

Report Title: Cemeteries Service Policy	
Report to: Councillor Tom Cunningham, Deputy Leader and Cabinet Member for Transformation, the Environment and Customer Services	
Date: 20 May 2024	For: Decision
Key Decision: No	Decision Planner Ref No: CD/2024/15
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1. Purpose of the Report

- 1.1 To seek approval of Braintree District Council (the Council) Cemeteries Service Policy.

2. Recommendations

- 2.1 To approve the Cemeteries Service Policy, as set out in Appendix A.

3. Summary of Issues

- 3.1 The Council is defined as a Burial Authority and management of its four cemeteries is governed by the Local Authorities Cemeteries Order 1977 and powers under the Local Government Act 1972.
- 3.2 The Council is responsible for the management, regulation, control and maintenance of its cemeteries located in Witham, Braintree, Bocking and Halstead. This involves maintaining statutory Burial Registers, Grave Plans, the infrastructure and establishing procedures, rules and regulations relating to the management and operation of the cemeteries including setting fees for burials and memorials.
- 3.3 All local authority managed cemeteries are subject to standards and conditions known as 'Cemetery Rules and Regulations'. These are designed to inform all users about how cemeteries are managed and operated and the requirements that are applicable to them.
- 3.4 The Cemeteries Service has always operated in accordance with legislation but has been based on historic custom and practice and informal policies and procedures. Whilst this has not affected the day to day running of the service, it was considered prudent and an improvement in service delivery to formalise the existing arrangements. This is to ensure that all users of the service including next of kin, visitors and third-party suppliers, have absolute clarity on the services provided, what we expect of them, what they can expect of the Council in terms of its standards and generally how the Council

will manage and maintain the cemeteries to ensure a high standard and quality of service.

- 3.5 Formalising the existing arrangements will enable the Council to uphold the rules and regulations including bylaws that set out how all users should conduct themselves when in the cemeteries.

4. Research

- 4.1 Research has shown that all other councils in Essex have documented policies and procedures in place that reflect legislative requirements including the Rules and Regulations.

5. Options

- 5.1 **Option1:** Do nothing and continue to operate the service under an informal arrangement. This is not recommended as it does not provide service users with a clear understanding or absolute clarity on the management and operation of the service. It also makes enforcing the bylaws difficult.
- 5.2 **Option 2:** Approve the new Cemeteries Service Policy. **This is the recommended option** for the reasons set out in Section 3 above.

6. Next Steps

- 6.1 The policy (if approved) will be published on the Council's website.
- 6.2 The policy will be sent to other relevant stakeholders for information i.e. stone masons and funeral directors who currently carry out work in the cemeteries.
- 6.3 The policy will be reviewed and updated every three years.

7. Financial Implications

- 7.1 There are no new financial implications arising from this report.

8. Legal Implications

- 8.1 The Cemetery Service is governed by the Local Authorities Cemeteries Order 1977 and powers contained within the Local Government Act 1972. The Council operates within these statutory parameters. The recommendations set out in this report ensure that the Council brings in best practice through transparency in its future management of the cemeteries within its control.

9. Source of Authority

- 9.1 The Council's Constitution.

10. Equality and Diversity Implications


- 10.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 10.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

11. List of Appendices

- 11.1 Appendix A - Draft Cemeteries Service Policy.

12. Background Papers

- 12.1 None

<p>I approve the above recommendations for the reasons set out in this report.</p>  <p>Councillor Tom Cunningham Deputy Leader and Cabinet Member for Transformation, the Environment and Customer Services</p>	<p>Date</p> <p>22/07/24</p>
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CEMETERIES SERVICE POLICY

C o n t e n t s

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Foreword

Braintree District Council welcomes and respects all visitors to each cemetery within its management, and the Cemeteries Service in its entirety. This policy is put in place to assist, guide, and respect all matters relating to the Cemeteries Service as a public document and available for all. It has been created with a view to effectively maintain the current high standard whilst respecting the rights and needs of all visitors. We will continue to improve our service and develop for the benefit of the visitors and maintain an environment in which the bereaved are able to pay their respects and remember loved ones in a suitable setting.

We work closely with national organisations including the Institute of Cemetery and Crematorium Management (ICCM), British Register of Accredited Memorial Masons (BRAMM) and National Association of Memorial Masons (NAMM) and work within the guidance of the Charter for the Bereaved. With these aids, we can offer up to date advice and guidance on a range of bereavement and cemetery issues.

1. Introduction

- 1.1 This policy document has been written to inform readers of the Braintree District Council (BDC) Cemeteries Service “in-house” rules and to provide a useful guide to members of the public who require the service.
- 1.2 This policy has been written in line with The Local Authorities’ Cemeteries Order 1977 and The Local Government Act 1972.
- 1.3 All graves will be sold subject to the directions set out in this policy document, together with any statutory legislation relating to 1) the provision of the services and 2) the management, regulation and control of BDC owned cemeteries and issued by central government and any other competent authority under which BDC is bound to comply.
- 1.4 The rules apply at all Braintree District Council owned and managed Cemeteries. These are:

- Braintree Cemetery – London Road CM7 2AS
- Bocking Cemetery – Church Lane CM7 5SA
- Witham Cemetery – Manor Road CM8 2NX
- Halstead Cemetery – Colchester Road CO9 2EN

Administration office based at Causeway House, Bocking End, Braintree, Essex. CM7 9HB

- 1.5 If you are unsure on any of the rules and guidance set out in this policy, please contact the Cemeteries Service Team in the first instance who will be happy to assist you further.
- 1.6 In the unusual event of any service complaints, these will be dealt with in accordance with the Council’s corporate complaints policy. This can be found at www.braintree.gov.uk.
- 1.7 All queries regarding funerals, purchasing of graves, transfer or extension of an Exclusive Right of Burial (ERB), memorials and memorial applications, cemetery maintenance and chapels should be directed to the Cemeteries Service by telephone on 01376 557772 / 01376 557769 or by email to cemeteries@braintree.gov.uk. Our current fees and charges can be found at www.braintree.gov.uk.
- 1.8 We hope you find this document interesting and informative. The Council reserves the right to amend the Rules and Regulations and update this document from time to time due to legislative changes, national guidance, or internal updates to improve the service we provide to our customers.

2. Terms of Reference and Definitions

- “the Council” means Braintree District Council
- “BDC Cemeteries Service” means the Cemeteries Team of the Council
- “Cemetery, Cemeteries or Site” means any cemetery currently owned or managed by the Council
- “Chapel” means the chapels situated at Bocking, Braintree and Witham Cemeteries
- “Exclusive Right of Burial” (ERB) means an exclusive right of burial granted in accordance with Section 7
- “Memorial” means an object serving as a remembrance and for the purposes of these rules, includes a headstone, cross, kerb, landing, edging, stone chippings, vase, flat memorial tablet, wooden grave markers, temporary grave markers and those memorials permitted under Section 6
- “Cemeteries Service Manager” means the operational manager for the Cemeteries Service and includes his or her deputies, assistants or representative
- “Register of Burials” means a register of all burials in a Cemetery kept and maintained by The Council
- “Fees and Charges” means the current list of fees and charges for goods and services provided by Braintree District Council Cemeteries Service
- “Working Day” means between 9.00am and 5.00pm Monday to Friday inclusive but does not include any days which are bank holidays, public holidays or Council statutory days (a copy of the Council’s statutory days can be provided upon request)
- “Next in Line” grave means the next available numerical grave as documented in the mapping system for the cemetery, and is allocated by the Cemeteries Service Team. A “Selection” grave is an alternative grave that can be selected by the applicant.

3. General Rules and Guidance

All persons shall conduct themselves in a decent, quiet and orderly manner and are advised of these provisions in the Local Authorities’ Cemeteries Order 1977.

3.1 No person shall:

- Willfully create any disturbance in a cemetery
- Commit any nuisance in a cemetery
- Willfully interfere with any burial taking place in a cemetery
- Willfully interfere with any grave or vault, any tombstone or other memorial or any flowers or plants on any such grave
- Play at any game or sport in a cemetery

See [Article 18 of the Local Authorities Cemeteries Order 1977](#)

3.2 Any person who commits any offence within Cemetery grounds or the crematorium will incur liability, upon conviction, to applicable penalties under relevant burial, criminal, civil and bylaws. See [Article 19 of the Local Authorities Cemeteries Order 1977](#)

3.3 No burial shall take place and no monument or memorial shall be placed in the Cemeteries without the prior consent of the Council. See [Article 10 of the Local Authorities Cemeteries Order 1977](#)

3.4 The use of a camera, video or filming of any kind cannot be undertaken in the Council's Cemeteries without the prior consent of the Council and, where applicable, the holder of the deed of Exclusive Right of Burial. This does not extend to families or friends taking photos or filming graves they are purposefully visiting.

3.5 The Cemeteries will be open to the public 365 days a year. However, the Council reserves the right to close or amend the opening days or times without notice. This may be dependent on the weather or other issues that may arise. General opening times are as follows:

Cemetery	Opening Times	
	Mon-Fri	Weekend & Bank Holidays
Bocking	8am – Sunset (or 8pm, whichever is first)	10am – Sunset (or 8pm, whichever is first)
Braintree		
Halstead		
Witham		

3.6 Visitors shall not trade any goods or services within any of the Cemeteries except with the prior written permission of the Cemeteries Service Manager.

3.7 The facilities available at the Cemeteries include WC with hot running water, chapels, standpipes for access to water, litter bins, and space for parking. If any of these facilities do not meet your satisfaction, please contact the Cemeteries Service Team.

- 3.8 We can accommodate multi-faith burials at some of our Cemeteries. The Cemeteries have the following faith sections:-
- Braintree Cemetery, London Road: No faith, Church of England, Roman Catholic.
 - Bocking Cemetery, Church Lane: No faith, Church of England, Roman Catholic, Muslim & Baha'i.
 - Halstead Cemetery, Colchester Road: No faith, Church of England, Roman Catholic.
 - Witham Cemetery, Manor Road: No faith, Church of England, Roman Catholic.
- 3.9 Animals are not permitted in the Cemeteries other than assistance dogs and horses that form part of a funeral cortege.
- 3.10 Children under 12 years must be accompanied in the Cemeteries by a responsible adult at all times.
- 3.11 Vehicles shall not leave any roadway within the Cemeteries except with the permission of the Cemeteries Service Manager. No grassed area in any Cemetery shall be driven or parked on.
- 3.12 A speed limit of 5 mph is in place in all areas of the Cemeteries. Please refer to the notice board for further information.
- 3.13 In the unlikely event that any damage is caused to Cemetery land, walls, or premises, whether an accident or intentional, the person or persons committing such damage may be held liable by the Council.
- 3.14 Music, whether live or recorded, shall not be played in any Cemetery unless the person has sought permission from the Cemeteries Service Team.
- 3.15 Braintree District Council is not responsible for the attendance of clergy, celebrants or any other bodies leading a service in the Cemeteries. This is the full responsibility of the applicant who may be a funeral director, or a family member if there has been no funeral director arranging.
- 3.16 The releasing of balloons and paper lanterns is strictly prohibited as they are a health and safety risk to nature and wildlife.
- 3.17 To help keep the Cemeteries tidy for all visitors, spent wreaths and flowers or other articles of waste or litter, shall be placed in the appropriate bins.
- 3.18 Wreaths, sprays and cut flowers or other floral tributes may only be placed within the intended grave space. Flowers and flower containers should not be placed or fixed outside of these areas.

- 3.19 Braintree District Council reserves the right to remove spent flowers, or other waste from any grave after a 4-week period.
- 3.20 Visitors shall act in a quiet and orderly manner and respect all other visitors and staff. Visitors on foot shall keep to the road and pathways, except when visiting graves.
- 3.21 We expect all visitors to the Cemeteries to behave in a responsible and respectful manner. Anyone behaving in a disruptive and disrespectful manner will be asked to leave the site by Braintree District Council staff.
- 3.22 A Grave Maintenance Scheme is available to all grant holders for their loved one's grave to be maintained. This consists of planting twice a year, along with monthly weeding and general upkeep. On completion of an initial booking form, available from the Cemeteries Service, an invoice will be sent and the planting and upkeep shall commence from the next scheduled planting phase. Current fees can be found at www.braintree.gov.uk

4. Burial Rules and Guidance for Bookings and Interments

- 4.1 Initial bookings for a burial (including the burial of cremated remains and booking chapel services) in any cemetery shall be made to the Cemeteries Services Team. This can either be by telephone, email or in person and confirmed in writing as soon as possible by completion of an Interment Form.
- 4.2 The chapels at Braintree, Bocking and Witham Cemeteries can be booked with a burial or interment following the service, although the chapel can also be booked to carry out a stand-alone service, with no burial or interment. The chapels are cleaned and ready to accept guests at least 60 minutes prior to the booked time. Chapel services are booked for 60 minutes, and current fees can be found at www.braintree.gov.uk
- 4.3 Burials and Interments can take place between Monday and Friday, except Bank/Public Holidays. During the summer months, burials will take place between 9.30am and 3.30pm; and in the winter months between 9.30am and 2.30pm.
- 4.4 All funeral corteges shall arrive at the main entrance gates of the site at the agreed booked time. Please ensure that funerals arrive on time at the Cemetery to maintain the efficient operation of the service. When the funeral cortege enters the Cemetery, they will be under the supervision of the Cemeteries Service staff. All hearses and accompanying vehicles shall be driven to areas of the site as directed by them.

- 4.5 If expected attendance numbers exceed 55 mourners at any burial, the applicant or their representative shall give prior warning to the Cemeteries Service Team accordingly.
- 4.6 All burials and grave preparation will be carried out in accordance with the recommendations of the ICCM.
- 4.7 Only people trained and appointed by the Cemeteries Service shall excavate graves. This includes full burial graves and cremated remains graves.
- 4.8 You shall not inter cremated remains in any part of the cemetery other than within a grave purchased for that purpose and with the written authorisation from the ERB deed holder(s) and consent of the Cemeteries Service.
- 4.9 Burials and interments shall only take place if all statutory paperwork is received by the Council's Cemeteries Service at least 48 hours prior to the burial or interment. Retrospective documents cannot be accepted, unless agreed at the discretion of the Cemeteries Service Manager. This includes the 'green form' burial certificate or the cremation certificate.
- 4.10 For every burial and interment that takes place, a completed notice of interment form shall be handed to the Council's Cemeteries Service on a day no later than 5 working days prior to the burial or interment taking place. Post, email, or hand delivery is acceptable. The form shall be completed with coffin / casket sizes along with a handwritten signature from the ERB deed holder, or applicant if the grave is not purchased. An electronic signature will not suffice.
- 4.11 At least 5 working days' notice is required for any burial to take place, this includes the interment of cremated remains. If a shorter notice period is required for any reason, the decision will be at the Cemeteries Service Manager's discretion.
- 4.12 All fees and charges in respect of a burial or interment will be invoiced accordingly. The invoice will be raised against the person or organisation submitting the application. Current fees and charges can be found at www.braintree.gov.uk.
- 4.13 Each deceased person brought into a cemetery for interment shall be contained in a suitable and sealed coffin or shroud and must bear adequate particulars to identify the deceased. If the deceased is to be buried in a shroud, they must enter the Cemetery and arrive at graveside in a temporary coffin with a clearly marked name label sewn into the shroud.

- 4.14 The interment of ashes may be made in a crematorium container, casket or urn and may only be interred loosely if this is to be the final interment into the grave.
- 4.15 The scattering of ashes is not permitted above ground level in any cemetery except for the designated area in the London Road Cemetery. This must be booked through the Cemeteries Service Team. A member of the Team must be present for every scattering that takes place in the designated area and the appropriate fee paid upon receipt of invoice. The scattering will be registered in the scattering register.
- 4.16 Applicant consent is required in the case of an interment into the grave whereby the sole / surviving deed holder is deceased and to be interred into the rightfully owned grave.
- 4.17 A deceased ERB holder is entitled to be interred into a grave for which they hold the deeds. They are also entitled to have their details engraved on a memorial fixed to the grave without the ERB deeds requiring transferring.
- 4.18 In the case of re-opening a purchased grave, written consent from the ERB holder is required. If the owner of those rights is deceased and it is not them being buried, the Council will require the deeds to be transferred into a living person's name to allow the interment to take place.
- 4.19 Signed consent from the deed holder of the ERB is required prior to any interment taking place. The exception to this is explained in 4.17.
- 4.20 After any interment has taken place, neither bodies nor cremated remains may be disturbed or removed from a burial place without consent from the Diocese and / or the Ministry of Justice by way of exhumation. The Council may place conditions on the arrangements for the exhumation of any remains from a burial place in one of its Cemeteries in the interests of Health and Safety.
- 4.21 The Council cannot be held responsible if, owing to factors outside our control, the grave cannot hold the full number of interments requested.
- 4.22 All graves shall be dug with the intent to achieve the desired depth whilst keeping to HSE and ICCM guidance. However, the ground conditions may not allow the full desired depth. If this is not possible, the applicant will be notified as soon as practicable and alternative options will be explained.
- 4.23 When a grave is being dug, the Council has the right to place boards over neighbouring graves and hold the soil on these graves for a short period of time. After the open grave is backfilled, all graves will be left as they were found. A visual check will be carried out on adjacent memorials prior to

digging to ensure there are no upcoming anniversaries being commemorated on adjacent graves.

- 4.24 Single depth graves will be dug to a minimum depth of 4'6" and double depth graves to a minimum depth of 6'. If a grave is to be re-opened, a minimum of 6" soil between coffins is required. There must be between 2ft - 3ft soil from the last coffin lid to ground level once a burial has taken place. This depth is dependent on the quality of the soil which is outside the control of the Braintree District Council Cemeteries Service.
- 4.25 If a grave is re-opened for a second burial and the remaining depth is too shallow, an alternative method may be used to accommodate the second burial, if possible. If Braintree District Council are liable for the historic incident, there will be no fee payable to the client for the alternative method used to allow the burial to take place in the same grave.

5. Public / Common Graves

- 5.1 Where no Exclusive Right of Burial is purchased for an interment, a burial plot may be used at the Council's discretion for the interment of other unrelated persons who also do not wish to possess this right. These graves are known as Public Health or Common graves and the ERB rests with the Council.
- 5.2 As such, any interment in a Common grave will be at single depth only and the re-use of the grave for cremated remains is at the Council's discretion. An interment fee is still payable when a common grave is used and will be invoiced to the Cemeteries Service's client. The placing of fixed memorials is not permitted on such burial plots. The burial and subsequent cremated remains may be unrelated deceased people.
- 5.3 A Public Health grave will be used under the Public Health (Control of Disease) Act 1984 where it is the duty of the Council to bury a deceased person that has died within the Braintree District and has no other means or suitable arrangements being made by any other parties. All Public Health graves are dug to double depth and accommodate 2 burials of unrelated deceased people.
- 5.4 Public Health burials are carried out at Halstead Cemetery at 9:30am Monday to Friday. Family and friends of the deceased may attend. There is no opportunity for personal input and all decisions will be made by Braintree District Council Cemeteries Service Team.
- 5.5 In the case of 5.3, the Council will make all reasonable enquiries to ascertain the whereabouts of an Executor or Next of Kin. We will use a genealogy company to try to locate living relatives to carry out this duty in

the first instance. If we are unsuccessful, we will take the case on under the Public Health (Control of Disease) Act 1984.

- 5.6 The case will usually include a property search of the deceased's home address to try to locate a Will, pre-paid funeral plan or finances that may cover the funeral cost. The search will be conducted by a BDC Officer along with a Landlord / Housing Association / Police, whichever is applicable to the case. If these items are not located, the expense will be covered by the government. Evidence of open accounts will be retrieved from the property and BDC Officers will act as Next of Kin, under the terms of 'causing the body to be buried' and close as many accounts as they were able to locate. BDC Officers will register the death and arrange the burial. If a death has already been registered or funeral details discussed with a Funeral Director, BDC will be unable to accept the Public Health Funeral case. In these circumstances, all responsibilities in arranging a funeral will be held by the person that has registered the death or made arrangements with a Funeral Director.
- 5.7 Braintree District Council will bury the deceased within the above criteria rather than cremate. This option has been taken to minimise the risk of potential religious views unknown to the Council.

6. Memorials, Memorial Masons and Memorial Inspections

- 6.1 All masonry work shall be carried out by National Association of Memorial Masons (NAMM), British Register of Accredited Memorial Masons (BRAMM) or Register of Qualified Memorial Fixers (RQMF) registered monumental mason or fixer mason. This helps to ensure a high level of workmanship and longevity of the memorial as well as enabling the Council to continue to achieve the high quality of Health and Safety standards. All fixers must comply with the current BS8415 British Standard.
- 6.2 A memorial may only be fixed on a grave where an ERB has been purchased and a permit has been granted to fix. The permit application can only be signed by the grave ERB holder or their legal representative. A hand-written signature is required for authorisation; an electronic signature will not suffice.
- 6.3 All fixing masons shall provide evidence of their Public Liability Insurance to the value of £5m and their membership registration number, before any fixings can take place.
- 6.4 The applicable permit fee shall be invoiced to the fixer mason at the current fee as set on 01 April each year. The stone mason is liable for the permit fee. Please visit www.braintree.gov.uk for current fees.

- 6.5 BDC Cemeteries Service reserves the right to amend or refuse any application for a memorial. They also reserve the right to remove any memorial that may be inappropriate or outside of the size regulations.
- 6.6 Any memorials fixed without these permissions in place may be removed from the grave and we will notify the fixers membership organisation.
- 6.7 An application to fix a memorial on a burial plot must be made in writing via the current memorial application form. The form shall be completed correctly before being processed and a permit being granted by the Cemeteries Service.
- 6.8 The Council takes an open view on any terms and expressions which may be chosen for the inscriptions but reserves the right to refuse such terms and expressions where, in the Council's opinion, they may be inappropriate or may offend people visiting the Cemetery.
- 6.9 Memorials shall not be fixed on a grave where the last burial has taken place less than 6 months ago. 6 - 12 months allows the ground time to settle, however subsidence could still be likely after this time.
- 6.10 Any temporary memorial that is placed on a grave will be in keeping with the Cemetery and be no larger than the agreed memorial regulated sizes.
- 6.11 An appointment shall be made with BDC Cemeteries Service, giving at least 2 full working days' notice to when the stone mason is looking to fix a memorial.
- 6.12 If any memorial is to be removed from a grave to allow a burial to take place, the memorial and all its components shall be removed from site by a NAMM / BRAMM / RQMF qualified stone mason working to the current BS8415, until the memorial is due to be fixed again. It is only at the Cemeteries Service Manager's discretion if a memorial remains on site for this period and this will be under certain Health and Safety conditions.
- 6.13 A 5-year rolling programme for memorial testing is in place across the four Cemeteries. Further information is available at www.braintree.gov.uk. Any memorials deemed unsafe by Braintree District Council will be actioned immediately. This includes a stake fixed into the ground behind the memorial and appropriate and padded strapping. This will be for a 3 month period to allow the deed holder time to arrange for the memorial to be re-fixed. The re-fixing, and all fees associated with this, are the sole responsibility of the deed holder of the grave, not Braintree District Council, and must be carried out by a NAMM / BRAMM / RQMF registered stone mason.

- 6.14 Memorial options within the Remembrance Scheme are provided for fixed term lease periods as set out in the current Fees and Charges. These can be found at www.braintree.gov.uk.
- 6.15 Safety testing of all memorial benches in all Cemeteries will be carried out twice a year. If a bench fails the safety test, immediate action will be taken to make sure the bench is not used. For more information, please refer to the memorial bench stability testing document.
- 6.16 We no longer accept new applications for family-owned benches within the Cemeteries. This is to remain consistency across the Cemeteries and minimise the risk of Health and Safety issues for visitors and staff.
- 6.17 Replacement memorial benches can be purchased from Braintree District Council Cemeteries Service only. These will be fixed by the Council upon receipt of the correct payment. Fees can be found at www.braintree.gov.uk.
- 6.18 Any memorial bench fixed in any cemetery without the permission of the Cemeteries Service will be removed from site and stored safely until collection can be arranged.
- 6.19 Braintree District Council own a number of recycled plastic benches within each Cemetery. These benches can hold up to seven 7" x 3" memorial plaques along the back rest in memory of a loved one.

7. Exclusive Right of Burial (ERB)

- 7.1 An ERB can be granted to one or more persons, however issuing to more than two persons will be at the discretion of the Cemeteries Service Manager.
- 7.2 The ERB may only be granted to a person or persons over 18 years of age.
- 7.3 The ERB entitles the grant holder to determine who is buried in the grave and whether a memorial can be erected on the grave (subject to approval and payment of relevant fees). See [Article 10\(1\)\(C\) of the Local Authorities Cemeteries Order 1977](#)
- 7.4 Full burial plots can accommodate up to 2 full burials and subsequently up to 6 sets of cremated remains. Applicants must make it clear when arranging the first burial that the plot may be used for 2 burials, to allow for the grave to be excavated to a sufficient depth. Cremated remains graves can accommodate up to 4 sets of cremated remains.

- 7.5 If a grave is purchased at the time of interment, on payment of the appropriate fee and completion of the relevant form including the signature of the proposed owner, the right is granted for a period of fifty years and the Registrar shall provide the purchaser with a grave deed as proof of ownership. See [Article 10\(2\) of the Local Authorities Cemeteries Order 1977](#)
- 7.6 Upon expiry of the initial 50-year lease period, the deeds can either be extended for a further 50 years or a 10-year period. The extended rights begin when the additional years are purchased.
- 7.7 Where the Grant of Exclusive Right of Burial is not available, the registered grave owner or Executor shall indemnify the Council in writing against any future claim which may be brought against the Council for permitting the use of the grave. See [Article 10\(3\) of the Local Authorities Cemeteries Order 1977](#)
- 7.8 If the ERB has expired on a grave plot, it must be renewed before any burial, interment or the placement of a memorial can take place. This includes an additional inscription on a memorial or the maintenance of a memorial. As described in 7.5. If the deeds are not renewed, the ownership reverts back to BDC.
- 7.9 Where the owner of a grave is deceased, there is an option for the ownership to be transferred. The family or Executor should contact BDC Cemeteries Service for advice on the relevant method and fee to transfer.
- 7.10 Ownership of the ground does not at any time leave the control of the Braintree District Council Cemeteries Service.

8. Transfer of Exclusive Right of Burial

- 8.1 A Grant Holder can transfer their rights to another person at any time. The Grant Holder will complete a Form of Assignment, which is available from the BDC Cemeteries Service, notifying them of the transfer. The transfer can only take place once payment of the transfer fee has been received, as set out in the current Fees and Charges which can be found at www.braintree.gov.uk. BDC Cemeteries Service will then provide written confirmation of the transfer to the transferee, by way of an ERB certificate and update the purchased grave register.

8.2 Death of Grant Holder –

- (1) If a Grant Holder dies without bequeathing his or her right in their Will,

the grave may be transferred to the name of the next of kin by submitting the necessary supporting evidence to the BDC Cemeteries Service. If there is no Probate or Will in place, BDC Cemeteries Service can advise on the appropriate next steps in transferring the deeds.

(2) If the deeds are to be transferred from the deceased owner to a living person, there is a legal process that must be followed. **In the first instance, this would** be the named Executor on the Grant of Probate. If no Probate was granted, it would be the Executor(s) of the deceased's Will. A copy of the Grant of Probate or the deceased persons Will, whichever is relevant, must be produced for the transfer to take place. If there is no Will in place, the applicant should contact the BDC Cemeteries Service for advice and guidance.

(3) The applicant arranging the interment of the Grant Holder should contact BDC Cemeteries Service to discuss the transfer of ERB.

- 8.3 If the owner is deceased and buried in the grave, the ERB deeds do not legally require transferring into a living person's name. They do not require transferring if the deceased owner is the last burial taking place in the grave and there are no further changes to an existing memorial stone, except the addition of the deceased owner being interred.
- 8.4 We will hold the contact details of the current deed holder. Should we need to contact anyone with any information relating to the grave, we will refer to these contact details. If the deed holder is deceased, we may not be able to communicate information with you.

9. Grave Selection and Purchase of Rights of Burial

- 9.1 If you would like to select a grave, please contact the BDC Cemeteries Service to arrange a suitable date and time to meet the team on site.
- 9.2 We are unable to reserve graves for payment at a later date. Once a grave has been chosen or allocated, an invoice will be sent for payment. If no payment has been made within 6 months of the invoice date, the invoice will be cancelled and the grave will be made available for the public to purchase.
- 9.3 We can offer a Next in Line grave at a reduced rate to the Selection Fee. This is the next numerical grave available in our record books and cannot be selected by the family. For current fees and charges, please visit www.braintree.gov.uk .

- 9.4 If multiple people are named on the Grant, a certificate will be sent out to the address of each deed holder. If the deed holders reside at the same address, 1 certificate will be sent out. If you require more than 1 certificate, please contact the BDC Cemeteries Service and this may be sent at their discretion.
- 9.5 If more than one person is named on the Grant, every person's signature is required each time the grave is to be opened and for the process to apply to erect a memorial on the grave.
- 9.6 The Grant is purchased for a 50-year lease period. The Grant deeds to the lease are what is being purchased, not the piece of land itself. When the lease expires, the Grant (lease of the deeds) transfers back to The Council.

10. Memorabilia on Graves

- 10.1 Any personal memorabilia left in the Cemetery shall be kept within a grave space and not fixed or placed on trees, around tree bases, bench bases or pathways around the Cemeteries.
- 10.2 Any home-made memorials or fencing on graves are the responsibility of the Grant Holder and must be maintained by the Grant Holder.
- 10.3 Any temporary memorials placed on a grave must be within the current size regulations.
- 10.4 The Council has the right to remove any unsuitable or inappropriate memorabilia from any grave and safely store until it can be collected.
- 10.5 All tributes and memorabilia are left in the Cemeteries entirely at the risk of the property owner. Any theft, damage or injury is not the responsibility of BDC, and you will be advised to contact the police. Please note it is possible that wildlife in the cemetery can cause damage to trinkets and memorabilia left on graves.
- 10.6 General maintenance of a purchased grave is the responsibility of the Grant Holder. If the grave is overgrown and the Grant Holder cannot be contacted, the Council reserves the right to maintain the overgrowth on the grave space.
- 10.7 The Council reserves the right to remove from any grave space flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly and dispose of them in such manner as they deem fit, without notice to the grave owner. The Council is under no obligation to return said

items and may dispose of them as determined. See [Article 10\(2\)\(a\)\(iv\) of the Local Authorities Cemeteries Order 1977](#).

- 10.8 Current Size Regulations are as follows and all memorabilia and memorials must be kept within these sizes.

Full Kerb Section

- Headstone max height 4'9" (inc. Base)
- Full kerb surrounds 6'6" length (inc. Base) x 2'6" width
- Double width memorials will have a standard 10" Mid feather. Width 5'10" max

Lawn Section (Braintree A Section Only)

- Headstone max height 3'7" (inc. Base)
- Headstone max width 2'
- Base width 2'6" max x depth 1'6" max
- Small kerb 2'6" x 1'9" max external size from front of base

Baby Graves

- Headstone max height 2'4" (inc. Base)
- Headstone max width 1'6"
- Base max width 1'9" x 11" max depth
- Kerbs 3'1" max length from front of base

New Cremation Section – Upright Headstone

- Headstone max height 2' (inc base)
- Headstone max width 1'6"
- Bases max width 1'9" x 11" deep max
- Small kerb 1'9" x 1'9" max external size from front of base

Old Cremation Section – Flat Tablet (Bocking, Halstead & Witham)

- Tablets 1'3" square