

Cemetery Regulations

(January 2019)



**BOROUGH OF
BROXBOURNE**

www.broxbourne.gov.uk

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1. INTRODUCTION

- 1.1. The Cemetery Regulations were updated in November 2018. The regulations came into force on 1 January 2019 and will supersede the former regulations, dated November 2013
- 1.2. Broxbourne Borough Council (the Council) reserves the right to amend these regulations from time to time as necessary.
- 1.3. In order to keep the cemeteries attractive and safe the Council respectfully requests all visitors observe these regulations.
- 1.4. The cemetery fees and charges are reviewed at least annually and are available on the Council's website www.broxbourne.gov.uk.

2. CEMETERY LEGISLATION

- 2.1. The cemeteries in the Borough of Broxbourne, located in Cheshunt and Hoddesdon are administered by the Council in accordance with the relevant statutory legislation: the Local Government Act 1972, the Local Authorities Cemeteries Order 1977 and Cemetery offences as outlined in Appendix A.
- 2.2. In accordance with the terms of the legislation Broxbourne Borough Council is defined as the burial authority for the Borough of Broxbourne.
- 2.3. In addition Broxbourne Borough Council is a professional member of the Institute of Cemetery and Crematorium Management (ICCM) and complies with the ICCM 'Charter for the Bereaved'. The Charter outlines minimum standards that members of the public can expect from a burial authority. Both documents can be found at www.broxbourne.gov.uk or at the cemeteries office between the hours of 10am and 4pm, Monday to Friday.

The cemeteries office is located at the Environmental Services department.

The Cemeteries Service
Environmental Services
Unit 4
Broxbourne Business Centre
New River Trading Estate
Cheshunt
Hertfordshire
EN8 0NP

Alternatively, members of the public are able to contact the Cemeteries Service at cemeteries@broxbourne.gov.uk or direct dial 01992 785507

- 2.4 Cheshunt Cemetery is located at:

Bury Green Road
Cheshunt
Hertfordshire
EN7 5AG

2.5 Hoddesdon Cemetery is located at:

Ware Road
Hoddesdon
Hertfordshire
EN11 9AE

3. CEMETERY OPENING HOURS

- 3.1. The cemeteries are open every day of the year, opening to the public at 7.30am and closing at the times detailed in the table below:

Month	Opening time	Closing time
January	7.30am	4pm
February	7.30am	5pm
March	7.30am	6pm
April to August	7.30am	8pm
September	7.30am	7pm
October	7.30am	6pm
November and December	7.30am	4pm

4. EXCLUSIVE RIGHT OF BURIAL

- 4.1. The exclusive right of burial (purchase) in full and half space graves shall subsist for a period of 100 years from the date of issue.
- 4.2. The exclusive right of burial in cremated remains plots and the columbaria (leases) shall subsist for a period of 30 years from the date of issue. At the end of the 30 year period the leaseholder will be contacted by the Council and the lease may be renewed for a further 30 years, subject to the payment of the fee listed in the current cemetery fees and charges.
- 4.3. All ground shall remain in the ownership of the Council; only the exclusive right of burial in individual grave plots shall be sold. This does not confer any other rights to the purchaser of the exclusive right of burial.

5. SURRENDER OF EXCLUSIVE RIGHT OF BURIAL

- 5.1. Subject to prior agreement with the Council the ownership of any plot which has not been interred in, or which all remains have been exhumed from, may be surrendered to the Council for the full amount paid at the time of purchase or 50% current purchase price whichever is the greatest, less a sum for administration purposes as shown in the cemetery fees and charges document will be paid upon confirmation of surrender.
- 5.2. Subject to prior agreement with the council, graves which have sufficient space for at least one further interment may be surrendered for 25% of the current purchase price, less a sum for administration purposes as shown in the cemetery fees and

charges document will be paid upon confirmation of surrender. Any memorial on the grave must be removed at the cost of the owner prior to surrender,

6. TRANSFER OF EXCLUSIVE RIGHT OF BURIAL

- 6.1. The ownership of exclusive right of burial in any grave or vault may not be transferred from a living owner unless authorised in writing to do so by such person and payment of specified fee in accordance with current transfer fees as detailed in the Council's fees and charges.
- 6.2. Ownership may not be transferred from a living resident to a non-resident without payment of the specified fee. This will be the current transfer fees as shown in the Table of Charges, plus the difference in fees that would have been incurred between a resident and a non-resident purchaser at the time of purchase.
- 6.3. Ownership may be transferred from a deceased owner, to a resident or a non-resident. (as indicated in fees and charges). If the interment, or interment of cremated remains of the deceased owner did not take place in the Borough's cemeteries, proof of death must be provided.
- 6.4. Ownership can be passed from a deceased owner to a resident or a non-resident by certificate of probate, letter of administration or statutory declaration. These must be original copies bearing the seal of the issuing authority.

7. CONVENTIONAL GRAVES

- 7.1. Conventional graves may, with the consent of the Council, have hard surfacing (block paving or concrete panels) installed around the memorials. The hard surfacing must be supplied and installed as directed by the Council and paid for by the holder of the exclusive right of burial (E.R.B.). Hard surfacing that has to be removed to allow any further burials to take place in the grave must be replaced by the owner of the E.R.B, or by the Council at that person's cost.
- 7.2. Vegetation should be maintained to a maximum height of 900mm (3 feet) except with the Council's written permission.

8. LAWN GRAVES

- 8.1. Spring bulbs may be planted in a lawn grave. No other planting is permitted on a lawn grave.
- 8.2. No hard surfacing or fencing may be installed to lawn graves. No person may interfere with any grassed area and no items may be stood or placed on any grassed areas.

9. BRICK GRAVES

- 9.1. All brick graves/vaults shall be constructed only by staff appointed by the Council. The cost of rights to construct, excavation and construction shall be arranged by the Council and borne by the person arranging the construction in advance. Bodies interred in walled graves or vaults must either be separately entombed with grade 1 engineering quality bricks and/or 4 inches (102mm) of concrete, AND

hermetically sealed in metal, or metal lined coffins or caskets. All walled graves will be constructed and finished entirely underground with a minimum of 6 inches (152mm) of soil above the concrete cover.

10. CREMATED REMAINS PLOTS

- 10.1. No hard surfacing or fencing may be installed to cremated remains plots. All items may be stood or placed on the memorial only.
- 10.2. Items placed will not extend beyond the memorial or cause obstruction to grounds maintenance activities.

11. COMMON GRAVES

- 11.1. Common graves will be allocated and sold at the Council's discretion.

12. COLUMBARIA

- 12.1. Each columbarium shall consist of a number of individual niches. Each niche will be sufficient for the interment of at least two containers of cremated remains. Niches are available to lease for the fee listed in the current cemetery fees and charges.
- 12.2. The columbarium niches shall be leased for a period of 30 years from the date of purchase. This shall be in the name of the person purchasing the lease or their heir, successor or assignee.
- 12.3. For above ground cremated remains plots, if the lease is not renewed and/or the Council is unable to make contact with the leaseholder within six months of the expiry date, the cremated remains and the memorial plaque may be removed and the cremated remains scattered within the cemetery. The memorial plaque will be sensitively disposed of. The niche may then be re-leased.

13. COMMUNITY MAUSOLEUM

- 13.1. Each Mausoleum shall consist of a number of individual chambers. Each chamber will be sufficient for the interment of one full coffin with the following maximum dimensions - length 2,300mm (7ft. 6in.), width 720mm (2ft. 4.3in.), height 650mm (2ft. 2in.). Chambers are available to lease for the fee listed in the current cemetery fees and charges and will be allocated on a next-in-line basis.
- 13.2. The Mausoleum chambers shall be leased for a period of 100 years from the date of purchase. This shall be in the name of the person purchasing the lease or their heir, successor or assignee. At the end of the 100 year period the leaseholder will be contacted by the Council and the lease may be renewed, subject to the payment of the fee listed in the current cemetery fees and charges.
- 13.3. If the lease is not renewed and/or the Council is unable to make contact with the leaseholder within six months of the expiry date, the remains will be sensitively removed from the chamber and interred at a suitable alternative location within the

cemetery. The chamber may then be re-leased.

- 13.4. The front cover plate of each chamber shall form the memorial for that chamber and may be inscribed. This work will be agreed with and arranged by the Council. No other form of memorial will be permitted and no items may be attached to the cover panel unless agreed with and authorised by the Council.
- 13.5. In front of the Mausoleum there is one flower holder dedicated to each chamber. The flower holders should be used for appropriate floral tributes. Leaseholders must only use the flower holder assigned to their chamber. No other floral tributes or any other items may be placed in front of the Mausoleum chambers or in any other place or will be removed.

14. COMMUNITY MAUSOLEUM - MEMORIAL WALL

- 14.1. The Mausoleum complex has a memorial wall where commemorative wall plaques can be purchased. Inscription work will be agreed with and arranged by the Council and no other form of memorial will be permitted or attached to the memorial wall. Charges for the wall plaques are listed in the current cemetery fees and charges.

15. CHILDREN'S AREA

- 15.1. Individual half space graves will be available in the children's area.
- 15.2. The cremated remains of the parents or siblings of children interred in the children's area may be interred in the same grave along with them, regardless of age.
- 15.3. Graves within the children's area may be adorned with informal items, such as balloons, flags and decorative items, as long as they are placed within and do not extend beyond the boundary of the plot. The decorative items will only be removed by the Council if they obstruct the maintenance of the cemetery.

16. BENCHES/COMMEMORATIVE PLAQUES

- 16.1. Benches are supplied by the Council in pre-designated positions.
- 16.2. Commemorative plaques can be installed on the bench for a period of 10 years following the date of installation. The charge for this service is shown in the current cemetery fees and charges. Commemorative plaques may be renewed by application after this period.

17. MAINTENANCE OF GRAVES

- 17.1. Graves should be kept in a neat and tidy condition by the deed holder or visitors to the grave.
- 17.2. No stone or glass chippings, aggregate, gravel, shingle or any similar loose material may be laid or placed on grassed areas or around any graves, plots or

memorials.

- 17.3. No person, unless a Council employee or authorised contractor, may interfere with the grass surfaces, trees, shrubs, bushes, flower beds, hedges, walls or fences within the cemetery. Persons disregarding this rule are committing an offence, as listed in Appendix A.
- 17.4. All personal memorialisation, such as plants, flowers, vases, candle / light holders, ornaments must be confined to and not extend beyond the memorialised grave area. Personal memorialisation must not exceed a height of 900mm (3 feet). Any temporary ornaments (balloons and flags) must be removed within 14 days. Any items not adhering to these rules will be removed by the Council without prior notification to the leaseholder.
- 17.5. No items may be hung in or fixed to any of the cemetery trees, bushes, shrubs, fencing or any other structure within the cemetery. Any items not adhering to these rules will be removed by the Council without prior notification.

18. MEMORIALS

- 18.1. The owner of the E.R.B. must make an application to the Council's cemetery office to erect a fixed memorial on a grave. Fixed memorials may only be erected on a grave with the Council's authorisation.
- 18.2. Memorials may only be erected by competent monumental masons who have been approved by the Council and have been issued a permit to work within the cemetery.
- 18.3. The right to erect a memorial on a grave shall subsist for a period of 30 years from the date of grant. The grant will then be renewable for 10 yearly periods up until the expiry of the exclusive right of burial in the grave, subject to the memorial being deemed safe at the time of each renewal and the payment of the specified fee for memorial inspection, as shown in the current cemetery fees and charges.
- 18.4. Memorials and contents remain the personal property of the recorded holder of the exclusive right of burial in the grave or their recorded heirs, successors or assignees.
- 18.5. The council accepts no liability for the loss of, or damage caused to, any memorial.
- 18.6. The dimensions of monuments are subject to approval by the Council. Full conventional earth grave monuments may occupy a maximum space of 7ft x 3ft (2134 x 914mm) in Hoddesdon cemetery or 6ft 6ins x 2ft 6ins (1981 x 762mm) in Cheshunt cemetery. The maximum height of the memorial must not exceed 4ft 6ins (1372mm). A minimum of 75% of the length of the memorial must not exceed 12 inches (305mm) in height.
- 18.7. Walled graves shall occupy an area of 9ft x 4ft (2743 x 1219mm) or multiples thereof, and the maximum height of the monument shall not exceed 4ft 6ins (1372mm) above the memorial foundation slab. A minimum of 75% of the length of the memorial must not exceed 12 in (305mm) in height.
- 18.8. Memorials on lawn section graves shall not exceed 3ft (915mm) in height and shall occupy a maximum area of 2ft 6ins x 1ft 3ins (762 x 381mm). The thickness of the

material shall be proportional to the size of the memorial, being a minimum of 3ins (75mm) and a maximum of 4ins (100mm) for a monument of the maximum size.

- 18.9. Conventional monuments shall be constructed on a reinforced unitary concrete base (landing) with a minimum thickness of 3ins (75mm) and a maximum of 4ins (100mm). This shall be supplied and fitted by, or on behalf of, the monumental mason supplying a memorial on any conventional grave. The exact positioning of the base should be agreed by the cemetery manager. The base may either be laid directly on the ground, or set into the ground to a maximum of the thickness of the base. Lateral bearers may be installed under the base, set into the ground such that no part of the bearer is above ground level, if required.
- 18.10. All monuments shall be constructed with non-ferrous metal dowels in all joints, and at the base of the headstone (if any), and to all current NAMM recommendations.
- 18.11. Memorials may be constructed of any natural material; non-natural material will not be permitted.
- 18.12. All memorials shall be maintained in a sound and tidy condition by, or on behalf of, their owners. Any memorial that the Council considers unsafe may be made safe by the Council, and any costs involved sought from the owner. Memorials which have deteriorated beyond repair shall, upon issue of an order from the Council, be removed from the cemetery by, or on behalf of, the owners. Any such memorial not removed within three months of issue of such an order shall be liable for removal by the Council and any costs sought by the Council from the memorials owner.
- 18.13. No work or delivery of materials will be permitted on a Sunday, Bank Holiday or before 8am or after 4pm. Work must also cease if requested by the cemetery manager. Any damage caused to the Council's land or premises by the bringing in of materials, or in the course of work, to the graves or monuments, or in any other way, must be made good by, or paid for by the persons causing or being responsible for such damage.
- 18.14. Any sinkage of conventional memorials shall be reinstated solely by, or on behalf of, such registered owner.
- 18.15. The distinguishing plot number for each grave must be shown in a conspicuous position at the foot of every conventional monument or the base of every headstone. The expense of this must be borne by the person fixing the monument.
- 18.16. Any wooden cross or other temporary grave marker must be removed from the cemetery once a permanent memorial is erected.

19. DIGGING OF GRAVES

- 19.1. All graves, including cremated remains plots, must be dug by Council appointed staff or contractor.
- 19.2. Walled graves must only be constructed by a Council appointed contractor.

- 19.3. Members of the public attending interments may be permitted to back-fill the grave or assist the cemetery staff to do so at their own risk, subject to agreement with the Council.
- 19.4. Cemetery staff will remove floral tributes from graves after approximately one month of any interment, although mourners may do so before this time.
- 19.5. Grave sinkage (settlement) will be reinstated as and when it is noted. Owners of the E.R.B. will not be notified in advance when this work is to take place, although they may request this to be done if they notice significant settlement.
- 19.6. Lawn graves shall be turfed approximately one year following interment. Grave E.R.B. owners will not be notified in advance when this work is to take place. Items such as vases, pot-plants and ornaments may be placed on a grave until the grave is turfed over. These items will be removed prior to laying the turf.

20. FEES AND CHARGES

- 20.1. All payments of fees and charges must be completed in full prior to any interment or scattering of ashes taking place. Residents of the Borough and non-residents shall be liable for fees as shown in the Council's schedule of fees and charges. It should be noted that graves in Hoddesdon cannot be purchased by non-residents. Any persons not shown on the Register of Electors or council tax register for the Borough of Broxbourne must supply acceptable proof of residence to be considered a resident.

21. CONDUCT OF VISITORS

- 21.1. All visitors to the cemeteries must behave in a quiet and respectful manner.
- 21.2. Persons without written consent from the Council must not canvas or solicit orders, sell items or display advertisements within cemetery grounds.
- 21.3. Dogs must be kept under control and on a lead. They must be kept off the graves and not allowed to foul on the grounds by the owner. If fouling occurs, the dog owner must clear up immediately. Dog control laws apply in the cemetery grounds.
- 21.4. Private vehicles are allowed to enter the cemeteries on a permissive basis (there is no legal right of entry). Vehicle entry may be prohibited or restricted by the Council without prior notice at any time. Vehicles must adhere to a 5 mph speed limit and park considerately. The roadways within the cemeteries do not have pathways and pedestrians always have the priority.
- 21.5. Bicycles may only be ridden on the cemetery roadways and pedestrians always have the priority.
- 21.6. Personal, temporary memorialisation items, such as balloons, windmills and flags, may be placed on graves for a short time, but for no longer than 14 days, to commemorate birthdays and anniversaries, and so long as they do not extend beyond the boundary of the plot or obstruct the maintenance operations within the cemetery. Memorialisation items will be removed by the Council without prior

notification to the owner if they are left longer than 14 days. Memorialisation items must not exceed 900mm (3 feet) in height.

21.7. Cemetery offences are outlined in *Appendix A*.

APPENDIX A – CEMETERY OFFENCES

1. Under Article 10(6) of the Local Authorities Cemeteries Order 1977 the following prohibition applies:

Nobody shall be buried, or cremated human remains interred or scattered in or over any grave in which an exclusive right of burial for the time being subsists, except by, or with the consent in writing of, the owner of the right.

2. Under Article 18 of the Local Authorities Cemeteries Order 1977 the following applies:

- 2.1. No person shall:

- (a) Wilfully create any disturbance in a cemetery
- (b) Commit any nuisance in a cemetery
- (c) Wilfully interfere with any burial taking place in a cemetery
- (d) Wilfully interfere with any grave or vault, any tombstone or other memorial, or any flowers or plants, or any such matter
- (e) Play any games or sport in a cemetery.

- 2.2. No person not being an officer or servant of the burial authority, or a person so authorised by or on behalf of the burial authority, shall enter or remain in a cemetery at any hour when it is closed to the public.

3. Under part 1 of schedule 2 of the Local Authorities Cemeteries Order 1977 the following applies:

- 3.1. No burial shall take place, no human remains shall be scattered, and no tombstone or other memorial shall be placed in a cemetery, and no additional inscription shall be made on a tombstone or other material, without the permission of the officer appointed for that purpose by the burial authority.

4. Under Article 19 of the Local Authorities Cemeteries Order 1977 the following penalties apply:

- 4.1. Any person who contravenes the above shall be liable on summary conviction to a fine not exceeding level 3 on the Standards Scale (currently £1,000) and £10 per day whilst the offence continues after conviction.