

TOLLESHUNT D'ARCY PARISH COUNCIL

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TOLLESHUNT D'ARCY BURIAL GROUND

Beckingham Road • Tolleshunt D'Arcy

BURIAL GROUND REGULATIONS

1. In exercise of its powers under Section 214 and Schedule 26 to the Local Government Act 1972: and article 3 of the Local Authorities Cemeteries Order 1977, Tolleshunt D'Arcy Parish Council hereby makes the following regulations for the proper management, regulation and control of Tolleshunt D'Arcy Burial Ground.
2. These regulations shall come into force on 1st April 2020

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BURIAL GROUND REGULATIONS

1. GENERAL CONDUCT FROM VISITORS TO THE BURIAL GROUND

- 1.1 All persons are to conduct themselves in a quiet and orderly manner. Children under the age of 10 years may only be admitted if accompanied by a responsible adult, and no person in a state of intoxication shall be allowed access. The playing of any game or sport is prohibited. (Article 18, 1977 Cemeteries Order).
- 1.2 Dogs shall be kept on a lead and not allowed to foul the Burial Ground.
- 1.3 Smoking in the vicinity of a grave or cremated remains plot whilst an interment is taking place is not permitted.
- 1.4 Where possible, all materials or tools to be brought to the grounds should be carried by hand, or in such a manner that will avoid damage to roads or paths. No trade vehicle shall remain in the cemetery longer than is necessary for loading or unloading.
- 1.5 No memorial shall be installed or other work carried out unless an appointment has been made for the representative of the Council to be present. Failure to make an appointment may lead to sanctions against the Contractor concerned.
- 1.6 Visitors should always deposit their dead flowers and other litter in the bins provided.
- 1.6 Soliciting orders within the Burial Ground for the erection or repair of memorials, or for any other work, is strictly prohibited.
- 1.7 Reports of any incivility, or breach of the regulations, should be passed to the Parish Clerk.
- 1.8 Please note that Council employees are not permitted to accept any gratuities.
- 1.9 No person shall:
 - a) Wilfully create a disturbance in the Burial Ground
 - b) Commit any nuisance in the Burial Ground
 - c) Wilfully interfere with any burial taking place in the Burial Ground
 - d) Wilfully interfere with any grave or memorial, or any flowers or plants on any such manner

2. NOTICES OF INTERMENT

- 2.1 Notice of interment shall be given on the appropriate Council Forms available free of charge from Tolleshunt D'Arcy Parish Council, 4 Valkyrie Close Tollesbury, Essex CM9 8SL. Written notification must reach the Council at least three working days before the interment is due to take place and must be given during the hours of 9.00 and 17.00 between Mondays and Fridays (excluding Public Holidays).
- 2.2 Provisional arrangements for interments may initially be made by telephone and or email. The Parish Clerk will determine the availability of any time or date proposed for burial. Written confirmation must follow to reach the Council as detailed above. The Council will not accept any responsibility for any error or delay consequent to any Notice being sent by post.
- 2.3 For a grave where the Exclusive Right of Burial has been granted, the Notice of Interment shall be signed by the registered owner or his/her legal representative, and in the event of the owner

being the deceased, the Grant shall be produced, where possible, together with the Notice of Interment.

- 2.4 All charges and fees are to be paid when the Notice of Interment is given, and are to be made payable to Tolleshunt D'Arcy Parish Council.

3. INTERMENTS

- 3.1 All interments will take place on weekdays (excluding Public Holidays), and will take place between 09.00 and 15.30 (time of arrival at the Burial Ground).
- 3.2 Only coffins made of wood or other perishable material are to be used.
- 3.3 The interment in common graves of non-residents of the Maldon District is not permitted.
- 3.4 Funeral Directors shall come under the direction of the Council's representative on entering the cemetery. They must provide sufficient bearers for carrying and lowering of coffins into graves.
- 3.5 Funeral Directors must arrange, where necessary, for memorials to be removed to allow graves to be reopened, and for the reinstatement of memorials following the interment.

4. CORONER'S ORDERS AND CERTIFICATES OF DISPOSAL

- 4.1 No interment can take place until a Registrar's Certificate for Disposal or a Coroner's Order for Burial has been received by the Parish Clerk, or alternatively, an appropriate Statutory Declaration has been completed. (Section 1, Births & Deaths Registration Act 1926).

5. OFFICIATING MINISTERS

- 5.1 Arrangements with the Officiating Minister shall be made by the relatives or the Funeral Director, and the Council cannot accept any responsibility in connection therein.
- 5.2 However, the name and address of the person officiating must be notified to the Parish Clerk when the Notice of Interment is given.

6. SELECTION OF GRAVES AND CREMATED REMAINS PLOTS

- 6.1 Grave spaces and cremated remains plots will be utilised as determined by the Council, except for those selected by the purchaser of the Exclusive Rights of Burial. Selection of grave spaces and plots is subject to the approval of the Parish Clerk, but the wishes of applicants will be met as far as practicable, within the areas available for use at the time.

7. GRAVES

- 7.1 A grave plot is 2700mm long by 900mm wide. The area for excavation shall be not more than 2100mm long measured from the eastern end of the plot (Maldon Road end). Thus an area of the plot at least 300mm long, and 450mm long wherever possible, shall remain un-excavated at the western end of the plot in order to provide a relatively firm base for any headstone or another memorial that may be erected. Graves will normally be spaced on 1350mm centres and rows will normally be at 3300mm intervals, leaving an unobstructed path at least 750mm

wide between rows.

- 7.2 Graves shall be a minimum 1400mm deep and nothing in the grave shall be less than 900mm from the surface of the ground after interment.
- 7.3 In normal circumstances, graves will be dug to accommodate two interments.
- 7.4 All graves are to be dug by gravediggers appointed or authorised by the Council.

8. CREMATED REMAINS

- 8.1 Plots for the interment of cremated remains in the garden of remembrance are 800mm (32") long by 400mm (16") wide spaced on 600mm (24") centres (200mm [8"] between plots).
Excavation for ashes interment shall be a minimum 450mm (18") deep and nothing in the plot shall be less than 300mm (12") from the surface of the ground after interment
Ashes may be interred in graves by special arrangement with the burial clerk
By arrangement with the burial clerk, ashes may be scattered or strewn in certain areas of the garden of remembrance, notably the immediate area around and under the D'Arcy Spice tree and the borders close to the hedges in and around the burial ground.

9. VAULTS

- 9.1 There is no provision for interment in vaults at Tolleshunt D'Arcy Burial Ground.
- 9.2 There is no provision for interment in walled graves at Tolleshunt D'Arcy Burial Ground.

10. PURCHASE OF EXCLUSIVE RIGHTS OF BURIAL

- 10.1 The Exclusive Right of Burial for any vacant grave may be purchased. These rights will normally be for 75 years from the date of purchase. The period may be extended in units of five years, on payment of the appropriate fee, provided that, at any one time, the outstanding period does not exceed 50 years in respect of a grave space. Exclusive Rights of Burial must be purchased before or at the time of any first interment in any plot.

Whilst such purchases are not restricted to the residents of the Parish of Tolleshunt D'Arcy, for those outside this area, additional charges will be made. (See the Table of Fees and Charges).

- 10.2 Subject to availability, the Exclusive Rights of Burial for grave spaces, may be purchased 'in reserve' for future use.
- 10.3 The rights to erect memorials in accordance with the rules set by the Parish Council is automatically granted to the holder of Exclusive Rights of Burial and such rights shall endure for the duration of those rights of burial and shall end simultaneously.
- 10.4 Where any interment is not that of the owner of the Exclusive Right of Burial, the written consent to the opening of the grave must be made by the owner on the Notice of Interment. No body shall be buried, or cremated remains interred in any grave until the written consent of the owner has been obtained. Scattering of Cremated Remains on graves or in any part of the Burial Ground is strictly prohibited.
- 10.5 After the interment of the owner of an Exclusive Right of Burial, the personal representative must produce Probate of the Will of the deceased person or Letters of Administration to the Estate, or other evidence the Council requires so that the change of ownership can be

registered. No further interments may be accepted, and no applications to place, or add any inscription to, a memorial may be considered until the Exclusive Right of Burial has been transferred. This restriction also applies where the memorial or additional inscription refers to the deceased owner.

- 10.6 Owners of an Exclusive Right of Burial shall not under any circumstances dispose of the rights without the consent in writing of the Council. The Deed of Grant of Exclusive Right of Burial shall be considered to form part of the personal estate of the grantee and may be assigned in their lifetime or bequeathed by Will. Every such assignment or Probate of Will shall be produced to the Parish Clerk.
- 10.7 The grant of Exclusive Right of Burial to any person shall not prevent the Council or its servants from passing over, placing materials or equipment upon, or maintaining the surface of any grave or plot in the course of cemetery management.
- 10.8 Exclusive rights of burial can only be purchased at the time of interment except as either (a) or (b) below:
a) At the time of interment or soon after, rights to a single adjacent plot in the same row may be purchased by a relative, friend or associate of the deceased providing that the plot is available.
b) Not earlier than 3 months after an interment and if no relative, friend or associate of the deceased has purchased the rights for that next plot described above then the rights to it may be purchased by them or anyone else.
- 10.9 A deed of exclusive rights of burial will be issued by the Burial Clerk.
- 10.10 The purchase of exclusive rights of interment for plots other than as described here or in areas of the burial ground not currently being used for burials will not be allowed. This is to ensure that the reserved status of plots is preserved and to avoid inadvertent problems with the positioning of future graves or rows.

11. MAINTENANCE OF GRAVE SPACES

- 11.1 Whenever a burial takes place in the Burial Ground, the grave will be filled with earth and, after a period of time to allow for natural subsidence, the surface shall be covered with topsoil and seeded or covered with turf.
- 11.2 Nothing may be placed on the grassed area of the grave, except on the day of the funeral, when flowers and wreaths may be placed on the grave.
- 11.3 Owners of graves may place flower containers on graves, provided that they are of a durable material and that they do not exceed one foot (300 mm) in height and three in number. Containers made of glass, wood, plastic or fibreglass are not considered durable material and are not permitted. Temporary planting on traditional graves is permitted whilst arrangements are being made for the erection of a memorial. Shrubs or bushes, including roses, are not permitted. The Council reserves the right to remove, or require the owner to remove, any item which encroaches on or affects access to other plots, or in any way constitutes a risk to public safety.
- 11.4 No surrounds whatsoever are permitted on any grave space.
- 11.5 No lights (fairy lights/solar lights) are permitted on any grave space.

12. COMMEMORATION AND MEMORIALS – GENERAL

- 12.1 Memorials may only be erected over grave spaces for which the Exclusive Right of Burial has been granted. Grave or plot owners wishing to place a memorial must make application as detailed below to the Parish Clerk. The necessary work to place the memorial may only take

place after approval by the Parish Clerk. (Most local masons keep a supply of application forms).

- 12.2 All memorials shall be constructed from durable stone, marble or granite. Memorials of soft stone or wood are not permitted. (But see paragraph 11.5 regarding temporary memorials).
- 12.3 All memorials remain the responsibility of the registered owner. The Council cannot accept any responsibility for any damage or breakage which may occur. Owners are encouraged to seek independent advice regarding insurance cover for memorials. Your mason should be able to advise on memorial insurance.
- 12.4 Applications to erect a memorial, or to carry out any work on an existing memorial, must be made to the Burial Ground Clerk, together with the appropriate fee. (Memorial Application Forms are available free of charge from the Parish Clerk). Any stonemason wishing to carry out any work in the Cemetery must be BRAMM Registered and adhere to the BRAMM Accreditation Scheme. Such applications must provide the following information:
- a) A dimensional drawing or illustration of the proposal.
 - b) Details of the landing or foundation (where appropriate).
 - c) A copy of every proposed inscription - must be non-controversial.
- 12.5 Provided that it is the owner's intention to make an application for the placement of a permanent memorial on a grave in accordance with the Regulations, it is permissible to place on a grave space for which the Exclusive Rights of Burial have been granted, a temporary memorial provided that it complies with the following specifications and a temporary permit has been issued:
- a) The temporary memorial shall be in the shape of a simple cross and shall be constructed of hardwood.
 - b) The dimensions shall be as follows (metric equivalents are approximate):
 - Height: Not more than 20 inches (500mm) than one-third of the overall height below ground level
 - c) If the condition of the temporary memorial deteriorates the provisions of regulation 11.9 will apply.
 - d) Temporary memorials shall be replaced by permanent memorials within nine months from the date of the interment unless specific written authorisation is obtained from the Council to extend this period.
- 12.6 Every memorial must have the grave or plot number conspicuously marked on it, at the applicant's expense, in permanent lettering not exceeding one inch (25mm) high.
- 12.7 In respect of graves in the lawn areas, vases of an approved design and material may only be placed adjacent to existing headstones. In such instances, written permission from the Council must be received before any vase may be placed on any grave space. Applications should be made on the Memorial Application Form and forwarded to the office of the Cemetery Registrar. Please note that vases placed on grave spaces must not encroach onto adjacent plots. (see Section 10.3).
- 12.8 All memorials are to have a sufficient foundation constructed of concrete or stone. Each headstone must be fixed to its base by means of copper or galvanised dowels, or joggled to ensure stability and be fitted with a ground anchor by a BRAMM registered stonemason.

- 12.9 All memorials are to be kept in good repair. The Council reserves the right to remove, or require the owner to remove, any memorial which is not maintained in an adequate or safe condition.
- 12.10 All memorials removed in order to allow additional interments to take place, shall be removed from the Burial Ground. The responsibility for the correct removal and replacement lies with the owner of the Exclusive Rights of Burial, or with the person who requested the interment.

13. MEMORIALS GRAVE – DIMENSIONS

GRAVE

13.1 The following are the maximum dimensions permissible for headstones.

- Maximum height : 36 inches (915 mm)
- Maximum thickness: 6 inches (150 mm)
- Maximum width : 30 inches (760 mm)

Any plinth or base must project not more than 50mm (2in) beyond the headstone in any direction except where a vase is incorporated when the plinth or base may extend to maximum of 250mm (10in) in front of the headstone. Although the height of the stone itself is limited to 915mm (36in), the overall height including any base or plinth may be up to 1000mm (39in).

13.2 For open book or similar memorials, the overall dimensions of the memorial shall not exceed: 760mm (30in) wide by 500mm (20in) long (front to back) and the base shall not project more than 50mm beyond the memorial in any direction.

13.3 Except for single-piece monolith headstones with adequate subsurface extension, any headstone measuring more than 510mm (20in) to the top from ground level shall incorporate ground anchor measures in line with best current practice.

ASHES BURIAL PLOT

13.4 On ashes plots a memorial may be erected not exceeding:

- Maximum height : 17 inches (430 mm)
- Maximum thickness 6 inches (150 mm)
- Maximum width : 14 inches (360 mm)

13.5 Low profile horizontal stones and kerbing or other containment of the area of the grave is not permitted because it makes maintenance of the area difficult if left unattended.

13.6 Permission for any memorial not as above requires the prior consent of the Parish Council.

13.7 No permanent masonry memorial or similar may be erected on a grave less than 6 months after the first interment. This delay applies for a second or later interment if the base of the memorial has been disturbed. In every case permission of the Burial Clerk must be given before each memorial is erected and granting of such permission will take account of the suitability of the soil at the time.

13.8 Up to two flower vases may be included by setting the upright part of the memorial closer to the back edge of the base. Not exceeding 24 inches in height.

14. GARDEN OF REMEMBRANCE

- 14.1 An area of the Burial Ground has been set aside for Cremated Remains to be placed in the Garden of Remembrance.
- 14.2 Cremated Remains may be buried below the surface of the soil, provided that those Cremated Remains so buried are not enclosed in any form of container.
- 14.3 Only plaques conforming to an approved design and bearing an inscription approved by the Council will be permitted. Advice on approved designs can be obtained from the Parish Clerk.

15. WORK IN THE BURIAL GROUND

- 15.1 All grave digging or other work in the burial ground is to be done in a manner taking proper account of the health and safety of other people and animals at the burial ground as well as the people involved in the work. These issues are the responsibility of those doing the work and those employing them to do it. In particular:
- a) All graves and excavations, when dug and before interment, are to be left in a tidy and safe condition. They are to be covered and made safe for public access areas in accordance with all applicable legislation and codes of practise as may be considered appropriate by the Health and Safety Executive or any successive or other authority having appropriate jurisdiction. Visitors to the burial ground will probably include people with sight and hearing difficulties, infirm people and unsupervised children and safety measures should take account of this. Any maintenance or inspection visits that may be needed in order to ensure that safety measures remain intact and functional are the responsibility of the gravedigger and anyone employing them to do the work.
- b) The Parish Council does not warrant that the ground is suitable for digging of graves with unsupported sides and the Parish Council warns that shoring may be necessary. The Parish Council does not warrant that the soil will remain firm around any grave during digging or after it is dug. The Parish Council draws the attention of all gravediggers and those employing them to the fact that closeness of adjacent graves and the effects of weather can make new excavations become dangerous. It shall be the responsibility of the gravedigger and anyone employing the gravedigger to ensure that all required health and safety measures are taken to ensure the safety of people who may be at the burial ground for any reason.
- 15.2 Vehicles and machinery are only allowed to enter the burial ground with the permission of the Burial Clerk. Mechanical diggers may not be allowed to enter the burial ground at all and will, at least, require specific permission from the Burial Clerk on each occasion.

By Order of the Council

Version	Details of Changes	Date	Approver
2.0	Updated Regulations including document history	25/02/2020	TDPC