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**REVISION OF THE NORTH, EAST AND WEST CEMETERIES AND DARLINGTON  
CREMATORIUM REGULATIONS**

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**Responsible Cabinet Member(s) - Councillor Chris McEwan,  
Community Protection Portfolio**  
**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To present for review and revision the regulations made to govern the use of the Borough's Cemeteries and Crematorium.

**Background**

2. The Council is able to make regulations governing the operation and use of any Cemetery or crematorium provided by the Council. The regulations currently in place were made in 1975.
3. The regulations are almost 30 years old and are in need of revision. The regulations control the system of burials and cremations and need to be updated to reflect social and technical changes which have occurred.
4. In particular the regulations prescribe the type and size of memorials which can be provided. Monumental Masons and Funeral Directors have requested changes to the size of memorials to reflect greater choice and to permit the use of standard sizes provided by manufacturers. Currently many memorials have to be altered to comply with our regulations.
5. The proposed regulations also reflect the guidance issued by the Institute of Burials and Cremations and the Association of Burial Authorities.
6. The proposed regulations are attached as **Appendix 1**.

**Outcome of Consultation**

7. Discussions have been held with the Funeral Directors at the Quarterly Liaison Group. Consultation has been held with Memorial Masons, who operate in Darlington, at a special meeting.

**Legal Implications**

8. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

10. The issues contained within this report are required to be considered by Council.

### **Recommendation**

11. Council are requested to :-
  - (a) Approve that the Cemeteries and Crematorium Regulations be made in the form attached to this report, the Common Seal of the Council be affixed thereto and that they come into effect on 1 August 2004.
  - (b) Revoke from 1 August 2004 the North, West and East Cemetery Regulations and Crematorium Regulations made on 13 October 1975 be revoked from 1 August 2004.

### **Reasons**

12. The recommendations are supported by the following reasons :-
  - (a) The need to revise the regulations to reflect current social and technical conditions.
  - (b) To increase public choice.

**John Buxton**  
**Director of Development and Environment**

### **Background Papers**

- 1 Institute of Burials and Cremations – The Management of Memorials
- 2 Association of Burial Authorities – ABA Information No 18
- 3 Institute of Burials and Cremations – Charter for the Bereaved

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**CEMETERIES AND CREMATORIUM REGULATIONS**

Regulations made by Darlington Borough Council with respect to the Management of the North, East and West Cemeteries within the boundary of Darlington.

1. In the construction of these regulations the following words and expressions shall have the following meanings:-

<b>The Council</b>	means Darlington Borough Council
<b>The Manager</b>	means the Crematoria and Burials Manager and includes any person duly authorised to discharge temporarily the duties of that Officer.
<b>The Cemetery</b>	means as the case may require any or all of the Cemeteries provided by the Council
<b>Grave</b>	means the burial place formed in the ground by excavation and without any internal wall or brickwork or stonework any other artificial lining.
<b>Vault</b>	includes underground burial places of every description, except graves to which the word 'grave' interpreted as aforesaid applies.
<b>Grant</b>	means the grant of the exclusive right of burial whether by Deed or otherwise.
<b>Ordinary grave</b>	is the name this Council gives to describe those grave sites to which the Exclusive Right of Burial has not been granted.

**Notice, Fees Etc**

2. Notice of Interment, which shall be in the form provided by the Council, is to be given at the Cemetery Office, 11 Houndgate, Darlington between the hours of 8.45am and 4.45pm Monday to Thursday and 8.45am and 4.15pm on Fridays. In the case of a grave the notice is to be given at least 48 hours (exclusive of Saturdays, Sundays and Bank Holidays) previous to any interment and in the case of a vault at least 96 hours (exclusive of Saturdays, Sundays and Bank Holidays) previous to any interment.
3. Notice of Interments shall be delivered to the Cemetery Office at least two clear working days prior to the interment taking place (excluding Saturdays, Sundays and Public Holidays).
4. All fees and charges due to the Council will be paid at the request of this Council's Corporate Services Department through an invoice or in the case of an individual prior to any funeral service taking place.
5. No grave or vault in which a right of burial has been purchased or granted shall be opened without written permission of the registered holder or the registered holder is the deceased.

6. Upon the death of the registered owner of a right of burial in any grave or vault, the person claiming the title to the right of burial must produce satisfactory evidence of title before any grave or vault is opened.
7. The purchaser or owner of a right of burial in a grave or vault having the right to place and maintain or to put any additional inscription on a memorial cannot (except by Will) be allowed to dispose of any right without the consent of the Council. Every transfer of any such right shall be made by the Council at the expense of the applicant. Any person succeeding under a Will shall not be entitled to exercise the right until he has notified the Council.

## **Burials**

8. The permitted hours of burial on Monday - Friday inclusive are 9.00am to 11.45 am and 1.00pm until the advertised closing times. No funerals are allowed on Saturdays, Sundays or Public Holidays.
9. The time named for the burial is that at which the cortege arrives at the graveside, and such time is to be strictly observed.
10. The time at which a burial shall take place is subject to the approval of the Manager.
11. The Council will not make arrangements for any ministers of religion to officiate at a funeral. Funeral Directors or organisers will make their own arrangements for attendance and will be responsible for any expenses incurred.
12. The body of a person who died from a notifiable disease under the Public Health (Control of Disease) Act 1984 must be taken directly to the gravesite.
13. The burial of a person who died from a notifiable disease will only be permitted if contained in a sealed coffin.
14. For the interment of cremated remains, the remains will be enclosed in a sealed container.
15. When a coffin is not used, the body must be taken to the grave in a hearse (or appropriate vehicle) or a funeral director's removal shell.
16. The Funeral Director or other organisers responsible for the burial shall provide sufficient bearers to lower the coffin into the grave.
17. The Registrar's Certificate of Registration of the death of the person to be buried, or the Coroner's Order of Burial in cases where an inquest has been held must be given to the Cemetery Foreman or his assistant when the funeral enters the Cemetery.
18. A Certificate of Cremation must be produced before a burial or scattering of cremated remains can take place.
19. Failure to produce the relevant certificates will result in the postponement or cancellation of the funeral.

20. Cars of undertakers and mourners accompanying a funeral will be allowed in the Cemetery and all drivers of vehicles must not exceed a speed of 10mph.

### **Muslim Burials Only**

2. The Regulations for the management of other sections of the Cemetery shall apply to the Muslim Section with the following additions:
- a. The Exclusive Rights of Burial will only be granted serially.
  - b. Graves will be orientated so that they face Mecca.
  - c. Bodies to be buried without a coffin must be wrapped in a shroud or suitable cloth so that the body is hidden from public view during the burial service.

### **Graves and Vaults**

22. Exclusive Rights of Burial will be granted for a period of 50 years.
23. Persons intending to purchase the Exclusive Right of Burial to a grave space may select the site, subject to the approval of the Manager.
24. The Manager shall determine the site of all ordinary graves.
25. The grant of an Exclusive Right of Burial in a grave or vault is subject to these and any further regulations made by the Council and to the present and any future Regulations or Orders issued or to be issued with regard to the Cemetery by any competent authority, and to the payment of the sum or sums specified in the Council's schedule of charges.
26. Underground brick or stonework will not be allowed except in a walled grave or vault in respect of which an Exclusive Right of Burial has been granted.
27. Within 24 hours of any burial in a walled grave or vault, the coffin shall be:
- a. embedded in concrete, and covered with a layer of concrete not less than 150mm (6 inches) thick; or
  - b. enclosed in a separate cell or compartment of brick, slate, stone flagging or precast concrete slabs of a 1:2:4 mix, in any case not less than 50mm (2 inches) thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment.
28. The Council, will, upon request, undertake the planting and upkeep of the surface of graves or vaults in respect of which the Exclusive Right of Burial has been granted, on payment of the sum or sums specified in the schedule of charges. This does not apply to grave spaces on the Lawn Cemetery Sections of the Cemetery.

29. The digging of all graves and excavations for all vaults will be carried out by staff appointed by the Council under the direction of the Manager.
30. The Council will not undertake the construction of vaults. Purchasers of the Exclusive Right of Burial in grave spaces who desire the construction of a vault must arrange for the work to be executed by qualified persons approved by the Council or the Manager.
31. The work on construction of a vault must be carried out in accordance with the specification laid down by the Council. The persons carrying out the work shall fill up and level the ground and remove all refuse material; they will also be held responsible for any repairs which, in the progress of the work, may be done to the ground and walks and to any adjacent vault or grave or to any tombstone or other memorial.
32. In the carrying out of any work, mats, boards and canvas are to be used to preserve the grass as the Manager may direct.
33. A register of burials will be kept at the Cemeteries Office, 11 Houndgate, Darlington where searches may be made by arrangement with the Manager. A plan showing the situation of all graves and vaults will be kept at the Cemetery.

### **Memorials**

34. Exclusive Rights of Memorial will be granted for a period of 30 years to coincide with the workmanship guarantee issued by memorial masons under the memorial masons registration scheme.
35. No memorial shall be erected on a grave space unless the right to do so has been granted and an application to erect a memorial is made and signed by the registered owner of the Exclusive Right of Burial.
36. Vases not exceeding 300mm (12") in any dimension with an inscription not incorporating a surname or date are the only type of memorial, which can be sited on an ordinary grave.
37. No memorial shall be erected nor shall any inscription be inscribed on any memorial without the details being approved by the Manager and a permit for work being issued. If any memorial is erected or an inscription is inscribed without such approval or made in violation of these Regulations the memorial or inscription may be removed at any time by the Council without notice.
38. Only one memorial is to be sited on each grave space and no memorial including the base will exceed 1060mm (3'6") in height, 760mm (2'6") in width and the breadth of the base will not exceed 400mm (1'4"), with a thickness of no more than 100mm (4"). Vases will not exceed 300mm (12") in any dimension.
39. Memorials sited on the Lawn areas of the Cemetery will not obstruct the grass in any way and all masonry must be contained within the soil strip left for that purpose.
40. Full kerb set surrounds can only be positioned on traditional sites.

41. An Application to Erect a Memorial form issued by the Council shall be submitted to the Manager at least fourteen days before any work requiring approval is carried out. A drawing showing the form and dimensions of any memorial proposed to be erected and a copy of any proposed inscription should be attached. The drawing shall consist of a plan with front and side elevations and show the base, ground line, foundation and fixing methods. Ornamentation and inscriptions, etc. Dimensions of all parts shall be marked in legible figures on the plan. Isometric projections, photographs or prints may be accepted, if suitable, but shall have detailed dimensions.
42. In the event of any inscription in a foreign language, this must be accompanied by a translation in English and countersigned by a responsible person of the same faith.
43. Persons erecting, moving and fixing memorials shall be listed on the Council's Memorial Registration Scheme and all work will be carried out in accordance with this and the National Association of Memorial Masons' Code of Working Practice.
44. Persons carrying out memorial work shall remove all spare materials, soil and rubbish, and shall protect the grass, trees, plants and neighbouring memorials or constructions from damage.
45. The materials used in the construction of memorials shall be of durable natural stone, marble or granite.
46. Every memorial erected over a grave space shall bear the number of that grave space and the trade name of the memorial mason carrying out the work, clearly cut in characters of not less than 25mm (1inch).
47. Every memorial shall be fixed in the position indicated by the Cemetery Foreman and kept in repair by the owner of the right of burial. When, in the opinion of the Manager, a memorial is no longer maintained in good repair and proper condition it may be removed by the Council after due notice.
48. No memorial, of whatever description, will be admitted to the Cemetery or permitted to be erected therein except on condition that such memorial be so erected and remain at the owners sole risk, and the Council shall not be held responsible for any damage or breakage which may occur to the same.
49. Glass containers, shells or other fragile embellishments, including plastic windmills and wind chimes shall not be allowed in the Cemetery.
50. Hewing or dressing of stones, or work of a like nature shall not be permitted in the Cemetery or in the approaches to; and all materials and memorials shall be conveyed into and out of the Cemetery at such times as the Manager may direct and in such manner as will avoid injury to the grounds and walks.
51. Workmen employed in the erection or removal of memorials shall only be allowed to work in the Cemetery during the normal hours of work of the Cemetery workmen except in special circumstances, the existence of which is solely determined by the Manager.

52. Any memorial which is sited on a grave for excavation will require removal by a Registered Mason appointed by the exclusive right of burial holder, this must be arranged at least 48 hours prior to the time of the burial. All masonry in this respect will be removed from the Cemetery and kept in the care of the appointed persons until such time as application is made for further work to be carried out.

### **General**

53. The Cemetery will be open to the Public, under these Regulations, at the time shown on the notice board at the main entrance to each Cemetery.

54. Children under 12 years of age will not be allowed within the Cemetery except under the care of a responsible person.

55. All rubbish or waste flowers must be deposited in the waste bins provided.

56. No inebriate or riotous person shall be allowed to enter or remain in the Cemetery.

57. Alcohol and illegal substances will be prohibited within the Cemetery.

58. It is prohibited for people to gather in the Cemetery other than for the purposes of remembrance or a funeral service.

59. No dog or other animal will be allowed in the Cemetery (Byelaws with respect to dog bans in cemeteries 1993 refers).

60. No person (other than an Officer of the Council or a person otherwise authorised) shall enter the Cemetery, or remain there, after closing time and no person shall enter or leave the Cemetery otherwise than through one of the authorised means of entrance.

61. No person shall remove or take any articles from the Cemetery without the consent of the Manager.

62. Any orders or instructions given by telephone will be received at the sole risk of the person giving such orders or instructions, and the Council shall not be responsible for any misunderstanding, which may arise with regard to orders or instructions given by telephone. Any such orders or instructions shall be confirmed in writing.

63. Temporary Markers with nametags will be erected on all new graves as soon as is practicable following the first interment. These markers, which are the property of the Council, will be placed on the grave for a period of one year or earlier if a permanent memorial is erected.

64. Placing of fencing or other surrounds on or around a grave space is not permitted unless forming part of the design of an approved memorial.

65. Any items removed by the Council that contravene these regulations will be stored for a period of 4 weeks after which time they will be disposed of.



66. Floral tributes placed on graves will stay there until they become unsightly after which they will be removed.
67. Wreaths placed on graves over the Christmas period will be removed the last week in January.
68. Written permission from the Manager must be obtained to undertake any filming, videoing or photography, other than for personal use.
69. The Council reserves to itself the right to alter any of the above Regulations and schedule of fees.
70. Where the Council are entitled to serve a notice under these Regulations but are unable after reasonable enquiry to trace the person entitled to receive such notice they may instead display the notice in a conspicuous position in the Cemetery and publish the notice in two successive weeks in one or more newspapers circulating in its area and such display and publication shall be deemed to be sufficient notice.
71. The foregoing Regulations shall come into force on the 1st day of August 2004, on which date the Rules and Regulations made by the Mayor of Darlington on 13th day of October 1975 shall be revoked.

**The Council's Cemeteries are managed under the terms of the Local Authorities' Cemeteries Order 1977, which form part of these regulations. Your attention is drawn in particular to the following Articles of the Order:**

### **Offences in Cemeteries**

#### **Article 18 (1)**

No persons shall:

- a) wilfully create any disturbance in a Cemetery;
- b) commit any nuisance in a Cemetery;
- c) wilfully interfere with any burial taking place in a Cemetery;
- d) wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants or any such matter; or
- e) play at any game or sport in a Cemetery.

#### **Article 18 (2)**

No person not being an officer or servant of the burial authority of another person so authorised on behalf of the burial authority shall enter or remain in a Cemetery at any hour when it is closed to the public

#### **Article 19**

Every person who contravenes:

- a) any prohibition under article 5(6)
- b) article 10(6)
- c) article 18 (1) and 18 (2)
- d) Part I of Schedule 2

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 therefore.

## CREMATORIUM

Regulations made by Darlington Borough Council with respect to the general management and control of the Crematorium situated in the West Cemetery, Carmel Road North, Darlington.

1. In the construction of these regulations the following words and expression shall have the following meanings:-

<b>The Council</b>	means Darlington Borough Council
<b>The Manager</b>	means the Crematoria and Burials Manager and includes the duties of the Crematorium Registrar and any person duly authorised to discharge temporarily the duties of that Officer
<b>The Crematorium</b>	means the buildings at West Cemetery fitted with cremators for the purposes of cremating human remains and includes the Crematorium Chapel, the Crematorium grounds (ie Gardens of Remembrance) and any other buildings which may now or hereafter be erected therein or any extension thereof
<b>The Medical Referee</b>	means a Medical Referee or a Deputy Medical Referee appointed in pursuance of Regulations made by the Secretary of State for the Home Office, under Section 7 of the Cremation Act 1902 and Section 10 of the Births and Deaths Registration Act, 1926
<b>Forms</b>	refer to the forms prescribed by the Crematorium Regulations 1st June 1965

2. All cremations will be carried out in accordance with the provisions of Regulations made by the Secretary of State for the Home Department under Section 7 of the Cremation Act, 1902, Section 2 of the Cremation Act 1952 including the Cremation Regulations 1st June, 1965 and Section 10 of the Births and Deaths Registration Act 1926. No cremation will be permitted to take place except on the written authority of the Medical Referee.
3. Cremations may take place between the following hours by arrangement with the Manager:-  

Monday – Thursday	9.15am to 11.45am and 1.15pm to 3.45pm
Friday	9.15am to 11.45am and 1.15pm to 2.45pm
4. Cremations will not take place on Saturday, Sunday or Public Holidays, except where separate provision is made due to excessive demand.
5. Application for cremation must be made in writing to the Manager at the Crematorium Office, 11 Houndgate, Darlington between the hours of 8.45am and 4.45pm Monday to Thursday and 8.45am and 4.15pm on a Friday. This excludes Saturday, Sunday and Public Holidays.
6. The application for cremation must be made on Form A and signed by an executor or the nearest surviving relative. The signature of some other person may be accepted if a

- satisfactory reason is given on the Application Form why it is not signed by an executor or the nearest surviving relative.
7. No application for cremation will be accepted by fax or email and the responsibility for any error in any application shall be that of the person signing the Application Form.
  8. Forms A and E (issued by the Coroner) or Forms A, B (Certificate of Medical Attendant), C (confirmatory Medical Certificate) and the Certificate of Disposal issued by the Registrar of Births, Deaths and Marriages must be delivered to the Manager at 11 Houndgate, not later than 2.00pm on the day previous to the cremation, excluding Saturday, Sunday and Public Holidays.
  9. All fees and charges due to the Council will be paid at the request of this Council's Corporate Services Department through an invoice or in the case of an individual organiser prior to any funeral service taking place.
  10. No cremation shall take place except on the written authority of the Medical Referee in Form F, who may in any case decline to allow the cremation without stating any reason.
  11. The period for the use of the Chapel is allocated every 30 minutes, allowing for entering and egression the Chapel of all mourners, there is a 20-minute period in which the service must be completed.
  12. With the prior consent of the Manager a further 30 minutes can be allocated to allow for a more extended service, a further charge will be made in accordance with the schedule of fees.
  13. All persons using the Chapel are required to leave the Chapel immediately after the conclusion of the service or other ceremony.
  14. The responsibility for making the necessary arrangements for the attendance of Ministers to officiate at a service rests with the applicant for the cremation.
  15. The body of a person shall not be accepted at the Crematorium unless the coffin or covering bears a nameplate establishing the identity of the body.
  16. By prior arrangement with the Manager not more than two representatives for the relatives of the deceased may see the coffin introduced into the cremator if they so desire, but no inspection of the actual process of cremation will be permitted.
  17. No memorial devices, vases, glasses or other receptacles for plants or flowers shall be placed in the Garden of Remembrance or in any other part of the Crematorium.
  18. All cut flowers, wreaths and potted plants left at the Crematorium are at the owners risk. The Council will accept no responsibility for damaged or stolen floral tributes.
  19. Floral tributes will be disposed of at the discretion of the Manager.
  20. No dogs, except guide dogs, will be admitted to the Crematorium.

21. In the absence of any arrangements by the executors or the relatives of the deceased for the disposal of cremated remains, the Council shall be entitled after giving, on or after the date of cremation, 14 days notice to the person who applied for the cremation to scatter the cremated remains on the Gardens of Remembrance.
22. An urn or container containing cremated remains shall not be given up by the Manager except on the written authority of the person making the application for the cremation and the signing of a receipt for such urn or container and will always include a Certificate of Cremation.
23. The Book of Remembrance is a permanent memorial available to all applicants of a cremation to apply. One page of the Book of Remembrance is turned each day so that each entry can be seen on the anniversary of the date of death. The Book of Remembrance can be seen from 9.00am until half an hour before sunset but not later than 7.30pm Monday – Saturday. Sunday's 10.00am until half an hour before sunset but not later than 8.30pm.
24. Other crematorium memorial schemes may be in operation and will be available to those who make the request; there will be conditions attached which must be strictly observed.
25. The smoking of tobacco, drinking of alcohol and taking of illegal substances is prohibited in or near the Crematorium.
26. Vehicles entering or leaving the Crematorium area must not exceed a speed of 10mph.
27. No body shall be removed from the Crematorium for any purpose whatsoever except on the order of a Coroner, or other competent authority.
28. The Public will be admitted to the Crematorium and to the Chapel of Remembrance at times at the discretion of the Manager.
29. Written permission from the Manager must be obtained to undertake any filming, videoing or photography at the crematorium, other than for personal use.
30. Children under 12 years of age will not be admitted to the Crematorium unless in the charge of an adult.
31. The Council will accept no responsibility for any failure in cremation arrangements due to circumstances beyond their control.
32. It is the responsibility of the applicant for the cremation to arrange for the provision of sufficient bearers to convey the coffin reverently from the hearse to the catafalque within the Crematorium.
33. The construction of the coffin, lining of the coffin and the coffin content, shall be in line with the guidelines as issued by the Federation of British Cremation Authorities or similar adopted by this Council.
34. Except in cases where death is due to child birth (when a mother and a still born child may be cremated in the same coffin, provided that the authority to cremate has been granted in

- both cases) each body, whether adult or child, shall be cremated separately.
35. Where the maximum external dimensions permitted for a coffin exceed 710mm (28") in width, 2060mm (81") in length and 560mm (22") in depth, the Manager must be given advance notice.
  36. All persons admitted into the Crematorium shall be subject to the orders and control of the Manager, who has full power to exclude or remove any member of the public whom he, in his discretion, may think fit so to remove or exclude.
  37. All persons entering the Crematorium do so at their own risk, and the Council will not accept any liability for any injuries or damage sustained by such persons from any cause whatsoever.
  38. The foregoing Regulations shall come into force on the 1st day of August 2004, on which date the Rules and Regulations made by the Mayor of Darlington on 13th day of October 1975 shall be revoked.