchased grave.

The position of all new unpurchased graves will be determined by the Manager, in rotation, amongst other graves for which exclusive rights have been purchased. Relatives of the deceased have no right to be buried in that grave, nor do they have any right to place a memorial on the same. However, it will remain open for relatives of the deceased to purchase the Exclusive Right of Burial in an unpurchased grave for a period of five years immediately following the interment. Thereafter, the Council may re-open the grave for further interments at its discretion.

INTERRING MORE THAN ONE BODY IN THE SAME GRAVE ON THE SAME DAY

84. Not more than one body shall be buried in any unpurchased grave at the same time unless the bodies be those of members of the same family unless in times of national emergency or disaster at the discretion of the Manager.

MEMORIALS UPON UNPURCHASED GRAVES

85. The erection of a memorial on an unpurchased/public/common grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a memorial on such a grave, it will be subject to the right of the representatives of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a memorial on an unpurchased, public or common grave, such a memorial does not in itself confer any rights and remains at the pleasure of the Council.

MUSLIM SECTION

86. A section has been allocated at Brimington Cemetery exclusively for the use of the Muslim community. The Council reserves the right to restrict the burials in any such section to members of the community for which the section is reserved. Graves within this section are all oriented towards Mecca. The section is of the traditional open style so that a full memorial can be erected.

XI. FEES AND CHARGES

FEES AND CHARGES

87. Fees and charges for all cemetery services will be determined by the Council in accordance with the powers derived under Article 15(1) of the Local Authorities' Cemeteries Order 1977. They will be reviewed annually to take effect from 1st April each year. Full settlement of all fees and charges in respect of interments must be made before the funeral at the time of giving notice and all other fees must be paid at the time the order is given. Funeral Directors having the benefit of an account, at the discretion of the Manager, must make payment to Chesterfield Borough Council, within thirty days upon receipt of invoices. We will issue receipts for any money paid to us.

FEES – WALLED GRAVES AND VAULTS

88. The fees for walled graves and vaults are a discretionary charge. Graves will be walled or vaulted by a Stonemason on the Council's approved list or by a contractor approved by the Council. Vaulted graves in the Muslim section will be arranged and paid for by the Council at the time of vaulting with the full charge passed onto the Muslim Association or deceased's family at the time of interment.

XII. MEMORIALS

RIGHT TO ERECT MEMORIALS

89. Memorials may only be erected over graves in respect of which the Exclusive Right of Burial has been purchased. The right to erect a memorial rests with the owner of the Exclusive Right of Burial, and will be for the unexpired portion of the grant of Exclusive Right of Burial. No work must be carried out before the Council has granted permission and the appropriate fee has been paid. Where the grant of Exclusive Right of Burial has expired, the grave space will revert to the Council and the memorial may be removed. It is an offence to wilfully interfere with a tombstone or other memorial, or to cut additional inscriptions on a memorial without the Council's authority.

OWNER'S CONSENT

90. No headstone, monument or memorial will be allowed to be fixed upon any grave without the written authority of the owner. The owner or their next of kin (if owner deceased) are permitted to apply for renovation or cleaning to the existing memorial so long as no changes are made from the original application. If changes are to be made, then the Exclusive Right of Burial should be transferred to a living owner in all cases.

ADMISSION OF MEMORIALS

91. Memorials will be admitted into the cemeteries provided all fees have been paid. No memorials or materials shall be brought into the cemetery unless required for the immediate placement of a memorial. The Council reserves the right to remove a memorial if for any reason the prescribed fees have not been paid. The grave owner will be advised sensitively of their responsibilities.

ADMISSION OF WORKPEOPLE

92. No masons, letter cutters or other workpeople engaged in fixing, delivering, painting, or repairing memorials will be admitted to the cemeteries, outside of the official opening times of the cemeteries. Stonemasons will notify the Manager in advance of their intention to fix, deliver or repair memorials and the time and date of their visit.

CONTROL OF WORKPEOPLE

93. All workpeople employed on behalf of the owner of the Exclusive Right of Burial or personal representative of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:-

(a) comply with all reasonable directions and requirements of the Manager or cemetery staff;

- (b) at the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of work to the satisfaction of the Manager;
- (c) provide their own tools and equipment;
- (d) continue any work in connection with a memorial with due dispatch until fully complete.

POSITION OF MEMORIALS

94. The position for headstones, monuments and memorials shall be subject to the approval of the Manager. Headstones shall be fixed in alignment with adjacent memorials.

QUALITY STANDARDS

95. All new memorials and where practicable re-fixed memorials are to be fixed in the cemetery in accordance with the requirements of both The British Standard 8415 and the National Association of Memorial Masons Code of Working Practice, as amended from time to time. The method of fixing and the foundations thereof shall be executed to the satisfaction of the Manager. Headstones, monuments, or memorials shall not be allowed to be fixed in unsuitable weather, nor whilst the ground is in an unfit state.

MATERIAL OF HEADSTONES, MONUMENTS AND MEMORIALS

96. All materials for memorials shall be conveyed into the cemetery in such a manner as the Manager shall from time to time direct. Permanent memorials must be constructed of best quarried materials except where approved statues may be made of either best quarried materials or good quality, hard wearing reconstituted stone which may be painted in approved colours. Metal clamps or dowels for memorials shall be of a non-corrosive type and shall be in accordance with the specification detailed in the National Association of Memorial Masons Code of Working Practice and The British Standard 8415. Flower containers may be incorporated into the design of the memorial. No memorials constructed of plastic or fibreglass, glass, chalk, plaster, concrete, terra cotta, Portland, Caen, Bath or other free stone of a soft or perishable nature, ceramic or clay likely to perish or deteriorate will be permitted in the construction of any memorial erected within the cemeteries and the Council reserves the right to reject and cause to be removed any stone which they deem unsuitable to bear continued exposure to the weather. Terrazzo artificial marble may be used for grave flagging purpose only. Permanent memorials may not be of wood or metals. Foundation bases should be of best quarried materials or reinforced concrete to BS 7263.

PHOTOGRAPHS

97. Subject to the permission of the Manager, photographic plaques of an approved size may be affixed to monuments, provided that such photographs are of an approved material, do not exceed an overall size of 6" x 4" (15.24 cm x 10.16 cm), and are limited to one per interment in the grave.

GRAVE NUMBER AND TRADE INSCRIPTIONS

98. Every memorial of quarried material shall have the grave number, including section, inscribed on the base of the memorial. Memorial masons may display their name and district, but not their address or other particulars, in letters not exceeding one inch (25mm) in size.

ERECTING MEMORIALS

99. All headstones, monuments, or memorials of whatever description, admitted into the cemetery or permitted to be erected therein shall be so erected and remain at the sole risk of the owner thereof. The Council will not accept responsibility for any accidents to memorials etc., occasioned by storm, wind, lightning, subsidence, or other cause, or by third parties, but reserves the right to remove any damaged article subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977.

TEMPORARY MEMORIALS

100. For the first eighteen months immediately following an interment a temporary memorial in the set form of a wooden cross can be erected providing they do not exceed 91.44 cm. (3'0") in height above ground level and 2' 3" (68.58 cm.) in width and not exceed 4" (10.16 cm.) in thickness, or in the form of an approved stone tablet which can be purchased through the Cemeteries Office, provided that where approval has been given for a permanent memorial and erection is pending, the wooden cross or stone tablet may remain for a further period provided the written agreement of the Manager is obtained.

REMOVAL OF TEMPORARY MEMORIALS

101. At the end of the eighteen-month period following an interment, the owner of the Grant of Exclusive Right of Burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the satisfaction of the Manager. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.

VASES AND FLOWER CONTAINERS

102. Flower containers of an ornamental character may be placed on private graves without a fee provided they are not made of glass, bear no personal inscription, and do not exceed 12" (30.48 cm) in height and 9" (22.86 cm) in thickness and do not

exceed the width of any memorial as specified in the Regulations for the specific memorial types. There is no restriction on the colour for containers provided they are in accordance with the dignity of the cemetery. A vase of quarried material bearing a personal inscription shall be regarded as a memorial, however, and is subject to the fees payable under the table of Fees and Charges.

NOTICE TO BE GIVEN

103. Notice must be given before removing a memorial or carrying out any work in connection therewith. Any person removing a memorial to permit a further interment shall in agreement with the Council, remove it from the cemetery.

MAINTENANCE OF MEMORIALS

104. All graves in respect of which the Exclusive Right of Burial has been granted, together with the monuments and headstones thereon shall be kept in good repair by the owners. No headstone, monument or other memorial shall be altered or interfered with after it has been erected in the cemetery according to the designs submitted to and approved in writing by the Council nor shall any additional or altered inscription or lettering be placed, made, or cut thereon without the previous consent of the Council notified in writing by the Manager. No cleaning down or renovating of headstones, monuments or memorials, painting or cutting of inscriptions, or any other work will be permitted except with the consent of the Council given in writing by and under the direction and to the satisfaction of the Manager.

REMOVAL OF MEMORIALS

105. The Council must be informed of the removal of any memorial from the cemetery. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable, at the risk and discretion of the memorial mason, considering ground settlement conditions. Memorials or other objects moved by employees of the Council on the re-opening of a grave will be moved and replaced at the risk of the owner. Memorials removed for an additional inscription must be returned with a fixing method recommended by the National Association of Memorial Masons and The British Standard 8415.

UNAUTHORISED MEMORIALS

106. Anyone erecting a monument or kerb set or who undertakes any memorial work within a cemetery not in compliance with Council regulations will be required to remove the said memorial and pay all costs involved. Otherwise, any unauthorised memorial, headstone or other material will be removed by the Council in accordance with Article 14 of the Local Authorities' Cemeteries Order 1977.

DANGEROUS MEMORIALS

107. The Council reserves the right to act if a memorial has become so unstable or dangerous that there is an imminent risk of it toppling, which could result in serious injury, then immediate steps will be taken to reduce the risk. Action taken may include, but not limited to, restricting access, or laying the memorial flat. Any costs incurred by the Council in taking necessary safety action will be recharged to the owner of the Exclusive Right of Burial. Action taken regarding memorial safety in cemeteries shall be in accordance with the Council's Memorial Safety Policy, The Ministry of Justice's Managing the Safety of Burial Ground Memorials advice document and the ICCM Management of Memorials Guidance Documents.

LONG NEGLECTED MEMORIALS

108. After notice has appeared in two consecutive local newspapers, on the Council's website, conspicuously at the cemetery gates and in the vicinity of the memorial for one year, the grave owner will be required to remove or repair any memorial which, in the Council's opinion, has become or is likely to become a danger to health and safety or which is in a derelict, dilapidated or unsightly condition by long neglect or is not kept in proper repair or condition. If not arranged by the grave owner within one year of the notices appearing, then the Council may at its own discretion cause the memorial to be repaired or removed at the expense of the owner. The Council may recover any costs so incurred from the owner of the burial rights, and no grave or vault will be re-opened in respect of which any such cost remains unpaid.

OFFENSIVE AND IMPROPER MEMORIALS

109. The Council Reserves the Right to exclude or remove from the cemetery, at the expense of the owner, any memorial of whatever description, or inscription or lettering, not executed in accordance with Council regulations or in a workmanlike manner or from sound materials, or which in the opinion of the Council, disfigures the cemetery or offend public decency. The Council will refuse to permit the erection of memorials considered inappropriate or that would cause offence, determine in which portion of a cemetery any design submitted for approval belongs and instruct the Memorial Mason to refix, move, "line up", or otherwise alter the position of any headstone, monument or memorial in the cemetery which has been insecurely fixed or incorrectly positioned within the cemetery into such a position as they may require at the expense of the owner.

XIII. MEMORIAL MASONS

MEMORIAL MASONS

110. Purchasers of an Exclusive Right of Burial shall employ their own workpeople to erect any memorial or to remove and replace the same at the re-opening of a grave. Such workpeople shall comply with such conditions as may be specified by the

Council, and in case of any contravention of such conditions, the Manager shall be empowered to order any workpeople to leave the cemetery and to prevent their re-entry thereto. Such exclusion will be extended to the exclusion of such workpeople in connection with any work in a cemetery.

REGISTER OF MASONS

111. Only companies/memorial masons who appear on the Council's Register of Approved Memorial Masons are permitted to carry out work or place a memorial upon any grave in the cemetery. The registration process and the criteria that must be satisfied to enable a company/memorial mason to become registered as an 'Approved Memorial Mason' are set out in the local Memorial Mason Registration Scheme. Application for acceptance onto the register must be made in writing to the Manager using the appropriate form. Contravention of the regulations may result in removal from the register for a period to be determined by the Council.

INSURANCE

112. In accordance with the condition specified in the application there shall be produced with the application evidence of a policy of insurance taken out to cover the liability of the stonemason in the sum of at least £2 million and the receipt in respect of the premium paid under such policy.

MEMORIAL MASONS – TOOLS AND EQUIPMENT

113. Memorial Masons and others fixing memorials and/or carrying out other work in the Council's cemeteries must furnish themselves with sufficient tools, plant, planks, blocks, etc. All vehicles conveying headstones, monuments, or memorials to the cemetery shall proceed by a main road therein to the nearest point to that where the work is to be executed. Masons and others shall use their own mats, planks, boards, canvas, or other such material for protecting the grass and walks from injury during the conveyance or erection of monuments or memorials, which shall be provided by the parties erecting such memorials. They will be held responsible for any damage done by them or their workpeople either to the ground or to memorials.

DRESSING OF MEMORIALS

114. All headstones, monuments, or memorials shall be completely worked before they are admitted to the cemetery. No hewing, sawing or dressing of memorials will be permitted within the cemeteries except the cutting of an inscription which cannot be made prior to the erection of such memorial within the cemetery or with the written permission of the Manager.

GUARANTEE OF WORKMANSHIP

115. Masons working in the Council's cemeteries must give a guarantee of workmanship (minimum 10 years).

XIV. MEMORIAL APPLICATIONS

MEMORIAL APPLICATIONS

116. Application for the approval to place a new memorial or kerbset in a cemetery, alter or add any inscription, or replace, or add to any memorial or kerbset, must be submitted to the Manager. The Memorial Mason, with approval of the applicant, shall submit the Memorial Application Form to the Council, including the name and address of the memorial mason who will carry out the work, together with relevant drawings or plans. The Memorial Application Form must be completed in full before approval can be considered.

DRAWINGS

117. A suitably scaled drawing of every memorial, or other monumental work showing the form and dimensions figured thereon, accompanied by a specification and particulars of the materials to be used and a copy of every intended inscription (including any additional inscription) proposed to be executed on the appropriate Memorial Application Form provided by the Council, together with the appropriate fees, (unless the Stonemason has a financial account with the Council) shall be delivered to the Manager for approval. Every memorial design shall have clearly indicated thereon by a line across the front or back thereof the depth to which it is proposed to place the memorial below the surface of the ground, and every such memorial shall, when erected, be placed below the surface of the ground up to such line; the measurements of each memorial shall be taken from such line upwards, such line to be shown on the drawings submitted.

GRAVE OWNER AUTHORITY

118. The full names, address and signature/s of the person/s placing the order for the memorial work to be undertaken must be the registered owner/s of the Exclusive Right of Burial. No other signature will be accepted. If such owner of the Exclusive Right of Burial is deceased, the applicant must make application to transfer such exclusive rights.

INSCRIPTIONS UPON MEMORIALS

119. No inscription shall be placed upon any headstone, monument, or memorial without written application to and the consent of the Council given in writing therefore prior to such inscription being so placed. Inscriptions may be incised, or in relief, and may be painted. Plastic or other inlaid lettering is not permitted in any form. Additions may be made to an inscription later; however, any such addition must be separately approved. The lettering, layout and wording must be consistent with the original inscription. Any inscription in a language other than English requires a certified translation. A list of translators who are known to the Council can be

obtained from the Cemetery Office. The Council reserves the right to decline any inscription that they deem inappropriate for the cemetery.

MEMORIAL PERMITS

120. No headstone, monument or memorial will be admitted into nor any inscription upon or work in connection with the same permitted in the cemetery without the previous consent of the Council and the official permit issued by the Manager and delivered to the Manager before the work is commenced, and upon payment of the appropriate fee (the relevant application form may be obtained from the Cemeteries Office.) The permit authorising the carrying out of any work in accordance with these Regulations shall be produced to the Manager whenever required during the progress of any such work.

VALIDITY OF PERMITS

121. The issue of a memorial permit, which will be valid for 6 months will confirm the approval of the Council for any such application, but this may be extended at the discretion of the Manager. No works will be undertaken unless a permit has been issued. The permit is issued on the understanding that the work undertaken will comply with the details specified within the application form and the requirements of these regulations.

XV. MEMORIAL RESTRICTIONS – TRADITIONAL OPEN SECTIONS

MAXIMUM DIMENSIONS

122. On traditional open sections, no memorial must exceed the following dimensions: 7' 0" long x 3' 0" wide x 4' 6" high (an additional charge is payable for all headstones over 3' high).

HEADSTONES

123. Headstones shall not be less than 3" (7.62 cm) in thickness and without kerbing they shall not exceed 3' (91.44cm) in width. They shall, where practicable, be fixed onto a suitable one-piece foundation as detailed in the National Association of Memorial Masons Code of Working Practice. Foundation slabs should always be wider than the headstone base. They should be a minimum thickness of 2½" and a minimum depth (i.e. front to back) of 15". Headstones must be fixed to the foundation using an approved ground support system conforming to the British Standard BS8415 (as detailed in the National Association of Memorial Masons Code of Working Practice) and must not rest on top of kerbing.

KERBS

124. Kerbs shall be constructed of a single piece of stone not less than 6" (15.24 cm) deep and not less than 3" (7.62 cm) wide. Chippings may be placed inside kerbing

provided they rest on stone or pre-cast concrete slabs not less than 2" (5.08 cm) thick; the soil having been first carefully removed. Corner posts may be incorporated in the kerb set but shall be constructed of a single piece of natural stone not less than 4" (10.1 cm) high nor less than 4" (10.1 cm) square and will not exceed 10" (25.40cm) in height. All memorials or kerbsets shall be constructed of granite, marble, slate or other hard natural stone or durable and sound quality.

CONTIGUOUS GRAVE SPACES

125. Memorials will be permitted to span contiguous grave spaces where Exclusive Rights of Burial have been granted to the same person. In view of the varying cemetery sections and grave dimensions applicable, it will be necessary for each written application for a Grant of Memorial Right to be considered on an individual basis and compliance with other appropriate regulations will be a requirement.

FOUNDATIONS

126. All kerbstones and memorials on private graves must be fixed on a suitable one-piece foundation of either hard York stone or reinforced concrete of approved manufacture not less than 2" (5.08 cm) in thickness, which is at least slightly larger than the surround.

RAILINGS, CHAINS, ETC

127. Railings, chains, and wind chimes are not permissible on graves or monuments. No monument or fences constructed of plastic, wood, glass, ferrous metals, or tiles are permitted. Any unauthorised memorial or tombstone will be removed by the Council in accordance with Article 14 of the Local Authorities' Cemeteries Order 1977 and shall be at the expense of the grave owner or their personal representative.

XVI. MEMORIAL RESTRICTIONS – LAWN SECTIONS

MATERIALS AND DIMENSIONS

128. Subject to the provisions of these regulations, memorials must be of a hard natural stone or granite of a design approved by the Council and must conform with the following dimensions and may only take the form of headstones which must not exceed 4'6" (137.16cm) in height, and 2'0" (60.9 cm) in width with a minimum thickness of 2" (5.08 cm) and a maximum of 3" (7.62 cm) erected on a base greater in dimension than the headstone.

POSITION OF MEMORIALS AND FOUNDATIONS

129. All memorials must be erected at the head of the grave (except on Back to Back Lawn Sections at Boythorpe and sections on the eastern/left side of Brimington Cemetery) and be supported by a foundation approved by the Manager. Foundation

slabs must rest below ground level and must exceed the dimensions of the memorial by not less than 2" (5.08 cm).

LAWNED AREA

130. The Council will provide and maintain a grassed area covering the grave space.

MOUNDS, KERBS, ETC

131. The right to enclose any graves on lawn sections will not be granted. No grave mound, raised or sunken footstones, kerbs, chippings, landings, plastic or wooden fencing or memorials of any other description, except approved flower containers, will be permitted around a lawn grave. Prohibited items will be removed into temporary storage awaiting collection by the grave owner or representative.

FLOWER CONTAINERS

132. Unless incorporated in the memorial, vases and flower containers must be limited to two per grave, be placed immediately in front or at the side of any headstone (or at the head of the grave if no headstone is erected) and must not exceed 12" (30.48 cm) in height, 9" (22.86 cm) in width and 9" (22.86 cm) in thickness including base.

XVII. MEMORIAL RESTRICTIONS – CREMATED REMAINS SECTIONS

MEMORIALS

133. Memorial plaques in Cremated Remains sections shall consist of horizontal plaques, manufactured in one piece that is 26" x 12" and not less than 2" (5.08 cm) in thickness and flush to the ground. No more than two flower containers may be sunk into the tablet. Memorial plaques with surrounds or single plaques manufactured in one piece to the size of the surround, can be no larger than 36" by 24" and not less than 2" in thickness fixed flush to the ground.

CARVING AND INSCRIPTIONS

134. Incised carving on the face of the memorial may be permitted to a depth not exceeding ¼". Inscriptions in the form of raised lettering are not permitted. The grave number must appear on the face of the stone.

FOUNDATIONS

135. The plaque must be located on a foundation slab exceeding the dimension of the memorial by 2" and be a minimum of 2" (5.08 cm) thick.

XVIII. MEMORIAL RESTRICTIONS – CHILDRENS SECTIONS

MEMORIALS

136. A variety of memorials are permitted, e.g. plaque, plinth, vase, small headstone, book and/or kerbs. The maximum permitted height is 3' (91.44 cm) and the maximum width is 26" (60.00 cm) and 12" (30.4 cm) in depth. The total size of headstone and kerbs together should not exceed 26" (60.00 cm) wide and 36" (90.00 cm) long.

XIX. MEMORIAL RESTRICTIONS – OTHER

137. Erections or memorials not covered by or included in the foregoing regulations, or the Scale of Fees shall be subject to special agreement.

XX. MAINTENANCE OF GRAVES

FLOWERS AND WREATHS

138. Nothing may be placed on the area of the grave except as provided in these regulations and, on the day of the funeral, when flowers and wreaths may be placed upon the grave in which burial takes place. Funeral tributes may remain there for fourteen days after which they should be removed. All dead flowers and wreaths, garden refuse or litter must be conveyed to the nearest wastebasket. Council employees will remove Christmas wreaths that remain on graves after 31st January. As soon as convenient after the interment, the Council will sow grass seeds over the whole area of the grave.

DECORATIONS

139. Items of pottery, tin, plastic or glass, bricks, blocks, wire mesh or plastic fences or any other object or materials which are fragile, easily breakable or which generate noise, pose a safety hazard or to impede access or maintenance will be removed by the Council without notice. Articles are placed solely at the owner's risk. The Manager shall be at liberty to remove from graves any moveable article that shall be broken or have become unsightly. The Council reserve the right to remove prohibited articles, deteriorated or withered wreaths and flowers without notice.

PLANTING AND CULTIVATION

140. Purchasers of graves in traditional open sections will be permitted to plant the area of the grave purchased and will be responsible for the upkeep. The cutting back or removal of any plants, trees or other vegetation and/or undergrowth beyond the ground immediately above any particular grave is not permitted unless the prior permission of the Manager or a member of the cemetery staff has been obtained. No person will be permitted to cultivate any ground that is outside the boundary of the

grave space. Any plants or other objects placed outside of the area of the grave will be removed without notice.

PLANTING OF GRAVES

141. All refuse from the planting of such graves must be placed by the persons executing the work in the receptacles provided for the purpose at the cemetery by the Council. The Council reserves the right at any time to prune, cut down or dig up and remove any existing shrub, tree or plant at any time which, in the opinion of the Council, becomes unsightly or overgrown or causes encroachment. Before removing/cutting down any flowers/trees/shrubs etc. which do not satisfy these regulations, the grave owner will be advised sensitively of their responsibilities.

GRAVE MAINTENANCE SERVICE

142. The Council will contract with the owner to plant and keep in order certain grave spaces upon payment of the appropriate fee. This planting contract is only available on traditional open sections and not lawn areas of the cemeteries.

XXI. MISCELLANEOUS

LOSS OR DAMAGE

143. All persons entering the cemetery 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 cemetery except where such damage or injury is directly attributable to the negligence of the Council or their employees. All complaints or allegations of theft should be directed where possible to the Cemetery Office as soon as practicable after the event.

144. The Council shall not be responsible for any loss or delay which may occur resulting from:

- (a) Any discrepancies, errors or omissions in any Notice of Interment or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors, or omissions.
- (b) 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.

COMPLAINTS

145. Any complaints as to incivility or inattention on the part of any member of the cemetery staff or in relation to any aspect of the cemeteries service should be made in writing to the Manager.

ALTERATIONS TO THE REGULATIONS

146. The Council reserves the right from time to time to make any alterations or additions to the foregoing regulations consistent with the Burial Acts. The regulations will be reviewed periodically, and any significant changes will only be made following appropriate consultation.

INTERPRETATION

147. 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.

REVOCATION

148. On the coming into operation of these regulations, all previous regulations for the management of the cemeteries previously made by the Council of the Borough of Chesterfield are hereby revoked and shall cease to have effect.

149. These Regulations shall come into force on the 23rd January 2024.

Authorisation; Councillor Martin Stone

Cabinet member for Climate Change, Planning, and the Environment

APPENDIX 1 - CODE OF BURIAL PRACTICE

1. Cemetery Staff

The greatest care must be taken to appoint members of the cemetery staff who act with respect and do not detract from the atmosphere of reverence which the cemetery has endeavoured to create. All staff employed in grave digging and cemetery duties must be suitably trained in the technical and ethical procedures and preferably certificated by a recognised training provider.

2. Conduct

The burial of human remains is a highly emotional occasion for everyone involved. This should not be forgotten by staff working within cemeteries who should work together to create and maintain an atmosphere of reverence and respect throughout.

3. Correct Identity

No coffin, casket, or shroud, etc. shall be accepted at any cemetery unless it bears adequate particulars of the identity of the deceased person contained therein. If a coffin is encased, the cover and the coffin must bear adequate identity of the deceased person. Every care should be taken to ensure correct identification throughout, from the moment the coffin is received at the cemetery until the final interment within the grave.

4. After Committal

a) Having ensured that the correct authority to inter has been received, the coffin and its contents shall be placed into the grave exactly as received at the cemetery. The deceased shall not be removed from the grave following the act of committal except for a lawful purpose and when the correct legal requirements are in place to permit such an act.

b) Once a coffin containing the deceased has been placed within the grave, it will not be disturbed. The grave will be backfilled with soil, or in the case of a bricked grave, mausoleum, or vault, shall be sealed immediately following the completion of the service. This is done either by the cemetery staff or the family and mourners if such instructions have been received from the owner of the Exclusive Right of Burial and a suitable risk assessment has been carried out.

Following the completion of backfilling or sealing, the grave should be left in a neat and tidy condition with wreaths and flowers carefully placed on it by the cemetery staff.

5. Mechanical Apparatus

Only “authorised” employees of the Burial Authority who have received appropriate training shall operate plant or vehicles. “Authorised” is deemed to mean an employee

that is receiving instruction and is supervised by a qualified operator, or an employee that holds a suitable driving assessment permit relating to the vehicle or item of plant. All mechanical apparatus used in the cemetery shall be regularly overhauled, cleaned, and kept in good repair to ensure perfect working order.

6. Statutory Regulations

No burial shall take place without the consent of the person responsible for the cemetery. All burials shall be carried out according to the regulations applicable to the individual Burial Authority.



CHESTERFIELD
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