

Durham County Council Cemetery Information and Regulations



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Durham County Council's Cemetery Policy is regulated by Article 3 of the [Local Authorities Cemeteries Order 1977 \(LACO\)](#) amended by the Local Authorities (Amendment) order 1986 and any further regulations made from time to time by the Secretary of State.

Although these regulations are a necessary requirement for the management of our cemeteries, every effort has been made to avoid restricting the rights and choices of the individual. When preparing these regulations, the rights of the individual and the need to ensure that the grounds are safe, and tidy have both been taken into consideration (Health and Safety at Work Act 1974).

These rules and regulations are to be observed in all cemeteries managed by Durham County Council. The Bereavement Services Manager has the authority to act on behalf of the Council. Anyone visiting the cemetery should respect these rules and regulations. The Council reserves the right to amend any of the cemetery rules and regulations or fees and charges at any time

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1.Contact Details

For all enquiries, please contact our Bereavement Services Team.

Tel: 03000 265609

Fax: 0191 3898152

E-mail: bereavement@durham.gov.uk

2. Office opening times

Monday to Thursday	9.00am to 4.00pm
Friday	9.00am to 3.30pm

The offices are not open on Saturdays, Sundays, Christmas Day, Boxing Day, Good Friday or bank holidays.

3. Cemetery opening times

They will be open to the public daily from dawn till dusk.

4. Payment Methods

All fees and charges applicable to funeral directors which are invoiced in arrears must be paid in accordance with Durham County Council's terms and conditions. Failure to comply will leave the authority with no option but to withdraw the credit facility and in this event all subsequent fees and charges for interment fees and any requested exclusive rights would be due for payment at the time of giving notice of booking.

Contact us by phone with a debit or credit card.

Please make cheques payable to Durham County Council, ensuring the cheque is enclosed with the relevant form and post to:

Durham County Council
County Hall
Durham

Visit www.durham.gov.uk for more information about the associated costs of funeral services.

5. Burials

Burials can take place between the hours of:

1 April to 30 September

Monday to Friday 10.00am to 3.30pm

Saturday Contact Bereavement Services to discuss

1 October to 31 March

Monday to Friday 10.00am to 2.00pm

Saturday Contact Bereavement Services to discuss

Burials are not normally carried out on Sundays, Good Friday, Christmas Day or public holidays without the permission of Durham County Council.

Please note that the council may not always be in a position to accommodate the requested date or time.

The time arranged for a burial is when the cortege arrives at the graveside. This time must be strictly adhered to in order to prevent inconvenience and one funeral interfering with another.

In the event of a funeral arriving late the funeral director, or person in charge of the funeral must wait as and where directed by the council. The funeral will proceed as soon as possible under the instructions of the council. An additional late arrival fee will be charged if late attendance at graveside (more than 20 minutes) occurs.

A minimum of **three working days'** notice is required for a burial and five working days' notice if a vault is required (exclusive of Saturdays, Sundays, Good Friday, Christmas Day and bank holidays).

The notification must be followed up immediately with an e-mail or fax of a signed copy of the interment form front page complete with all details.

A completed copy of the original interment form can be e-mailed and the green form, coroners order or certificate of cremation can be posted to the Bereavement Services section and must be received **two working days** prior to the interment. Alternatively, they can be hand delivered to Mountsett Crematorium or South Road Crematorium or County Hall.

In the unlikely event that the certificate for burial has been forgotten then the burial can still take place if a Form 18 is completed by the funeral director and the disposal certificate is delivered as soon as possible following the burial.

Two working days' notice will be needed if any changes are to be made to the time and date of a burial that has already been arranged.

It is the responsibility of the person arranging a burial to book the services of a minister to officiate if required.

The allocation of a new grave space is managed by Bereavement Services, burials will only be allowed in designated areas previously laid out for burials. A selection fee is charged if you wish to arrange to meet a member of staff to select a grave space.

After the council receives a Notice of Interment, it may be necessary for the Authority to remove a memorial in the process of opening a grave or vault, Where possible the deed holder will be contacted with regards to this. The applicant will have to pay for the cost of the 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 grave or vault to be opened.

Prior to the reinstallation of the memorial it may be necessary to transfer the exclusive rights of burial. (see 7)

All coffins must bear a nameplate of the deceased on the lid and must be made of biodegradable materials. In light of Environmental issues it is recommended that caskets are only used in a case of infectious diseases.

The person or Funeral Director arranging the burial will be responsible for the health and safety of everyone involved in the burial. The handling and lowering of the coffin should have been risk assessed in accordance with the Manual Handling Operations, 1992. The persons responsible must provide enough bearers to safely carry the coffin or casket from the hearse to the grave and also to lower.

The number of burials that can be accommodated in a grave space is dependent on a number of factors including the ground conditions at the time the grave is excavated. Treble depth graves will however not be available unless previously purchased, although this cannot be guaranteed at the time of excavation. We will however, do our best to accommodate requests if we can do safely and in accordance with legislation

6. Graves

It is the responsibility of the Funeral Director to discuss with the bereaved exactly what type of grave they require and advise of the council's options with regards to choice.

6.1 Purchased Graves

When a grave (all types) is "purchased", this refers to the purchase of the exclusive right of burial in the grave space and not the purchase of land itself. This means that you do not own the land but have the exclusive right to say who can be buried in the grave and the right to erect a memorial. The grave space allows up to 2 full burials and six cremated remains.

You can purchase burial rights in advance of a burial, at the time of a burial or after a burial has taken place.

You must purchase burial rights prior to a memorial application being submitted.

When you purchase burial rights you are issued with a Grant of Exclusive Right of Burial with details of the grave number and its location. The number of burials that can be accommodated in the grave space is not specified as this is dependent on the ground conditions at the time the grave is excavated.

The rights are purchased for a period of 50 years, you can buy an extension to the Exclusive Right at any time, up to the maximum of 50 years.

Only the owner(s) of the exclusive rights of burial can authorise the re-opening of the grave space by signing the authority to open a grave on the interment form.

If the owner(s) of the exclusive rights of burial is deceased and is not the person being buried a transfer will need to be carried out (please see 7)

It is advisable that once the owner of the exclusive rights of burial has been buried within the grave, arrangements be made for the transfer of ownership. No further burials, interments of cremated remains, additional inscriptions on memorials or installation of new memorials will be permitted until ownership has been transferred.

6.2 Unpurchased Graves

These are used for the burial of people who do not already own a purchased grave, and whose family do not wish to purchase the Exclusive Right of Burial at the time of making the funeral arrangements. No memorials are permitted on unpurchased grave spaces. In the event that the grave needs to be reopened for another burial or to erect a headstone then the grave will need to be purchased.

6.3 Cremated Remains (Ashes) graves

Cremated remains (Ashes) should not be scattered in the cemetery even if the exclusive rights of burial have been purchased

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

Full size grave plots may be used for up to six interments of cremated remains (ashes).

Half size plots may be used for up to three interments of cremated remains (ashes).

6.4 Grave reinstatement

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

6.5 Floral tributes and wreaths

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

Christmas wreaths will be removed the last week in February.

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

Please note that rabbits and other animals will occasionally eat flower heads, particularly pot mums and carnations. The rabbits or other animals come into the cemeteries from adjoining areas and we cannot control them, it is therefore suggested that you protect your flowers with wire or net if you experience problems with rabbits etc.

7. Transferring Exclusive Rights of Burial

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.

7.1 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. Forms are available from Bereavement Services and need the signature of the owner and one other as witnesses.

7.2 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 Bereavement Services with the following:

- The Grant of Probate- Probate is the document issued by the court after the will has been proved in Court. It should be the original document bearing the court seal. A copy of the relevant part of the document can then be taken and retained.

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

- The Death Certificate if owner of Exclusive Right of Burial is not buried in a Durham County Council Cemetery.

- A Statutory Declaration. The Statutory Declaration sets out the reasons why you are saying that you are the rightful owner of burial rights for a grave. It is a legal document declaring something to be true. Under the Statutory Declarations Act 1835, a declaration can be made before anyone who is authorised by law to hear it (for example, 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.

7.3 Grave owner deceased and no will.

If the estate is of sufficient value to require probate. Bereavement Services will require:

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

If the estate is of insufficient value to merit application for Letters of Administration Bereavement Services may require:

- The Death Certificate if owner of Exclusive Right of Burial is not buried in a Durham County Council 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 be entitled to claim the Grant of Exclusive Right of Burial but do not wish to do so

7.4 Grave owner living and wishes to sell back grave rights.

The ownership of the Exclusive right can be transferred back to the council; however, a refund can only be made to the sum of that previously paid for the exclusive rights. A Form of Renunciation will also need to be completed to legally transfer the rights back to the council.

If you wish to transfer the Grant of Exclusive Right of Burial please contact Bereavement Services who will assist with this procedure, providing advice on the documentation required and the fees payable.

8. Memorials and Headstones

8.1 Permission to carry out work

All new memorials and cemetery fixtures must be undertaken by suitably qualified memorial masons and erected in accordance with BS8415 and to the standards of the National Association of Memorial Mason's (NAMM) Code of Practice current at the time of installation.

All memorial mason companies that work in the cemeteries must be registered with either the British Register of Accredited Memorial Masons (BRAMM) or the National Association of Memorial Masons (NAMM). At least one member of the fixing team should possess a BRAMM fixer's licence or similar i.e. City and Guilds, RQMF, NVQ or BRAMM.

Memorials can only be placed on graves for which the applicant owns the Exclusive Right of Burial, no memorials are allowed on unpurchased graves. If a memorial is required on an unpurchased grave the exclusive rights of burial will need to be purchased at the current fee.

If the deceased deed holder has specifically left instructions via a will etc. with regards to having a memorial/ inscription placed on the existing grave the Authority would grant approval of this request.

8.2 Submission of Memorial Application Forms

Before any memorials or headstones are erected or works undertaken to any existing memorial, an application must be submitted for approval to the council.

In all cases the memorial mason supplying the memorial will complete the application form and submit the application for approval.

Please use the Durham County Council Memorial Application Form when requesting permission to erect a memorial, carry out work, or add an inscription to a memorial. This form must be completed and submitted by the memorial mason. The form is available from Bereavement Services.

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.

The form should be forwarded to Bereavement Services for approval

If any works are carried out without prior approval, then the Council will ask the stonemason to remove the headstone or memorial after an investigation has been concluded. This will be at the expense of the stonemason.

Anyone carrying out works without approval or prior notice may be excluded from further works and could be subject to investigation from their governing association.

Memorial Mason must request for all graves to be marked a minimum of three working days prior to any installation being carried out, providing the date of installation.

Whoever is carrying out the work should carry a copy of the approval issued in respect of the application. Failure to carry a copy of the permit may result in being asked to leave the cemetery until such time as a copy can be presented.

Memorials and headstones can be made of:

- Natural granite
- Marble
- Sandstone
- Slate
- Limestone
- Other material approved by the council's Bereavement Services Staff.

No advertising, canvassing or trademarks are allowed in the cemetery except the name of the firm supplying or erecting a memorial which may be cut in small letters on the side or the back of the memorial only.

Every headstone or other memorial erected over a grave space should bear the number of that grave space inscribed in letters 19.05mm (3.4'') in height on the side or back of the headstone.

All wooden crosses should be permanent structures, made only of oak or teak, stained, varnished and set in a concrete base by an authorised person.

All memorials erected are the sole responsibility of the owner of the grave. They are responsible for the safety and upkeep of the memorial including any repairs needed caused by vandalism, storm, wind, lightning, cracking or subsidence of footings. It is recommended that the grave owner takes out adequate insurance against this.

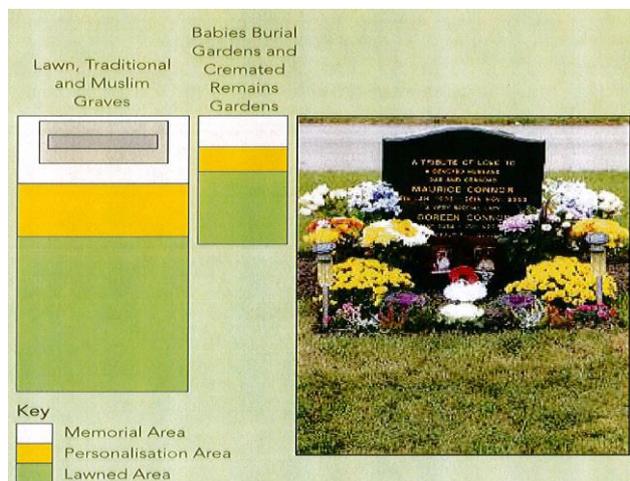
Approval will only be given for a mason to fix a stone at least six months following a full burial, this gives sufficient time for the ground to settle and will provide better assurance your memorial will remain level, this does not apply where a Memorial beam has been installed.

One fixed vase with the foundation of at least 77mm (3'') is allowed on each grave. It must be placed in the personalisation area or at the head of the grave in line with fixed memorials. Vase dimensions should not exceed 381mm (15'') long, 152mm (6'') wide and 152mm (6'') high.

Other memorials are not to exceed 1.067m (3'6'') high, 914mm (3'0'') wide including foundations. If the memorial is to be centred across two graves then the maximum width permitted is 1028mm (6'0'') wide.

8.3 Adornments

Adornments are allowed in a small personalisation area at the base of the memorial for all full-size graves, this area is 530 mm (1'9") x 1.067 (3'0"). For cremated remains (ashes)/half plot gardens and babies' burial gardens, the area is 230 mm (9") x 609 mm (2'0"). The personalisation area is shown in the following diagram.



Adornments within the boundary of the grave are allowed for a period of up to three months, beyond which time the family are required to remove items to within the personalised area. The council will not be held responsible for any damage to items outside of this area.

No planting of trees/shrubs will be permitted within the grave sections. Any such material which has been installed will be removed by the council.

8.4 Kerb surrounds

Kerb surrounds are only permitted in cemeteries, or parts there of where there has been a tradition of their use, this is subject to the kerb surround being installed by a suitably qualified memorial mason. Please see table below.

Cemetery	Sections allowing kerb surrounds
Bishop Auckland	13, 15 and 16
Cowshill	1
Crook	A, B and E
Dans Castle	8, 9 and 10
Howden	A, B and C
Hunwick	A and B
South Church	A, B and D
West Auckland	A, B, C, D, E and G
Willington	A (old), B (old)
Witton Park	2
Sacrison	A, B, C and D
Pelton	B, C, G, H and L1

Ropery Lane, Chester-le-Street	H
Blackhill, Consett	All sections
Stanley	All sections
Harelaw, Stanley	1-18
Langley Park	A, B and C
Lanchester	A, B, C, D, E and G
Low Westwood	A, B and C
Meadowfield	A, AA, B, C, D and E
Parkwood	A, B, C, D and F
South Road, Durham	A2-A4, B1-B3, C1-C2, H3-H4, G1-G3
Ushaw Moor	1 (unc), 1 (con), A, B, D and E
Evenwood	All sections

New kerb surrounds will not be allowed in cemeteries that are currently free from them, including new burial sections and extensions. The following cemeteries are kerb surround free cemeteries where kerb surrounds cannot be installed.

- Coundon
- Crosshill
- Rookhope
- Thornley Road
- Witton-Le-Wear
- Lumley
- Barnard Castle
- Startforth
- Cockfield
- Etherley
- Gainford
- Hamsterley
- Lynesack
- Romaldekirk
- Staindrop
- Woodland
- Castleside
- Moorside

If an unauthorised kerb surround is installed from 22nd September 2016 the council will contact the family to request removal. The family will be given a month to remove the kerb surround; otherwise it will be removed and stored for collection.

Kerb surround memorials are not to exceed 2439 mm (8' long) x 1194 mm (3'6" wide) on 1220 mm (4') centres and 2439 mm (8' long) x 1220 mm (4' wide) on 1520 mm (5') centres including foundations. These foundations must be below ground level and should always be to the highest specification possible. In situ foundations should be allowed to cure for at least 14 days before fixing takes place, 28 days is preferable.

It is generally accepted best practice that the laying of concrete should ideally not take place when the temperature is below 5°C. However, a suitable frost proofing cement additive should be used.

The kerbs can be either dowelled to the headstone or to the foundation. If the kerbs are dowelled to the foundation and the headstone then they are more difficult to separate in the future.

8.5 Memorial Safety

The council will check the safety of memorials at least every five years, as recommended by the Health and Safety Executive.

If a memorial is found to be unsafe the council will contact the family accordingly and if necessary, take temporary action to prevent any injury to staff and other users of the cemetery. If the council is unable to contact the owner they may display a public notice in the cemetery and in local newspapers over two consecutive weeks

It is the owner's responsibility to ensure that memorials are kept in good repair at their own expense. If a memorial becomes unsafe, the council may contact the registered owner (or representative) advising that repairs are required.

If the owner does not make the repairs within six months after the issue of a notice, the council may pocket the memorial or make it safe. The council may also pocket (where possible) unsafe memorials in instances where no relatives can be traced or the family are unwilling to fund full re-instatement.

In the event of a memorial being in a dangerous condition, immediate action will be taken by the council.

9. General Cemetery Regulations

Only cars and vehicles belonging to contractor carrying out works within the grounds, undertakers and mourners accompanying a funeral or people visiting a grave will be allowed in the cemetery. Drivers of vehicles must not exceed the 10mph speed limit.

Visitors are asked:

- Not to obstruct or interfere with employees of the Council in the execution of their duties or to interfere with any burial taking place in the cemetery.
- Not to access any building or enclosures in the cemetery, except on lawful business.
- Not to wilfully create any disturbance in the cemetery or behave in a way that may be a nuisance to others.
- Not to enter or remain in a cemetery after it has closed to the public. No person is permitted to be in the cemetery outside of opening hours.
- To enter the cemetery using the entrances provided.

- Not to pull or cut shrubs or flowers growing within the cemetery or to interfere with any grave or memorial.
- Not to be under the influence of alcohol or illegal drugs.
- Not to gamble or play games or sports in a cemetery.
- To keep to footpaths and driveways and generally to respect the cemetery always.
- To keep dogs on a leash always. The visitor in control of the dog must remove any dog waste from the cemetery, with the exception of a guide dog accompanying a blind person.
- Not to bury pets or scatter ashes of pets in the cemetery.
- Not to play musical instruments, radio or cd players or similar sound systems in the cemetery, without the consent of the council's Bereavement Services Staff.
- Not to offer council employees any gifts or gratuity.
- To ensure children under the age of 14 years are accompanied by a responsible adult whilst in the cemetery.
- To ensure that no demonstration of any kind is held in the cemetery without the consent of the council's Bereavement Services Staff.

The council may close a cemetery, or any part of it, to the public for such time as they may consider necessary.

Register offices in County Durham

There are register offices in

- Durham City
- Chester-le-Street
- Consett
- Seaham
- Bishop Auckland
- Barnard Castle
- Crook
- Stanhope

Further details can be found at www.durham.gov.uk or by calling 03000 266 000

Bereavement helplines and counselling services

Cruse Bereavement Care (Bereavement Counselling)
www.crusebereavementcare.org.uk
 Tel 01325 288633

Compassionate Friends (Support & Friendship by those Similarly Bereaved)
www.tcf.org.uk
 Tel 0345 123 2304

Age Concern
www.AgeConcern.org.uk
Tel 0191 386 3856

At a loss
www.ataloss.org

UK Care guide
<https://ukcareguide.co.uk/dealing-with-bereavement/>

Foundation for the Study of Infant Deaths
www.fsid.org.uk
Tel 08088026868

24 Hour Cot Death Helpline
Tel 02072332090

Stillbirth & Neonatal Death Society (SANDS)
www.uk-sands.org
Tel 0207 436 5881

Child Death Helpline
www.childdeathhelpline.org.uk
Tel: 02078138416

The Natural Death Centre, London
Email: www.naturaldeath.org.uk
Tel 01962712690

