

# Cheshire East Council

## Cemetery Regulations

### Introduction

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.

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.

These regulations are the general terms and conditions under which Cheshire East Council operates its 11 cemeteries. They are designed to ensure the safe and peaceful operational enjoyment of the cemeteries for all visitors and staff.

Additional specific terms and conditions apply to particular areas and features within the sites.

### Locations

Northern Area	Address	Post Code
Bereavement Administration Office (North)	The Cemetery Lodge, 87 Prestbury Road, Macclesfield. Telephone 01625 383 946-8	SK10 3BU
Alderley Edge Cemetery	Chelford Road, Alderley Edge	SK9 7TQ
Knutsford Cemetery	Tabley Hill Lane, Tabley	WA16 0EW
Macclesfield Cemetery & Crematorium	Prestbury Road, Macclesfield	SK10 3BU
Wilmslow Cemetery	Manchester Road, Wilmslow	SK9 2LE

Southern Area	Address	Post Code
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Bereavement Administration Office (South)	The Cemetery Office, Market Close, Crewe. Telephone 01270 685 545	CW1 2NA
Congleton Cemetery	Howey Lane, Congleton	CW12 4AE
Crewe Coppenhall Cemetery	Reid Street, Coppenhall	CW1 3DZ
Crewe Badger Avenue Cemetery & Crematorium	Badger Avenue, Crewe	CW1 3JG
Crewe Meadow Brook Cemetery	Minshull New Road, Crewe	CW1 3PP
Nantwich Cemetery	Whitehouse Lane, Nantwich	CW5 6HP
Sandbach Cemetery	The Hill, Sandbach	CW11 1JJ
Weston Cemetery	Cemetery Road, Weston	CW2 5LQ

Memorial masons and contractors may only undertake work in the cemeteries on Mondays to Fridays during the standard times of opening, excluding Public Holidays.

## Access

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.

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.

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.

The roads within the cemeteries must not be used for the purpose of learning to drive.

Cycles are permitted in the cemeteries, but must be ridden on the roads only and at a maximum speed of 10 mph.

Skateboarding, roller skating and similar activities are not permitted within the cemeteries.

Children under the age of 10 years may only visit the cemeteries if accompanied and supervised by a responsible adult.

Dogs are permitted within the cemeteries, but must be kept under strict control and on a lead at all times. 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.

Horses are not permitted within the cemeteries, with the exception of horses used to draw a hearse.

## Conduct

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

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

All burials must initially be booked with the staff at the relevant Bereavement Administration Office. By arrangement with the relevant Bereavement Administration Office, a member of staff can be available to meet the family or the bereaved or their representatives at the cemetery to discuss and clarify the arrangements. Alternatively, bookings can be placed by telephone.

The booking must then be confirmed by delivery of the Council's fully completed 'Notice of Interment' form, together with the Registrar's Certificate or Coroner's Order, or other relevant legally required authorisation for the burial to that Office.

In the case of burials requiring new graves or new plots for ashes, it is advisable for the family concerned to visit the cemetery of their choice to see the types of graves that are on offer at that particular site and to understand any restrictions on types of memorial that may be applicable.

New graves or new plots for ashes are normally prepared in sequence. Where a family wish to select a grave or plot that is outside of this sequence, an additional fee is payable.

If any official documents are transmitted electronically, the originals must be received by the appropriate area Bereavement Administration Office before the funeral may proceed.

The timescales for delivery of the documents are set out below:

<b>Type of burial</b>	<b>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	Minimum of 3 working days before the burial
Coffin burial in a reopened grave	Minimum of 2 working days before the burial
Ashes burial	Minimum of 2 working days before the burial

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.
- 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.

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:

- The written consent of the registered owner of the exclusive rights is included on the 'Notice of Interment.'
- The funeral is that of the registered owner of the exclusive rights.
- 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. This transfer should be completed using forms supplied by the Council.

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.

All graves and ashes plots will be prepared by the Cemetery Staff or their nominated agent.

Where mourners wish to backfill a grave, advance notice of this should be communicated to the Bereavement Administration Office on the Notice of Interment.

## Types of coffin / container

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.

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

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.

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.

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.

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.

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 are not permitted in cemeteries. 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. The Council reserves the right to remove any item that they consider unsuitable from any grave without notice. Any item removed will be retained at the cemetery for one month pending collection by the individual concerned, after which it will be disposed of if unclaimed.

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.

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.

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.

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.

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.

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.

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.

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**

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.

There is a fee payable for each burial that takes in the grave or plot.

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.

## Memorials

Memorials must conform to the specific standards set for each type of grave and contained within the relevant Terms and Conditions. These standards relate to design, materials, size and methods of fixing.

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.

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.

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'.

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.

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.

The Council reserves the right to remove any memorial, which either does not conform to its description on approved the 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, in accordance with the Council's licensing scheme or the BRAMM Scheme or equivalent.

The maintenance and insurance of the memorial is the responsibility of the owner of the Exclusive Right of Burial.

## Grounds maintenance

The maintenance of the grounds, including the cutting of all grass areas and the excavation of graves is the responsibility of the Council.

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.

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.

Subject to the specific Terms and Conditions for the grave concerned, the owner of the Exclusive Right of Burial in a grave may plant and cultivate suitable, low-growing plants or place cut flowers within a specified area of the grave. 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.

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.

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.

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 in 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.

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

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

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

## Comments, suggestions and complaints

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 XXX. 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.

The Council's Complaints Procedure is available from our office or on our website.

## Review of Regulations

The Council reserves the right to review and amend at any time these Regulations and any Terms and Conditions of sale of exclusive rights.

These Regulations were approved and adopted by the Council on XXX

## Definitions

**"Council"** means Cheshire East Council

**"Cemetery"** means any cemetery provided and maintained by Cheshire East Council.

**“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.

**“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.

**“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.

**“Grave”** means a burial place formed in the ground by excavation and surrounded by earth sidewalls.

**“Grave space” or “Plot”** means the area allocated by the Council and comprising of the grave itself and its surrounding sidewalls of earth.

**“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.

**“Purchased” or “Private”** grave or plot means a grave in which the Council has granted the Exclusive Right of Burial.

**“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.

**“Lawn grave”** means a grave space where the surface of the grave and the adjoining ground is level, clear of obstructions and maintained as a grass lawn. An approved memorial may be erected and maintained at the head end of the grave space within a border 18” (457mm) deep.

**“Traditional grave”** means a grave space upon which an approved memorial with kerbs may be erected and maintained.

**“Memorial”** means any memorial authorized by the Council to be installed and maintained within the cemeteries.

**“BRAMM”** means the British Register of Accredited Memorial Masons

**“NAMM”** means the National Association of Memorial Masons

**“Unsuitable”** means anything deemed by the council to negatively impact on the cemetery environment or other users of the cemetery.

**“Suitable planting”** means the selection of plants that will not exceed a height of 450mm or spread of 450mm [I think maximum dimensions should be specified, but these are simply suggestions]