

## **HORDEN PARISH COUNCIL, THORPE ROAD CEMETERY**

### **Rules & Regulations of Management and Cemetery Guidance**

Horden Parish Council has prepared this leaflet as a brief guide to all aspects of burial services at Thorpe Road Cemetery, Horden, County Durham.

If you require any further information, please contact

Horden Parish Council  
Social Welfare Centre  
Seventh Street  
Horden, Peterlee  
County Durham SR8 4LX

Telephone 0191 5180823  
cemetery@horden-pc.gov.uk

#### Cemetery operational hours

Monday – Thursday 8:00am – 4:30 pm (April – September) 3.30pm (October – March)  
Friday 8:00am – 3:30 pm (April – September) 2.30pm (October – March)

This guide has been produced to help you better understand the rules & regulations that apply and the range of services that are provided by Horden Parish Council at Thorpe Road Cemetery. Although these rules and regulations are a necessary requirement for the management and maintenance of our cemetery, every effort has been made to avoid restricting the rights and choices of the individual and relatives of the deceased, whilst ensuring the need to keep the grounds safe and tidy for both users and our staff in accordance with the Health and Safety at Work Act 1974.

Anyone visiting the cemetery should respect and comply with these rules and regulations.

The Council reserves the right to amend any of the rules, regulations and fees/charges at any time.

If you have any questions after reading this guide or any suggestions for improvement, then please get in touch with us directly, as we would like to be able to help you.

#### **GENERAL REGULATIONS THAT APPLY**

The Clerk to the Council is authorised by the Council to act on its behalf, delegation of authority to other staff shall be at the discretion of the Clerk to the Council.

#### **Access Time**

The Cemetery Grounds will be opened to the public via the pedestrian gates at all times:

The Council may temporarily close the whole or part of the Cemetery Grounds as often as, in opinion of the Council, such closure is necessary.

Vehicular access shall be allowed only during operational hours. If you require vehicle access outside of these hours, the Council will consider a reasonable request by prior arrangement.

### **Conduct in the Cemetery**

Whilst in the Cemetery all persons shall comply with any directions given by the Council or its staff.

Children under fourteen years of age are not allowed in the Cemetery Grounds unless accompanied by an adult.

Any person who shall wilfully destroy or damage any building, tree, plant, headstone or any other item; climb or disfigure any wall or fence belonging to the Council or play at any sport, discharge firearms (save at Military Funerals) in the grounds, wilfully or unlawfully disturb any persons assembled therein for the purpose of burying any body, or commit any nuisance therein whatsoever, is liable to prosecution under "The Criminal Damage Act 1971".

No person shall enter or remain in the Cemetery when it is closed to the public.

No dogs, except special assistance dogs may be taken into or allowed to enter the cemetery.

Any person who contravenes these regulations may be required to leave the Cemetery Grounds and may be excluded from readmission for such period as the Council may determine. In the case of funeral directors or stonemasons the exclusion may extend to their employees in connection with any work or duty within the Cemetery.

### **Fees and Charges**

Fees and charges are reviewed annually with an implementation date of revised fees usually being 1<sup>st</sup> April each year. Copies of current fees are available directly from Horden Parish Council and are published on the website <https://horden-pc.gov.uk> or [Horden Parish Council Cemetery](#).

All fees and charges must be paid in advance at the Council office, except where special arrangements are made with the Council.

### **EXCLUSIVE RIGHT OF BURIAL – REGISTRATION AND TRANSFER**

**Please note this section contains important information; please read it carefully.**

Horden Parish Council's cemetery is managed under the terms and conditions of the Local Authorities Cemeteries Order 1977 amended by the Local Authorities (Amendment) order 1986 and any further regulations made from time to time by the Secretary of State.

While an exclusive right of burial exists, nobody can be buried or cremated remains buried in the grave, without the written consent of the owner of the right.

The prohibition does not apply to the body of the owner of the right, or to the body of any person specified in the deed of grant, or in an endorsement made at the request of the owner of the right by the appropriate office of the burial authority.

This means that it is essential to get the written consent of the registered owner when it is planned to re-open a grave for a burial or the burial of cremated remains.

Similarly, when the owner of the right of burial dies, it is important the ownership is transferred, to ensure there are no problems when the grave is used in the future. The transfer of a Grant of Exclusive Right of Burial is a legal process and whilst there are set procedures to follow, each transfer must be looked at individually. (see general guidance below)

Therefore, it is very important to inform the council of any change of address so that the owner can be contacted about any problems – such as vandalism or damage to a memorial, or when the exclusive right of burial is due for renewal.

The owner of a grave can specify in writing who is to be buried there.

If the owner gives their permission in advance, the authority remains valid after their death, provided ownership has not been transferred.

Alternatively, the ownership of the right of burial can be in joint names. (Those of a husband and wife for example)

The exclusive right of burial is currently sold for a specific period of 100 years, it can be renewed at a fee determined at the time. Failure to renew the right at the end of the grant may result in the memorial being removed and the grave being re-sold. If this occurs, any remains in the grave will not be disturbed.

This does not apply to graves which are dug for one interment.

### **Renewal of Exclusive Right of Burial**

When the period of exclusive right of burial in a grave expires, the next of kin should let the Council know so that a new right of burial can be completed, with the fee being determined at the date of completion on the new right of burial.

### **Transferring Exclusive Rights of Burial**

#### ***Grave owner living***

The ownership of the exclusive right can be assigned to another person(s), the owner will need to complete a Form of Assignment which will need to be witnessed. Contact the Parish Office for the required form.

#### ***Grave owner deceased and left a will***

If the deceased owner left a will which has gone to probate, then the person(s) named should provide the Council with the following:

- The Grant of Probate – the document issued by the court after the will has been proved at Court. It should be an original document bearing the court seal. The Council will take a copy of the relevant part of the document and retain this.

If the deceased owner left a will of insufficient value to merit application for Grant of Probate and someone wishes to claim the Exclusive Right of Burial, then the Council will require:

- The death certificate (unless interred in the cemetery)
- A statutory declaration – a legal document stating the reasons why you are saying that you are the rightful owner of burial rights for a grave. Under the Statutory Declarations Act 1835, a declaration can be made before anyone who is authorised by law to hear it (e.g. a solicitor or legal executive), or before any Justice of the Peace.  
The requirement for a Statutory Declaration exists to ensure that the burial rights are assigned only to the rightful owner(s). It serves to protect both the owners of those rights and the council. It is a procedure used by the majority of burial authorities in England. It is supported by the Institute of Cemetery and Crematorium Management.
- A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial but do not wish to do so.

### ***Grave owner deceased and no will***

If the estate is of sufficient value to require probate. The Council will require:

- The Grant of Probate – Probate is granted to a person(s) who apply to the Court to receive permission to administer the estate of the deceased.  
An Assent of Administrator form completed by all Administrators.

If the estate is of sufficient value to merit application for Letters of Administration, the Council will require:

- The Death Certificate (if the owner of the Exclusive Right of Burial is not interred in the cemetery)
- A Statutory Declaration detailing the relationship of the person claiming the rights of the registered grave owner.
- A Form of Renunciation signed and witnessed from any other person(s) that would also be entitled to claim the Grant of Exclusive Right of Burial but do not wish to do so.

## **BURIAL SERVICES**

Most burial services take place in a local church with the cortege proceeding to the cemetery for a brief grave service; however, the cemetery has facilities for services at an extra cost in the cemetery chapel.

### **Burial arrangements**

Burial arrangements are normally made by a Funeral Director.

At least three complete working days' notice (not counting Saturday, Sunday or public holidays) of any proposed interment must be given at the Cemetery Office **in writing on the form prescribed** by the Council.

No burial will be allowed to take place unless the appropriate registrar or coroners disposal certificate has first been given to the Council.

In respect of burials in a public grave the written consent to the burial taking place in such a grave of the nearest surviving relative of the deceased or the person legally responsible for the burial, must be submitted with the notice of the interment.

Interments shall normally take place during the following hours:

Monday-Thursday	9:30 am – 3:30 pm (summer) 2.30pm (winter)
Friday	9:30 am – 2:30 pm (summer) 1.00pm (winter)
Saturday	9:30 am – 1:30 pm (at an additional cost)

Interments at other times may be permitted at the discretion of the Council. **Please note that the Council may not always be in a position to accommodate a requested date or time.**

The time stated in the notice of interment is the latest time at which the funeral cortege should arrive at the Cemetery. An additional fee may be charged in respect of the cortege which arrives after the appointed time. If a cortege arrives early at the Cemetery, it may be required to wait until the appointed time.

The person arranging the funeral will be responsible for the health and safety of everyone involved in the burial. The handling and lowering of the coffin should have been assessed in accordance with the Manual Handling Operations Regulations 1992 and must supply sufficient bearers to convey the coffin from the hearse to the graveside and also to lower.

Where the exclusive right of burial in a grave space has been purchased no grave will be opened for an interment, or the burial or scattering of cremated remains, without the written consent of the owner of the right.

If the owner is deceased an indemnity in the form prescribed by the Council must be completed by the assignee of the right or the personal representatives of the deceased.

### **Acceptance of Interment**

Horden Parish Council shall from 10<sup>th</sup> May 2007 accept for interment only those deceased persons who are:-

#### a) Residents of the Parish of Horden.

- (i) and have lived within the Parish boundaries within the past 12 months.
- (ii) In the case of a stillborn child, they shall be deemed to have been resident of the Parish if one of their parents lives within the Parish.
- (iii) For serving members of HM Forces resident at the time of death in temporary quarters outside of Horden, but whose parents are resident within the Parish of Horden.

#### b) Non-residents of Horden who have,

- (i) Resided within the Parish of Horden for a minimum of 12 months within the previous 10 year period.
- (ii) Have an immediate blood relative already buried within the Cemetery. (An immediate blood relative shall be Mother, Father, Brother, Sister or Child grandparent or grandchild.)
- (iii) Husband, wife or civil partner already buried within the Cemetery.

The body or ashes of any deceased person will not be accepted for interment unless it is enclosed within a coffin, casket or container of a type and style approved by the Council. All such items must be biodegradable.

The name of the deceased must be suitably inscribed on the coffin casket or container.

A coffin, casket or container or any part thereof, shall not be removed from the Cemetery after a body has been conveyed there for burial.

## **INTERMENT FEE**

The fee includes all labour charges and the use of grass mats.

Fees will be increased for burials outside of normal working hours (Saturday morning for example) or for people residing outside the Parish of Horden.

## **TYPE OF GRAVE**

Graves are sold in rotation and choice is at the discretion of the Council and limited to a row in which graves are currently being prepared.

The exclusive right of burial is sold for a period of 100 years. Graves can be dug to hold up to two interments, subject to prevailing ground conditions and discretion of the Council.

The following types of graves are available for purchase:

### **Public Graves**

Also known as common graves, these are for people who for whatever reason do not require a right of burial. These graves are communal, meaning that people may already be buried in them or buried in the future.

A common grave is not used for 15 years after a particular burial, so that relatives of the deceased may be buried in the grave. No memorials can be erected on common graves. The rules do not allow vases be placed at the head of the grave.

The grave surface will be turfed flat, no earth mound will be permitted and no flowers, shrubs, plants or trees will be allowed. The turfed area of the grave must not be cut to form a flower bed. The council may remove without notice any item which has been placed on the grave in contravention of these regulations.

The turfed area shall be maintained solely by the council.

### **Purchased Graves**

When a grave is "purchased", this refers to the purchase of the exclusive right of burial in the grave space and **not the purchase of any land itself**. This means you own a right and have a deed which allows you the exclusive right to say who can be buried in that space and the right to apply for permission to erect a memorial (subject to our consent in accordance with these regulations).

### **Selection and purchase of Graves**

The selection of Grave spaces is subject to the approval of the Council at the time of interment. We offer an additional service, for a fee, whereby you may choose a plot from those areas in which we are currently undertaking interments.

**Advanced purchase of grave space shall only be granted to residents of Horden and are non-transferrable.**

A purchaser of the Exclusive Right of Burial in a grave cannot convey, assign, or transfer such a right without the written consent of the Council (see the section on Exclusive Right of Burial).

The number of burials that can be accommodated in a grave space is dependent on the ground conditions at the time a grave is excavated.

**Purchase Deed**

You will be provided with a purchase deed by the Council. This is an important document as it is proof that you have an exclusive right in respect of the grave. **You should keep this document safely** as you will need to produce the document if you apply for a headstone or other memorial or when you wish any further interment to take place.

**Lawn graves (applies to all new sections of the cemetery commencing with Q)**

There are special regulations for lawn graves in which the grave is turfed and maintained wholly by the council, no plants are allowed, unauthorized items may be removed without notice.

The grave surface will be turfed flat with an area for the memorial to be erected (note graves must be purchased for a memorial to be erected), no earth mound will be permitted and no flowers, shrubs, plants or trees will be allowed. The turfed area of the grave must not be cut to form a flower bed. The council may remove without notice any item which has been placed on the grave in contravention of these regulations.

The turfed area shall be maintained solely by the council.

**Traditional graves (applies to older sections of the cemetery ONLY A-P)**

This type of grave can be planted and maintained by the council on payment of an annual fee by relatives. The rules on the right of burial and number of interments are the same as for lawn graves, kerb stones are permitted at the headstone but must not be more than 18" out from the face of the headstone and not more than the width allowed for headstones, and all must be laid in accordance with the rules on memorial specification.

No items shall be allowed to be placed more than 12" from the face of the headstone, with the exception of graves with approved kerbs where items **MUST** be placed within the kerbed area.

**Children's graves**

Children's graves are available for sole interment. The size of the coffin is limited to four feet.

No items shall be allowed to be placed more than 9" from the face of the headstone.

**Cremated Remains Graves**

The cemetery has a section for the burial of ashes caskets or urns. Memorials rules apply as to other graves. These plots are smaller and have capacity for up to three ashes interments.

If you wish to inter cremated remains (ashes) you will need the permission from the Council. Cremated remains may be buried in a container made of biodegradable materials, alternatively they may be poured into the grave.

Cremated remains can also be buried in a full grave if the owner of the right of burial gives their authority and sufficient space allows.

Cremated remains should **not be scattered** in the cemetery, even if the exclusive right of burial has been purchased.

No items shall be allowed to be placed more than 9" from the face of the headstone.

### **Re-purchase of Graves**

The Council may on request agree to re-purchasing from the owner of the exclusive right of burial in respect of any grave space in which no interment has taken place, or where all the remains have been removed and no cremated remains have been scattered on it. Upon repurchase by the council a deed of surrender by the registered owner and the original deed of grant should be handed to the council, the council will pay the registered owner one half the current price for that particular class.

### **Works**

All graves will be dug by a person authorised by the council.

The depth of a grave is determined by the council. Not more than two adult bodies may be buried in any grave space.

When the Council receives a notice of a second interment in an existing grave plot it may be necessary to remove the headstone to gain access. Where possible, the deed holder will be contacted with regards to this. The applicant will need to pay for the cost of removal and re-fixing.

Any headstone, memorial or other material removed in the process of opening a grave or vault is done so at the risk of the person requesting the opening.

Graves will be topped up regularly until the grave has settled and is re-instated. In order to ensure this can be carried out the grave should be kept free of all adornments.

### **Burials for Specific Regulations/Denominations**

The cemetery caters for the burials of various denominations and beliefs.

### **Cemetery Records**

Plans of the Cemetery showing the various sections and individual grave space, together with the burial registers are kept at the Council Office and are available for inspection upon arrangement during normal office hours. A fee may apply.

No interment shall take place in the Chapel nor in any other part of the Cemetery except in a space marked on the plans.



## **MEMORIALS**

There are rules about the size and materials used for memorials. Please see the section on memorial specification for details. You must have the council's permission for a new memorial or any work on an existing one, including removal, new inscriptions and replacement. Normally, a stonemason will deal with this by completing an application form signed by the owner of the grave, detailing the work they intend to do. There is a fee for erecting a new or replacement memorial or adding an inscription.

### **Temporary Memorials**

For a small fee, there is also an option to purchase temporary grave memorials, which are designed to be placed on new graves immediately after the burial. These provide a tasteful way of personalizing a new grave until a permanent memorial can be obtained.

These memorials are still subject to the approval of the Council and no work shall be carried out before the approval is issued.

Temporary memorials are designed to be placed on new graves immediately after burial. These will be removed by the cemetery staff after a period of 12 months (no exceptions are made). This allows time for the purchase of a permanent Memorial.

### **Permanent Memorials**

All memorials and inscriptions are subject to the approval of the Council and no work shall be carried out before the approval is issued.

The following details are required before approval can be given:

- An application on the prescribed form signed by the grave owner(s) and the person who is to carry out the work.
- A drawing of the memorial and any kerbs (where permitted) showing its dimensions and foundations.
- A copy of all inscriptions to be placed on the memorial.

If the inscription is in a language other than English a translation in English verified and signed by a responsible person who speaks the other language.

### **Application**

A Memorial Application Form should be completed when requesting permission for the erection of a memorial, to carry out any work, add an inscription or replace a memorial.

If application forms are not completed fully or the information of the owner of Exclusive Right of Burial is incorrect, the forms will have to be returned which may lead to a delay in approval being granted.

At least three working days' notice must be given to the Council before any monumental work is carried out. Whoever is carrying out the works should carry a copy of the approval issued in respect of the application. Failure to produce a copy upon request by staff may result in being asked to leave the cemetery until such time as a copy can be presented.

Any memorial erected in contravention of these regulations may be removed and the cost of removal charged to the person who erected it.

Monumental work will only be allowed during normal cemetery operational hours.

Mats, boards or other suitable protective materials for grass, plants and other memorials must be used at all times whilst the monumental work is undertaken. The site of work must be left in a clean and tidy state and all surplus materials and refuse must be removed at the end of each working day and immediately upon the completion of the works.

Once erected, no memorial or any part thereof shall be removed from the cemetery except with the approval of the Council.

Memorial masons must be properly insured for undertaking any work in a cemetery.

Any memorial erected on a grave must be kept in good order, repair and condition by the owner.

When a monument falls into disrepair and the owner cannot be traced, or after notice fails to repair the memorial, the council may carry out all necessary repairs and may recover the cost from the owner.

The council may refuse to permit further interments in such a grave until the cost of carrying out the works has been paid.

### **Memorial Specifications**

All stonemasons carrying out memorial work in the council cemetery must adhere to code of working practice issued by the National Association of Memorial Masons.

Vaults and Walled graves are not permitted in the cemetery.

All memorials must be constructed of stone including manufactured stone. Any other material is not permitted and may be removed by the council.

All memorials must be supported by such foundations as the Council considers necessary. All foundations shall be constructed to the satisfaction of the Council.

No memorial or foundation will be permitted which:

- exceed 3ft. 6 ins in height
- is less than 3 inches thick
- exceeds 3 feet width, including foundations on a full grave and 20 inches width on an ashes or children's grave.
- No advertising, canvassing or trademarks are allowed in the cemetery except the name of the firm supplying or erecting a memorial in accordance with regulations.

All headstones must be dowelled to the foundation slab and be supported on a minimum of six inches (150mm) of concrete.

The name of the monumental mason may be inscribed at the bottom left hand side of the rear of the memorial provided that the lettering is not more than half an inch (15mm) in height.

Every headstone or other memorial erected over a grave space should bear the number of that grave space inscribed in letters 3/4 inch (19.05mm) on the side or rear of the memorial.

Lettering or verses may appear on the rear of a memorial which are not deemed offensive or distasteful and are in keeping with the tradition of the cemetery.

Kerb stones, in sections where permitted, at the headstone under the following regulations:

- not more than 18 inches out from the face of the headstone;
- not more than the width of the headstone;
- not more than 6 inches in height;
- must be laid to the satisfaction of the Council by a suitably qualified memorial mason on foundations below ground level.
- Kerbs must be dowelled to the headstone and/or foundations.
- materials other than stone, e.g. plastic fencing, wooden items etc. are not allowed.

Any kerb stone erected without permission or in contravention of these regulations may be removed and the cost of removal charged to the person who erected it.

## **GRAVE MAINTENANCE**

For an annual fee, the cemetery operates a grave planting scheme in which a grave will be planted out twice a year (usually in May and October), with plants in summer and bulbs in winter. Please note, this is not applicable for graves on the lawn section.

The Council will not be responsible for the loss of or damage to any items placed upon graves.

Any item deemed by the Council to be unsuitable shall be removed and can be recovered by contacting the Council. Any items not collected within six months of removal shall be disposed of by the Council.

Should you wish to seek advice before purchasing items, please contact the Parish Council Office.

## **Flowers, flower holders and wreaths**

Vases and flower holders may be placed on purchased graves without Council's specific approval subject to the following conditions.

- The holder must be placed at the head of the grave as not to impede grass cutting.
- The holder must not be made of glass, pottery or other fragile material.
- Other than those built into the headstone, must not be affixed to the grave or any memorial thereon.
- The holder is placed on the grave at the owner's risk and the council will not be liable in the event of its loss or damage howsoever caused.
- Any vase or flower holder, not complying with the council's conditions will be treated as any other memorial for the purpose of the regulations.

To assist staff, It is suggested that the grave numbers should be marked on the base of any flower holder so that if it is displaced it can be repositioned on the correct grave.

Flowers and wreaths placed on the grave on the day of a funeral may be removed by staff two weeks after the interment or earlier if they start to decay. Wreaths placed on graves at other times will be removed at the discretion of the staff.

Christmas wreaths will be removed by the last week in February.

Please place all rubbish and waste flowers in the bins provided.

Watering cans are made available at water taps for use in the cemetery. Please replace watering cans at the taps for use by others.

*Please note that rabbits and other animals will occasionally eat flower heads, they particularly like chrysanthemums and carnations. Rabbits and other animals come into the cemetery from the surrounding countryside and we are unable to control them. It is therefore suggested that you protect your flowers with wire or net if you experience problems.*

## **Solar Lights**

Solar lights may be placed on purchased graves without the Council's specific approval subject to the following conditions:

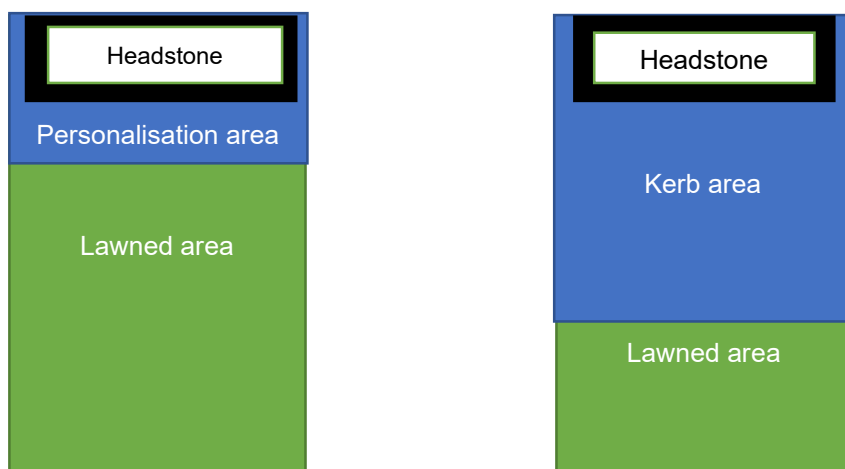
- Solar lights shall be no higher than headstone (max. 42 inches) and no lower than 6 inches.
- Where there is a kerb, solar lights must be contained within the 18 inch space allowed.
- Where there is no kerb any solar light shall be immediately in front of the headstone.
- A maximum of 2 lights shall be allowed on any grave.
- The colour of solar lights to be restricted to blue/white.

No other lights of any type shall be allowed on any grave or elsewhere within the cemetery, any lights not in compliance with the regulations shall be removed by Parish Council staff without notice and can be recovered by contacting the Council. Any items not collected within six months of removal shall be disposed of by the Council.

## **Other Adornments**

The Council understands that relatives and friends may wish to have personal items at the site where their loved ones are at rest. To allow us to maintain the cemetery, such items will only be allowed in a small area in front of a lawned grave (the personalisation area), or within the kerb area of a kerbed grave. Glass and other fragile materials should not be placed.

For full size graves the personalisation area is limited to 12 inches from the front of the headstone base; for a children's or ashes grave to 9 inches from the front of the headstone base; for a kerbed grave, within the kerbed area. **NO ITEMS SHOULD BE PLACED OUTSIDE OF THE AREAS STATED.**



## MAINTAINING MEMORIALS

It is advisable to take out insurance against accidental damage or vandalism as grave owners are responsible for maintaining and repairing any damage to memorials. A stonemason should be able to advise you about this.

It is important for owners of graves to notify the Council of any change of address, so that these matters can be dealt with as quickly as possible.

If a memorial becomes dangerous, the council will write to the owner of the grave at the last known address. If the repairs are not carried out in a reasonable time, the council may have to take one of the following courses of action:

- Remove and store the memorial
- Dismantle the memorial, lay the headstone flush with the ground, for a maximum of 30 days.
- Remove and dispose of the memorial, if it is beyond repair.

Memorials are surveyed for safety at least once in every five years. If a memorial is found to be in a dangerous condition, it will be made safe immediately. The cost of this work may be charged to the owner of the grave, who in any case will be contacted if possible.

**Revised September 2022**