



Clay Cross Parish Council Clay Cross Cemetery Rules

On behalf of Clay Cross Parish Council, North East Derbyshire District Council manages and maintains one Cemetery at Cemetery Road, Danesmoor, Chesterfield S45 9RL.

For Cemeteries to be effectively managed and the grounds maintained for the benefit of all who visit, it is necessary to put in place Rules. These pages outline those Rules.

The Rules are made pursuant to the Council's powers under the Local Government Act 1972 in respect of management of its Cemeteries. The Council reserve the right to amend and add to any of these rules at any time. The Rules will apply to all burials and requests for memorials and will further apply to restoration, repair and refitting of other memorials already contained within the burial grounds, and supplementary maintenance works of a kind undertaken by the bereaved or their agents.

[Facilities](#)

[Cemetery Records](#)

[Time of Burials](#)

[Visiting Hours](#)

[Animals](#)

[Vehicles](#)

[Conduct](#)

[Notice of Internment](#)

[Fees](#)

[Disposal Certificate](#)

[Excavation and Preparation](#)

[What We Allow](#)

[Exclusive Rights](#)

[Cremated Remains](#)

[Memorials](#)

[Garden of Remembrance](#)

[Safety of Memorials](#)

[Gardens on Graves](#)

[Woodland Burials](#)

What Facilities are available?

Clay Cross Cemetery

Available for burials in new and re-opened graves and burial/strewing of cremated remains. The Cemetery is divided into individual sections and there are designated areas where certain types of memorial are only permitted. The Cemetery contains a garden of remembrance and individual plots for cremated remains. Litter bins provided for disposal of floral tributes wrappings and other debris. Water is provided on site. Road side parking only. Disabled access only (badges must be displayed). No parking allowed on lawned areas.

The Council will prepare all graves prior to the appointed burial and backfill the grave immediately following the burial. All floral tributes which are brought to the graveside will be collected and placed on the finished grave. If and when necessary, all graves will be provided with shoring and the surrounds covered with grass mats and liners. Council attendants will be present within the grounds of the Cemetery and will be available to deal with any emergency situations.

Unfortunately ground settlement is unavoidable. The Council for 6-12 months after the funeral, will monitor graves ensuring soil levels are maintained. After settlement the Council will prepare the soil surface in keeping with the surrounding Cemetery grounds.

The Council will carry out maintenance of Cemetery grounds to the highest standard possible commensurate within budgetary allowances. This will include:

- Mowing grassed areas
- Upkeep of boundary hedges and fences
- Maintenance of designated floral gardens of remembrance
- Maintaining levels of the grave plots to harmonize with the surrounding lawned areas
- Cleansing of the Cemetery
- Trees and shrubs (excluding unauthorized plantings)
- Removal of spent floral tributes
- Removal of Christmas wreaths (please note these will be removed in late February to early March prior to the onset of grass cutting operations)
- Safety inspection of memorials
- The upkeep of accurate records of internment

Cemetery Records

Records for Clay Cross Cemetery are held by North East Derbyshire District Council. To make an appointment to view the Records contact the Cemeteries Assistant on (01246) 217272. Where a written request or a certified extract is required, then these will be provided upon payment of fee as dictated by the table of fees and charges.

Time of Burials

Monday to Friday 9.00am to 1.00pm

Internments are only allowing during weekends or Bank Holidays where a Coroner or medical practitioner certifies that immediate internment is necessary.

Visiting Hours

The Cemetery is open as follows:

Main Gates

Our main gates are only open to allow ground staff to gain access to the site for maintenance/grass cutting and for the purposes associated with a funeral/internment

Pedestrian Gate

Our pedestrian gate is open to the public 24/7

Animals

No animals shall be permitted within the Cemetery grounds except for:

- (i) Dogs which are on a lead at all times and in full control of the owner. Dog excrement must be cleared up by the owner and disposed of away from the Cemetery;
- (ii) Horses which form part of the funeral cortege and with prior permission of North East Derbyshire District Council. At all times during the grave side service the horse(s) must be kept under full control and stationed only on the paths provided. All excrement must be cleared away by the owner and disposed of away from the Cemetery.

Vehicles

Only authorized service vehicles are permitted within the Cemetery maintained by the Council the following exceptions shall be allowed: vehicles that form part of the cortege.

Conduct

All persons must conduct themselves in a decent, quiet and orderly manner and shall not:

- Create any disturbance or nuisance in the Cemetery
- Interfere with any burial
- Interfere with any grave, vault, tombstone or other memorial or floral tributes
- Play any game or sport
- Enter the Cemetery when it is closed to the public
- Deposit litter and spent floral tributes other than in the receptacles provided for such purposes

Notice of Internment

Notice of Internment must be arranged by telephone to the District Council Cemeteries Assistant, using the prescribed forms, which must be returned to the Cemeteries Assistant at least three days prior to the funeral.

The period of notice required does not include weekends (Saturday and Sundays) or Bank Holidays.

If a grave is to be re-opened a copy of the exclusive right or deed of bequeathment will be required. If this is not available an indemnity form must be signed and returned to the Cemeteries Assistant.

Fees

All fees and charges must be paid in full to the Cemeteries Assistant, who will advise methods of payment.

Disposal Certificate

No internment shall take place without the Registrars' Certificate or Coroners' Order for disposal which must be presented to the Cemeteries Assistant no later than 24 hours prior to the burial.

Excavation and Preparation

The correct outside measurement of the coffin including handles must be given on the internment form provided. The Cemeteries Assistant will add on any extra measurement as appropriate. All graves, where necessary, will be shored and the surround covered with grass mats. Graves will be backfilled immediately after the cortege has left the graveside, floral tributes will be placed on the grave. Floral tributes will be removed 14 days after the burial.

What We Allow

In the first six months after the burial has taken place floral tributes and wooden crosses will be allowed on the grave. No fences, kerbs or other surrounds will be allowed. After six months from the date of burial the Council shall remove all unauthorized pots, floral tributes, planting material, wooden crosses and arrange for the surface of the grave to be soiled over and turfed or seeded (when weather permits) so it is in keeping with the surrounding Cemetery grounds.

The Council advises, because of unavoidable ground settlement, that headstones are not placed for at least six months after a burial has taken place. This will allow thorough settlement to occur and reduce movement of the headstone.

Exclusive Rights

- The person to whom the right is granted is allowed to determine who is buried in the grave and the type of memorial to be erected as per the Council's Regulations for the Erection of Memorials
- No other person shall have a right to determine who is buried in the grave or whose ashes are buried in, or strewn over the grave
- The right to exclusive burial may be assigned by deed or bequeathed by will to a relative or nominated person. Where the right has not been assigned, the Council will determine, in accordance with any relevant legislation, who will have the right to exclusive burial
- On purchasing the Exclusive Rights for burial for a grave or cremated remains plot, a deed shall be issued to the person named on the internment form and covers a period of 100 years

Cremated Remains

Cremated remains may be strewn or buried in the Cemetery or family grave upon application to the Cemeteries Assistant and with the permission of the owner of the exclusive right. All applications must be accompanied with a certificate from the crematorium.

Memorials

- All headstones, memorials, temporary grave markers, vase blocks, memorial plaques and inscriptions are subject to the Council's Regulations for the Erection of Memorials and the approval of the Cemeteries Assistant. Memorial approval forms are available from the Cemeteries Assistant and a copy of every inscription, measurement of the memorial and drawing of the proposed monument to be erected must be submitted prior to any permission being granted. All applications must be fully completed with correct measurements and returned to the Cemeteries Assistant with the appropriate fee.
- The Council operates a memorial masons register. It is a requirement that only memorial masons are employed, who are registered to work within the Council's Cemetery. No memorials may be fixed until formal written approval is given by the Council.
- Temporary grave markers in the form of wooden crosses are permitted on the grave for the first six months following the internment date. Following the expiry of this six month period, the Council may remove any temporary marker and place in storage.
- The Council recognises the cost of providing permanent memorials; therefore, this date may be extended at the discretion of the Cemeteries Assistant. This will be for a maximum of a further six months after which time all temporary markers shall be removed.
- All memorials must be installed to the National Association of Memorial Masons (NAMM) Code of Working Practice. Any memorials that do not comply with the NAMM Code of Working Practice may be removed and result in action being taken against the monumental mason and/or the person holding the exclusive right.
- Memorials, vase blocks, plaques and their inscriptions are only permitted on graves/plots with Exclusive rights.
- All memorials must have the appropriate grave/plot number engraved into the base.
- The maximum height of the headstone on a grave plot shall not exceed 900mm. The width shall not exceed the width of the grave space but typically should be 600mm.
- Only one vase block and two movable vases shall be permissible to be placed on a grave plot. The vases must be placed within the proximity of the headstone and shall not exceed 300mm x 300mm x 300mm.
- At no time must glass vases, bottles or other receptacles be placed on any grave or cremated remains plot.
- When memorials are removed from the graves to enable further burials to take place, all monumental masonry and foundation work, if not permanently fixed, will be removed from site by the appointed monumental mason. Any masonry left on site will be removed by the Council into storage. The cost of such works will be recharged to the owner of the exclusive right.
- All memorials removed, must be re-installed using the NAMM Code of Working Practice. Settlement periods (six months) must be observed.
- The Council shall not be responsible for damage to memorials, carried out by persons other than its employees. The Council reserves the right to exercise their duty under the Health & Safety at Work Act 1974 and make temporary arrangements to make safe or dismantle unsafe memorials until such a time as a repair can be made by the owner of exclusive rights appointed mason.
- Memorial seating is subject to written approval from the Council. Applications should be made to the Cemeteries Assistant. Applicants must take note that on installation of the seat in the Cemetery grounds then it shall be made available for public use.

Safety of Memorials

- The responsibility for ongoing maintenance of a memorial rests with the owner of Exclusive Right of Burial or other persons where the right has been assigned
- The Council has a statutory duty of care to ensure its Cemetery is safe for visitors and its employees. In view of this the Council will organise an annual inspection of all memorials within the Cemetery grounds.
- Where memorials and memorial seats are found to be in an unsafe condition the Council reserves the right under the Local Authorities Cemeteries Order 1977 and

Health & Safety at Work Act 1974, to reduce the risk of injury to the public and its employees.

- The severity of the risk will determine what action is to be taken however, dismantling the memorial and laying it flat on the grave surface shall be normal procedure.
- Where a memorial is found to be unsafe the Council will attempt to contact the owner who will be responsible for its repair. Unfortunately, difficulties can arise in tracing the owner because of relocation or assignment of the deed without this having been conveyed to the Council and/or the Cemeteries Assistant.
- When the owner is untraceable and the memorial having been laid flat, the Council shall display a notice of its intentions or actions within the grounds of the Cemetery and publish a notice for two successive weeks in the local newspaper. Notices will be served for a period of twenty eight days. Following expiry the Council reserves the right to remove the memorial from the grounds of the Cemetery.

Gardens on Graves

The Council's Cemetery is a designated lawn area. No gardens are permitted on the grave space following the six month grave period which allows for settlement. Following the six month settlement period after the date of interment, the Council shall remove all unauthorised pots, floral tributes, wooden crosses and arrange for the surface of the grave to be soiled over and turfed or seeded (when weather permits) so it is in keeping with the surrounding Cemetery grounds.

Woodland Burials

The Council currently does not offer a service for the provision of woodland burials.

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Adopted at Clay Cross Parish Council meeting held on the 27.5.08

Amended and Adopted at Clay Cross Parish Council meeting held on the 21.5.19