



ASHFORD
BOROUGH COUNCIL

Cemetery Rules & Regulations



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1. Cemeteries Regulations

The rules and regulations for the control and proper management of the Cemetery are made under the provisions of the Local Authorities Cemeteries Order 1977 (as amended) and replaces previous versions of the Ashford Borough Council Cemetery Rules and Regulations.

If you need help in interpreting the rules and regulations please contact the Cemeteries Officer on 01233 330472 or email cemeteries@ashford.gov.uk.

The council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

2. Burial Authority

The Burial Authority is Ashford Borough Council, located at Tannery Lane, Ashford, Kent TN23 1PL.

It must be noted that **all** of the following require specific permission of the burial authority before taking place:

- Burials or exhumations
- Burial of ashes
- Erection or fixing of a memorial, including trees and plants
- Inscription on a memorial
- Renovation of a memorial
- Removal and /or replacement of a memorial

3. Our Cemeteries

3.1 Opening Hours

Our cemeteries are open to visitors every day by 07:30 Monday to Saturday and by 08:00 on Sundays and Public Holidays.

The cemeteries close according to when the sun sets during the year:

January – 16:00	September – 19:00
February – 17:30	October – 17:30
March – 17:30	November – 16:00
April – August – 20:00	December – 16:00

Outside of these hours, the cemeteries are closed and secured.

Ashford Borough Council has the right to close the cemeteries at any time without prior notice.

3.2 Conduct in Cemeteries

Under the Local Authorities Cemeteries Order 1977, it is an offence for anyone in a cemetery to wilfully:

- create any disturbance
- commit any nuisance
- interfere with any burial taking place
- interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants in any such matter
- play any game or sport
- enter or remain there when it is closed to the public, unless authorised by the council to do so

The council reserves the right to refuse access to a cemetery if anyone is intoxicated or showing signs of drug abuse that could lead them to cause a public nuisance or disorder.

All visitors should enter and exit the cemeteries using the main entrances and pedestrian gates only.

Children under the age of 12 are not authorised to visit our cemeteries unless under the supervision of a responsible adult.

No person is to display any printed paper, notice or sign without the authorisation of the burial authority.

No person may canvass, promote or sell their services to visitors in a cemetery.

Dogs are welcome in the cemetery to attend a funeral or accompany someone who is visiting a grave but must be kept on a short lead. If a dog fouls, the owner must clean up any dog faeces and dispose of it in a litter or dog bin or remove from site. Failure to clean up after your dog may result in a fine or prosecution.

3.3 Cemetery Maintenance

The council reserves the right, without notice, to prune, cut down or remove any shrub, tree, plant or flowers if, in the opinion of the Cemeteries Officer, they have become unsightly, overgrown or dangerous in any area of the cemetery.

Grass cutting, leaf and litter clearing, upkeep of trees, shrubs, flower beds and hedges will be carried out by the council or their contractor, at a frequency determined by the council. The council reserves the right to disconnect the water supply when notice has been given that there is a risk of drought, freezing conditions or the water supply is abused.

The council has the right to remove from graves: flowers, wreaths, weeds, rubbish, fencing, border edging, glass objects and other decorations which have either perished and/or are a hazard or encroach on an adjacent grave space and dispose of such items without prior notice to the owner.

Consideration should be given to wildlife in cemeteries and be aware that they can cause damage to tributes on graves such as flowers and plants. The nature of their activity can also cause the ground to be uneven and small holes may appear therefore it is recommended that flat shoes should be worn and attention should be given for any trip hazards.

4. Cemetery Grave Section Guidelines

Across all areas of the cemetery:

- Any open grave is a potential danger and should not be entered by anyone other than authorised staff of the council or their contractor
- Any containers left on the grave must be of a non-breakable material
- Any items left on the graves are at the owners own risk
- The council cannot be held responsible for any breakages however caused
- The council may remove any articles from any grave that are likely to cause risk, damage or offence or which may interfere with the councils maintenance of the site
- Memorials cannot be erected without prior permission from the Cemeteries Officer (Please refer to section 7 regarding memorials)

4.1 Lawn Grave Sections

A lawn grave is a grave that remains as grass with the exception of the area at the top end of each row of graves where headstones may be erected with the council's permission.

A space of 18" (457mm) deep in front of the memorial may be cultivated and planted with seasonal plants. Any fencing or edging must be kept within the 18" border. The planting of annuals and seasonal bulbs or miniature shrubs to the height of 12" (300mm) are permitted within the headstone border but must not be allowed to encroach on the lawn area of the grave or any neighbouring grave space.

The grave area must be maintained as grass lawn. Artificial grass is not allowed on or around the grave space.

Kerbs or any other memorial/artefact placed on the lawn section of the grave are not permitted and the council has the right to remove any such items without prior notice to the owner.

The following cemeteries have lawn grave sections in the areas as detailed below:

Bybrook Cemetery	Sections 95-98
Willesborough Cemetery	Sections 51-57
Tenterden Cemetery	Sections H-M

4.2 Non Lawn Sections

Non-lawn graves (otherwise known as a traditional kerb grave and not detailed in section 4.1) are permitted to have both a headstone and a kerb memorial placed on the grave with the council's written consent.

The planting of annual and seasonal bulbs or miniature shrubs to the height of 12" (300mm) are permitted within the grave space but must not be allowed to encroach on any neighbouring grave space.

4.3 Natural/Woodland Grave Sections

Both Bybrook and Tenterden cemeteries have a section dedicated for natural burials. These areas are designed to look and feel like natural woodland and meadow. Burials are carried out only using biodegradable materials. This means that any body-wrappings/clothing must be made of natural fibres and the coffin/casket must be made of cardboard.

The use of embalming fluid is discouraged however a flexible policy on this will be practised where environmentally safe balm may be used to assist funeral directors.

The council will provide and install a discrete wooden marker post with a memorial plaque. This will be the only item allowed on the grave. Traditional type memorials such as headstones are not permitted in the woodland section of the cemeteries. The council has a right to remove any other memorial or artefact from the grave area without notice to the owner.

If a grave has been allocated a memorial tree, the plantings will be arranged for the months of December, January and February.

Only native woodland plants can be planted within the plot area. Details of recommended species can be obtained from the Cemeteries Officer.

4.4 Children's Sections

Within each cemetery, there is an area designated for infant graves for the burial of children under 5 years of age.

On these graves it is permitted to have:

- A small headstone and kerb memorial with council approval
- Small ornaments and decorations such as toys, teddies or windmills
- Fencing or border edging

However, the following are not permitted:

- No large ornaments, toys or any other artefact such as cots
- No breakable, glass or sharp items
- Headstones or kerb memorials that are brightly coloured
- Headstones or kerb memorials that are not traditional in nature of style

4.5 Ashes/Cremated Remains Plots

Within each cemetery, there is an area designated for cremated remains to be interred or buried. Please note that the scattering of cremated remains in any area of the cemetery is not permitted.

It is permitted to have a small headstone/tablet memorial placed on the ashes plots with the council's written consent.

The planting of annual and seasonal bulbs are permitted within the grave space but must not be allowed to encroach on any neighbouring grave space or walkways between plots.

5. Arranging a Burial/Interment

5.1 Booking

Reservations for burial services must be made to the Cemeteries Officer providing a minimum of seven full working days notification.

Reservations are considered "provisional" until the formal document 'Notice of Interment' is received.

No interment can take place unless the council has received a "Certificate of Disposal" from the Registrar of Births and Deaths or an "Order for Burial" from the Coroner, or a "Certificate of Cremation" from a crematorium, as appropriate.

The council will not accept any responsibility for any delay of information or documents or any misunderstanding if instructions are not provided on formal documents.

We accept notice of burial as 'confirmed' when we receive all forms and certificates to fulfil both statutory and the Burial Authority requirements.

The completed 'Notice of Interment' document should be received no later than four full working days before the proposed date of the funeral. The period of notice may be waived for recognised religious reasons.

No body may be buried, or cremated remains interred unless the grave owner(s) sign the interment form, except where the deceased is the grave owner.

The council reserves the right to delay or cancel any interment where, in its opinion, ownership of the Exclusive Right of Burial is disputed.

To organise a date for an interment contact the Cemeteries Officer or your funeral director who will liaise with the Cemeteries Officer.

Interments can take place on any weekday, other than public holidays, as agreed with the council.

The council will not organise any interments for the Christmas period.

The grave owner, their representative or appointed Funeral Director should advise the council if the deceased to be buried has died of an infectious disease which may require special arrangements.

5.2 Grave Preparation

Excavation of all graves shall be carried out by staff employed by or on behalf of the council. No grave shall be excavated beyond such a depth as the council may determine.

The grave will be excavated by the council in accordance with the Cemeteries Act, and all current applicable Health and Safety Legislation. If any health and safety issue is compromised on excavation, the excavation will be discontinued until all issues relating to health and safety are resolved to a satisfactory conclusion. If this results in any delay or postponement of a funeral there will be no compensation for this and on occasion, this may necessitate a new grave being excavated by the council to replace the allocated grave. Where the allocated space was a reserved plot, a new Exclusive Right of Burial Deed will be issued by the council at no cost to the owner but will be for the same period as originally issued.

Graves will be of a sufficient size to admit coffins or caskets to the dimensions specified on the "Notice of Interment" form submitted by the Funeral Director or the person arranging the funeral. If the grave has to be enlarged, the Cemeteries Officer may add an extra charge.

For any oversized grave, the council has the right to charge for two grave spaces.

The council and any contractor appointed by the council has the right to place soil on graves when digging an adjacent plot for a burial without any notice. Cemetery staff will remove the soil following a funeral and leave the area tidy.

The authorised officer will determine the method of excavation of a grave taking into account the location, access and health and safety.

The Council retains the right to remove memorials, prior to an impending interment, to gain access to adjacent burial plots. The Cemeteries Service will contact the holder(s) of the Exclusive Right of Burial. When contact is not possible, the Council will remove and replace the said memorial. The holder(s) of the Exclusive Right of Burial will not incur any memorial removal and replacement costs

The council will erect a wooden marker or cross and a plaque on every new (not reopened) grave. The council have the right to remove the marker or cross if it deteriorates to a poor condition or when a memorial is erected on the grave.

5.3 The Interment

Relatives or friends of the deceased must make their own arrangements for the conduct of any burial service. Any authorised or recognised minister, or any other authorised person, may officiate at interments providing the ceremony is conducted with decorum.

The time booked for a funeral must be when the procession is to arrive at the cemetery. The time must be strictly adhered to in order to prevent one funeral disturbing another.

If a funeral arrives late there may be an additional fee to be paid.

We require prior notice for extraordinary funeral processions. For example, the use of a horse drawn hearse, a military funeral, a cortege of vehicles exceeding 30 cars or when a police escort is to be in attendance.

The Funeral Director or person arranging the funeral is responsible for providing sufficient bearers to transfer the coffin from the hearse to the graveside. Cemetery staff are not permitted to assist with bearing.

The deceased must be transported to the graveside in coffin/casket, solid box, container, closed van or other suitable means. It is not permitted to transport an uncovered body into the cemetery

Un-coffined burials may take place provided a body is properly shrouded, death has not been due to a notifiable or infectious disease, and it is for a single interment or a last interment in a multiple grave.

All coffins/caskets must be made of perishable materials. Coffins/caskets made of or lined with materials such as metal or plastic are not permitted.

5.4 Cremated Remains/Ashes

The scattering of cremated remains over graves, or in any area of the cemetery is not permitted. The unauthorised disposal of cremated remains within the council's cemeteries is deemed a criminal offence and those found to be carrying this out act will be prosecuted.

Cremated remains can be interred /buried in an available ashes plot or existing burial plot (space and grave owner approval permitting).

An ashes interment can be booked via a funeral director or more usually, directly with the Cemeteries Officer.

The plot will be excavated and prepared according to standard ashes container dimensions unless otherwise informed.

Those in attendance on the day of the interment are expected to lower or place the ashes container into the plot.

5.3 Muslim Burials

In Bybrook cemetery there is a section dedicated for Muslim burials. These graves are orientated to face Mecca.

When undertaking the burial and in the event where a coffin/casket is not used to contain the body in the grave, the deceased must be wrapped in a shroud or suitable cloth and kept from public view during the burial service.

In this section we are able to board out graves upon request, although an additional fee for this does apply.

The usual notice period for a burial is 24 hours and we will endeavour to hold the funeral as soon as possible. The Cemetery Officer must be in receipt of a completed

Notice of Interment, appropriate certificates for burial and applicable fee prior to any burial taking place.

5.4 Fees and Payment

All fees and charges regarding cremations, burials and memorials must be paid before the funeral service.

Charges are in accordance with the council's published scale of fees for cemeteries; these are available on our website at www.ashford.gov.uk/fees-and-regulations.

Fees can be paid via our website www.ashford.gov.uk/pay or via bank transfer to Ashford Borough Council using the details on the fees pages.

5.5 Exhumations

It is unlawful to disturb any remains buried in the Cemetery unless all legal requirements are complied with. For un-consecrated land, a licence from the Ministry of Justice is required. In the case of consecrated land, a faculty licence from the Diocese of Canterbury must be obtained. Please contact the Cemeteries Officer to discuss an exhumation if required.

6. Right of Burial

6.1 Exclusive Right of Burial

The Exclusive Right of Burial is issued for a period of 30 years, with the exception of those issued to the Commonwealth War Graves Commission.

Owning an Exclusive Right of Burial for a grave does not give ownership of the actual land, but does give the owner of the Exclusive Right of Burial Deed the right to:

- Be buried in that grave if space is available
- Authorise further burials in that grave, where space is available, or the interment of cremated remains in that grave
- Place a memorial on that grave, subject to the council's Regulations relating to memorials
- Have inscriptions, or additional inscriptions, on a memorial on that grave, subject to the council's regulations on this.

The Exclusive Right of Burial deed, like any other deed, is an important document and should be kept in a safe place.

Any Exclusive Right of Burial deed granted may be transferred by a grantee to another person but the transfer must be agreed and recorded by the council. Such right may also be bequeathed by will whose executors must confirm its accuracy in writing. In either case a transfer fee may be payable.

Following the death of the grantee, the Exclusive Right of Burial in any grave space must be transferred and re-registered before the grave can be further re-opened or any memorial erected on the grave or any existing memorial repaired, altered or

removed. No interment can take place in any grave unless a prior grant of Exclusive Right of Burial in that grave has been made. The name and address of the owner of this right must be given to the council at the time of giving notice of the interment.

6.2 Renewing/Extending Exclusive Right of Burial

When the original 30-year term of the Exclusive Right of Burial is approaching, the Cemeteries Officer will contact owners to discuss extending or renewing the rights. It is important that residents keep the Officer updated of any change of address, although a notice will be placed onto plots to assist in contacting owners.

If the grave owner does not renew the lease or does not contact the office before the rights expire, the ownership of the plot will revert to the Council. No further interments or memorial applications will be granted without a repurchase of the rights of burial.

Any existing burials in any plot will not be disturbed regardless of the Exclusive Right of Burial of a plot expiring.

If you wish to extend the burial rights, they can be renewed for a further 30 years or extended in multiples of five years, up to a maximum of 30 years. A renewal/extension form will need to be completed and returned as well as the relevant fee paid.

If the original owner is deceased, those entitled as either executor of probate/will/letters of administration, or next of kin, can extend the rights themselves, if they wish. Proof of entitlement, an additional fee and paperwork for a transfer of ownership will be required.

If the lease is renewed, this may be on the condition that any memorial receives a full inspection and stability test and any defects repaired. We will also require that any renewed plots adhere to our current rules and regulations, details of which can be found on our website.

For awareness, the Council reserves the right to remove any memorial from an expired plot after giving a set period of notice for the owner to remove, using a registered stonemason. The council can also resell unused plots, where an interment has not taken place, and where the Exclusive Right of Burial has expired.

6.3 Public Graves

A public grave is an unpurchased grave where no Exclusive Right of Burial exists. There is usually no family connection with those buried in this type of grave. No memorial rights exist for a public grave, therefore no headstone or memorial can be placed on it without the councils consent.

7. Memorials

Only stonemasons that have been approved by the National Association of Memorial Masons (NAMMS) or the British Register of Accredited Memorial Masons (BRAMMS) will be permitted to undertake any work on memorials within the council's cemeteries.

The stonemason will be required to supply a copy of their NAMMS or BRAMMS certification together with current insurance certificates before any permits will be issued.

Headstones must be in keeping with the cemetery appearance and only natural colours are allowed. There will be no permission granted for brightly coloured memorials, any that are not of a traditional style or any that are made of glass or materials that will become fragile and breakable when exposed to the variety of weather conditions.

Designs and inscriptions must be submitted to the council on the form 'Application for Permission to Erect a Memorial'. This form must also detail the grave number, dimensions of the memorial and be signed by the registered grave owner(s).

Every grave that has a current Exclusive Right of Burial deed and a monument or memorial placed on the grave, must be kept in good repair and condition by the owner and remains at the owner's sole risk. The council is not responsible for any damage or injury which may occur to the memorial or caused by the memorial to a person visiting or working in the cemetery grounds.

The council may remove, without notice, any monument, memorial, stone, tree, shrub, plant or item erected or placed in the cemetery in contravention of these regulations or reaches a condition that that can be a health and safety risk.

7.1 Erecting a Memorial

The number of the grave and stonemason's name must be inscribed into the base of the headstone/memorial with letters no larger than 3/4" in height.

No monuments, memorials or materials may be taken into a cemetery before 8.30am on any working day or at any time on Good Friday, Christmas Day, Saturdays, Sundays or Bank Holiday unless with the prior consent of the Cemeteries Service.

Memorials must be fixed so that the backs of them stand in line with those on a base.

Memorials fixed without basement stones must be in line with those fixed in basement stones.

All monuments and materials must be carried into the cemetery in such a way as not to cause any damage to roads, walkways or grass areas.

Everyone employed in fixing, painting, or restoring memorials, must leave the cemetery by 5.00pm or the hour of closing - whichever is earlier.

All materials must be carefully removed from vehicles and neatly piled or placed in or near where they are to be used, as directed by the Cemeteries Service. No working is permitted on roads, walkways, or adjoining graves.

All surplus materials, rubble and rubbish must be removed from the cemetery grounds immediately following any work undertaken and where a removal of a memorial has been required prior to an interment the area should be cleared in time for the funeral cortege arrival.

The structure must be ground anchored by an approved method and most suitable for the soil condition. Fixings generally shall be in accordance with the current Code of Working Practice of the National Association of Memorial Masons or the British Register of Accredited Memorial Masons.

7.2 Inscriptions

Stonemasons must not make any inscription or start a monument until the dimensions and other details have been submitted to the Cemeteries Service with the fees and approval has been granted in writing.

Only inscriptions on the face of the memorial are permitted.

The council reserves the right to refuse permission for a memorial where the inscription is unsuitable.

7.3 Memorial Measurements and Type

Below are details of the maximum dimensions and types of memorials that can be placed on graves in which the Exclusive Right of Burial have been granted:

Bybrook Cemetery

Lawn Sections	Headstone	Kerb
Sections 85-87 Sections 95-98	3' (914mm) high 3' (914mm) wide	Not permitted
Non Lawn Sections	Headstone	Kerb
All older sections not mentioned in lawn section above	3' (914mm) high 2' 10" (864mm) wide headstone with kerbstone: 3' 6" (1067mm) high	7' (2134 mm) long 2' 10" (864mm) wide 6" (152mm) high
Children's Sections	Headstone	Kerb
Sections 76 - 84	3' (914 mm) high 2' (609 mm) wide	4' (1219mm) long 2' (609mm) wide 6" (152mm) high
Ashes Plots	Headstone	Kerb
Section 99	24" (610mm) high 20" (508mm) wide 20" (508mm) front to back	Not permitted
Section 104	24" (610mm) high 18" (457mm) wide 18" (457mm) front to back	Not permitted

Willesborough Cemetery

Lawn Sections	Headstone	Kerb
Sections 51 - 57	3' (914mm) high 3' (914mm) wide	Not permitted
Non Lawn Sections	Headstone	Kerb
All older sections not mentioned in lawn section above	3' (914mm) high 2' 10" (864mm) wide headstone with kerbstone: 3' 6" (1067mm) high	7' (2134 mm) long 2' 10" (864mm) wide 6" (152mm) high
Children's Sections	Headstone	Kerb
Sections 36, 43, 47	3' (914 mm) high 2' (609 mm) wide	4' (1219mm) long 2' (609mm) wide 6" (152mm) high
Ashes Plots	Headstone	Kerb
Sections 42	18" (457mm) high 18" (457mm) wide 18" (457mm) front to back	Not permitted
Sections 58 - 59	24" (610mm) high 20" (508mm) wide 20" (508mm) front to back	Not permitted

Tenterden Cemetery

Lawn Sections	Headstone	Kerb
Sections H – M	3' (914mm) high 3' (914mm) wide	Not permitted
Non Lawn Sections	Headstone	Kerb
Sections A - D	3' (914mm) high 2' 10" (864mm) wide headstone with kerbstone: 3' 6" (1067mm) high	7' (2134 mm) long 2' 10" (864mm) wide 6" (152mm) high
Children's Section	Headstone	Kerb
Section G	3' (914mm) high 2' (610mm) wide	4' (1219mm) long 2' (610mm) wide 6" (152mm) high
Ashes Plots	Headstone	Kerb
Section E	24" (610mm) high 20" (508mm) wide 20" (508mm) front to back	Not permitted
Section F	24" (610mm) high 18" (457mm) wide 18" (457mm) front to back	Not permitted
Area 1 Graves 1-178	18" (457mm) high 18" (457mm) wide 18" (457mm) front to back	Not permitted
Area 2 Graves 180-219	24" (600mm) high 20" (500mm) wide 20" (500mm) front to back	Not permitted

7.4 Memorial Safety

The Health & Safety at Work Act 1974 requires all burial authorities to ensure that memorials are safe so that the potential for injury to those visiting and working in the cemetery is reduced.

Memorials remain in the ownership of the grantee of the Exclusive Right of Burial who is responsible for all future maintenance. In the event the grantee of the Exclusive Right of Burial is deceased then the next of kin is responsible for all future maintenance.

The council will undertake a programme of inspections rolling over a 5 year period and will categorise headstones as follows:

- a. Category 1 – immediate action is required to make the memorial safe or to stop the public accessing the memorial; or
- b. Category 2 – the memorial is not an immediate danger but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial; or
- c. Category 3 – The memorial is stable and will need to be re-inspected in 5 years' time.

If a memorial is identified as a Category 1 this may result in the memorial being laid flat or a stake and protective band placed around the memorial to make the memorial temporarily safe. Areas where there are several identified as a Category 1 the area may be cordoned off to prevent public access.

Notification will be sent to the owner of any headstone/memorial that is identified during the inspection or at any other time that it has been graded as at Category 1 or Category 2 risk and requires remedial works.

If the name and/or address of the owner is not known where records have not been updated, a notice shall be considered properly served if placed upon the grave space, monument or memorial.

If the owner or another person removes any protective banding or barriers without approved repairs being carried out they will be responsible for any injury or death caused by unsafe memorials.