



Chilton Town Council

Cemetery Regulations



These Regulations were agreed in December 2022 and will be reviewed on an annual basis by the cemetery committee, Chilton Town Council

Chilton Town Council are members of the
ICCM (Institute of Cemetery and Crematorium Management)

Cemetery Regulations

There is no dedicated office at Chilton cemetery all enquiries are dealt with by the Town Council Office, Hutton House, Durham Road, Chilton, Co. Durham DL17 0HE; open Monday – Friday 9am – 3pm with the exception of UK public bank holidays. For further information telephone 01388 721788 or email info@chiltondurham-tc.gov.uk

The cemetery is operated and managed under current legislation covering Burial and Cremation in England and Wales. These guidelines are a necessary requirement for the management of Chilton cemetery. Every effort has been made to avoid restricting the rights and choices of the individual. Therefore, these guidelines have been compiled with a balance between individual rights and the necessity to regulate safe and tidy grounds.

Interpretation

‘The Council’ means Chilton 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 Cemetery’ means the cemetery under the control of the said Town Council and situated on the old A167 Road, Chilton, DL17 0EH.

Cemetery management / administration are carried out by the Finance and Admin Officer, having been appointed by the Council to be in charge of the cemeteries and to act as Registrar thereof.

The cemetery is open every day and the gates are not locked. Visitors are requested to close the gates behind them. When arranging a funeral the Council must be given no less than 48 hours for the interment in an earthen grave. These days’ notice must exclude that date of interment and exclude weekends and UK public bank holidays.

Interments normally take place between 9am & 4pm each day, Monday to Friday. Only by special request arrangements for interments can be organised for a Saturday, however an additional charges will apply.

Application for Interment

No burial shall take place, no cremated remains to 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 – 01388 721788 and subsequently confirmed in writing by delivered letter or email. Requests should be made during office hours with a minimum of 48 hours’ notice of the proposed date of interment.

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 office 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.

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 **at least 1 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 the cremation.

Exhumation

No body or cremated remains may be recovered from a grave without the written and signed consent of the registered owner 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 remains from Chilton Cemetery in the unconsecrated section (i.e. Not Church of England section) you must apply for a Licence from the Ministry of Justice or Faculty from the Diocese.

Obtaining a Licence from the Ministry of Justice

You can apply for a Licence from the Ministry of Justice as follows:

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

[Apply to exhume human remains - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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 following address:

Dioecesan Registry

56 North Bondgate
Bishop Auckland
Co. Durham
DL14 7PG

The 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 arrangement with the Ground Maintenance Contractor assigned by the Town Council. All interments are for single burials except for those purchased prior to the rules changing. The Council do not allow double depth graves. Each grave space can also have 2 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 soil 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 the interment, without notice, to provide access for equipment. Any memorials disturbed this way will be re-instated as soon as possible after interment. The Council will not be held responsible in the event of a memorial lost, broken or damaged through any cause other than own negligence.

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

The coffin/casket size must be confirmed in writing on the Interment Form. 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 Town Council Officer shall be informed by the person giving notice if the deceased suffered from or died of an infectious or notifiable disease, 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 Town Council Officer at the Council office, where searches must be made during office hours and certified extracts or information obtained. A policy for searching the burial records is available.

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 ages 12 years or over, for a period of 100 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 Town Council 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 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 100 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 of any assignment there of, and the written consent of the owner must also be produced and given to the Town Council Officer on giving notice of burial. If the burial is to be that of the registered owner, the person arranging the funeral should produce 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 the transfer of ownership of the Exclusive Right of Burial.

- a) Form of Assignment: used by a living owner to transfer or change the ownership of the Exclusive Right of Burial, ie transfer to new owner or add more names to ownership.
- b) 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, i.e. it must bear the embossed seal of the Court.
- c) 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 of sufficient interest) can apply to the Court to made Administrator of the Estate. As with Grant of Probate, the original document must be produced bearing the embossed seal of the court.
- d) 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.
- e) Statutory Declaration: Used to confirm the results of investigations when no official documents have been provided.

Purchased Graves

All memorials shall be kept in repair at the expense of the registered grave owner, including repairs where 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 to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977. The Town Council 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 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 space. Provisions can be made for a specific plot request, however, this will only be at the discretion of the Town Council Officer. 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

There are no legal specifications for grave spaces. All good practice guidelines are followed and the Town Council keeps up to date with current good practice and any changing regulations.

The depth of a grave is dependent upon the size of the coffin to be interred. Chilton Cemetery only allows single depth graves (following a change in regulations), which will allow for a single coffin to be buried but will make allowance if cremated remains are also to be interred.

Council Exemptions

Residents shall include a person who at the time of purchasing a grave was a resident of Chilton. The purchaser or owner of the Exclusive Right of Burial shall, if that Right was purchased whilst a resident of Chilton, 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 Chilton, 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 Chilton will be charged extra fees. The interment fee and associated charges will be doubled where the deceased is not a resident or Council Tax payer of Chilton Town Council.

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) The deceased had moved to receive appropriate nursing care for their needs, which was not available in Chilton.
- iii) The deceased was a serving member of the Armed Forces, living in temporary accommodation, whose parents are still residents of Chilton.
- iv) The deceased was a resident in Ferryhill and from the Catholic faith. At present there are no Catholic cemeteries in Ferryhill and Chilton is the allocated cemetery.

Unpurchased Graves

Are available for those requiring burial but who choose not to purchase the Exclusive Right of Burial. When it is denied the interment shall take place in the 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 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 Town Council 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 Rights 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 amended if it is deemed necessary. Current fees and charges are displayed in the cemeteries and on the Council's website www.chiltdurham-tc.gov.uk

Rights 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 appropriate fee paid. It is an offence to wilfully interfere with a memorial or to put 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 Town Council. 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 official closing time.

All masons are expected to adhere any direction indicated by the Town Council and shall:

- a) Provide the Town Council with copies of Risk Assessments for the installation of headstones and memorials.

- b) Provide the Town Council with copies of up to date Public Liability Insurance documentation.
- c) Comply with all reasonable directions and requirements of the Town Council 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 Town Council.
- d) Provide their own tools and equipment and continue any work in connection with any memorial with due dispatch until fully complete.

Whilst not essential, registration with the BRAMM Scheme is desirable.

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

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 in the cemetery, 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 Town Council Office.

Subject to regulations, flower containers may be placed on private graves without a fee provided they are not made of glass, have 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 cemetery.

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 Town Council Officer. Portland, Caen, Bath or other free stone and soft York stone must not be used.

Grave Memorial Sizes

Single Memorial: dimensions must not exceed 90cm wide, including concrete base by 100cm high.

Double Memorial (for 2 plots side by side): dimension must not exceed 180cm wide, including concrete base, by 100cm high.

Shape

Various shapes within the above size, e.g. heart shaped, teddy bear shaped, book, engraved work etc.

Options

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 surfaces 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 either:

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

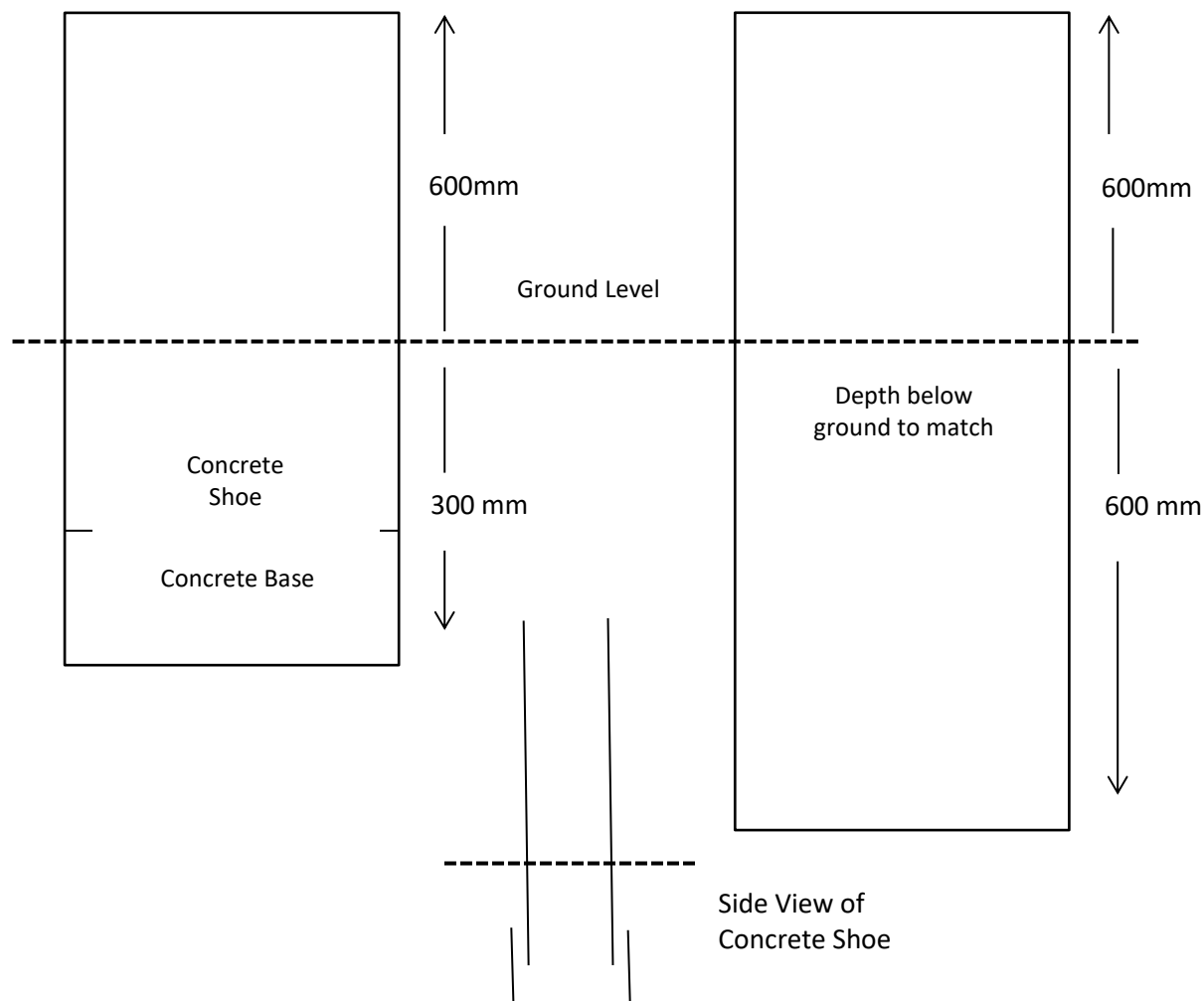
Divide the required height above ground level by 2 to determine the depth of the stone required below ground level.

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 8-10 months due to settlement and season of the year).

Dangerous Memorials

Primary responsibility for health and safety in Chilton Cemetery lies with Chilton Town Council. Chilton Town Council is required to control the risks associated with any cemetery for which it has responsibility.

Whilst Chilton Town Council has overall responsibility for the safety of the cemetery, 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.

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 an immediate attention to provide additional temporary stability. Only if it is absolutely necessary will a headstone be laid flat.

The Town Council 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 Town Council by the designated grounds contractor.

All dead flowers and wreaths, garden refuse or litter (not soil) must be conveyed to the nearest recycling bin. The Council's appointed ground maintenance contractor will remove Christmas wreaths that remain on graves after 31st January.

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

Due to the design and layout of the cemetery, no planting of trees or shrubs is allowed.

Maintenance and upkeep of the area is the responsibility of the purchasers of the grave.

Any planting found to have taken place, without the consent of the Town Council will be removed. The Town Council will attempt to contact the owner of the grave prior to this.

Plinths

Chilton Town Council offer a plinth service. A plinth consists of a decorative slab placed in front of a headstone for families / friends to place items on. Only plinths supplied by Chilton Town Council are allowed to ensure consistency across the cemetery. Plinths can only be provided if authorised by the person with Exclusive Right of Burial (EROB).

Miscellaneous

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 its employees. All complaints or allegations of theft should be directed to the Town Council 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 of the late receipt of any Notice of Interment, or other document which is required to be given to or served to the Council, or for liability arising from such late receipt.

The permission of the Town Council Office shall be obtained before any object in a cemetery is photographed or a video recording is commenced.

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

Visitors shall keep to the drives and paths provided.

No child apparently under the age of 12 years will be admitted into the 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, only with the permission the Town Council 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 Town Council 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.