

ARDS AND NORTH DOWN BOROUGH COUNCIL

POLICY & RULES FOR BURIAL GROUNDS **- APPLICABLE FROM 1 APRIL 2015**

This document incorporates the policy and Rules made by the Ards and North Down Borough Council for the general management, regulation and control of the Burial Grounds provided by it, and prescribes the conditions upon which the exclusive Right of Burial may be purchased in such parts thereof as may be appropriated for the purpose.

PUBLIC GROUND AND PROPRIETARY GROUND

- 1 The burial grounds shall be divided into such portions as shall from time to time be allocated as public ground and as proprietary ground respectively.

PUBLIC GROUND (COMMON GRAVES)

- 2 Any land where an exclusive right of burial has not been granted or which is non-proprietary is considered to be public or common ground. In the cases of common ground, the following rules apply:-
 - (a) No rights shall be acquired other than for the purpose of a single burial.
 - (b) The graves shall be opened consecutively in such order as the Council shall from time to time determine.
 - (c) Interments shall take place in the order in which the funerals arrive.
 - (d) No monument, headstone, headlock, plinth, railing, or other erection shall be erected or placed on or around the graves, nor shall the graves be permitted to be planted, or otherwise decorated or dressed.

BURIAL OF DESTITUTE PERSONS

- 3 Public Ground was historically used to inter destitute persons and still-born babies. This practice ceased in the 1980s. An area of "Common Ground" is marked at Movilla Cemetery. No other areas of "Common Ground" are marked in Council cemeteries.

Where the Council, under Section 25 of the Welfare Services Act (Northern Ireland) 1971, covers the costs of destitute burials, the Council will undertake to inter such destitute persons, where possible, in those graves which can only accommodate one burial due to the nature of the ground. Where it is not possible to do so, more than one destitute burial may take place in a single burial plot. The Council retains ownership of the Right of Burial.

PROPRIETARY GROUND (PRIVATE GRAVES)

- 4 In the proprietary ground the exclusive right of burial in the several graves shall be granted in perpetuity to the purchasers thereof, their heirs and assigns, and shall confer upon the grantees, their heirs and assigns, the right to erect headstones or other memorials, subject to the conditions in that behalf hereinafter contained.
- 5 A person desiring to purchase the exclusive right of burial in a grave in the proprietary ground shall sign an application therefor, binding themselves, their heirs and assigns, to conform to all rules and regulations in force or thereafter to be made by the Ards Borough Council for the regulation, management and control of the Burial Grounds and upon payment of the prescribed charge for the grave. The Grant under the Seal of the Council shall be issued to the purchaser in due course.
- 6 An entry of the date of each grant of a right of burial in the proprietary ground, and of the purchaser's name and residence, the amount of the purchase money, the number on the plan of the grave, the section of the ground in which the right of burial has been purchased, shall, upon the execution of each such grant, be made in the Register. The Register may be perused at all reasonable times by a grantee or assignee of any such right.
- 7 The right of burial in more than four graves shall not be sold to, nor vested in, any person; and no sub-division of any lot purchased shall take place without the written consent of the Council having been first obtained.
- 8 The Council may, as it sees fit, restrict the advance sale of rights of burial at any cemetery where limited capacity is identified or other circumstances exist which, in the Council's reasonable opinion, may adversely impact upon the availability of space.
- 9 The charges and fees for grants of the right of burial, and the opening, re-opening, and closing graves, vaults, or other burial places, shall respectively be of the amount stated in the scale of charges, and no ground shall be opened or burial permitted until the charges and fees payable in respect thereof, and all sums due to the Council by the proprietor, shall have been paid.
- 10 One person only shall be registered as the proprietor of the right of burial.
- 11 No person claiming to be entitled to a right of burial in the proprietary ground under a transfer of bequest of such right, or as the heir-at-law of a proprietor dying intestate shall be entitled to have such a claim recognised, or the name of such person entered in the Register as proprietor thereof, until the transfer, duly stamped, or probate under which such person claims to be entitled, or particulars of the intestacy and succession and the grant made to the original proprietor shall have been produced to the Council, and such further or other evidence of the claim produced as the Council may require of the right thereto of the person so claiming. Upon production of such documents, particulars

and evidence, and the claim being duly proved to the reasonable satisfaction of the Council and upon payment by the claimant of the prescribed fee, an entry thereof shall be made in the Register. Until such entry shall be made, no right of burial shall be acquired under any such transfer, probate or intestacy.

- 12 If the registered proprietor of a right of burial in the proprietary ground shall prove, by statutory declaration or otherwise, to the satisfaction of the Council that he has lost his Grant, he shall be entitled, upon payment of the prescribed fee to receive a duplicate thereof, provided that if the original Grant should afterwards be discovered, the duplicate Grant shall not be considered to have any force or effect, and it shall be endorsed with a memorandum to that effect. The issue of a Duplicate Grant of Right of Burial will be recorded appropriately in the Council's Burial Records.

OPENING OF GRAVES FOR INTERMENT

- 13 No grave in the proprietary ground wherein the exclusive right of burial shall have been granted shall be opened for interment except on the application in writing of the registered owner thereof, or of some person purporting to act on his behalf, and producing the Grant, as dictated by Regulations and these Rules.
- 14 A person requiring to have an interment made in any grave, whether in the public or proprietary ground, shall sign an application for that purpose, giving the following particulars for registration, namely:- the First name and Surname, date of burial, date of death, sex, age, religious persuasion, occupation or rank in life, last place of residence, place of death and condition (as whether "married" or "single", "widower" or "widow", or "the child of") of the person to be buried, and stating the time at which the funeral will arrive at the cemetery, and the name and address of the person having the management of the interment. In the case of the proprietary ground the application shall also give the distinctive mark of the grave required to be opened.

In the case of both the common and proprietary ground, the application shall be accompanied by the statutory certificate of death of the Registrar of Births and Deaths, or the statutory order for burial of a Coroner, which certificate or order is by law required to be delivered up at the time of burial.

INTERMENTS IN PROPRIETARY GROUND

- 15 Persons wishing to have interments carried out must give not less than the following periods of notice to the Council (Saturdays and Sundays shall not count for the purpose of the said periods):-

- 16 (a) Re-openings

At least 24 hours notice (for the purposes of giving notice, Saturdays and Sundays are not included)

(b) New Graves

For interments to take place on a Monday, notice must be given not later than 12 noon on the preceding Friday.

For interments to take place on Tuesday, Wednesday, Thursday, Friday or not later than 11.00 am on a Saturday, at least 24 hours' notice must be given.

(c) Sealed Grave or Vault

At least 48 hours' notice (for the purposes of giving notice, Saturdays and Sundays are not included)

Where a grave (or graves) is surfaced with concrete or other durable material, proprietors will be required in the case of a grave (or graves) to be opened, to arrange at their own expense for the replacement of the surface covering of the ground on a like for like basis. There will be a charge applied for the removal of concrete when a grave is opened.

- 17 Every grave in a Cemetery, when opened for the first interment, shall be sunk to the perpendicular depth of 2.430 m (8ft) and the surface thereof made flat, and no coffin shall be buried in any unwallied grave, unless the lid or upper surface thereof shall be sunk to a depth of at least 1.0 m below the ordinary level of the ground, and no grave in which a coffin shall have been laid at that depth shall be opened within twenty years after the same shall have been so laid, without the consent of the Council being first obtained.

In accordance with the Burial Ground Regulations (NI) 1992, the following shall apply:-

- (a) the Council shall not cause or permit to be buried (a) a person over 12 years of age in a grave space less than 2.7m long by 1.2m wide; and a child of 12 years of age or under, in a grave space less than 1.8m long by 90cm wide.
- (b) the Council shall not cause or permit a body to be buried in a grave in such a manner that any part of the coffin is less than 1 metre below the level of any ground adjoining the grave.
- (c) the Council may, where it considers the soil to be of suitable character, permit a coffin to be placed not less than 70cm below the level of any ground adjoining the grave.
- (d) the Council shall not cause or permit a body to be buried in a grave unless the coffin is effectively separated by means of a layer of earth not less than 15cm thick from any coffin previously interred in the grave.

CREMATED REMAINS

- 18 Cremated remains can be buried. Any burial of cremated remains must be separated by no less than 15cm from the last coffin burial and must be interred a minimum of 30cm below the level of any ground adjoining the grave.

The scattering of cremated remains is not permitted.

INTERMENT OF FOETAL REMAINS OR CREMATED FOETAL REMAINS

- 19 The Council will inter foetal remains or cremated foetal remains (pre and post 24 weeks gestation) in proprietary ground on presentation of appropriate documentation from a hospital or GP confirming that the pregnancy ended naturally and lawfully. (A list of documents which will be accepted for these purposes can be obtained on request). The charges which are applied for the interment of stillborn babies will be applicable in this case. Details of the interment will be recorded in the same manner as for the interment of stillborn babies.

INTERMENT OF BODY PARTS AND RETAINED ORGANS

- 20 The Council will inter body parts and retained organs in a burial plot, as space permits, with the same charges being applied for the opening of a grave as apply for the interment of cremated remains.

HOURS FOR INTERMENT

- 21 The hours during which the cemeteries shall be open for interment in proprietary ground shall be:- Weekdays from 9.00am to 3.00pm (Monday-Thursday) and 9.00am – 2.00pm (Friday), and on Saturdays and Public Holidays from 9.00 am to 12 noon. No interments shall be carried out on a Sunday.

The cemeteries shall be closed for interment on Sundays, Christmas Day and, for operational reasons, on 12th July or, where 12th July falls on a Sunday, the appropriate associated holiday.

The hours during which the cemeteries shall be open for interment in public ground shall be the same as in proprietary ground except that interments in public ground shall not take place on Saturdays or between 12 noon and 2.00pm Monday to Friday.

The Council reserves the right to exercise flexibility in the application of the Rules relating to the Hours of Interment.

GRAVE CAPACITY

- 22 See paragraph 17 for details of the perpendicular depth to which a grave shall be sunk.

All applicants for the purchase of a right of burial will be informed by Council officers if the grave selected is thought to contain rock. No refund will be made to any purchaser who loses burial space owing to the existence of rock, nor does the Council guarantee any specific number of interments in any grave.

- 23 Under the Burial Grounds Regulations (NI) 1992 a “burial” includes (a) the interment of cremated human remains; (b) the interment of the bodies of still-born children and their cremated remains; and (c) the placing in a vault of human remains, cremated human remains, the bodies of still-born children or their cremated remains”.
- 24 On the opening of a grave, where it is clear that the perpendicular depth of 8 ft (2.430m) cannot be achieved, or 6 ft (1.830m) in the case of Kircubbin and Whitechurch Cemeteries, the purchaser/owner, or next of kin, or executor of a will, will be immediately notified to inform them of the available space to enable them to make an informed decision on whether they wish to proceed with the burial. In the case of an unused grave, the purchaser/owner will be offered an alternative grave, where possible in the same cemetery, where it is expected that the perpendicular depth of 8 ft or 2.430m or 6 ft (1.830m) in the case of Kircubbin and Whitechurch Cemeteries can be accommodated.
- 25 The Council shall not consider locational issues (e.g. the view or proximity to pathways) as a reason to compensate.

TESTING GRAVES FOR OPENING

- 26 On an application for an order to open a grave in the proprietary ground, the opinion of a Council Officer as to whether the interment can take place having regard to the regulations as to interments and the depth at which coffins are to be placed below the surface of the ground shall be final. However, if the person making such application shall not be satisfied with the decision of the Council Officer, or if the Council Officer shall have any doubt as to whether an interment can take place, having regard to such regulations, the Council Officer shall, upon the person making such application lodging the prescribed sum, have the said grave opened, as far as it can properly be opened, and thereupon, if the Council Officer shall be of the opinion that an interment can take place, having regard to such regulations, the said sum in the case of an application with a view to an immediate interment shall be credited to the person making the said application towards the interment fees; but if the Council Officer shall be of the opinion that the interment cannot take place, or the application is made with a view to a future interment, the grave shall be filled in again, and said sum shall be retained by the Council to cover the cost of the work done.

- 27 In the event of a certificate, signed by a legally qualified medical professional, certifying that immediate interment of a body is essential to public health, being produced to Council officers, the Council shall, on the production thereof, make arrangements for the interment of such a body, without requiring the prescribed length of notice.
- 28 In the event of a district being visited by an epidemic of disease, the Council may make special orders regulating the order of interments, and the length of notice to be required therefor.

EXHUMATION

- 29 Save as specially provided for in the Burial Ground Regulations (NI) 1992, no grave shall be opened nor shall any body, nor the remains of any body, be removed from a grave nor transferred from one place of burial to another, nor exhumed, except under the circumstances and subject to the conditions specially provided by law in that behalf and except with the consent of the Council and upon payment of the prescribed fees. Each case will be judged upon its own merits as to whether exhumation will be permitted. Issues relating to preferred location will not be considered as valid reasons for exhumation.

SIGNING THE REGISTER OF BURIALS

- 30 Immediately after an interment, the responsible officer at the appropriate Council Office, overseeing and registering the interment, shall sign the Register of Burials, as required by law. A search in or extract from the Register can be obtained on request.

ERECTORIONS ON GRAVES

- 31 All monuments, headstones, headblocks, plinths, railings, or other erections (including foundations) to be placed on or around graves in the proprietary ground, shall be subject to the approval of the Council, to which a special written statement and drawing of what is proposed to be so erected shall be previously submitted.
- (a) In respect of each erection, a fee at the prescribed rate shall be paid, on submission of the plan.
 - (b) All such erections shall be of stone or other non-perishable material, and shall be placed on a solid foundation. The Council does not permit the erection of any wooden memorials.
 - (c) No erection exceeding 508 mm (20") in height shall be permitted except at the head of a grave. The height of such erection shall be determined by a measurement taken from the highest point of the surface of the ground forming the boundary of the grave where it is erected.
 - (d) No erection shall be permitted at the head of a grave on the portion reserved for such erections of any headstone exceeding 1.067 m (3' 6") in height, except in cases where it is proposed to erect a cross-memorial when the maximum height shall be limited to 1.371 m (4' 6").

- (e) Every erection placed on or around a grave shall bear the distinctive mark of the grave carved or marked in clear characters.
- (f) The approval of the Council shall only cover work executed within one year.
- (g) The placing of hoop iron around graves is prohibited and if so placed will be removed immediately by the cemetery staff.
- (h) No person shall cause an additional inscription to be made on a memorial, without the express permission of the Council. No charge is applicable. Where the owner of the grave is deceased, the applicant seeking to add to an inscription must satisfy the Council that all interested parties in the ownership of the grave have no objection to the inscription. That being the case, an additional inscription may be permitted, without the grave being transferred to a living person, or a charge being applied, subject to the content of the inscription being permitted in accordance with the above rule.

- 32 Each proprietor of the right of burial must keep the brick grave or vault, monument or railing which shall be erected thereon in good order and repair to the satisfaction of the Council, and should anyone fail to do so the Council may have same put in order and repaired at the expense of the party so neglecting; or the Council may cause the tomb or monument to be removed at the expense of the proprietor thereof; or may refuse to permit the vault or grave to be opened until the costs of such repairs or removal shall have been paid.
- 33 Any erection placed on a grave without the approval of the Council to the same, or to the inscription thereon shall be removed and any erection allowed to fall into a bad state of repair shall be repaired, or, if necessary, removed and the cost of doing so in either case shall be a debt from the registered owner of the grave to the Council and recoverable as such.

LAWN SYSTEM

- 34 Where the Council has decided that a cemetery or section of a cemetery shall be laid out in the "Lawn System", an area shall be provided at the head of each grave not exceeding the width of a grave and no more than 3' 0" from the head of the grave, that being the boundary of the allocated grave space, and may be utilised for the purpose of:-

- (a) Erection of a headstone,
- (b) Planting,

No erection exceeding 508 mm (20") in height shall be permitted except at the head of a grave. The height of such erection shall be determined by a measurement taken from the highest point of the surface of the ground forming the boundary of the grave where it is erected.

No erection shall be permitted at the head of a grave on the portion reserved for such erections of any headstone exceeding 1.067m (3' 6") in height,

except in cases where it is proposed to erect a cross-memorial when the maximum height shall be limited to 1.371m (4' 6").

The erection of pillars, railings, fences, plinths, loops, or other structures, for the purpose of enclosing graves is expressly prohibited.

Details of the cemeteries or sections to which the "Lawn System" will apply can be obtained on request.

See below for rules on the planting of graves in a Lawn Section.

REMOVAL OF REFUSE ON COMPLETION OF WORK

- 35 A person placing an erection on or around a grave, or planting or tending a grave, shall cause as little refuse as possible, and shall take away such refuse immediately when finished, and shall not on any account allow it to fall or collect upon an adjoining grave, or injure or disturb an adjoining grave, or any other grave, or any erection, shrub, flower or plant thereon.

If any default shall be made in observing this Rule the Council will have the default remedied and the expense thereof shall be a debt from the registered owner of the grave to the Council and be recoverable accordingly.

- 36 No hewing or dressing of stones, nor operations of any kind, except the dressing of the graves, will be permitted within the Cemetery, or in the approaches thereto, unless specially sanctioned by the Council; and all rubbish or refuse remaining after the erection of monuments or other operations duly sanctioned must be immediately removed at the expense of the owners of the ground, or of the person executing the work.

PLANTING OF GRAVES

- 37 No person shall plant any tree or shrub on a grave. No person shall cut, break, nor in any way interfere with any tree or shrub hitherto planted thereon without the permission of a Council officer. (In those sections designated as "Lawn Sections", only planting of shrubs and plants which will not exceed 20" in height is permitted).
- 38 Council Officers shall be at liberty from time to time to remove or prune any tree, shrub, flower, or other plant growing on a grave if they are of the opinion that the same is detrimental to the appearance of the Cemetery, or is likely to cause injury to any erection in the Cemetery, or to interfere in any way with interments either in the grave on which it is growing or in an adjoining or neighbouring grave.

GENERAL

- 39 In these Rules "The Council" means the North Down and Ards Borough Council or any other name which may be adopted by that Council in due course.

- 40 All fees and payments stated in the foregoing Rules to be “prescribed” shall be fixed from time to time by the Council.
- 41 All workmen and others employed in the Cemetery shall be subject to, and under the immediate control of the Caretaker of the Cemetery or designated Council officer, and he shall also regulate the hours to be observed for the admission and departure of all persons employed in the Cemetery.
- 42 No person shall enter or leave the Cemetery except by one of the entrance gates; or walk, or trespass upon any of the shrubberies; or injure any tree, plant, or shrub; or pluck any flower; or meddle or interfere with any monument, tomb, or gravestone. No dogs, other than assistance dogs, shall be allowed into the Cemetery.
- 43 The Council will not be responsible for any loss, injury, or damage which may happen to monuments, wreaths, shades, trees, shrubs, flowers, or other mementoes at or upon the graves.
- 44 The Caretaker or Officer of the Council, for the time being in charge of the Cemetery, may remove from it any person who conducts himself or herself improperly therein, and shall prevent any person from entering the Cemetery during prohibited hours.
- 45 Every person who shall wilfully destroy or injure any building, wall or fence, in or connected with the Cemetery, or destroy or injure any tree, shrub, plant or flower in it, or rub or disfigure any of the walls, or put up any bill thereon, or wilfully destroy, injure or deface any of the monuments, tablets, inscriptions, or gravestones, or do any other wilful damage, or play at any game or sport, or discharge firearms (save at a military funeral), or wilfully disturb any persons assembled therein for the purpose of burying any body, or who shall commit any nuisance, shall be reported to the police for further action to be taken.
- 46 The hours during which the Cemetery shall be open to the public may, from time to time, be fixed by the Council.
- 47 The foregoing Rules shall remain in force and be binding on all proprietors of the right of burial in the Cemetery, and all other persons, until same be altered by the Council.
- 48 The Rules and Regulations made by the North Down Rural District Council, Donaghadee Urban District Council and Newtownards Joint Burial Board are hereby repealed.
- 49 The Rules and Regulations made by the Ards Borough Council and North Down Borough Council are hereby repealed.

MISCELLANEOUS

Buy Back of Unused Graves

- 50 The Council, in response to requests to sell back graves, will buy back unwanted graves from the owner of the grave at three fifths of the original purchase price, provided they have not been used for burials and on return of the original Right of Burial papers.

Use of Metal Detectors and Digging

- 51 The Council does not permit the use of metal detectors within its burial grounds, unless it is by the Council's express and explicit consent. No persons are permitted to dig in a burial ground except for the purpose of maintaining a grave, in pursuance of a right under section 78 of the Act of 1878; or under section 16 (1) (f) of the Historic Monuments Act (NI) 1971.

Memorial Trees

- 52 The Council permits the planting of memorial trees in its burial grounds at Movilla, Clandeboye and Redburn Cemeteries only, subject to available space.
- 53 The tree will be chosen by the Council and planted on a suitable site allocated by the Council. Plaques may only be purchased from the Council and a maximum of two Tree Remembrance Plaques will be permitted at the base of each tree. Plaque wording must be approved by the Council and application forms must be returned to the Council within 60 days of purchase of a plaque.
- 54 Cremated remains may only be buried at memorial trees in the presence of an appropriate officer. The precise location for the interment of ashes will be decided by an appropriate officer.
- 55 Plastic flower holders may be used for the purposes of holding fresh flowers. No shrubs or small trees may be planted at the base of the tree. No items may be tied to the tree or post as this may cause injury to the tree. No surrounds, railings, stones or stone chippings of any kind will be permitted around the base of the tree. Bulbs, winter and summer bedding plants may be permitted provided they are placed in a suitable flowerbed and, when planted, do not interfere with the neck or roots of the tree. The soil level around the tree must not be raised as this will adversely affect the tree.
- 56 The tree is the property of the Council and must not be removed from the cemetery for any reason.

Memorial Benches

- 57 The Council, on receipt of applications from members of the public to have bench seats placed in Movilla, Comber (Old), Loughview (Comber), Ballyvester, Greyabbey, Kircubbin, Kirkistown and Whitechurch cemeteries in

memory of loved ones, shall consider such requests and, where appropriate, shall install and take ownership of the bench seat which has been donated by the applicant.

- 58 Each cemetery where memorial benches are permitted shall have a plan indicating where benches can be sited. Identified sites shall be allocated on a first-come first-served basis. The Council shall permit additional plaques commemorating other people to be added to memorial bench seats, if that is acceptable to applicants requesting the memorial, in cemeteries where no new benches can be accommodated.