

Cemetery Regulations

Great Aycliffe Town Council





West Cemetery

Cemetery Regulations

The Cemetery Office operates from Great Aycliffe Town Council, School Aycliffe Lane, Newton Aycliffe, DL5 6QF and is open Monday to Friday (except public holidays). For further information or advice call 01325 300700.

Great Aycliffe Town Council welcomes all visitors to the cemeteries and they are asked to respect the peace, dignity and reverence of the facilities.

The cemeteries are operated and managed under current legislation covering Burial and Cremation in England and Wales. These Guidelines are a necessary requirement for the management of Stephenson Way Cemetery and West Cemetery. Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these Guidelines have been prepared with a balance between individual rights and the need to regulate for safe and tidy grounds.

Interpretation

‘The Council’ means Great Aycliffe Town Council, acting as the Burial Authority for the said Council in exercise of the powers and duties conferred upon it 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 it.

‘The Cemeteries’ mean the cemeteries under the control of the said Town Council and situated at Stephenson Way Cemetery, Stephenson Way, Newton Aycliffe DL5 7DF and West Cemetery, School Aycliffe Lane, Newton Aycliffe, DL5 6QF.

'The Cemetery Officer' means the person for the time being appointed by the Council to be in charge of the cemeteries and to act as Registrar thereof.

The cemeteries will be open to visitors from 8am until dusk.

The Council Offices are open Monday to Wednesday from 8.45am to 5.15pm, Thursday from 8.45am to 5.00pm and Friday from 8.45am to 3.45pm. The offices are closed on specified holidays, which include Good Friday, Easter Monday, Christmas Day, Boxing Day and Spring/Summer Bank Holidays. When making funeral arrangements, 48 hours' notice must be given to the Cemetery Officer for interment in an earthen grave. These days' notice must exclude the day of interment and exclude Saturday, Sunday and specified holidays, as above.

Interments normally take place between 10.00am and 2.00pm each day, Monday to Friday. By special arrangements, interments can take place on Saturdays, when an additional charge of 50% will apply.

Applications for Interment

No burial shall take place, no cremated remains shall be scattered and no monument or memorial shall be placed in the Cemetery, nor shall any additional inscription be made on a memorial, without the prior consent of the Council.

All notices of interment and applications for grave spaces shall be given or made in the first instance by telephone to the Council Offices and subsequently confirmed in writing. Requests should be made during office a minimum of 48 hours before the proposed date of burial.

All notices of interment shall be given in writing and signed by the owner of the Exclusive Right of Burial. If burying the owner of the Exclusive Right of Burial, (provided there is room within the grave space) then a near relative or the person legally responsible for the fees for the burial of the deceased may sign, on the prescribed form supplied for the purpose and then passed to the Cemetery Officer by 9.30am the working day before the burial. If unsure concerning ownership of the Exclusive Right of Burial, please consult the Cemetery Officer in the first instance and refer to the Grave Ownership or Deed Transferral booklet, supplied by the Council, but also available on our website under cemeteries www.great-aycliffe.gov.uk .

Certificates Provided

The Certificate for the Disposal issued by the Registrar of Births and Deaths, or in any case where a Coroner's inquest has been held, a Coroner's Order for Burial or a duplicate thereof, must be delivered to the Cemetery Officer or his/her authorised officer by noon the previous working day prior to the time of the funeral. In the case of a still-born child, the above applies if the birth does not come within the definition of 'still-born' or 'still-birth' as mentioned in the Still-birth (Definition) Act 1992. If within the definitions of the Still-birth (Definition) Act 1992, a certificate from a medical practitioner or other responsible person attendant at the birth, stating that it took place before the twenty fourth week of pregnancy, must be produced.

Before the interment of cremated remains of any person, a certificate must be produced from the appropriate officer of the crematorium which carried out cremation.

Exhumation

No body or cremated remains may 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 statutory documentation.

No body or cremated remains may be removed from a grave without statutory permission.

To exhume human remains from Stephenson Way Cemetery or West Cemetery in unconsecrated areas (ie not Church of England consecrated sections) you must apply for a Secretary of State's Licence.

Obtaining a Secretary of State's Licence

You can apply for a Secretary of State's Licence from:

The Ministry of Justice, Coroners and Burials Division,
102 Petty France, London SW1H 9AJ.

Telephone 0203 334 6390. Fax 0203 334 6452.

E-mail: coroners@justice.gsi.gov.uk

www.justice.gov.uk/downloads/guidance/burials-and-coroners/exhuming-human-remains-faq.pdf

Faculty

If the remains are to be removed from a grave in a consecrated section of the cemetery then a faculty is needed.

The cemeteries under the control of the Town Council come under the Durham Diocese. In the first instance, write to the Diocesan Registrar at the address below.

Diocesan Registry
56 North Bondgate
Bishop Auckland DL14 7PG

Town Council staff will be able to check whether the burial is in a consecrated section.

Funeral Services

All graves will be dug or excavated by persons employed by the Council. At the time of the first interment in a grave, the prospective owner may choose to have the grave excavated for up to two interments. After the final interment in a grave, the grave may be used for up to two interments of cremated remains.

The Council reserves the right to place excavated soil 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 restored as much as possible to its former condition. The Council reserves the right of passage over all graves for the purposes connected with the Cemetery and the right to remove and replace memorials adjacent to those that need to be opened for interment, without notice, to provide access for equipment. Any memorials disturbed this way will be re-instated as soon as possible after the interment. The Council will not be held responsible in the event of a memorial being lost, broken or damaged through any cause other than its own negligence.

No interment will be permitted unless the body of the deceased person is fully enclosed in a traditional wooden coffin or ecologically-friendly coffin or casket considered suitable by the Cemetery Officer. Under no circumstances will the interment of metal or metal-lined coffins be allowed in any purchased or unpurchased earthen grave.

The coffin/casket size must be confirmed in writing. The size must be exact and include mouldings and any open

handles. Any alteration to these sizes must be notified to the Cemetery Officer by 9.30am the previous working day prior to the time of the funeral. Every coffin or casket must have attached some permanent form of identification marker bearing the name of the deceased and their date of death. 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.
- b) Twins or multiple twins have died in childbirth, in which case the children may be interred in the same coffin.
- c) The Cemetery Officer has exercised his/her discretion to authorise some other arrangement.

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

Cremated remains must be contained in a casket or urn for burial within the cemetery, fully identified with the name of the deceased. A register of all burials shall be kept by the Cemetery Officer at the Cemetery Office, where searches may be made during office hours and certified extracts or certificates obtained on payment of the prescribed fees.

Exclusive Right of Burial

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 of any person aged sixteen years or over, for a period of 99 years, the Exclusive Right of Burial in any grave space or grave. The full name and address of the person to be registered as the owner thereof shall be supplied.

Purchasers of Exclusive Right of Burial for future use will be allocated a grave space for interment, subject to a plot reservation fee, the approval of the Cemetery Officer and consistency with the cemetery general plan. Exclusive Right 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 Cemetery Officer that the grave is required for use by the applicant as a private individual and not for the purposes of his business. The Council will mark every grave space accordingly with a site reservation marker.

The purchase of an Exclusive Right of Burial gives the 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. No body shall be buried or cremated remains interred in any grave in which the Exclusive Right of Burial for the time being subsists, except with the consent in writing of the owner of that right.

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

thereof shall be entered in a registry book 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.

- a) The Right of Burial shall be exercisable for a period of 99 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.

For every opening of a private grave, the certificate of ownership or any assignment thereof, and the written consent of the owner must also be produced and given to the Cemetery Officer on giving notice of burial. If the burial is to be that of the registered owner, written permission to open the grave will be required, together with production of the grant and all other relevant documentation. 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. The Council reserves the right to require, in appropriate cases, an indemnity from the person applying for interment of a deceased registered owner if, in the opinion of the Cemetery Officer, the documentation produced in support of the application is inadequate.

Transfer of ownership can take place on production of any of the following relevant original documentation at

the Council Offices. There is a charge for processing transfer of ownership of the Exclusive Right of Burial.

- 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 will be acceptable at the Council Offices, ie it must bear the embossed seal of the Court.
- b) Grant of Letters of Administration: When a deceased dies intestate (ie without making a valid will) then the next of kin (or some other person of 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 bearing the embossed 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 a family member on closure of the deceased's estate.
- d) Statutory Declaration: An original document to be completed and witnessed by a Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for. Forms and guidance notes are available from the Town Council Offices.

Purchased Graves

All memorials shall be kept in repair at the expense of the registered grave owner, including repairs necessary due to vandalism. In the event of any memorial falling into disrepair and the necessary repairs not being

carried out within six 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 Cemetery Officer 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.

The area of the grave may not be interfered with by the owner of the grave or any persons on his/her behalf, otherwise than in accordance with these regulations. The registered grave owner is responsible for maintaining the grave space, with memorial, in good condition and repair. Graves will be allocated by the Council in accordance with the sequence marked on the cemeteries' plans. The site allocated will be the next available vacant site at the date when the first interment takes place in that grave. The purchase of an interment in a grave space will be conditional upon the acceptance by the purchaser of the specification relating to memorials and the regulations governing their erection.

Grave Space Sizes

All adult grave spaces are 2743mm x 1219mm (9ft by 4ft) of which the first 450mm (18in) will form the earthen plot. Children's graves are 1219mm x 914mm (4ft by 3ft). Earthen plots within the Children's Section are up to 304mm (12in).

The grave will be dug to the depth required by the purchaser and in no case will a grave be allowed to be deepened after the first interment.

Council Exemptions

Residents shall include a person who at the time of purchasing a grave was a resident within Great Aycliffe. The purchaser or owner of the Exclusive Right of Burial shall, if that Right was purchased whilst a resident of the parish, be entitled to have interred in any grave to which that right exists, the body of any person who, at the time of purchase, was a resident within the parish but at death resided elsewhere, without payment of an extra fee. Resident status may be granted to other persons at the discretion of the Council.

Persons not residing in the parish will be charged extra fees. The interment fee and associated charges will be tripled where the deceased is not a resident or Council Tax payer of Great Aycliffe parish.

Non-parishioner exemptions are as follows:

- i) The deceased was the owner (or the spouse of the owner) of the grave (held exclusive right of burial) and was a resident when the purchase was made.
- ii) Death occurred within 12 months of the deceased moving out of the parish.
- iii) The deceased had moved to receive appropriate nursing care for their needs, which was not available in the parish.
- iv) The deceased was a serving member of the Armed Forces, living in temporary accommodation, whose parents are still residents of the parish.

Unpurchased Graves

Are available for those requiring burial but who choose not to purchase the 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 near relative of the deceased, and/or accompanied by a form of consent in writing signed by a near relative, or 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 Cemetery Officer in rotation amongst other graves for which the 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. The Council may re-open the grave for further interments at its discretion. Should the grave not have been used for a further interment, relatives of the deceased may retrospectively purchase the Exclusive Right of Burial at a later date.

Fees and Charges

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 are normally reviewed annually and increments applied accordingly. Current fees and charges are displayed in the cemeteries and on the Council's website.

www.great-aycliffe.gov.uk

Right to Erect Memorials

Memorials may only be erected over graves in respect of which the Exclusive Right of Burial has been produced. The right to erect a memorial rests with the Exclusive Right holder and will be for the term of the Grant of Grave Space. No work must be carried out before the Council has granted permission and the

appropriate fee paid. It is an offence to wilfully interfere with a memorial or to cut additional inscriptions on a memorial without the Council's authority.

No memorial will be allowed to be fixed on any grave without the written authority of the owner, nor shall any lettering or refurbishing be permitted without such authority being first delivered to the Cemetery Officer. Memorials will be admitted into the cemeteries provided all fees have been paid. 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.

No masons, letter cutters or other work people engaged in fixing, delivering, painting or repairing memorials will be admitted to the cemeteries on Saturday, Sunday, Christmas Day, Good Friday and public or local fixed holidays, or on any other day before 9.00am and no later than the official closing time.

All masons employed on behalf of the owner of the Exclusive Right of Burial must be registered on the Council's Memorial Masons Registration Scheme. All registered masons must adhere to the scheme without deviation and carry out their work strictly under the direction of the Council and shall:

- a) Comply with all reasonable directions and requirements of the Cemetery Officer or staff to 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 Cemetery Officer.

- b) Provide their own tools and equipment and continue any work in connection with any memorial with due dispatch until fully complete.

The position for headstones and memorials shall be subject to the approval of the Cemetery Officer and fixed in alignment with adjacent memorials.

All headstones, monuments or memorials shall be completely worked before they are admitted to the cemeteries. No hewing, sawing or dressing of memorials will be permitted in the cemeteries, except in the cutting of an inscription which cannot be made prior to the erection of such a memorial but only once the Registered Mason has obtained the consent of the Cemetery Officer.

Subject to regulations, flower containers may be placed on private graves without a fee provided they are not made of glass, bear no personal inscription and do not exceed 304mm (12") in height and 228mm (9") 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 cemeteries.

No article placed upon a grave may be taken from the cemeteries without the Cemetery Officer's permission.

All memorials (and quarried vases) shall have the number of the grave space cut conspicuously on the back of the headstone.

Permanent memorials must be made of best quarried materials. Limited use of etched and enamelled ornamentation will be accepted, subject to the approval

of the Cemetery Officer. Portland, Caen, Bath or other free stone and soft York stone must not be used.

Approved Dimensions – Headstones and Cremated Remains Tablet Memorials

Stephenson Way Cemetery

Flat or desk top memorial, 450mm wide x 600mm long.
Cube shaped stone vase, 150mm x 150mm, placed on stone.

West Cemetery

Cremated Remains Section

300mm wide x 450mm long.

Open book style, size as above.

Or cube shaped stone vase 150mm x 150mm.

Note – no planting is permitted in the cremated remains section.

Grave Memorials

Vertical head stone – maximum width 850 mm x 950mm high x 100mm.

Shape

Various shapes within the above size, eg heart shaped, Teddy bear shaped, wavy topped, engraved artwork.

Options

Marble margin to front or side, within the maximum size permitted of 900mm wide x 250mm from front of headstone.

Or marble vase 150mm x 150mm x 150mm in any position to front or side, within the maximum area permitted of 900mm wide x 450mm deep.

Vertical Cross

A single cross (design and materials must be agreed by the Council) not exceeding 600mm in height may be installed in place of, or until such time as, a permanent memorial is installed.

Note – the use of a wooden cross will limit the useful length of time it can or will remain in place.

Flat Headstone

Flat or sloping surface within a 50mm fall from one end to the other. Maximum size 600mm x 400mm x 50mm.

Option – 150mm x 150mm x 150mm stone vase added.

Fixing Detail

Flat memorial stone

Installed with sunken base, with stone level with the ground or the base to be level with the grass and the headstone to be proud of the surface.

Foundation bases could be either of best quarried materials or re-faced concrete conforming to BS57263.

Vertical Headstone Installation/Fixing Detail

All vertical headstones must be made from one piece of stone or marble. Dowling or rods of any kind are not permitted. Drawing (not to scale) shows required fixing method for vertical headstones.

Headstones to be set either:

One third of the height of a vertical headstone fitted into a concrete shoe below ground (see diagram).

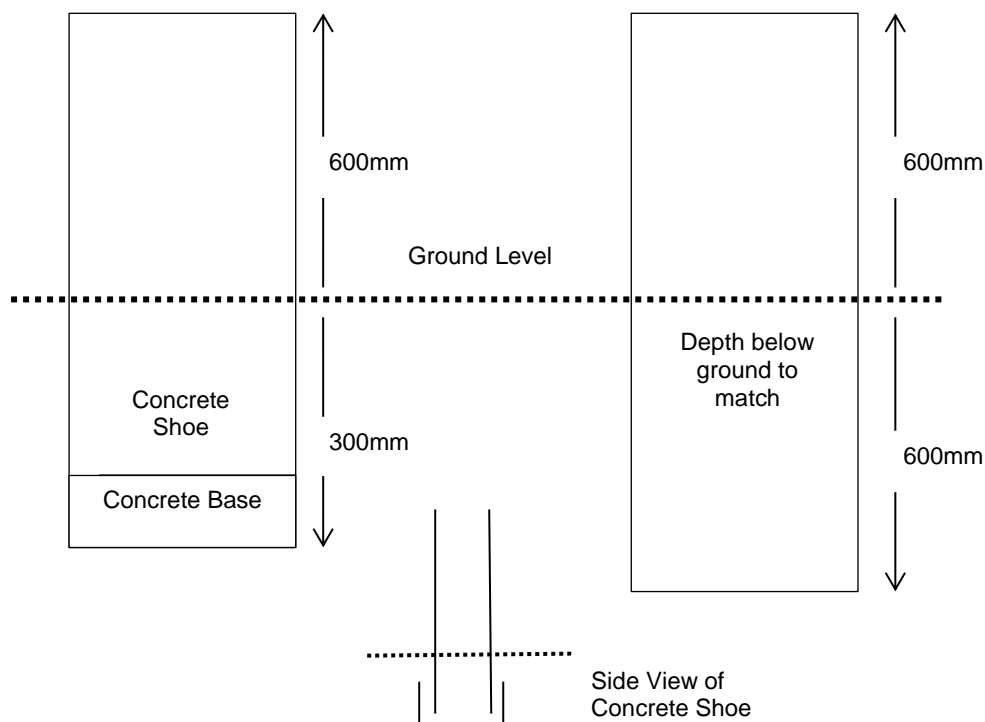
Divide the required height above ground level by 2 to determine the depth of the stone required below ground level.

For example – 600mm above ground divided by 2 = 300mm below ground. Overall length of stone required would be 900mm.

Shoe to be width of stone with 100mm base and allowing 75mm haunch to front and back of stone. The shoe to be firmly fixed to a concrete base.

OR:

Headstone straight into ground allowing for depth of stone below ground to be same as height of stone above ground.



Note: As developments take place in regard to fixing and installation methods, the Council may consider

alternative systems, however, the prime factor is the safety of staff and visitors over the short and longer terms. Any installation method must therefore meet these criteria.

No grave mound will be permitted in any section of the cemeteries and grave spaces will be turfed or seeded at ground level as soon as practicable after an interment (at certain times of the year this may take up to 8-10 months due to settlement and season of the year).

Dangerous Memorials

Primary responsibility for health and safety in Council owned cemeteries lies with Great Aycliffe Town Council as the burial authority in control of cemeteries. Great Aycliffe Town Council is required to control the risks associated with any cemetery for which it has responsibility.

Whilst Great Aycliffe Town Council has overall responsibility for the safety of the cemeteries, including risks from unstable memorials; it does not own the memorials. The owner of the memorial is the grave owner, who is responsible for any repairs or necessary maintenance at their expense.

The Council has chosen memorial types and installation methods that avoid as far as possible structural failure. Stephenson Way has a flat headstone memorial system, West Cemetery has a monolith, solid tablet set directly into the ground system, and flat memorials for ashes.

It is possible that there could be stability issues with headstones, therefore the Council will undertake a stability inspection every 5 years. This will consist of a visual inspection and a simple, hand-push test.

Any memorial found to be unsafe will be given immediate attention to provide additional temporary stability. Only if it is absolutely necessary will a headstone be laid flat.

The Cemetery Officer will try and make contact with the grave owner and will place a notice on the memorial stone in order that arrangements for repair can be made by the owner of the grave.

Offensive Memorials

The Council reserves the right to refuse to permit the erection of memorials considered inappropriate or that would cause offence.

Unauthorised Memorials

Any unauthorised memorials will be removed from the grave immediately and without notice and will be kept in the cemetery area for a period of 30 days. If not collected within this time, the memorial will be disposed of by the Council without further notice.

Maintenance of Graves

Nothing may be placed on the area of the grave except as provided for in these regulations and on the day of the funeral, when flowers and wreaths may be placed upon the grave in which the burial takes place. Funeral tributes may remain in place for fourteen days, after which they will be removed at the discretion of the Cemetery Officer.

All dead flowers and wreaths, garden refuse or litter (not soil) must be conveyed to the nearest recycling bin. Council employees will remove Christmas wreaths that remain on graves after 31 January.

As soon as convenient after the interment, the Council will sow grass seeds or lay turf (at its discretion) over the whole area of the grave.

Items of pottery, tin, plastic or glass, bricks, blocks, wire mesh, plastic fences, gravel or any other objects or materials which are fragile, easily breakable or which generate noise, pose a safety hazard or impede access or maintenance will be removed without notice and the grave owner informed. These will be kept in the cemetery office for 30 days and unless collected will be disposed of by the Council without notice.

Articles are placed solely at the owner's risk. The Cemeteries Officer shall be at liberty to remove from any graves any moveable object that shall be broken or has become unsightly, evidently unsuitable or if the grave is clearly no longer being tended.

Grave Planting

Stephenson Way Cemetery

Due to the design and layout of the cemetery, no planting of trees or shrubs is allowed. Planting is restricted to 230mm (9") around the area of the headstone.

West Cemetery

Grave Plots

Each full grave plot has an area of 1050mm x 450mm (3'6" x 1'6") at the head of the grave plot, which in most cases will be left undisturbed by the grave excavation process. This may be used for grave planting, however please note that if a full size memorial with hearth plinth is used, no grave planting can be accommodated.

In the case of flat headstones, planting is restricted to the 230mm (9") around the area of the headstone.

Planting must be limited to annual bedding plants, bulbs or heathers, other items may be suitable to be planted with the permission of the Cemetery Officer.

Planting of trees and conifers is not permitted.

Maintenance and upkeep of the areas is the responsibility of the purchaser of the grave.

The Town Council reserves the right to clear such planted areas without further notice should the grave become neglected or where plants overgrow onto adjacent plots.

Miscellaneous

All persons entering the cemeteries 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 cemeteries, except where such damage or injury is directly attributable to the negligence of the Council or its employees. All complaints or allegations of theft should be directed to the Cemetery Officer, where possible in writing, as soon as practicable after the event.

The Council shall not be responsible for any loss or delay which may occur resulting from any discrepancies, errors or omissions or 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.

The Permission of the Cemetery Officer shall be obtained before any object in a cemetery is photographed or a video recording is commenced.

Motor vehicles may enter a cemetery only if an occupier is on cemetery business. Vehicles must not exceed 5mph and must not obstruct driveways and side walks.

Visitors shall keep to the drives and paths provided.

No child apparently under the age of 12 years will be admitted into a cemetery unless under proper care.

Dogs must be kept on leads whilst within the cemeteries. Dog owners are requested to clean up dog litter and remove it from the site. No other animals are allowed in the precincts of the cemetery.

No smoking shall be permitted in cemetery premises or within the vicinity of a funeral.

No person shall canvass or solicit orders in a cemetery.

Musical instruments or appropriate sound reproducing equipment shall be permitted in a cemetery, with the permission of the Cemetery Officer.

All cemetery fees and charges shall be in accordance with the scales of fees and charges for the time being adopted by the Council.

Complaints

Any complaints should be made in writing to the Cemetery Officer.

Alterations to the Regulations

The Council reserves the right from time to time to make alterations or additions to the foregoing Regulations

consistent with Burial Acts. 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.