

# Cheshire East Council Cemetery Regulations

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06 December 2023

DRAFT FOR COMMENT



OFFICIAL



# Introduction

1. We recognise that you may be reading these regulations at a time of great loss and hope that our cemetery staff are able to help you through this difficult time. We hope this document provides clarity on the regulations associated with burial and cremation in Cheshire East
2. Cheshire East Borough Council welcomes all visitors to their cemetery grounds. Visitors are kindly asked to respect the peace, dignity and reverence of these facilities in order to promote them as places of tranquillity for quiet reflection.
3. Visitors are requested to contribute to the peaceful environment that the Council seeks to maintain within the cemeteries by acting in a dignified and respectful manner at all times and to comply with the requirements of these Regulations and relevant Terms and Conditions.
4. These regulations are the general terms and conditions under which Cheshire East Council operates its cemeteries. They are designed to ensure the safe and peaceful operational enjoyment of the cemeteries for all visitors and staff.
5. Additional specific terms and conditions apply to particular areas and features within the sites.

# Charter for the Bereaved

6. The Council participates in the Institute of Cemetery and Crematorium Management's Burial and Cremation Charter for the Bereaved. A summary of the 33 Charter rights is available free of charge from the Cemetery Offices. A full copy of the Charter document is available for inspection at the Cemetery Offices and may be purchased from the Institute of Cemetery and Crematorium Management.

## Locations

Area	Address	Post Code
<b>Bereavement Administration Office (North)</b>	The Cemetery Lodge, 87 Prestbury Road, Macclesfield. Telephone 01625 383 946-8	SK10 3BU
<b>Alderley Edge Cemetery</b>	Chelford Road, Chorley	SK9 7TQ
<b>Congleton Cemetery</b>	Howey Lane, Congleton	CW12 4AE
<b>Macclesfield Cemetery &amp; Crematorium</b>	Prestbury Road, Macclesfield	SK10 3BU
<b>Wilmslow Cemetery</b>	Manchester Road, Wilmslow	SK9 2LE
<b>Bereavement Administration Office (South)</b>	The Cemetery Office, Market Close, Crewe. Telephone 01270 685 545	CW1 2NA
<b>Crewe Coppenhall Cemetery</b>	Reid Street, Coppenhall	CW1 3DZ
<b>Crewe Badger Avenue Cemetery &amp; Crematorium</b>	Badger Avenue, Crewe	CW1 3JG
<b>Crewe Meadow Brook Cemetery</b>	Minshull New Road, Crewe	CW1 3PP
<b>Nantwich Cemetery</b>	Whitehouse Lane, Nantwich	CW5 6HP
<b>Sandbach Cemetery</b>	The Hill, Sandbach	CW11 1JJ
<b>Weston Cemetery</b>	Cemetery Road, Weston	CW2 5LQ

## Access

7. Private motor vehicles may use the designated roads within the cemeteries, respecting the cemetery environment. They must not exceed 10 mph and must not be driven off the roads onto adjoining areas at any time.
8. Parking is available in designated car parks within the cemeteries at Congleton, Crewe Badger Avenue, Crewe Meadow Brook and Macclesfield. Vehicles may be parked on the roads within the cemeteries, provided the vehicle remains wholly on the carriageway, except for the cemeteries at Crewe Coppenhall and Weston, where there is no vehicular access.
9. The Council may temporarily close the whole or part of a Cemetery or the Crematorium grounds as often as, in the opinion of the Council, such closure is required.

10. Buses and coaches must not enter the cemeteries and all passengers must disembark at the entrance, unless given prior consent by the council or the council's agents.
11. The roads within the cemeteries must not be used for the purpose of learning to drive.
12. Cycles are permitted in the cemeteries, but must be ridden on the roads only and at a maximum speed of 10 mph.
13. Skateboarding, roller skating and similar activities are not permitted within the cemeteries.
14. Children under the age of 10 years may only visit the cemeteries if accompanied and supervised by a responsible adult.
15. Dogs are permitted within the cemeteries, but must be kept under strict control and on a lead at all times. As is the case in all public areas the person in charge of a dog is responsible for cleaning up and appropriately disposing of any dog fouling that may occur within the cemeteries.
16. Horses are not permitted within the cemeteries, with the exception of horses used to draw a hearse.

## Conduct

17. Our cemeteries are places of peace and reflection. In the interests of others, we will not permit anyone to:
  - create any disturbance or commit any nuisance
  - interfere with, or act in a disrespectful manner towards, any burial taking place
  - interfere with any grave, vault, memorial, plants or trees
  - play at any game or sport
  - consume alcohol, except in association with burial ritual or by prior authorisation from the Bereavement Services Manager
  - use threatening, offensive or abusive language towards any staff member or visitor or assault any staff member or visitor
  - undertake commercial filming or photography without prior authorisation from the Bereavement Services Manager
  - undertake guided walks or tours without prior authorisation from the Bereavement Services Manager
  - launch fireworks, balloons or other similar, within the Cemetery Boundary.
18. Local Authorities Cemeteries Order 1977 Article 18
19. No person shall:
  - wilfully create any disturbance in a cemetery;

- commit any nuisance in a cemetery;
    - wilfully interfere with any burial taking place in a cemetery;
    - wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants on any such matter; or
    - play at any game or sport in a cemetery.
20. No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.
21. Any person who contravenes the above shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction therefor.
22. Any person who fails to meet these reasonable standards of conduct will be asked to leave the site immediately and also may be subject to civil or criminal action as appropriate.

## Burials Procedure

Type of burial	Delivery of Notice of Interment and Registrar's or Coroner's certificate to the appropriate Bereavement Administration Office
<b>Coffin burial in a new grave</b>	Minimum of 3 working days before the burial
<b>Coffin burial in a reopened grave</b>	Minimum of 2 working days before the burial
<b>Ashes burial</b>	Minimum of 2 working days before the burial

23. The Council shall not be responsible for:
- Any discrepancies, errors or omissions in any 'Notice of Interment' or other document relating to a funeral or the consequences arising from such discrepancies, errors or omissions.
24. Failure to complete any documents appropriately and in accordance to the law relating to a funeral or the late receipt of any 'Notice of Interment' or other documents will result in the delay of the funeral.
25. Where the funeral involves the reopening of a purchased grave, the funeral may only proceed where sufficient space remains in the grave and under one of the following circumstances:
26. The written consent of the registered owner of the exclusive rights is included on the 'Notice of Interment.'

27. The funeral is that of the registered owner of the exclusive rights.
28. In any other circumstances, the ownership of the exclusive rights must be formally transferred to the person legally entitled to ownership before the funeral may take place.
29. This transfer should be completed using forms supplied by the Council.
30. The Council shall not be held responsible if, due to factors outside their control, the full number of Interments in a Grave cannot be achieved.
31. All fees associated with a burial in the Council's cemeteries must be received at the appropriate Bereavement Administration Office together with the Notice of Interment and Registrar's or Coroner's certificate.
32. All graves and ashes plots will be prepared by the Cemetery Staff or their nominated agent.
33. Where mourners wish to backfill a grave, advance notice of this should be communicated to the Bereavement Administration Office on the Notice of Interment.
34. The Council adheres to the Federation of Burial and Cremation Authorities "Code of Burial Practice" dated October 2013

## Faith and Religious Requirements

35. Wherever possible the Council will seek to accommodate recognised faith or religious requirements for burial. We have consulted different faith groups and as a result of this engagement provide the following section to acknowledge the requirements of the Muslim community. If there are other specific recognised faith or religious requirements not currently covered by these regulations, please contact us to discuss how we may accommodate them. (Contact details at the end of the regulations).
36. The Council recognises the wishes of the Muslim community to bury their dead in accordance with their faith and practice. The Muslim community may bury their dead in shrouds and/or remove the coffin lid at the graveside if so desired, provided that:-
  - the body is conveyed to the graveside in a suitable lidded coffin or container approved by the Registrar;
  - the shrouded body shall not be visible or removed from the coffin or container until all mourners have assembled around the graveside so as to obscure the body from public view;
  - Cemetery staff, or others employed by the Council, shall not be required to come into contact with the body at any time;

- in order to satisfy the Public Health (Control of Disease) Act 1984, the body of a person dying from a notifiable disease will not be permitted to be handled, transported, or buried unless enclosed in a coffin;
- a stock grave be prepared ready to facilitate burial as soon as possible after death. Sufficient wooden timbers are to be used to form a chamber into which burial may take place;
- all graves are prepared in such a way that the body rests on the right side and faces Mecca;
- after settlement of the grave, and if requested, turf mounding of the graves to a depth of 6 inches will be carried out by the Cemetery Staff.

## Types of coffin / container

37. The body of any deceased person will not be accepted for interment unless it is enclosed within a coffin of a type and style approved by the Bereavement Services Manager. Details of any special or unusual coffin or casket should be referred to the Cemeteries and Crematorium Office when the arrangements are being made for the interment or cremation.
38. The type of coffin or other container that will be accepted for burial in the cemeteries must be appropriate for the type of burial:
  - Standard burial: any type of coffin or casket except zinc-lined, lead-lined or made of metal.
  - Shroud burial: the shrouded body should be brought to the cemetery in a coffin, from which it is removed prior to lowering the shrouded body into the grave.
39. The standard grave space provided in the cemeteries accommodates most sizes of coffin and casket. However, in the case of a particularly large coffin or casket, it will be necessary to allocate and charge for 2 grave spaces to enable the burial to take place.

## Private Graves / Exclusive Rights of Burial

40. The cemeteries and each grave space within them are the property of the Council. However, the Council may grant the Exclusive Right of Burial within a grave space or ashes plot for 100 years, subject to specific terms and conditions relevant to the particular type of grave or plot selected in each case.
41. The Council would normally limit the purchases of graves on a pre-need basis to 2 graves per transaction. Subject to restrictions of capacity we may not be able to accommodate 2 graves adjacent in any one given area.
42. There is a fee payable for the purchase of the Exclusive Right of Burial. In addition, there is a fee payable for each burial that takes place in the grave or plot.

43. The Council issues a formal Deed of Grant of Exclusive Right of Burial for each grave or plot and, together with these Regulations and the associated Terms and Conditions issued at the same time, this forms the legal contract between the Council and the purchaser.
44. The Exclusive Right of Burial entitles the registered holder(s) to:
  - Be buried in the grave or plot, subject to space being available;
  - Authorize further burials in the grave or plot, subject to space being available;
  - Apply and erect a suitable memorial on the grave or plot, in accordance with the Regulations and Terms and Conditions specific to the type of grave;
  - Apply for an additional inscription on a memorial on the grave or plot.
45. Ownership of the Exclusive Right of Burial does not give individuals or families the right to place any items on a grave or plot that is not permitted in cemeteries. Please see the grounds maintenance section below.
46. No burial may take place within a grave and no memorial may be erected upon a grave without the written consent of the registered owner of the Exclusive Right of Burial in that grave.
47. The Council will grant the Exclusive Right of Burial in a grave to one named individual. Where desired, the Council will grant the Exclusive Right of Burial in a grave to two named individuals. Each registered owner of the Exclusive Right of Burial may be buried in the grave without the consent of the other registered owner, subject to there being sufficient space within the grave.
48. However, the written consent of both registered owners will be required to enable a memorial to be erected on the grave or to permit the burial in the grave of any other person.
49. Possession of the Deed of Grant of Exclusive Right of Burial in itself does not prove ownership of the exclusive rights. The ownership of the Exclusive Right of Burial belongs to the purchaser as registered by the Council at the time of the sale of the right or following the registered transfer of ownership.
50. The ownership of the Exclusive Right of Burial may be transferred either during the owner's lifetime or after their death, using the appropriate Council Forms.
51. At least one year prior to the expiry of the Exclusive Right of Burial in a grave, the Council will seek to contact the registered Grantee offering to extend the Exclusive Right of Burial. However, where the Exclusive Right of Burial in any grave expires and is not renewed, it will revert to the Council.



52. In such cases, neither the original purchaser of the Exclusive Right of Burial nor anyone to whom the Exclusive Right of Burial may have been transferred has any rights to the grave. The Council reserves the right to remove any memorial on a grave where the Exclusive Right of Burial has expired and after 3 months to use or dispose of the memorial in any manner it thinks fit.
53. It is the responsibility of the owner of the Exclusive Right of Burial to inform the Council of any change of address or their intention to transfer ownership of the right.

## Public Graves

54. A public grave is one in which no exclusive right of burial has been granted and in which the Council may bury the bodies of unrelated people at any time.
55. There is a fee payable for each burial that takes in the grave or plot.
56. If it is desired to erect a memorial upon a public grave, it will be necessary to purchase the Exclusive Right of Burial, which includes the right to erect and maintain a memorial. This option is only available in relation to the most recent burial in the grave.

## Grave Spaces and Memorials

57. Grave surfaces will be turfed flat except where specifically indicated otherwise at the point of grave purchase. The turfed area of the grave must not be cut to form a flowerbed or for any other purpose, and nothing shall be placed on the turf. Any items placed on the grave surface, turfed or otherwise, following a period of 1 month after the interment will be removed by cemetery staff without prior warning and disposed of.
58. Memorials must conform to the specific standards set for each type of grave and contained within the relevant Terms and Conditions (must be specified eg not exceed 42 inches (107 cm) in height or width, and all headstones must be between 3 inches (7.5 cm) and 5 inches (12.5 cm) in thickness). These standards relate to design, materials, size and methods of fixing.
59. Unless specified otherwise in a site specific Cemetery Management Plan, a proposed memorial may include a kerbset protruding no more than 18" (45.7cm) from, and not exceeding the width of, the proposed memorial. Any such kerbset should be made from the same materials as the proposed memorial and installed in accordance with the aforementioned standards. Once installed it would be necessary to remove such a kerbset in order to undertake future burials of any description and this would be done at the grave owner's expense.

60. Memorial masons and their employees and/or subcontractors must be suitably qualified, experienced and competent to perform all works necessary when erecting, dismantling and repairing memorials to meet current industry and statutory Health and Safety requirements and guidelines.
61. The standard of workmanship will be evidenced by qualifications and registration obtained from an accreditation scheme operated by either the National Association of Memorial Masons Retail (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) or equivalent.
62. All memorials shall be erected to conform to the most recent edition of the National Association of Memorial Mason's 'Recommended Code of Working Practice' or the British Register of Accredited Memorial Masons' 'Blue Book'.
63. The details of each proposed memorial must be submitted to the appropriate Bereavement Administration Office using the Council's Memorial Application form. The memorial may only be erected / installed following written approval by the Council, issued in the form of a Permit.
64. The base for any headstone memorial on a lawn grave must not exceed 12 inches (30cm) from front to back and must be fixed either: -
  - onto the concrete strip supplied by the Council or
  - Where no strip is provided, on a properly prepared york stone flag or a precast reinforced concrete slab of similar colour, not exceeding 36 inches (91cm) by 15 inches (38 cm) and not less than 2 inches (5 cm) thick, the upper surface of which must be level with the surrounding ground.
65. Subject to the type of grave selected, it may be necessary to allow a period of 12 months to pass following a burial before a memorial can be erected upon a grave
66. The section and number of the grave must be inscribed (IN A SPECIFIED LOCATION) on each memorial.
67. The name of the monumental mason may be inscribed (IN A SPECIFIED LOCATION) of the memorial.
68. The Council reserves the right to remove any memorial, which either does not conform to its description on the approved Memorial Application form or which is erected without the permission of the Council. The memorial will be retained at the cemetery for 3 months only, pending collection by the individual concerned, after which it will be disposed of if unclaimed. The Council reserves the right to take action against the responsible memorial mason and, ultimately, prohibit the appropriate person or organisation being prohibited from entering a cemetery, in accordance with the Council's licensing scheme or the BRAMM Scheme or equivalent.

69. The maintenance and insurance of the memorial is the responsibility of the owner of the Exclusive Right of Burial.
70. Where a monument falls into disrepair the owner will be notified. If the owner cannot be traced, or after notice fails to repair the memorial within six months after the issue of such notice the Council reserve the right to remove and dispose of the kerbs and memorials without recompense of any kind. The Council may refuse to permit any further interments in such a grave until the cost of carrying out the works has been repaid.
71. The Council may examine and test cemetery memorials for safety and in accordance with BS 8415 or any standard deemed to be suitable at that time. Any memorial, which is found to be loose, insecure or dangerous will be made safe immediately by laying it flat or by some other means. Reasonable steps will be taken by the Council to notify the owner. Subject to financial or other constraints, the Council reserves the right to re-erect headstones, which are deemed to be loose or insecure at its full discretion, or otherwise notify the owner of the defect.

## Gardens of Remembrance

72. The Gardens of Remembrance are communal areas and memorial facilities are available for purchase if required. Personal items and belongings shall not be placed in the Gardens of Remembrance and these may be removed without notice.
73. Cremated remains may only be scattered in the Gardens of Remembrance with the written approval of the Bereavement Services Manager. Cremated remains scattered without authority will not be recorded in the Council's registers and risk being disturbed through grounds maintenance or other works.

## Grounds maintenance

74. The maintenance of the grounds, including the cutting of all grass areas and the excavation of graves is the responsibility of the Council.
75. In order to excavate or gain access to excavate a grave, it may be necessary to temporarily place plant, equipment and excavated materials on top of adjacent graves. The period during which this may be necessary will be kept to a minimum. Once the burial has been completed, the grave will be backfilled and the surface of any adjacent grave affected by the works will be made good.
76. Following a burial, the grave will be backfilled and any floral tributes placed carefully over the grave. All floral tributes, including plastic bases and 'oasis', may be removed and disposed of by the Council 14 days after the burial.
77. No artificial grass, flowers or plants will be allowed to be brought into the Cemetery. The Council reserves the right to remove plants, plastic flowers, cut

flowers, wreaths or other such items in the interests of maintaining the site to the highest standards.

78. The Council reserves the right to remove any item that they consider unsuitable from any grave without notice. Any item removed will be retained for one month pending collection by the individual concerned, after which it will be disposed of if unclaimed. Such items include, but are not restricted to, wind chimes, windmills, flags, lights, candles, any kind of fencing and anything made of glass. These restrictions form part of the Terms and Conditions of the sale of the Exclusive Right of Burial.. .
79. Following each burial in an earth grave, the ground will settle over a period of months. The Council will routinely top up the level of any grave that sinks in this way for up to one year from the date of the burial.
80. The Council reserves the right of passage by people and machinery over all graves for all purposes in connection with the cemeteries, including but not limited to grounds maintenance; preparation of graves; erection, removal and repair of memorials; memorial safety inspections. The Council reserves the right to cover or temporarily remove any memorial in connection with burials in the cemeteries.
81. When a grave is excavated for a second or subsequent burial, it may be necessary to remove the memorial upon the grave to enable safe excavation. It is the responsibility of the owner of the exclusive rights of the grave to arrange for the memorial to be removed and replaced upon the grave after a suitable period has elapsed to allow for the settlement of the backfilled ground.
82. When a grave is excavated, it may be necessary to temporarily remove one or more memorials to enable access to the grave. In such circumstances, the affected memorial(s) will be replaced immediately following the funeral.

## Payments

83. Payments for all goods and services must be received by the Council prior to any funeral service, burial or erection of a memorial in any of the cemeteries.

## Responsibility for loss or damage

84. The Council is not liable for any damage or loss of personal property caused by third parties within a Cemetery.

## Feedback, Compliments and Complaints

85. The staff at the cemeteries are here to assist you and to ensure that the highest standards of service are achieved in the cemeteries. If you wish to leave any comments or feedback then please e-mail us at [bereavementservices@orbitas.co.uk](mailto:bereavementservices@orbitas.co.uk) . If for any reason you consider that our

standards are not being met, please raise the matter in the first instance with the Bereavement Services Manager at the appropriate Bereavement Administration Office.

86. The Council's Complaints Procedure is available from our office or on our website [Customer feedback, compliments and complaints \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

## Review of Regulations

87. These Regulations will be reviewed periodically to ensure that they remain relevant and up to date. As such the Council reserves the right to review and amend at any time these Regulations and any Terms and Conditions of sale of exclusive rights.
88. These Regulations were approved and adopted by the Council on [INSERT DATE]

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# Definitions

89. "Council" means Cheshire East Council
90. "Cemetery" means any cemetery provided and maintained by Cheshire East Council.
91. "Resident or Parishioner" means any person residing within Cheshire East Council who can provide proof of residency, either with a Council Tax Bill or via the Electoral Register.
92. "Coffin" or "Casket" means any container within which a body or cremation ashes of a person may be buried in the cemetery. All containers used for burial must be suitable for the purpose and have adequate identification of the deceased therein.
93. "Burial" or "Interment" means the placing of a coffin, or other container containing a body or ashes into any type of grave or plot for ashes.
94. "Grave" means a burial place formed in the ground by excavation and surrounded by earth sidewalls.
95. "Grave space" or "Plot" means the area allocated by the Council and comprising of the grave itself and its surrounding sidewalls of earth.
96. "Exclusive Right of Burial" means the right to decide who is buried in a specific grave, the type of memorial that may be erected upon the grave and the inscription upon it, all subject to these Regulations and the terms and conditions attached to the Deed of Grant of Exclusive Rights issued by the Council. The Council may periodically review and modify the Cemetery Regulations and terms and conditions. The granting of the exclusive right of burial includes the granting of the right to erect and maintain a memorial upon the grave, subject to the completion of the Council's memorial application form and subject to the memorial complying with the Regulations and Terms and Conditions relevant to the type of grave.
97. "Purchased" or "Private" grave or plot means a grave in which the Council has granted the Exclusive Right of Burial.
98. "Public" or "Unpurchased" grave means a grave in which the Council has not granted the Exclusive Right of Burial and in which the Council may permit the burial of unrelated people at the Council's discretion.
99. "Traditional grave" means a grave space upon which an approved memorial with kerbs may be erected and maintained.
100. "Memorial" means any memorial authorised by the Council to be installed and maintained within the cemeteries.
101. "BRAMM" means the British Register of Accredited Memorial Masons
102. "NAMM" means the National Association of Memorial Masons
103. "Unsuitable" means anything deemed by the council to negatively impact on the cemetery environment or other users of the cemetery.