

# FOLKESTONE & HYTHE DISTRICT COUNCIL

# REGULATIONS

## Cemetery Regulations

### Scope

These Regulations shall apply to all Cemeteries owned and administered by Folkestone & Hythe District Council and those administered by Folkestone & Hythe District Council on behalf of others.

These Regulations shall include:

1. Interpretation
2. General
3. Use of Cemeteries
4. Purchasing Grave Space
5. Arranging Interments
6. The Interment
7. Types of Plot
8. Memorials & Temporary Grave Markers
9. Exhumations
10. Grave and Cemetery Maintenance

### 1. Interpretation

The following terms and abbreviations are used throughout this document.

Council: Folkestone & Hythe District Council.

Cemeteries Act: The Local Authorities' Cemeteries Order 1977 (Local Government Act 1972).

Cemetery: all cemeteries as listed below.

## 2. General

### 2.1 These cemeteries are:

- Hawkinge Cemetery, Aerodrome Road, Hawkinge
- Cheriton Road Cemetery, Cheriton Road, Folkestone
- Spring Lane Cemetery, Horn Street, Seabrook, Folkestone
- New Romney Cemetery, Church Road, New Romney
- Lydd Cemetery, Mill Road, Lydd
- Brenzett Cemetery, Church Lane, Brenzett.

### 2.2 Administration relating to all cemeteries and interments is controlled by:

**Cemeteries Office**, Folkestone & Hythe District Council  
Civic Centre, Castle Hill Avenue, Folkestone, CT20 2QY  
Telephone: 01303-853407  
Email: [cemeteries@folkestone-hythe.gov.uk](mailto:cemeteries@folkestone-hythe.gov.uk)

– to which all enquiries should be made.

- 2.3 Viewing of Plans and Burial Registers for all Cemeteries can be arranged through the Cemeteries Office during working hours, Monday to Friday, 09:00 to 14:00 (9am – 2pm).
- 2.4 Current Cemetery Fees can be obtained from the Cemeteries Office or on the Folkestone & Hythe District Council website.
- 2.5 Folkestone & Hythe District Council aims to provide a sympathetic service, the facilities for a dignified burial and to maintain the authority's cemeteries in an acceptable condition, and to ensure that the Council's statutory duties in relation to the registration of burials are met.
- 2.6 The Cemeteries Order contains provision relating to interments that is complied with by the Council.
- 2.7 These Regulations are in addition to and run concurrently with the **Cemeteries Act**.
- 2.8 Any matters arising that no provision has been made for in these Regulations, or within the Cemeteries Order, shall be referred to the Cemeteries Office and the Council whose decision on the matter shall be final.
- 2.9 The Council may amend these Cemetery Regulations at any time for any reason.

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### **3. Use of Cemeteries**

- 3.1 All cemeteries shall be open to the public daily from 09:00 to sunset; however Folkestone & Hythe District Council reserves the right to close any Cemetery to the public at any time for whatever reason necessary.
- 3.2 Access and egress to the Cemetery shall only be via gates and entrances provided for this purpose.
- 3.3 No person shall soil or defile any wall, fence, gravestone, tree or building within the Cemetery.
- 3.4 All visitors at all times are required to act in a respectful manner: the Cemetery shall be kept neat and tidy at all times and nothing offensive to public decency shall be permitted.
- 3.5 No person shall walk upon any flower bed or walk or climb upon or over any vault, monument, gate, wall, fence or building.
- 3.6 Vehicles of any description shall be under the control and direction of the Council at all times and must only proceed along the designated roadways at a speed of less than 10 miles per hour.
- 3.7 Visitors must park in the car park (if provided) and proceed by foot to the part of the Cemetery they wish to visit.
- 3.8 No person shall ride a bicycle or similar vehicle other than along the designated roadways. Any person riding a bicycle or similar on the designated roadway shall not cause any nuisance or inconvenience.
- 3.9 Vehicular access (including that for mobility scooters) may be permitted for disabled visitors by prior arrangement with, and at the discretion of, the Cemeteries Office.
- 3.10 Work vehicles will be allowed access to the Cemeteries by prior arrangement with the Cemeteries Office.
- 3.11 No musical instrument, public address system or amplified music shall be permitted; bugles may be allowed at Remembrance Day Services by prior agreement with the Council.
- 3.12 No ball games shall be played in the Cemetery.
- 3.13 Dogs must be kept on leads at all times and there shall be no dog fouling.
- 3.14 No items or services shall be sold, offered for sale or advertised within the Cemetery.

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- 3.15 No signs, posters or notices shall be placed within the Cemetery by members of the public.
- 3.16 No part of the Cemetery, including walls, benches, trees, plants, shrubs and flowers shall be marked in any way or removed from the Cemetery without permission of the Council.
- 3.17 Watering cans and other containers provided should be stored in the appointed place and returned there after use.
- 3.18 Children under 12 years of age are not permitted in the Cemetery except under the care and supervision of a responsible adult.
- 3.19 No person shall throw, drop or otherwise deposit any item in the Cemetery and all refuse must be placed in the provided receptacles.
- 3.20 No memorial, or part of, shall be damaged or removed without permission of the Council.
- 3.21 No glass or china containers for flowers will be permitted in the Cemetery.
- 3.22 No alcohol may be consumed or placed within any part of the Cemetery.
- 3.23 Any person offending against these Regulations may at the discretion of the Council, may be required to leave, be prohibited from entering or working within the Cemetery, in any manner for such time as determined by the Council on each occasion.

#### **4. Purchasing a Grave Space**

##### **4.1 Exclusive Right of Burial:**

The Deed of Grant of Exclusive Right of Burial may be purchased for Cemeteries where suitable grave spaces are available.

**Hawkinge Cemetery** – full burial plots are available to purchase for adults and children either at the time of use or to reserve for future use (triple, double and single depth).

**Spring Lane Cemetery** – no new purchases for full burial plots are available; under special circumstances a plot may be purchased for the interment of ashes only.

**New Romney Cemetery** – no new purchases for burial plots are available; plots may be purchased for the interment of ashes only.

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- 4.2 For a full burial plot the fees payable on purchase includes the **Purchase fee, Deed of Grant fee** and **Reservation fee** when applicable as in 4.3.
- 4.3 A Reservation fee is payable at the time of purchase for a full burial plot reserved for future use; a Reservation Fee surcharge will also be applicable at the time of use for these plots if use is more than one year after reservation.
- 4.4 For selected sites and non-residents of the Folkestone & Hythe District, the Purchase and Reservation fees will be doubled.
- 4.5 A Deed of Grant for the Exclusive Right of Burial will be issued for each grave space purchased; this document should be kept safely as it may be required to demonstrate ownership of the Exclusive Right upon any future use of the grave.
- 4.6 For Garden of Remembrance Ashes plots the Purchase fee is inclusive of the fee for Deed of Grant, Right to Erect Memorial and Digging fee for the first interment of ashes.
- 4.7 For Single Ashes plots the Purchase fee is inclusive of the fee for Deed of Grant, Right to Erect Memorial and Digging fee.
- 4.8 Full burial plots should not be purchased exclusively for the interment of ashes, unless under exceptional circumstances.
- 4.9 Grave Registers will record who has the Exclusive Right of Burial for purchased grave spaces.
- 4.10 When no interment has taken place in a purchased grave the owner of the Exclusive Right of Burial may relinquish this Right by requesting this in writing. An administration fee will be charged.
- 4.11 Renewing/Extending the Deed of Grant of Exclusive Right of Burial. When the original term of the Deed is approaching or at any time during the term, the owner of the Deed can contact the Cemeteries Office to discuss extending or renewing the rights. It is important that the owner keeps the office updated of any change of address and/or contact details in case we need to contact you regarding the grave or a memorial. If the owner does not renew the Deed or does not contact the office before the rights expire, the ownership of the plot will revert to the Council. No further interments or memorial applications will be granted without the re-purchase of the Deed of Grant.
- 4.12 Current fees are available as stated above in 2.4.

## 5. Arranging Interments

- 5.1 An interment can be booked either by a Funeral Arranger (this includes Funeral Directors and Undertakers) or by a private individual. The Cemeteries Office details and working hours are in sections 2.2 and 2.3.

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## Cemetery burial operating hours are:

- Monday to Thursday 09:30 hours to 14:30 hours (9.30am – 2.30pm) at graveside
- Friday 09:30 hours to 12:00 hours (9.30am – 12pm) at graveside

5.2 There will be no interments on Saturdays, Sundays or Bank Holidays (including Christmas Day and Boxing Day).

5.3 Operating hours for the period between Christmas and the New Year can be checked with the Cemeteries Office each year at the start of December.

5.4 These operating hours may be changed at any time in any Cemetery by the Council if necessary for any reason.

5.5 Any booking must be made using the *Notice of Interment* form supplied by the Council giving a minimum of three working days' notice.

Times of bookings must be agreed by contacting the relevant office (as shown on the form) prior to submitting the form.

The Council will not accept responsibility for any loss, delay or misunderstanding, which may occur as a result of verbal information, or the postal service.

5.6 When the booking is made by a Funeral Arranger, they must advise their clients on the type of grave space available at the Cemetery being booked where an Exclusive Right of Burial is to be purchased.

5.7 If the Funeral Arranger is making a booking for a previously reserved grave space, they must see the Deed of Grant issued for this grave space and enclose it, or a copy, with the **Notice of Interment** form.

5.8 Bookings made by an individual will be advised of the type of plot available at the Cemetery when the booking is made where an Exclusive Right to Burial is to be purchased, and if the booking is for a previously reserved grave space the Deed of Grant issued for the grave space must be enclosed with the **Notice of Interment** form.

5.9 A booking can be made for an interment in a new unpurchased plot (full burials only).

5.10 The **Order for Burial** (from the Register Office) or **Coroner's Order for Burial** should be submitted to the relevant office with the **Notice of Interment** form, or if not at time of booking, it must be received by the office before the interment takes place.

The relevant form from the hospital for either stillborn or non-viable foetus should likewise be submitted to the relevant office with the Notice of Interment form, or if not at time of booking it must be received by the office before the interment takes place.

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- 5.11 The **Certificate for Disposal of Ashes** (from the Crematorium when the ashes are released) should be submitted to the relevant office with the **Notice of Interment** form, or if not at time of booking it must be received by the office before the interment of ashes takes place.
- 5.12 Current fees for interments are available as stated above in 2.4.
- 5.13 The fees payable for an interment include the Digging fee, (depending on the depth), Re-open fee (payable on triple or double depth plot being re-opened for subsequent double or single depth full burial), Reservation fee surcharge and Chapel fee if appropriate.
- These interment fees are doubled for non-residents of the Folkestone & Hythe District.
- 5.14 The responsibility of removing any memorial already erected on a grave that requires reopening for a subsequent full burial or interment of ashes is that of the Funeral Arranger or owner of the grave.
- 5.15 The chapel may be booked for a service prior to interments at Hawkinge Cemetery where the responsibility for arranging for the attendance of a priest or minister to officiate shall be with the funeral arranger.
- A fee will be payable for use of the Chapel.
- 5.16 All fees for an interment must be paid when the *Notice of Interment* form is submitted, or Funeral Arrangers may be invoiced at the end of each month by prior agreement with the Council.

## 6. The Interment

- 6.1 All preparation of the grave space including digging and dressing of soil surrounding the grave and provision of webbing and boards shall be carried out by the Council (this includes any worker contracted by the Council). It may be necessary for vehicles to be used in the Cemetery when preparing a grave for use and this preparation may necessitate the temporary placing of soil onto another nearby grave; every care will be taken not to cause any damage to another grave and the soil will be removed as soon as possible.
- 6.2 The grave will be excavated as near to possible in the centre of the allocated grave plot.
- 6.3 The grave will be excavated by the Council in accordance with the **Cemeteries Order** and all current applicable Health and Safety Legislation.
- 6.4 If any Health and Safety issue is compromised on excavation the excavation will be discontinued until all issues relating to Health and Safety are resolved to a

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satisfactory conclusion.

- 6.5 If this results in any delay or postponement of a funeral there will be no compensation for this and on occasion this may necessitate a new grave being excavated by the Council to replace the allocated grave.

Where the allocated space was a reserved plot, a new Deed of Grant will be issued by the Council at no cost to the owner of the Exclusive Right.

- 6.6 Council staff will respect the privacy of mourners attending a burial and allow the interment to take place in a dignified manner. The staff will remain on site should they be required for any reason during the service.
- 6.7 After the mourners have left the Cemetery the staff will return to backfill the grave and to place any floral tributes on the grave in an orderly fashion.
- 6.8 Subsequently the grave will be topped up as necessary with fresh soil to the level of the surrounding ground and then either turfed or seeded with grass when weather conditions allow. No mounds over graves will be permitted.
- 6.9 For the interment of ashes the Council will excavate the grave to the required depth and following the interment will backfill the grave and level the surface; for interring ashes loose under the soil the Council will remove the grass / soil from the grave and replace this afterwards, levelling the ground.
- 6.10 In order for ashes to be scattered on a grave, you must either be the owner of the grave or have the permission of the owner. Ashes can only be scattered following permission from the Council being granted. When ashes are scattered on a grave the Council will subsequently sweep the area to clear it and ensure adequate spreading over the grave.

## 7. Types of Plot and Conditions

### 7.1 Lawn Plot

The plots, currently in use, are usually designated Lawn plots; this means the whole plot remains as grass, apart from the channel at the top end of each row of graves where headstones may be erected.

Kerbs are not permitted. The space between the graves may be increased or decreased in some instances according to the ground available or the proximity to a pathway or other obstacles.

The Lawn Plot can be used for the interment of both those under 12 years of age and those over 12 years of age at the full current fee.

We do have a designated Children's plot at Hawkinge Cemetery for children under 12 years of age where the applicable fees for both purchase and usage for a child will

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apply.

No planting will be permitted on the lawn area of the grave or in the headstone channel. The lawn area must remain clear at all times for maintenance and grass cutting.

Pots containing plants or flowers may only be placed in/on the headstone channel, but they must be kept neat and tidy and not encroach on adjacent graves. Folkestone & Hythe District Council has the right to remove from graves: flowers, wreathes, weeds, fencing, boarder edging, glass objects and other decorations which have either perished and/or are a hazard or encroach on an adjacent grave space and dispose of such items without prior notice to the owner.

Any items left on the lawn area after a funeral will be removed after three months. A small wooden cross (of no more than 8 inches high) marking the grave will be allowed until a headstone is erected or for a maximum of six months, whichever occurs first. The cross must be placed in the headstone channel or directly in front of the concrete plinth.

The Council may give permission for the grave to be reopened to allow further burials or for the interment of ashes either in a casket, loose under the soil or scattered on a grave.

## 7.2 **Kerb Plot**

Some older plots allow for a kerb to surround the grave. The kerb must completely surround the grave and not encroach on adjacent graves. The kerb must be kept neat and tidy and in a state of good repair.

The kerbed grave area may be filled with bark, gravel chippings or anything of a similar nature, or paved.

Any planting shall be within the kerb, and whether in pots or directly in the soil, must remain neat and tidy and is the responsibility of the grave owner.

## 7.3 **Children's Lawn Plot**

These are designated areas for Children's plots and are for the interment of those under 12 years of age. The Child fees will apply for both purchase and usage.

The space between the graves may be increased or decreased in some instances according to the ground available or the proximity to a pathway or other obstacles.

On these graves it is permitted to have:

A headstone with council approval (max sizes 100cm high x 75cm wide x 10cm deep)

Kerbs with council approval (max sizes 120cm long x 80cm wide x 15cm high)

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Small ornaments and decorations such as teddies or windmills

Pots containing plants or flowers

Fencing or border edging (max sizes 120cm long x 90cm wide)

However, the following are not permitted:

No large ornaments, toys or any other artefact such as cots

No breakables, glass or sharp items

No planting

No headstone, kerbs or fencing that are brightly coloured

No headstone, kerbs or fencing that are not traditional in nature of style

Headstone, kerbs, fencing and border edging must be central to the grave space to allow for maintenance between the graves and a walkway of 60cm must be left clear at the bottom of the graves for access.

Pots, ornaments and decorations must be placed on/in the headstone channel or inside the kerbs or fencing, they must not be left on the grass area as this will hinder the maintenance of the plot.

The Grounds Maintenance Team will not be responsible for maintaining the area inside any kerbs, fencing or border edging and will not be liable for any damage caused to the fencing, border edging or mementos whilst maintaining the rest of the plot. The Council is not responsible for the maintenance of kerbs, fencing or border edging and, if these are allowed to deteriorate, the Council has the right to remove them.

The Council maintains the right to remove from graves; flowers, wreathes, glass objects, fencing and other decorations which have either perished and/or are a hazard or encroach on an adjacent space and dispose of such items without prior notice to the owner.

#### 7.4 **Garden of Remembrance Ashes Plot**

Each plot is intended to be used for four interments of ashes for members of the same family and measures 90cm by 90cm. A single headstone, tablet or vase will be permitted on each grave. No planting will be allowed on the grave.

The graves must remain clear with no other items placed on them. Any other items, including plants, pots, fences or borders will be removed from the grave by the Council.

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## 7.5 **Single Ashes Plots**

Each plot shall be 45cm by 45cm and will be for a single interment of ashes. A flat tablet will be allowed on each plot, or a flat tablet in the centre of 2 adjacent plots. No planting will be allowed on the plot and it must remain clear with no items placed on it.

Any items, including plants, pots, fences or borders will be removed from the grave by the Council.

## 8. **Memorials**

8.1 Permission to erect a memorial can be applied for on all purchased graves; there shall be no permission on unpurchased graves.

8.2 An application for permission to erect a new memorial, add an additional inscription to an existing memorial, or for repair or renovation of an existing memorials or to place a kerb, vase or tablet, must be made on the form **Application for Permission to Erect a Memorial** supplied by the Cemeteries Office and must be submitted with the correct fee.

8.3 This form can be submitted either by a stonemason or by an individual.

8.4 The right to erect a memorial rests with the Exclusive Right Deed holder and this person must also sign the Permit application to indemnify the Council against any claim arising from its reliance upon the information given on the application.

8.5 The approval of the Council for any such application will be confirmed by the issue of a Memorial Permit allowing the memorial to be erected; the Permit will be valid for 12 months after the date of issue, if the work has not commenced in this time a new Permit must be applied for.

8.6 All work relating to memorials in the Cemetery must be carried out by a professional stonemason.

8.7 The stonemason must provide evidence to the Council of current public liability insurance to the value of at least £5,000,000.00 prior to any work being carried out in the Cemetery.

8.8 All work must be carried out in accordance with the guide **Minimum Standards of Fixing for Memorials Based on the NAMM Code of Working Practices 1994**, available from the Council.

8.9 Every memorial shall have the grave number cut conspicuously on the base of the memorial.

8.10 After the memorial has been erected it will be inspected by the Council and if any

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standards mentioned in the above document have not been adhered to the stonemason will be expected to rectify this as soon as possible.

**8.11 Maximum sizes permitted for memorials shall be:**

Headstone with concrete headstone channel: 100cm high x 75cm wide x 10cm deep (39ins x 29.5ins x 4ins)

Headstone with earthen headstone channel: 137cm high x 92cm wide x 10cm deep (54ins x 36ins x 4ins)

Vase, Tablet and Plaque: 30.5cm high x 75cm wide x 38cm deep (12ins x 29.5ins x 15ins)

Base: 10cm high x 97cm wide x 38cm deep (4ins x 38ins x 15ins)

Adult's Kerb Plot: Kerbs shall be no larger than 213cm long, 90cm wide and 15cm high (84ins x 35ins x 6ins)

Child's Plot: Kerbs shall be no larger than 120cm long x 80cm wide x 15cm high.

- 8.12 No element of a memorial is permitted to overhang the centre line or front edge of the concrete beam foundation on F Plot or Muslim Plot, Hawkinge Cemetery.
- 8.13 Any exceptions to these sizes may be approved in exceptional circumstances by the Council and an additional fee will become payable before the Permit is issued.
- 8.14 Railings and other similar grave enclosures are not permitted.
- 8.15 Temporary wooden grave markers shall be permitted on graves for a maximum period of six months following an interment and permission from the Council must be sought in writing.
- 8.16 Any memorial deemed to be unsafe, or which is in a derelict or unsightly condition in any way shall be laid flat, or removed from the Cemetery by the Council, who will charge the appropriate fee for this if possible from the owner of the grave.
- 8.17 Current fees relating to memorials can be found as above in 2. 4.

## **9. Exhumations**

- 9.1 Any request for an exhumation of either a full burial or ashes will be carried out if possible, ensuring that all Health and Safety legislation in force will not be breached.
- 9.2 A licence for exhumation issued under Section 25 of the Burial Act 1857, must be obtained before this can take place.

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- 9.3 The exhumation shall be carried out in accordance with the Cemeteries Act and relevant Health and Safety guidelines.
- 9.4 The fee for exhumation will be as shown on the current fees available as stated in 2.4.
- 9.5 The person requesting the exhumation shall be responsible for the removal of any memorial on the grave and for making their own arrangements with a Funeral Arranger for any transportation and reburial.

## **10. Grave and Cemetery Maintenance**

- 10.1 All grass areas (including grave plots), roadways and pathway, flower beds and trees, benches and furniture, fixtures and fittings shall be maintained in a neat and tidy condition and in an acceptable state of repair.
- 10.2 All stand pipes, taps and water tanks shall be kept in working order as far as possible.
- 10.3 Floral tributes and wreaths may be placed on graves and must be kept neat and tidy. The Council may remove these tributes if the family does not do this first. On removal the flowers should be placed in the receptacle provided.
- 10.4 The Council may reduce or remove without notice any plants that have become overgrown on kerbed plots.
- 10.5 All memorials, including kerbs, headstones, tablets and vases are the responsibility of the grave owner.
- 10.6 Any memorial deemed to be unsafe by the Council will be laid down, the fee will be charged to the grave owner if possible, and any subsequent repairs or re-erection of the memorial will be the responsibility of the grave owner.

**The Council reserves the right to amend these Regulations at any time and for whatever reason necessary.**

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