

**REGULATIONS MADE BY THE TENDRING DISTRICT COUNCIL WITH
RESPECT TO THE MANAGEMENT OF CEMETERIES
AT CLACTON ON SEA, KIRBY CROSS, DOVERCOURT
AND WALTON ON THE NAZE**

INTRODUCTION

- 1 These Regulations shall be known as Tendring District Council Cemetery Regulations 2011 and are made pursuant to the Local Authorities Cemeteries Order 1977.
- 2 These Regulations will come into operation on the 1st day of January 2011 from which date all previous Regulations made by the Council with respect of the management of the Cemeteries shall cease to have effect.

FEES AND CHARGES

- 3 The Fees and Charges in respect of a Cemetery shall be as set out in the Table of Fees and Charges for the time being in force. These are amended from time to time and always annually.
- 4 All Fees and Charges shall be paid, in advance, to the Council at the office at Weeley Crematorium, Colchester Road, Weeley, Essex CO16 9JP. The Manager may make prior arrangements with business users for payment on a monthly account. Special rates apply to non-residents of the Tendring District area.

INTERPRETATION

- 5 Where these Regulations require an opinion or approval to be given it shall be that of the Manager. Any person aggrieved by such a determination may challenge it through the Council's complaints procedure but shall comply with the Manager's decision in the interim. Copies of the complaints procedure are available at the office Weeley Crematorium.
- 6 Wherever these Regulations prohibit or limit actions which may be taken by the public the Council reserved the right to take any action necessary to ensure compliance and to recharge the cost of that action to the person causing the contravention of these Regulations.
- 7 In these Regulations certain terms may have particular meanings and are explained in the Definition of Wording section at the end of these Regulations.

PLANS, REGULATIONS AND FEES

- 8 Plans of the Cemeteries showing the Grave spaces and the various sections; a plan of the Columbarium at the Clacton on Sea Cemetery showing the Niches, and copies of the Regulations and table of Fees and Charges, together with Registers of Burials and Niches are held and may be seen, free of charge, at the offices at Weeley Crematorium, by prior arrangement only, during normal office hours.

DEFINITION OF WORDING

In these Regulations:-

"the Council" means the Tendring District Council.

"the Cemeteries" means the cemeteries provided by the Council and situated at Burrs Road, Clacton on Sea; The Green, Dovercourt; Kirby Road, Kirby Cross and Walton Road, Walton-on-the-Naze.

"Grave" means a burial place formed in the ground by excavation and without any internal wall of brickwork, stonework or any other artificial lining or, where the context so admits, a plot of ground reserved for any burial place.

"Vault" includes underground burial places of every description formed in the ground by excavation and with any internal wall of brickwork or stonework or any other artificial lining.

"Purchased Grave" (graves or cremated remains plots) means a grave in which the Council have granted the Exclusive Right of Burial for a limited period of time. *The grave and ground itself is not purchased, only the Right of Burial.*

"Public Grave" means a grave in which no Exclusive Right of Burial has been or will be granted by the Council and no memorial other than the simple one provided by the Council will be permitted. *No planting or ornamentation will be permitted on the grave.*

"Memorial" includes monument, gravestone, kerbing, enclosure, tombstone, tablet and palisade.

"Columbarium" means the monumental walling provided by the Council in the Cemetery at Clacton on Sea comprising niches in which caskets or urns containing the cremated remains of the deceased may be deposited.

"Garden of Remembrance" means that part of the Cemetery at Clacton on Sea designed solely for the scattering of the cremated remains of the deceased.

"Lawn Cemetery (Graves)" means that section or sections of a Cemetery provided and laid out by the Council for interments where kerbing or any other surround is not permitted. These graves are provided with a border for headstones at the head of each row.

"Lawn Cemetery (Cremated Remains)" means that section or sections of a Cemetery provided and laid out by the Council for the interment of urns or caskets containing the cremated remains of the deceased. These sections are provided with a border for headstones at the head of each row. Kerbing is not permitted in these areas.

"Small Memento" means a memorial or tablet of a material (other than metal) approved by the Council.

"Plaque" means a memorial in the form of a metal plaque, size and design determined and approved by the Council.

"Base" means that piece of the memorial which is an integral part of that memorial.

"Plinth or Foundation Stone" means the foundation stone which supports the base and all of the memorial.

"the Manager" means the person appointed by the Council to act for the time being as Manager for the Cemeteries or his or her duly authorised Deputy.

"NAMM" means The National Association of Memorial Masons.

GENERAL REGULATIONS

9 Anyone visiting any Cemetery must follow these Regulations:

10 Opening times

The Cemeteries will be open to the public on every day of the year. Pedestrian access will be from 7.30 am until sunset. In Clacton on Sea and Dovercourt Cemeteries vehicular access will be permitted Monday to Friday inclusive between 7.30 am until 4.30 pm. At Weekends and Bank Holidays vehicular access at Clacton on Sea and Dovercourt Cemeteries will be permitted between the hours of 10.00 am and 4.30 pm

11 Vehicles

The speed limit in the Cemeteries is 10 miles per hour

12 Parking

You must not drive or park on the grassed areas in any part of the Cemeteries. *There may be graves beneath or nearby.*

13 Children

Children under the age of 12 years are not allowed in any Cemetery unless they are under the care of a responsible adult. *This is for their own safety.*

14 Games

No games, ball games or sports whatsoever are allowed in the Cemeteries.

15 Dogs

Dogs are permitted in the Cemeteries but must be kept on a lead at all times and droppings cleared and placed in the appropriate receptical. At Clacton on Sea Cemetery a designated dog receptical is available on the greensward outside the Cemetery gates.

16 Office Hours

All Cemetery enquiries should be made at the office at Weeley Crematorium between the hours of 9.00 am and 12.30 pm and 2.00 pm and 3.00 pm Monday to Friday. The office is closed at Weekends and Public Holidays.

Telephone (01255) 686644, fax (02155) 831440 or email wcrem@tendringdc.gov.uk

17 Gratuities

Cemetery staff are not allowed to receive tips or any other gifts.

18 Floral Tributes and Christmas Wreaths

These will be removed by Cemetery staff no less than three weeks following an interment. If you do not wish the Council to remove floral tributes you *must* advise the office at Weeley Crematorium. No responsibility will be taken if tributes are removed and you have not advised the office.

Christmas Wreaths will be removed during the 3rd week of January – if you wish to keep wreaths please ensure removal before that week. For confirmation of date please contact the office at Weeley Crematorium.

19 Behaviour

Anyone whose behaviour is unfavourable or disrespectful will be asked, by the Manager, Cemetery staff or designated Security Company, to leave the Cemetery.

INTERMENTS

- 20** Applications for burials (Graves or cremated remains) must be made to the office at Weeley Crematorium between the hours of 9.00 am and 12.30 pm and 2.00 and 3.00 pm Monday to Friday.
- 21** Notice of interment must be delivered to the Manager at the office at Weeley Crematorium, on the prescribed form, by 10.00 am at least two clear working days prior to an interment or, if an interment is to take place in an established vault then at least seven clear days previous. No notice of interment will be accepted on a Saturday or Sunday or on a Public or Bank Holiday.
- 22** Full Grave spaces will be excavated only by persons appointed by the Council to 6'8" in length x 28" wide specification. If a Grave needs to be larger the exact coffin or casket size must be clearly stated.
- 23** The Council will not hold themselves responsible for any orders or documents sent by post. Information regarding an interment given by telephone must be confirmed in writing immediately.
- 24** The hours for an interment in a Council Cemetery shall be 9.00 am for cremated remains only; cremated remains and full interments from 9.30 am to 3.30 pm. inclusive during the months of March to October inclusive and 9.30 am to 2.45 p.m. inclusive during the months of November, December, January and February.
- 25** Where it is proposed that the interment shall be preceded by a service in the Chapel at Clacton on Sea or Dovercourt Cemeteries, the latest time for the commencement of such service shall be 2.45 p.m. March – October and 2.00 pm November – February.
- 26** No interment shall take place in a Cemetery other than between the times specified in Regulation 25 or on a Saturday or Sunday, Public or Bank Holiday.
- 27** The time named for a funeral shall be that fixed for its commencement at a Cemetery and this time must be punctually observed. *You must keep to this time to avoid disruption to other funerals.*
- 28** In the event of a funeral arriving early or late at a Cemetery, the Council reserve the right to delay the funeral service or interment if such early or late arrival will interfere with any other funeral arrangements.
- 29** Bodies of persons who have died of an infectious disease will not be allowed in a chapel at a Cemetery, but shall be taken directly to the Grave.
- 30** The maximum time allowed for a service in a Cemetery chapel shall be 30 minutes.
- 31** The person having charge of a funeral shall make all arrangements with the person intended to officiate at the interment. The Council undertake no responsibility on this account.

- 32 The Registrar of Births, Deaths and Marriages Certificate of Disposal or the Coroner's Order for Burial, shall be given to the Cemetery staff immediately on arrival at the Cemetery or sent with the interment form directly to the office at Weeley Crematorium.
- If the Registrar's Certificate or the Coroner's Order for burial is not given to the Cemetery staff or delivered with the Interment Notice, then the burial **must not** take place EXCEPT in the situation where the certificate has been issued but forgotten by the funeral director. If this happens, the funeral director must sign a declaration in accordance with the Births and Deaths Registration Act 1926 before the funeral can proceed. This declaration must explain why the certificate has not been delivered and a promise to deliver it to the office at Weeley Crematorium on the same day as the burial or, in exceptional circumstances, on the next day.*
- 33 Graves will be issued strictly in rotation and grave selection is not permissible.
- 34 Each individual body whether an adult or child must be brought into the Cemetery in a separate coffin. The only exceptions to this rule will be:
- when a mother dies in childbirth in which case both the mother and child can be in the same coffin
 - when twins or multiple births die in childbirth the babies can be in the same coffin
 - in very rare and exceptional circumstances and only then at the discretion of the Manager.
- 35 All bodies received for burial shall be enclosed in coffins made of wood (including chipboard or MDF), wicker or cardboard. If other types of covering i.e. shroud or metal, is required this will be at the discretion of the Manager.
- 36 A Grant of Exclusive Right of Burial will be issued for all private Graves, in a form approved by the Council, for a set period of years. *The ground is not purchased, it is always Council land, it is only the Right of Burial that is purchased.*
- 37 The Grant of Exclusive Right of Burial may be transferred, subject to the consent of the Council being first obtained and no such transfer shall have effect unless and until it has been registered with the Council at Weeley Crematorium.
- 38 No Grave or Vault for which a Grant of Exclusive Right of Burial applies can be opened without the written permission of the Registered Owner unless the burial is to be that of the Registered Owner.
- 39 If the burial is to be of the Registered Owner of the Grant of Exclusive Right of Burial, written permission to open the Grave or Vault is not needed. However, the name of the deceased as shown on the Registrar's Certificate for Disposal must be *exactly* the same as the name on the Grant. To ensure that only the correct person is buried in the Grave, any variation in the names must be explained and confirmed by a Statutory Declaration before the burial takes place.
- 40 The Council have the right to demand to see the Grant of Exclusive Right of Burial before a Grave is opened. If you lose the Grant the Council have the right to demand a Statutory Declaration to say you have lost the Grant. *A copy of the Grant will not be issued.*
- 41 All Graves shall be dug only by Cemetery staff or persons appointed by the Council and will be dug to depths in accordance with the law. If a Grave is re-opened no previous remains will be disturbed.

- 42 All Vaults shall be excavated and brick constructed and repaired only by professional and experienced contractors appointed by the Council and under the direction and agreement with the Manager. All mortar to be used in the Cemeteries shall be brought to the ground ready-made. All brick, stone or other rubbish must be removed by and at the expense of the contractors and the area left in a tidy condition.
- 43 The Council has the right to place excavated soil on wooden boards next to those that need to be opened for a burial without notice. Excess soil and the boards will be removed immediately after the burial and the area left tidy.
- 44 When Graves are being dug in certain areas of the Cemeteries it may be necessary to move memorials on surrounding Graves without notice to make room for equipment or to prevent damage – this is a health and safety requirement. Memorials may only be moved by an experienced approved stonemason or in some circumstances by Cemetery staff. Memorials will be replaced in their correct position as soon as possible after the burial.
- 45 The charge payable for any interment in a Public Grave shall not include any right of privilege other than the right to be buried. The Council will provide a simple flat memorial stone showing the deceased's name and date of death only. **No other memorial will be permitted and will be removed.**
- 46 No Grave in the Lawn Cemetery (Graves and cremated remains) shall be raised by turfing or by any other manner above the level of the ground immediately adjoining.
- 47 Following the interment of a casket or coffin the Council will refill sunken Graves with soil during the year but turfing or grass seeding over the excavated area will only take place during the months of March/April or September/October/November only. ***Turfing will not take place during any other time of year as ground and air conditions are unsuitable.***
- 48 The Council will maintain the whole of the Lawn Cemetery (Graves and cremated remains) including the headstone border at the head of each row of graves and no person shall place any surround of any description or plant any tree, shrub or plants therein, or otherwise interfere with the lawns or gardens. Any shrubs, plants etc found will immediately be removed without consultation with the owner of the Exclusive Right of Burial. In areas where roses between headstones already exist, the Council may decide to replace roses at the appropriate time of year.
- 49 No glass or other breakable containers for flowers (other than in the form of a memorial approved by the Council) shall be erected or placed in the headstone border at the head of each row of graves, and nothing whatsoever shall be permitted on the turfed areas of graves in the Lawn Cemetery (graves and cremated remains).
- 50 Funeral Directors may place a temporary small wooden cross at the head of the grave following an interment. This can contain a small plate showing the deceased's name and must be no more than **18" high in total**. If the Funeral Director does not supply such a marker then the Council will provide a temporary name marker. All temporary markers can remain for 9 months or until a headstone is erected when the marker will be removed.

COLUMBARIUM AND GARDEN OF REMEMBRANCE (Clacton on Sea only)

- 51** Notice of deposit of a casket in a Niche in the Columbarium shall be given to the Manager at the office at Weeley Crematorium on the prescribed form from Monday to Friday inclusive at least seven clear days previous to the deposit of the casket. No notice of deposit will be accepted on a Saturday or Sunday or on a Public or Bank Holiday.
- 52** The Council will not hold themselves responsible for any orders or documents sent by post. Information regarding the deposit of a casket given by telephone must be confirmed in writing immediately.
- 53** The hours for the deposit of caskets in Niches shall be Monday to Friday between 9.00 am and 3.30 pm (except for the months of November, December and January when 2.45 p.m. shall be the latest time).
- 54** No deposit of caskets in Niches shall take place on a Saturday or Sunday or on a Public or Bank Holiday.
- 55** Certificates of Purchase of the Exclusive Right of Use of a Niche may, subject to the consent of the Council being first obtained, be transferred.
- 56** No such transfer shall have effect unless and until it has been registered with the Council.
- 57** In the event of the death of the Owner of the Exclusive Right of Use of a Niche, the person claiming to be entitled to the Exclusive Right of Use shall furnish to the satisfaction of the Council proof of his or her entitlement.
- 58** Before a Niche can be opened, the written consent of the Owner of the Exclusive Right of Use of his or her legal representative shall be given to the Council where a casket proposed to be deposited contains the cremated remains of the body of the owner of the Exclusive Right of Use of a Niche, the Council shall, if requested by the person giving the notice of deposit, have power to open such Niche without obtaining the consent of any Executor or other representative of the deceased.
- 59** As soon as is practicable after the deposit of a casket, the stone cover shall be securely fixed in front of the Niche and thereafter such cover shall not be removed except with the consent the Council.
- 60** All Niches shall be opened and the stone cover refixed by an experienced stonemason appointed by the Council.
- 61** Not more than two caskets or urns containing cremated remains are able to be deposited in each Niche and the size of the previous container dictates the size of the second.
- 62** No plants or growing flowers (other than provided by the Council) will be permitted in the Garden of Remembrance or at The Columbarium. Cut flowers may be placed in the Garden of Remembrance in vases approved by the Council. For safety reasons breakable materials should not be used.
- 63** The scattering in the Garden of Remembrance of the cremated remains of a person shall be permitted on payment, in advance, of the prescribed fee. You are not permitted to do this yourself as certain Regulations have to be observed and there are legal recording requirements.

- 64** Immediately following the cremation of the body of a person, the wreaths and flowers may be deposited in the Garden of Remembrance in cases where it is not proposed to scatter the remains therein or to deposit the remains in the Columbarium. The wreaths and flowers so deposited shall be removed by Cemetery staff no less than three weeks following an interment. If you do not wish the Council to remove floral tributes you *must* advise the office at Weeley Crematorium. No responsibility will be taken if tributes are removed and you have not advised the office.
- 65** The scattering of cremated remains in the Garden of Remembrance shall take place only during normal burial hours and in the presence and under the supervision of Cemetery staff or the Manager or his or her designated deputy. You are not permitted to this yourself as certain Regulations have to be observed and there are legal recording requirements.

MEMORIALS ETC.

- 66 A drawing of every memorial proposed to be erected and a copy of every inscription proposed to be placed on a memorial in a cemetery shall be submitted, via a stonemason, to the Council at the office Weeley Crematorium for approval.
- 67 No memorial application will be approved without the permission of the owner of the Exclusive Right of Burial.
- 68 No memorial shall be erected or inscription placed on a memorial in a Cemetery without the approval of the Council.
- 69 The number and section of the Grave must be inscribed on each memorial and must be clearly visible.
- 70 No memorial shall be erected on a Public Grave except for the Council's own.
- 71 In the Lawn Cemetery (Graves and cremated remains), kerbing is not permitted, a headstone only is permitted,
- 72 The Manager will refuse permission for any memorial or inscription which may be offensive to the public.
- 73 No memorial shall be erected on any Grave or cremated remains space without the approval of the Manager. Applications in writing must be received from a stonemason and **for health and safety reasons families are not permitted to erect memorials on Council owned land.**
The headstone/memorial must be anchored to the Plinth/Foundation stone with an approved anchoring system and all fixings must be NAMM approved.
- 74 The sizes of memorials vary in different sections of the Cemetery, please contact the office at Weeley Crematorium or a stonemason to establish the correct sizes. A full list is available on request. **All fixings must be NAMM approved.**
- 75 All memorials or mementoes in the Cemeteries shall be of a material approved by the Council and shall be placed on a Plinth or Foundation stone to the satisfaction of the Manager.
- 76 In the baby sections of the Cemetery at Clacton on Sea an oak grave surround will be laid by the Council following the interment and can remain insitu indefinitely even following the erection of a headstone. **All fixings must be NAMM approved.**
- 77 Persons erecting or fixing memorials or mementoes shall carry out the work during normal working hours and shall leave the site of the works and the adjoining ground in a clean and tidy condition and shall make good all damage which in the progress of the work may be done to any adjacent Grave or Vault or to any memorial or memento thereon or to the Council's property.
- 78 Upon receipt of permission for the erection of a memorial the responsibility for maintenance shall be solely with the Grave owner.
- 79 If in the opinion of the Manager headstones, kerbing, mementoes etc become dangerous or unsightly, steps will be taken to temporarily make them safe but the responsibility for repair shall be solely with the Grave owner and at the Grave owner's expense.

MISCELLANEOUS

- 80 Small shrubs or plants, not exceeding 3'0" in height may, subject to the approval of the Manager, be placed on a Grave where kerbing is permitted. ***In other areas i.e. Public Graves, Lawned Graves, Cremated Remains Graves or Vaults no plants of any description shall be planted and will be removed without consultation of the owner.***
- 81 The Council reserve the right to prune, cut down, or dig up and remove any of the shrubs or plants at any time when, in their opinion, they have become unsightly or overgrown, or when necessary for the purpose of allowing a Grave to be opened.
- 82 The Council reserve the right to tidy, make safe or remove any broken headstone or kerbing which is considered to be unsightly or dangerous and to charge such costs to the owner of the Grave.
- 83 A person, other than an officer of the Council or a person employed by the Council in or about any work in connection with a Cemetery, shall not enter or remain in a Cemetery at any hour during which a Cemetery shall be closed to the public.
- 84 A person shall not wilfully destroy or injure any building, wall or fence in a Cemetery or any turf, tree, plant or shrub therein or mark or disfigure any building, wall or fence thereof, or put up any printed or other paper, handbill, or placard therein, or wilfully destroy, deface or damage any memorial, or inscription within a Cemetery, or do any other wilful damage or play at any game or sport or discharge any fireworks or firearms in a Cemetery (save at a Military etc. funeral by prior permission of the Council) or commit any nuisance within a Cemetery.
- 85 The Manager, Cemetery staff or security personnel may remove from a cemetery any person who shall improperly deviate from the roads or paths, or who shall damage the turf, or any tree, shrub, plant, memorial, erection or inscription or otherwise misconduct him or herself within a Cemetery.
- 86 All vehicles and bicycles in a Cemetery shall be confined to the roadways only.
- 87 No dog shall be allowed in a Cemetery except on a lead.
- 88 The release of balloons in the Cemeteries is strictly forbidden as wildlife can greatly be affected by the balloon material and cord used in construction.

For all cemetery enquiries:

- 89 **Address:** Weeley Crematorium, Colchester Road, Weeley, Essex CO16 9JP
Telephone: 01255 686644
Fax: 01255 831440
Email: wcrem@tendringdc.gov.uk
Office Hours: Monday to Friday 9.00 am – 12.30 pm and 2.00 pm – 4.00 pm excluding Public Holidays