



ASHFORD
BOROUGH COUNCIL

Cemetery Rules & Regulations



Contents

| | |
|--|----|
| 1. Cemeteries Regulations | 3 |
| 2. Burial Authority | 3 |
| 3. Our Cemeteries | 3 |
| 3.1. Conduct in Cemeteries | 3 |
| 3.2 Maintenance..... | 4 |
| 4. Cemetery Grave Sections | 4 |
| 4.1 Lawn Grave Sections | 5 |
| 4.2 Non Lawn Sections | 5 |
| 4.3 Woodland Grave Section | 5 |
| 4.4 Children’s Section | 6 |
| 4.5 Muslim Burial..... | 6 |
| 5. Fees and Payment | 6 |
| 6. Memorials..... | 7 |
| 6.1 Erecting a Memorial | 7 |
| 6.2 Inscriptions | 8 |
| 6.3 Memorial Measurements and Type | 8 |
| 6.4 Memorial Safety..... | 10 |
| 7. Arranging a Burial..... | 10 |
| 7.1 The Interment..... | 11 |
| 7.2 Cremated Remains..... | 12 |
| 8. Exhumations..... | 12 |
| 9. Right of Burial..... | 13 |
| 9.1 Exclusive Right of Burial..... | 13 |
| 9.2 Public Graves..... | 13 |

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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).

If you need help in interpreting the rules and regulations please contact the Cemeteries Officer.

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

Cemeteries Officer Tel: 01233 330472 or email: cemeteries@ashford.gov.uk

It must be noted that none of the following can take place without specific permission of the burial authority:

- a. Burials or exhumations
- b. Burial of ashes
- c. Erection or fixing of a memorial, including trees and plants
- d. Inscription on a memorial
- e. Renovation of a memorial
- f. Removal and /or replacement of a memorial

3 Our Cemeteries

3.1. Conduct in Cemeteries

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

- create any disturbance in a cemetery
- commit any nuisance in a cemetery
- interfere with any burial taking place in a cemetery
- 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 in a cemetery
- enter or remain in a cemetery 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. No person is to vandalise any grave, memorial, wall, fence, tree, plant or shrub in the cemetery.

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.

3.2 Maintenance

The council reserves the right 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 contractors, 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 Sections

In this section are details of what the various sections of the cemeteries are and any specific rules for those sections.

In general though for all sections of the cemetery:

- 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
- Any open grave is a potential danger and should not be entered by anyone other than authorised staff of the council
- 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

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 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.

4.2 Non Lawn Sections

Non-lawn graves (otherwise known as traditional kerb grave) are in the older sections of the cemeteries and 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 Woodland Grave Section

Both Bybrook and Tenterden cemeteries have a woodland section dedicated for natural burials. This section of the cemetery is designed to look and feel like a natural woodland area. 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 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.

Where graves have been allocated a memorial tree only native woodland plants can be planted.

4.4 Children's Section

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 memorials 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 Muslim Burial

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.

5. 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.

The fees and charges for any burial must be paid at the time of giving notice of booking and all other fees paid before the work to which they relate is started.

6. 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 to the Cemeteries Service a copy of their NAMMS/BRAMMS certificate 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 memorial, 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 (height, width and depth).

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.

6.1 Erecting a Memorial

The 'Application for Permission to Erect a Memorial' must be signed by the registered owners of the graves on which the memorial(s) are to be placed.

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

No monuments, memorials or materials may be taken into a cemetery before 8.30 am 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.

6.2 Inscriptions

Stonemasons must not inscribe any inscription until it has been approved, 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.

6.3 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 Section | Headstone | Kerb |
|--|---|--|
| Sections 95-99 | 3' (914mm) high x 3' (914mm) wide | Not permitted |
| Non Lawn Section | Headstone | Kerb |
| All older sections not mentioned in Lawn Section above | 3' (914mm) high x 2' 10" in (865mm) wide (overall headstone with kerbstone must not exceed 3' 6" (1050mm) high) | 7' long (2134 mm) x 2' 10" (865mm) wide x 6" (1800mm) high |
| Children Section | Headstone | Kerb |
| Sections 76 - 84 | 3' (914 mm) high x 2' (609 mm) wide | 4' long x 2' (609mm) wide x 6" (1800mm) high |

Willesborough Cemetery

| Lawn Section | Headstone | Kerb |
|--------------|-----------|------|
|--------------|-----------|------|

| | | |
|--|---|--|
| Sections 50 - 57 | 3' (914mm) high x 3' (914mm) wide | Not permitted |
| Non Lawn Section | Headstone | Kerb |
| All older sections not mentioned in Lawn Section above | 3' (914mm) high x 2' 10" in (865mm) wide (overall headstone with kerbstone must not exceed 3' 6" (1050mm) high) | 7' long (2134 mm) x 2' 10" (865mm) wide x 6" (1800mm) high |
| Children Section | Headstone | Kerb |
| Sections 36, 43,47 | 3' (914 mm) high x 2' (609 mm) wide | 4' long x 2' (609mm) wide x 6" (1800mm) high |
| Garden of Remembrance (Cremated Remains) | Headstone | Kerb |
| Sections 42 | 18" (450mm) high x 18" (450mm) wide x 18" (450mm) front to back | Not permitted |
| Sections 58 & 59 | 24" (600mm) high x 20" (500mm) wide x 20" (500mm) front to back | Not permitted |

Tenterden Cemetery

| | | |
|---|---|--|
| Lawn Section | Headstone | Kerb |
| Sections H – M | 3' (914mm) high x 3' (914mm) wide | Not permitted |
| Non Lawn Section | Headstone | Kerb |
| Sections A - D | 3' (914mm) high x 2' 10" in (865mm) wide (overall headstone with kerbstone must not exceed 3' 6" (1050mm) high) | 7' long (2134 mm) x 2' 10" (865mm) wide x 6" (1800mm) high |
| Children Section | Headstone | Kerb |
| Section G | 3' (914 mm) high x 2' (609 mm) wide | 4' long x 2' (609mm) wide x 6" (1800mm) high |
| Garden of Remembrance (Cremated Remains) | Headstone | Kerb |
| Section E | 24" (600mm) high x 20" (500mm) wide x 20" (500mm) front to back | Not permitted |
| Section F | 24" (600mm) high x 18" (450mm) wide x 18" (450mm) front to back | Not permitted |
| Area 1 (Graves 1-178) | 18" (450mm) high x 18" (450mm) wide x 18" (450mm) front to back | Not permitted |

| | | |
|-------------------------|--|---------------|
| Area 2 (Graves 180-219) | 24" (600mm) in high x 20" (500mm) wide x 20" (500mm) front to back | Not permitted |
|-------------------------|--|---------------|

6.4 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 will result in the memorial being laid flat 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.

It is illegal for anyone to remove, alter or disturb a monument, headstone, tombstone, flat stone, gravestone or memorial inscription which has been erected, placed or made in any cemetery without the council's consent.

7. Arranging a Burial

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.

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

Reservations are considered “provisional” until the formal document Notice of Interment is received.

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, this excludes Saturdays, Sundays and Public Holidays. The period of notice may be waived for recognised religious reasons.

No body may be buried, or cremated remains interred unless the grave owner signs 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.

7.1 The Interment

To organise a date for an interment contact 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 Grantee (owner of grave) or his/her 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.

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 interfering with 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.

Burials will normally take place:

Weekdays at 10.00 am and/or 1.00 pm (excluding Public Holidays). Both times slots can be booked for interments providing that both interments are in the same cemetery.

The council may amend these times for recognised religious reasons.

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.

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.

The council reserves the right to retain any grave spaces for its own purposes.

The council will erect a wooden cross/marker and a plaque on every new grave. The council have the right to remove this if it deteriorates to a poor condition or when a permanent memorial is erected on the grave.

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 immediately following a funeral and leave the area tidy.

7.2 Cremated Remains

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 will be prosecuted.

8. 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 from the Diocese of Canterbury must be obtained.

9. Right of Burial

9.1 Exclusive Right of Burial

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.

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.

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 stone or monument erected on the grave or any existing stone or monument repaired, altered or removed. No interment can take place in any grave unless a prior grant of Exclusive Right to 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.

9.2 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.