DERRY CITY & STRABANE DISTRICT COUNCIL

Cemetery Management Guidance



Created 2022

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1. **Introduction**

This booklet provides guidance and regulations relating to burials and cemeteries under the management of Derry City & Strabane District Council (DCSDC) to ensure that they are safe places to work and visit. Council is committed to ensuring that all who visit or use these facilities are treated with dignity and respect and in an environment maintained to a standard appropriate for the purpose of burial.

As the burial authority in control of cemeteries in Derry/Strabane this booklet has been developed to:

• Help you arrange a burial in a Council cemetery

• Provide you with information on the restrictions and conditions that apply to purchasing exclusive rights of burial

• Make sure we provide you with a high level of service

• Make you aware of your rights and responsibilities in relation to our cemeteries

The document is intended to provide information to members of the public on the services and standards expected within Councils burial services. While these regulations present the overall policy of the council, the council reserves the right to make any amendments to the regulations as and when required.

It also outlines how we will carry out our obligations under the law.

**Retrospective application of this document**

Council acknowledge that there are many graves within its cemeteries which predate the introduction of this document, and some of these may not comply with the rules contained herein.

In some circumstances the Council reserves its right to use its discretion to retrospectively apply these regulations in some circumstances for a temporary period of time i.e. until a grave is reopened. This temporary position will be on the condition that they are well kept and maintained by the owners of the graves and/or their families and heirs.

However, it should be noted that graves will be regularly inspected by cemetery staff, and should any grave become untidy or neglected, the regulations set out in this document will apply. If the Council is required to take action as a result, no further discretion to waive the regulations will be applied. In addition, once a grave is re-opened the regulations will apply in full from that point forward.

1. **Operational Cemeteries**

Derry City & Strabane District Council, own and/or manage the following graveyards and burials grounds:-

**Active**

**Derry area**

* City Cemetery, Lone Moor Road
* Alla Claudy Cemetery, Claudy
* Ballyoan Cemetery, Rossdowney Road, Waterside
* Altnagelvin Cemetery, Church Brae, Waterside

**Strabane area**

* Aughalane, Glenelly Road
* Ardstraw New, Magheracolton Road
* Castlederg, Drumquin Road
* Mountcastle, Duncastle Road
* Strabane, Cemetery Road
* Urney New, Urney Road

You can find the full list of Historic Burial Grounds on our website

[http://www.derrystrabane.com/Subsites/cemeteries-(1)/Historic-Churches-Cemeteries](http://www.derrystrabane.com/Subsites/cemeteries-%281%29/Historic-Churches-Cemeteries)

**3. Contact Details:**

Derry City & Strabane District Council

98 Strand Road

Derry

BT48 7NN

Tel No. 02871 253 253

E-mail: cemeteriesteam@derrystrabane.com

**4. Office Opening Hours**

The Cemetery office is open Monday to Friday 9.00am – 5.00 pm. If you have a query you should contact the council via telephone or e-mail initially. If the matter is more detailed then an appointment must be made. If staff are unavailable a message can be left and you will be contacted on their return.

[http://www.derrystrabane.com/Subsites/cemeteries-(1)/Cemeteries](http://www.derrystrabane.com/Subsites/cemeteries-%281%29/Cemeteries)

An out of hours’ system is in place for Funeral Directors

**5. General Regulations and Guidance**

Access to Cemetery Grounds and Buildings

Cemetery grounds opening times are available online and can differ in various cemeteries. Seasonal considerations also apply to opening times in some cemeteries. In some exceptional circumstances it may be necessary to close the cemeteries to visitors (including those visiting on foot). This may include restriction of vehicle movement in and out of the sites for reasons of health and safety.

Site open times are displayed at the entrance to most sites and any necessary changes, if these can be advised in advance, will be posted for visitors to see.

**Conduct of Visitors**

Visitors must conduct themselves in a quiet and orderly manner and must keep to the roads and pathways, except when visiting graves.

Visitors must take all reasonable care to protect their own safety.

Abuse of staff will not be tolerated in any Council facility.

**Control of Dogs**

Dogs are permitted in cemeteries but must be on a short lead at all times. The Dog Control Order as applied to cemeteries stipulates that the lead must be a maximum length of 1.8m.

Council will take action against those failing to control their dogs or failing to remove dog faeces. Dog waste must be lifted and placed in the onsite dog bins.

Council Enforcement Officers patrol the cemeteries periodically and will issue fines to offenders.

**Vehicles**

Speed limits are in force at all sites with vehicles restricted to a maximum speed of 10 miles per hour.

Cemetery roadways are not public highways and vehicles entering are subject to the permission of Council. There is no right of vehicular access to cemeteries and this may be withdrawn at any time for operational requirements.

Vehicles must not leave any roadway within the cemeteries except with the permission of the designated cemetery staff. This will include vehicles belonging to monumental masons and Funeral Directors and or corteges.

Some cemeteries have car parks with limited parking spaces and these must be used in the first instance. Parking along designated roadways is only permitted where this does not pose a hazard to other cemetery users.

Council expect visitors to be courteous to all other cemetery users and not to block roadways at any time. Visitors may be asked to move vehicles to enable funeral or maintenance access.

All funeral corteges must attend the designated cemetery where the funeral has been arranged at the agreed time.

Whilst at the cemetery all funeral corteges shall be under the control of the cemetery team and all hearses and accompanying vehicles must be driven to those areas of the site as directed by the designated officer.

**Damage**

Where damage is caused to cemetery land, walls or premises by any cause whatsoever, the person or persons committing such damage will be held responsible by the Council.

The Council will seek to recover full costs from those causing damage.

**Vandalism and Thefts**

Acts of vandalism, theft and other anti-social acts such as fly-tipping etc are not acceptable.

If you witness an act of vandalism or theft, or someone acting inappropriately this should be reported to the police immediately and then to the cemetery office. Under no circumstances should you attempt to tackle someone committing an illegal or inappropriate act.

Council will not reimburse the cost of stolen or damaged floral tributes, memorials, ornaments, vases or other items unless this has been caused by Cemetery operations.

Cemetery users are strongly urged not to leave valuable items on graves or anywhere else within cemeteries.

**Right of Exclusion**

The Council reserves the right to exclude anyone who is not a mourner or directly connected with a funeral from any cemetery.

This right may be exercised by the cemetery staff on behalf of the Council.

**Filming**

No photography or filming shall be allowed within the cemetery except with the consent of the Head of Service or Cemetery Manager.

Applications for filming should be made in writing to the Council’s Media Services team. Media@Derrystrabane.com

Families or representatives of a family may photograph individual memorials for personal use.

**Music**

Music (whether live or recorded) may be played within a cemetery if it is carried out in a respectful manner and with the proviso that it does not disturb other visitors.

If the music is deemed, by the cemetery staff, to be inappropriate and likely to cause offence to other mourners or members of the public Council Officers will ask the person(s) to stop playing the music or leave the cemetery.

**Trading**

No person shall trade any goods or services within any of the cemeteries except with the prior written permission of the Cemetery Manager.

Employees of the council shall not be allowed to execute any private work whatsoever within any of the cemeteries.

**Litter, waste and recycling**

Visitors are asked to ensure they use the bins provided for waste. Where possible these should be used to dispose of dead flowers, spent wreaths and other organic matter without ribbons, fixings, wrappings etc.

The bins provided are only for waste created within the cemeteries. Anyone found to be illegally dumping waste in a Council cemetery may be prosecuted.

Floral items considered ‘past their best’ within any areas of a cemetery may be removed without notice by cemetery staff.

Any waste removed, including floral tributes will be composted where possible.

**Memorial Benches**

Council has an approved process in place with regard to benches which covers the type of bench allowed, where they can be located, and the long term management and maintenance of these.

In brief only benches purchased and installed through Derry City and Strabane District Council are permitted within Council operated cemeteries. Locations of benches must be agreed in advance.

Council will remove unauthorised benches or structures.

Council reserves the right to relocate benches for operational reasons. This may include those that were sited many years ago. In these circumstances the bench owners will be notified in advance where possible but occasionally Council may have to remove these at short notice.

The long-term maintenance of benches is the responsibility of the purchaser and the Council will remove those that pose a risk to public safety.

You can contact the Cemetery Offices for Bench Application form at; cemeteriesteam@derrystrabane.com

**6. Burial regulations and Guidance**

**Interment Arrival arrangements**

To allow for the preparation of graves all burials, requests must be made at least 24 hours in advance and the funeral cortege must be at the cemetery within these times:

From March to October:

* Monday to Sunday 10.30am to 3.00 pm.

From November to February:

* Monday to Sunday 10.30am to 2:00pm

**Fees and payment**

The scale of charges are available on the Council website as follows;

[https://www.derrystrabane.com/Subsites/cemeteries-(1)/Burial-Charges](https://www.derrystrabane.com/Subsites/cemeteries-%281%29/Burial-Charges)

Council will accept payment of fees by cash, cheque, BACS or debit/credit cards.

**Public Graves**

Council will make arrangements for a Public Health Funeral in exceptional circumstances as required under Section 25(1) of the Welfare Services Act (Northern Ireland) 1971. Council will recover the costs of the funeral from the estate of the deceased (or from any person who, for the purposes of the Health and Personal Social Services (Northern Ireland) Order 1972 was liable to maintain the deceased immediately before the death.

**How to arrange a Burial**

**Registering the Death**

By law, all deaths occurring in Northern Ireland must be registered with the General Register Office (Northern Ireland). A death which occurs in Northern Ireland can be registered in any of the Registrar’s Offices in Northern Ireland.

**Grant of Exclusive Rights of Burial (Grave Paper or Deed)**

A person wishing to purchase the Exclusive Right of Burial is required to complete a grave application form that can be obtained from Cemeteries Office. A Funeral Director can complete this form on behalf of the applicant; however, it is the responsibility of the purchaser to ensure all information provided is correct and accurate.

**N.B** Funeral Directors must provide the name of the proprietor if completing this form. When you sign this form it means that you, and your beneficiaries, are agreeing to take all responsibility for maintaining the grave site in accordance to all Council rules and regulations relating to cemeteries.

To purchase a grave, you purchase what is known as ‘Exclusive Rights of Burial’ for a grave space. The general rule is that you can only purchase a grave at the time of bereavement. It should be noted that when you purchase the exclusive rights of burial you only purchase the right to bury in the grave and not the ground. Graves are sold in succession.

A person who wishes to purchase the right of burial in a grave shall agree to conform to all Rules and Regulations in force or thereafter made by the Council. Upon their death, those rights formally transfer to their beneficiaries unless indicated differently in last will and testament. Where no will and testament is present a relevant family members will be expected to sign an indemnity form prior to any grave being opened.

The deed owner or beneficiaries have the right to erect headstones or other memorials subject to all conditions being met as per Cemetery Rules and Regulations. If the person who owns the exclusive rights of burial dies, it is assumed that they have given permission that they can be buried in that grave.

Only one person will be registered as the owner of exclusive rights of burial. It is permissible to inherit exclusive rights of burial, for example if someone is named as a will beneficiary.

The number of burials that can be accommodated in a grave is dependent on a number of factors including ground conditions. Up to three burials may be possible in a standard plot. Council will only guarantee one interment in any one plot.

**Transfer of Burial Rights –**

There are three situations where it would be possible to transfer the rights of burial

* If the present registered rights of burial holder is alive and wishes to transfer the rights of burial to a specific person they must provide Council with a letter of conferment
* If the registered owner is deceased and has left a will bequeathing the rights of burial to a specific person, the rights of burial will be transferred to that person upon application to the Council and upon production of the said will and grave papers.
* If the registered owner is deceased and has left a will but the will does not state who the exclusive rights of burial should transfer to; or if the deceased registered owner has left no will (dies intestate) the exclusive rights of burial in both cases automatically transfers to the owner’s beneficiaries.

In both cases where the owner is deceased, the following is required:

* A letter of indemnity;
* Grave papers and a copy of the will;
* If there is more than one relative (next of kin) to whom rights of burial could transfer to, the Council will require a letter of consent to the transfer signed by all parties stating they do not object to the transfer of right of burial to that particular family member.

The Council will not become involved in any disputes regarding allocation of burial rights. This must be resolved between the parties.

When all documents that we require have been produced, we will make sure we are satisfied that the claim to the exclusive rights of burial is valid.

Replacement grave papers can be obtained by applying in writing to the Legal Department in Strand Road. Applications must be accompanied by proof of identification. If the application is on behalf of the grave owner, a letter of indemnity must also be provided.

All replacement papers are subject to payment of the appropriate administration fee.

**Applying to Open a Plot for Interments**

A person seeking to have an interment made in a grave shall provide the following particulars to their Funeral Director for registration:-

* Forename and Surname of the deceased;
* Last place of residence;
* Date and place of death;
* Male/Female;
* Date of Birth/Age;
* Religious denomination (including no religion);
* Marital Status or ‘the child of’;
* Occupation
* Details of any existing family plot;
* Date and time you would like the burial to take place.

The information should also include the name and address of the person responsible for the interment (usually a Funeral Director).

Funeral Directors must advise the Cemeteries Office of the accurate weight, size and width of the Coffin/Casket before the opening of a plot. Only persons authorised by Council shall be permitted to open or prepare any plot for interment.

It should be noted that excavated material will remain at the grave site as is required for the immediate backfilling following burial. The material will be placed beside the grave on top of boarding or matting. This often is on adjacent plots and is in line with standard operational practice. We understand that this can sometimes cause concern to adjacent plot owners but it should be noted that this procedure will be for a short duration and in most cases less than one day. The plots will be reinstated to their original condition.

**Testing Graves for Opening**

When Council receive an application to open a grave, it will check the Cemetery records to ensure the burial can take place. If Cemetery records indicate there may be an issue with this, Council will invoke the following process:-

* Check all regulations are being met
* Check ground conditions
* Check depth of remaining top cover

If Council is certain that the burial cannot take place the Funeral Director and / or family will be advised accordingly. In all circumstances Cemeteries Manager’s decision is final.

If an existing plot cannot be used, a new plot must be purchased.

**Size & Direction of Plots**

Each grave space in the main will be 1.2 metres in width (four feet). Some tombs or Chambers may vary. The number of burials that can be accommodated in any grave is dependent on a number of factors including ground conditions. Up to three burials may be possible in a standard plot although Council will only guarantee one interment in any one plot.

No refund will be made to any purchaser whose plot has limited capacity owing to the existence of rock, or other obstructions found.

Council will aim to accommodate all non-Christian burials to the best of their ability. It

is the responsibility of the family or Funeral Director to notify the Council of religion

and any special requests or religious traditions that the deceased party may have. The request for a particular orientation of your burial will be considered where possible in one of the Councils Active Cemeteries.

**Receiving the Burial Order**

Once Council has received the application for a burial, instruction will be issued for the opening of the plot.

As previously stated Council must be given at least 24 hours’ notice for a burial request.

Funeral Directors must call in burial details and speak to Cemetery staff the morning before the service and the completed paperwork must be received before 12pm the same day - one day prior to burial.

Council Staff will check the burial details and direct the Funeral Director to the correct burial plot.

A supplementary fee may be charged where a funeral does not arrive at the allocated time and outside of normal operational times resulting in Cemetery staff having to work additional hours to complete the burial.

**The Burial of Ashes**

The burial of ashes can be arranged through an undertaker.

**Burials resulting from an Epidemic/Pandemic or similar crisis**

In the event of the District being affected by a pandemic or epidemic of disease, Council may make special arrangements regulating the order of burials, the opening and closing times of the Cemeteries and any other factor deemed necessary to manage the situation.

Council will abide by all applicable regulations in such circumstances and look to the Statutory Health Agencies for guidance.

**Exhumation**

No grave shall be opened, nor shall the remains of an individual be removed from a grave nor transferred from one place of burial to another, nor exhumed, except under the conditions specially provided for in law, and except with prior written consent of the Council’s Environmental Health and upon payment of the prescribed fees.

**Requesting an Exhumation**

To apply for an exhumation a request must be made in writing to the Cemeteries Administrator at the City Cemetery office:

Gate Lodge

Lone Moore Rd

Derry

BT48 9LA

**Responsibilities of the Grave Owner**

The majority of cemeteries across Derry City & Strabane District Council District are laid in a lawn type system that provides a space at the head of each grave for the placing of a memorial stone and for placing of flowers. The remaining portion of each plot shall be sown or planted with grass, which must be left clear at all times for maintenance purposes. Each purchaser of the rights of burial in any plot must ensure that the plot and any memorial is kept in good order and repair, to the satisfaction of the Council.

Should the registered owner of the plot fail to do so, Council may carry out maintenance and repairs at the expense of the registered owner and can refuse to permit the plot to be opened until all costs of such repairs or removal have been paid.

When tending the plot, please keep waste to a minimum. Do not allow waste to fall onto any surrounding plots and do not disturb any floral arrangements or monuments belonging to surrounding plot owners. Waste bins are placed in all cemeteries for the disposal of wreaths, flowers etc.

All types of fresh wreaths, sprays, bouquets and posies found to be in a state of decay will be removed and disposed of by Council operatives.

**7. Memorial rules and Guidance**

**Requesting Permission to erect a memorial**

If you wish to erect a memorial plaque or headstone on your plot, you must contact the Cemetery Officer for an application form, complete and return this form in advance of any works commencing (a memorial mason/sculptor can also do this on your behalf).

If a headstone, memorial plaque or other structure is erected without permission, Council reserve the right to remove it.

 Each application must be accompanied by a drawing specifying the proposed inscription, materials you wish to use, plot number, proposed location of any plaque along with the name and address of the registered holder of the exclusive rights of burial or the nominated family representative.

All memorials/headstones must be made of stone or other non-perishable material such as granite.

The wording of inscriptions and the use of emblems will be subject to strict conditions in line with our legal duties of equality and the promotion of good relations. Council will not authorise inscriptions that contain sectarian, racist or inappropriate wording or imagery.

If you wish to add any inscriptions at a later stage, Council approval must be sought in advance.

Please note that applications for plaques may also need to be considered for approval by Council through its Asset Naming Group.

**Failing to request and receive permission**

If a memorial or headstone has been erected without permission, or an inscription made on any memorial without Council granting permission Council can remove the memorial and seek full recovery of costs involved from the registered holder of the exclusive rights of burial. If Council cannot contact the owner of the plot, the plot will not be opened until all outstanding fees have been paid.

**Responsibilities of the Memorial Mason/Sculptor**

The Management, Regulation and Control of Burial Grounds Information has been formulated for the safe management of Council Cemeteries and memorials.

The policy clarifies Derry City & Strabane District Council’s position in all areas of Cemetery and Memorial Management.

Monumental masons or sculptors wishing to work within Council’s Cemeteries must carry out all works to the BS standards applicable at the time: (BS8415 at time of print) – British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM). All of the above codes of practice inform monumental masons and sculptors how to achieve the British standing. All masons or sculptors working within Council cemeteries must wear the suitable Health and Safety PPE including Hi Vis clothing.

Risk Assessments, Insurance docs and Safe Systems of Work must be in place and available for any and all works taking place within any Council owned cemetery.

**Memorial Application & Permit (Masons & Sculptors)**

All memorial or headstone applications must contain the following information:

* A detailed plan of the memorial;
* The exact dimensions;
* The type of material;
* The full inscription details;
* The applicant’s name and address and signature;

Council will consider the application and will inform the applicant/sculptor of any decision. Once we have agreed an application, we will provide a memorial/work permit to carry out the work.

Once the application is approved the Stone Mason fills out the Contractor Log detailing the Cemetery and location date and time when visiting site to erect same and this must be emailed to cemeteriesteam@derrystrabane.com prior to any work taking place.

No works are to commence until written authorisation has been issued by Council.

**Fees (Masons & Sculptors)**

Council charge a fee to erect memorials or headstones, this fee must accompany the memorial application.

A copy of fees can be obtained from the Cemeteries Office or by using the following link; [http://www.derrystrabane.com/Subsites/cemeteries-(1)/Cemeteries](http://www.derrystrabane.com/Subsites/cemeteries-%281%29/Cemeteries)

**Working hours (Masons & Sculptors)**

The permitted working hours for erecting memorials are standard opening hours covered earlier in document.

Any memorial mason or sculptor working outside the hours stated or carrying out work without prior notification (Contractor Log) will be asked to leave the Cemetery.

Council will refuse access to all cemeteries for monumental sculptors who do not comply with any of the detail above.

**Restrictions and Placement of Memorials (Masons & Sculptors)**

All memorials/headstones or other erections must be placed on a solid foundation at the head of each plot, on the plinth where provided. The height of memorials or headstones will be measured from the foundation, to the top of the memorial.

In consideration of Health & Safety concerns monuments/headstones shall not exceed **1.2** metres (four feet) in height measuring from the uppermost part of the foundation.

For determining this height any object forming part of the headstone e.g. a cross etc. shall be deemed to form part of the headstone.

Memorials should be placed at the headstone on a grave and must be contained within the width of the plot.

Full surrounds are not permitted to be placed around any plot in a lawn section and will be removed.

Benches or seating of any kind is not permitted on graves.

Council can seek full recovery of costs involved from the registered holder of the exclusive rights of burial. If the removed surrounds / benches are not claimed within three months, Council will dispose of them.

The plot in question will not be opened until all outstanding fees have been paid.

Council will not allow the erection of pillars, railings, fences, plinths, hoops, artificial grass matting, surrounds ropes, flagstones, concrete edging, kerbing, ornaments, flower pots or any other structures that are used to enclose a lawn plot.

Council staff will be instructed to remove any of these items as they obstruct our staff from essential maintenance works. Council can seek full recovery of costs involved from the registered holder of the exclusive rights of burial.

All memorials or headstones must have the section and the number of the plot, along with the masons or sculptors name engraved or marked in clear characters at the base of the memorial or headstone.

Any monumental mason or sculptor erecting a memorial or headstone or undertaking remedial work must remove all debris and leave the area in an acceptable condition after the memorial is put in place, this includes repairing any damage to grass. This must be done immediately and no expense to Council.

**Memorial Safety Inspection Programme**

Council are committed to making sure that cemeteries are a safe place to visit and work in.

To assist Council in doing so it carries out Memorial Safety Inspections, should a memorial fail an inspection the grave owner will be contacted to rectify and make safe within a reasonable time.

Council may take immediate action should it believe that the memorial carries an immediate risk to the public or its staff. All costs incurred by Council must be met by the grave owner.

Failure to meet this cost can result in the plot not being accessed for future burials.