



Duffield Parish Council

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INTRODUCTION

Duffield Parish Council welcomes all visitors to its Cemetery, and they are asked to respect the peace, dignity and reverence of the facilities.

The Cemetery is managed and operated in accordance with the Local Authorities' Cemeteries Order 1977, as amended by the Local Authorities' Cemeteries (Amendment) Order 1986 and such other legislation or regulations as may be made or enacted. Government departments currently responsible for any legislative or regulatory change are the Ministry for Housing Local Government and Communities and the Ministry of Justice.

The Council shall not be responsible for carrying out any instructions unless verified by the receipt of the correct documentation relating to the instruction within any specified time and delivered to the Parish Council.

The Council will email or post a copy of these Regulations to Exclusive Right of Burial owners when:

- grave plots are pre-purchased
- or to the next of kin at the time of burial
- when a memorial licence is renewed.

DEFINITIONS

- **“Authorised Officer”** is the Clerk to the Council and in his/her absence the Assistant Clerk
- **Council** means the Duffield Parish Council
- **Grave** means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.
- **Resident** means a person being, or having been, a permanent resident of the parish.
- **Permanent resident** is defined as a person who can provide proof of residency e.g. a current Council Tax Bill or who was at the time of death listed on the Electoral Roll. Residential status is also granted to anyone who would have normally resided in the parish but due to ill health, infirmity or disability has moved into care with a registered provider or family member
- **Unpurchased, public or common grave** means a grave in which no exclusive right of burial has been granted by the Council and in which unrelated persons may be interred.
- **Vault** means an underground burial place of any description except a grave as defined above.



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- **Legal Personal Representative** means the Executor, the Next of Kin, the Administrator or the Agent of the deceased's estate
- **Memorial** means a Headstone

Section 1 - General

1 Times of Burials

Monday to Thursday 9.00 am – 3:30 pm

Interments may take place outside these standard hours and on Saturdays subject to prior approval by the Council but excluding Bank and Public Holidays.

2 Visiting the Cemetery

The Cemetery will be open to the public daily during April to September between 08.00 and 20.00 hours and during October to March between 08.00 to dusk, unless otherwise determined by Duffield Parish Council.

No person other than a person authorised by Duffield Parish Council shall enter or remain in the cemetery at any hour when it is closed to the public.

All persons entering the Cemetery will be subject to the orders and control of Duffield Parish Council or any person authorised by the Council.

Visitors to the Cemetery shall not unreasonably interrupt the Council's employees or contractors at their duties. All enquiries and requests by members of the public must be made to the Clerk to the Council and not to the workmen in the Cemetery.

3 Children

Children under 12 years of age are not permitted in the Cemetery except under the care and supervision of a responsible adult.

4 Dogs

In accordance with the Byelaws, dogs shall not be admitted to the Cemetery. Guide dogs accompanying a blind person are allowed in the Cemetery.

5 Vehicles

Any person using a motor vehicle or motor cycle except for mobility vehicles in the Cemetery shall only do so on the road provided for the purpose and with the consent of the Council. They shall abide by the speed limit in force at that time.



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No person shall ride a bicycle, skateboard or other similar machine in the Cemetery.

6 Conduct within the Cemetery

All persons shall conduct themselves in a decent quiet and orderly manner and are reminded of the provisions of the Local Authorities' Cemeteries Order 1977 article 18(1) whereby 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, any tombstone or any other memorial or any plants on any such grave, or
- Play at any game or sport in a cemetery

Under article 19(c) of the Local Authorities' Cemeteries Order 1977, any person who contravenes article 18 shall be liable on summary conviction to a fine and in the case of a continuing offence to a fine for each day during which the offence continues after conviction thereof.

Any person found vandalising any part of the Cemetery or desecrating any grave plot will be liable for prosecution by the Council.

No person shall sell or offer or expose for sale any article, commodity or thing of any kind whatsoever or solicit for orders from the same within the Cemetery.

No employee of the Council is to demand or receive any gratuity.

No person shall drop, throw or otherwise deposit and leave in the Cemetery wastepaper or refuse of any kind except in the litter bins provided.

No person shall operate any sound reproducing equipment or play any musical instrument in the cemetery without the prior consent of the Council.

No photographs for commercial use or publication may be taken in the Cemetery without the prior consent of the Council.

7 Register of Burials

The registers of burials and other records available for public inspection (LACO 77, section 11(8) and 12) are kept at the Parish Office. Searches may be requested, and extracts obtained there from upon payment of the fees prescribed by the Council.

8 Contacts



Duffield Parish Council

Parish Office

The Cemetery Lodge
43 Hazelwood Road
Duffield, Derbyshire
DE56 4DQ

Parish Clerk: Kath Gruber

Tel: 01332 842740

Mobile: 07595515154

e-mail: clerk@duffieldparishcouncil.gov.uk

Website: www.duffieldparishcouncil.gov.uk

9 Complaints

Any complaint relating to any aspect of the Cemetery facilities should be made in writing to the Parish Clerk

10 Fees

Fees for all cemetery services are determined by the Council on an annual basis and take effect on 1st April each year. Fees can be accessed from the Council's website www.duffieldparishcouncil.gov.uk or by contacting the Parish Clerk.

All fees are payable to the Council and should be paid by bank transfer or cheque.

11 Regulation Governance

These regulations are approved by the Council.

All applicants for Cemetery services will be issued with an electronic copy of these regulations. If no email is available a printed version will be issued. Section 14 of these regulations "What we allow on Graves" will be displayed on the Cemetery Noticeboard.

The Council reserves to itself the right to revise these regulations at any time.

Questions arising for which no provision is made in these regulations shall be referred to the Council (or any Committee or Officer of the Council to which the Council has delegated its powers on this behalf) whose decision shall be final.

Section 2 – Maintenance of the Cemetery

12 Programme of Maintenance



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The Council will carry out a rolling programme of grave maintenance which includes:

- Risk assessments on headstones to ensure they are stable.
- Maintaining graves by topping up when necessary, seeding or turf laying and grass cutting.
- Removing mementos on graves to mow and strim unless mementoes are placed on a slabbed area to prevent weeds and grass growing through them.
- Topping up any grave that sinks within 12 months of a burial taking place.
- Removing dead or faded flowers and plants.
- Cleaning the public toilet and emptying litter baskets regularly.
- Removing Christmas Wreaths end of January/early February
- Removing broken memorials which may be a danger.

13 Council Responsibilities

The Council is responsible for taking extra care when carrying out grave maintenance around memorials which are easily marked, for example, slate.

The Council will try to ensure removed mementos are replaced after mowing.

The Clerk will take all reasonable steps to advise a family of the removal of damaged memorials.

14 Damage to Mementos

The Council does not accept liability for damage to mementos that have been moved for the purpose of cemetery maintenance. Should you not wish the mementos to be removed they should be placed on a slabbed area to prevent weeds and grass growing through them.

The Clerk will take all reasonable steps to advise the family if accidental damage has occurred.

Section 3 - Graves

15 Graves and land ownership

When a new grave is purchased, it is not the land that is purchased but the rights to have burials in that space. Ownership of the land itself remains with the Council and the Council retains the right to make rules and regulations to benefit all cemetery users.



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16 **Buying graves**

Your funeral director will arrange this for you, or you can contact us directly. You can also pre-purchase graves. You will need to complete a form, available by contacting us and pay for the grave now. Section 3 provides more details on this.

17 **Grave Location**

The Cemetery is very important to all individual families and for this reason the Council does not allocate plots to users in the cemetery but encourages individuals and families to choose their final resting place within the cemetery blocks themselves. Families may pre-purchase their plots and as with plots purchased at time of burial an exclusive right is granted of up to 50 years for the plots chosen.

Purchasers of new graves will be allowed to select their grave space subject to availability. Plans showing the divisions of the Cemetery with grave spaces marked thereon may be inspected by prior arrangement with the Parish Clerk during normal office hours.

18 **Burials Within Graves**

No diggers are to be used in the preparation of graves. All graves will be prepared by contractors employed by the funeral directors or those approved by the Council.

All graves will be excavated to the standard depth determined by the Council. The Council will not be held responsible if due to factors outside its control the full number of interments cannot be achieved.

Every coffin must bear details of the deceased person therein and may only contain one body except in the case of a mother and her baby(ies).

A single grave may contain one coffin and up to 6 interred ashes. A double grave may contain 2 coffins and up to 6 interred ashes. A triple grave may contain three coffins and 6 interred ashes

The Council advises that a headstone should not be placed on a grave for at least 6 months after a burial has taken place. This will allow for the ground to settle and reduce movement of the headstone.

19 **Ashes within Graves**



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Permission must be obtained from the Council to inter or scatter ashes in a grave.

6 caskets can be interred in a grave. Once interred, ashes cannot be disturbed unless a Ministry of Justice Licence and/or a Bishops faculty are obtained. In the case of an interment of cremated remains (ashes), the cremation certificate will be required for burial or scattering purposes.

No body or cremated remains (ashes) may be removed from a grave without the production of the ecclesiastical faculty and or Ministry of Justice licence for exhumation required by law. Original documents will be required for this purpose.

Cremated remains (ashes) may be interred in caskets or other approved containers in conventional graves or graves for cremated remains (ashes) and must be interred by an approved funeral director or an authorised representative of Duffield Parish Council.

20 Headstones on Graves

- a) Temporary memorials in the set form of a wooden cross can be erected providing they do not exceed 609.6mm (2 feet) in height above the ground. These must be replaced with a non-temporary memorial, which conforms to the Council's specifications, within 12 months of first installation. Details of the Council's specifications are set out in Section 6.
- b) In circumstances where ashes are interred in graves paragraph 18a) does not apply and memorials can be erected.

21 Memorials and Mementos Permitted on Graves

What we allow on Graves

All memorials and mementos must be contained within the grave plot. The Council reserves the right to remove any memorials and mementos that do not conform to the specifications detailed below.

Memorials

- A Memorial Headstone - see Section 6 for permissible design specifications
- A plinth with 1 or 2 vases

Mementos

All mementos must:

- 1) not exceed 609.6mm (2 feet) in height above the ground.
- 2) Be in a good state of repair, i.e. not damaged or weather-beaten.
- 3) Permissible mementos include:
 - Photographs



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- Soft Toys
- Artificial Flowers
- Fresh Flowers
- Plants planted in a pot
- Wreaths (Please Note: Christmas wreaths will be removed towards the end of January/early February)

NB: please refer to Section 2 regarding maintenance and mementos

What we don't allow on Graves

Anything that is not on the list above.

22 Walled graves and vaults

Walled graves or vaults are not permitted in Duffield Cemetery

Section 4 – Exclusive Right of Burial

23 Deed of Exclusive Right of Burial

A Deed of Exclusive Right of Burial in a grave may be purchased in advance on payment of the appropriate fee and completion of the Notice of Interment form which must include the signature of the proposed owner (or joint owners if there is more than one owner).

The grave owner is either the person who has purchased the grave in advance or the person who has signed the legal interment notice for a burial (usually the next of kin).

The Deed is a legal document and must be kept safe, as an original deed cannot be re-issued.

A Deed is issued for a period of 50 years and is renewable 12 months before the expiry date.

If the Deed has been lost, it is a requirement to sign and complete a Statutory Declaration form which can be found on the Council's website www.duffieldparishcouncil.gov.uk before a solicitor or commissioner for oaths if a grave must be re-opened.

The Deed gives the owner the exclusive use of the grave for burials but does not confer freehold ownership of the land. The Deed does not give the owner the right to erect and maintain a memorial on the grave.

Exclusive Rights of burials may be surrendered.



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Exclusive Rights will not be sold to undertakers, their agents or other persons for re-sale. The Council will mark every grave space according to the official plan.

24 Transfer of the Exclusive Right of Burial

The grave owner or their Legal Personal Representative may transfer the right of burial in a grave space, subject to the proper notice of such transfer being given to the Council in the appropriate form. For details of the relevant form please refer to the Council's website www.duffieldparishcouncil.gov.uk or contact the Parish Clerk. The Council will then register the transfer and endorse a note thereof on the grant.

Section 5 – Garden of Remembrance

25 Cremated Remains

The Council will dig garden of remembrance plots for excavation and backfill and reinstate after burial.

Each plot in the Garden of Remembrance can contain 2 caskets and one memorial.

Cremated remains may be scattered or buried in the Garden of Remembrance, upon application to the Council. All applications must be accompanied with a certificate from the Crematorium

All memorials must be approved in writing by the Council prior to placing on the plot.

Ashes shall only be scattered, strewn or interred in a location agreed in advance by the Council, at a predetermined time, day and date in consultation with the next of kin and Executor.

All laws and regulations relating to the disposal of cremated remains must be adhered to. Next of Kin and Executors should be aware that once ashes have been scattered, strewn or interred this is their final resting place. It is not possible to retrieve them without a license from the Ministry of Justice and/or a Bishop's Faculty



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26 Memorials in the Garden of Remembrance

One memorial and one vase only will be accepted per plot. Glass vases, plastic urns and bottles are not to be placed on any plot. The Council will remove these items

Memorials must be:

- manufactured in one piece
- square or hexagonal in shape
- be 304mm x 204mm and 50mm minimum thickness (11.97 x 8.03 x 1.97 inches)

27 Pet Ashes

The Council will not grant applications for memorials to pets, or to scatter ashes of pets.

Section 6 – Interments

28 Notice of Interment

The minimum periods required for notice of Interment:

- in a new earthen grave is 3 working days
- in a reopened grave is 2 working days

All applications in connection with burials and interments must be submitted on the Notice of Interment application form which may be downloaded from the Council's website www.duffieldparishcouncil.gov.uk or obtained from the Parish Clerk. The form must be submitted to the Council, signed by the holder of the Exclusive Right of Burial and accompanied by the appropriate interment fee.

The Council shall not be responsible for:

- Any discrepancies, errors or omissions on the notice of interment or other document which is required to be given or served on the Council or for liability arising from such discrepancies, errors or omissions.
- The late receipt of the notice of interment or other document which is required to be given to or served on the Council or for liability arising from such late receipt.

29 Interment Service

Any form of service may be used, religious or otherwise, alternatively, the coffin may be committed without a service.

Funerals should arrive on time as failure to do so may cause the interference of one funeral with another.



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30 Disposal Certificate/Cremation Certificate

No interment shall take place without the Disposal Certificate or the Cremation Certificate being presented to the Council's representative prior to the burial.

In the case of a non-viable foetus, the Medical Practitioner or Midwife's certificate of delivery will be required.

31 Chapel

The Cemetery Chapel can be used for small funerals and can accommodate up to 46 people. Charges for its use can be found on the Cemetery Fees and Charges on the Council's website www.duffieldparishcouncil.gov.uk.

Section 7 - Memorials

32 Memorial Applications/Licences

The right to erect a memorial rests with the Exclusive Right deed holder or their Legal Personal Representative. This right exists for 5 years following which it is renewed on the proviso that the memorial is in a sound and safe state of repair. If the memorial is not in a sound and safe state of repair the Exclusive Right deed holder or their Legal Personal Representative will be required to apply for renewal of the memorial licence.

The Memorial Application form, which can be found on the Council's website www.duffieldparishcouncil.gov.uk must be submitted to the Council for the following:

- to place a new memorial or kerb set in the cemetery;
- alter or add any inscription;
- replace, add to or remove any memorial or kerb set from the Cemetery
- renewal of the memorial licence

With the application a drawing or photograph of the memorial and the proposed inscription must also be submitted.

The application should be submitted to the Parish Clerk at least twenty-eight days before the monument is to be erected to obtain the necessary approval.

Any question on the fitness of an inscription or the design or material construction of a monument erected or placed on consecrated ground shall be determined in the first instance by the Parish Clerk and then by the Cemetery Committee with advice from the Bishop of the Diocese. The Council's decision on the fitness of any inscription or design of any memorial shall be final.



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The approval of the Council for any such application will be confirmed in writing and will be valid for 6 months but this may be extended at the discretion of the Authorised Officer. No works will be undertaken unless written consent has been issued. The consent is issued on the understanding that the work undertaken will comply with the details specified within the application form and the requirements of these regulations.

It is a condition that with the application there shall be evidence of a policy of public liability insurance taken out to cover the liability of the stonemason in the sum of at least £5 million and the receipt in respect of the premium paid under such policy.

The erection of a memorial on an unpurchased/public/common grave will be subject to the discretion of the Council and in accordance with these regulations and upon payment of the appropriate fee. Where permission is granted to erect a memorial on such a grave, it will be subject to the right of the representatives of other persons interred in the grave to have those persons commemorated thereon. As there is no right to erect a memorial on an unpurchased, public or common grave, such a memorial does not in itself confer any rights and remains at the discretion of the Council.

33 Memorial Installations

No monument of any sort will be allowed to be installed or placed on any grave or in any part of the Cemetery without the consent of the Council.

Memorials will be positioned to maximise the benefit and development of the area, but the Council will attempt to accommodate the wishes of the applicants at all times. The Council may limit the number of memorials in an area.

All memorials must be erected in accordance with BS8415 and the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good a safe condition during the term of each licence. The Council will remove any memorial that becomes dangerously unsafe.

Memorial mason companies who work in the cemetery must be registered with the National Association of Memorial Masons (NAMM) or the British Register of Accredited Memorial Masons (BRAMM). Fixing teams will contain at least one mason in possession of a NAMM or BRAMM fixer's licence. At all times memorial teams will operate in accordance with the NAMM or BRAMM scheme and the Council's regulations.



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If a memorial is judged by NAMM or BRAMM to be incorrectly fitted the Council will seek expert advice from one or other professional body who have powers to withdraw fixer licences.

Memorials shall be at the Western end of the grave, with the inscription facing East.

All workmen employed on behalf of the owner of the exclusive right of burial or personal representative of such person, to erect a monument shall carry out their work strictly under the direction of the Council and shall:

- At the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of work.
- Perform the work during the normal opening hours of the cemetery.
- Provide their own tools and equipment and complete the work with due dispatch.

No masons, letter cutters or other workmen engaged in fixing, delivering, painting or repairing memorials will be admitted to the Cemetery on Saturdays, Sundays, Christmas Day, Good Friday or any other public holidays, during a funeral ceremony, or on any other day before 9.00am and must leave the Cemetery no later than the official closing time.

Anyone installing a monument or kerb set or who undertakes any Memorial work within the cemetery not in compliance with these regulations will be required to remove the said memorial or kerb set and pay all costs involved.

Any unauthorised memorial or tombstone will be removed by the Council in accordance with article 14 of the Local Authorities' Cemeteries Order 1977 and shall be at the expense of the grave owner or their personal representative.

34 Memorial Preservation

Owners of Exclusive Rights of Burial are responsible for keeping memorials in good repair and for ensuring that the graves and flower beds are kept neat and tidy.

In the event of any memorial falling into disrepair the Council will write to the owner requesting the necessary repairs are carried out within 6 months. If after this notice from the Council the repairs have not been carried out, the memorial may be removed by the Council subject to and in accordance with the provisions of Schedule 3, Article 16 of the Local Authorities' Cemeteries Order 1977.



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The Council will conduct regular headstone checks see the Council's Memorial Inspection policy, which can be found on the Council's website www.duffieldparishcouncil.gov.uk. If any headstones are deemed unsafe the Council will write to owners asking them to contact the Parish Clerk within 7 days to confirm whether they will arrange for the headstone to be repaired and made safe. In the event of no contact the Council reserves the right to:

- Remove, move or lay flat any memorial that has become or is likely to become dangerous or which is in a derelict or unsightly condition.
- Exclude or remove from the Cemetery any memorial not executed in a workmanlike manner or from sound materials, or which in the opinion of the Council disfigure the Cemetery or offend public decency.
- Remove any items placed or planted on the graves that may interfere with the grass cutting and maintenance of the Cemetery grounds.

The Council will not accept responsibility for any accidents to memorials etc., occasioned by storm, wind, lightning, subsidence or other cause, or by third parties, but reserves the right to remove any damaged article subject to and in accordance with the provisions of Schedule 3 to the Local Authorities' Cemeteries Order 1977.

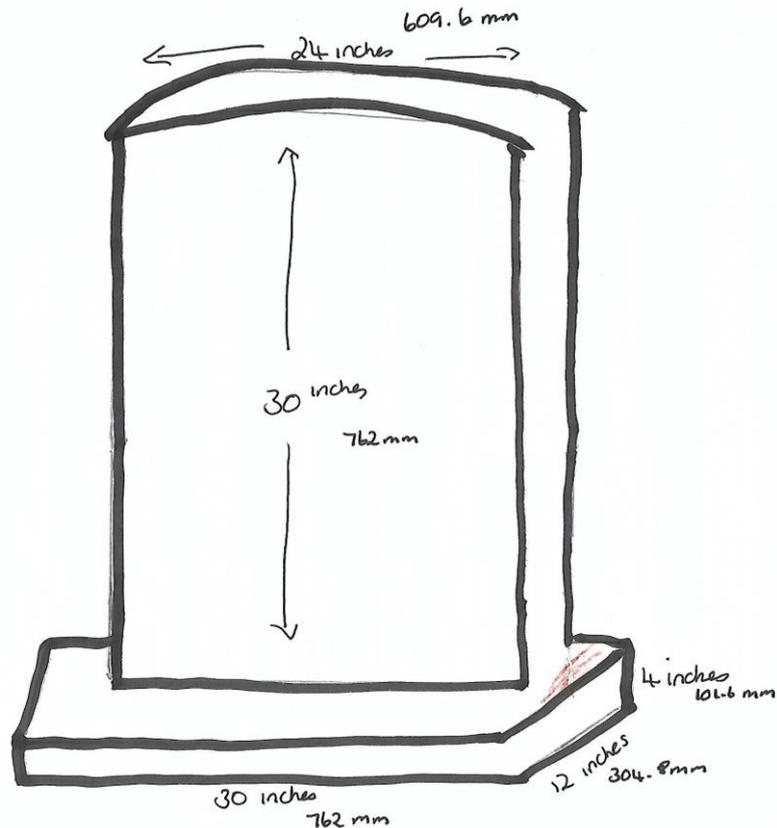
The Council will not be responsible for any criminal damage to memorials. Any incidents of criminal damage or theft are to be reported to the Police.



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35 Memorial Specifications

On full memorial grave plots, no memorial must exceed the following dimension:



Memorials on grave plots must:

- be at the head of the grave.
- have the grave number cut conspicuously on the back.

Metal clamps or dowels for memorials shall be of a non-corrosive type.

No memorials constructed of Caen, Bath or other free stone of a soft nature will be permitted in the Cemetery

36 Memorial Removals

Any person removing a memorial to permit a further interment shall in agreement with the Council, place it in a position indicated by the Council.

The Council must be informed in advance of the removal of any memorial from the cemetery.



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Any memorial removed from a grave to facilitate an interment shall be replaced as soon as practicable, but in any case, no less than 6 months (for a headstone) and 9 months for a kerbed memorial.

When memorials are removed from graves to enable the opening of the grave to take place, all monumental masonry and other debris should be removed from site. Any debris left on site will be removed by the Council may charge for this work.