

# Middleham Civic Burial Ground

*Burial grounds are special places of peace, tranquillity and beauty. These rules seek to strike a balance between what individual's want, the needs of other users and visitors, compatibility with the adjacent Church burial ground and its location within our rural community.*

*We hope these rules will guide you through the questions you may have.*

## 1. Introduction and Background

- 1.1. Middleham Town Council is the Burial Ground Authority for the non-denominational Civic Burial Ground opened in 2022. These Regulations aim to balance the wishes of the bereaved for a discrete place of rest with visitors' need for a place of quiet contemplation.
- 1.2. The Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force. The Council will review and update these rules from time to time. Council welcomes feedback and comment.
- 1.3. Burials and interments are not undertaken by the Town Council itself; families or personal representatives should engage a funeral director. The Town Council is unable to help you choose a funeral director.
- 1.4. As Burial Ground Authority, amongst other responsibilities, the Town Council maintains a 'Statutory Grave Plan'. A copy of this may be viewed upon request.

## 2. Contact Details

Any general enquiries and comments regarding the Burial Ground should be directed to:  
Town Clerk and Burials Officer, Middleham Town Council, Middleham Key Centre, Park Lane, Middleham, DL8 4RA Email: [office@middlehamtowncouncil.co.uk](mailto:office@middlehamtowncouncil.co.uk) Telephone 07531 580499 Website: [www.middlehamtowncouncil.co.uk](http://www.middlehamtowncouncil.co.uk)

All funeral bookings must be made through a funeral director.

## 3. Access to the Burial Ground

- 3.1. A map of the burial ground is attached, which also shows the access routes.
- 3.2. By Foot: There is a public footpath through the Burial Ground leading across the Springs' open space and the adjacent burial ground of the Church of St Mary and St Alkelda. As a right of way, this access is unrestricted throughout the day and night, however visitors should not depart from the footpath outside of daylight hours.
- 3.3. By car: There is no access for cars nor parking within the burial ground, nor is there designated parking nearby. Limited car parking is available on nearby streets and in the market square (5 minutes' walk).
- 3.4. Funeral corteges should access via Church Street and pass through the adjacent burial ground of the Church of St Mary and St Alkelda.
- 3.5. Council requests that respect is shown. Accordingly, no games, sports, riding of bicycles, skateboards, roller blades or similar and no consumption of alcohol or drugs may take place.

- 3.6. Dogs must be on leads and keep to the footpath, other than recognized Assistance Dogs which may accompany you throughout.

#### **4. Appearance and types of burial grave available**

- 4.1. Graves should be laid to lawn. The grave, once settled, should be level with the ground with no earth mounds or surrounds.
- 4.2. A 'Traditional' grave (comprising any or all of: kerbs, railings, fences, pebbles, shingle or gravel, a concrete landing over the entire grave) is not permitted as these can cause problems during grass cutting.
- 4.3. Graves should not be planted with shrubs or plants. Where plants or shrubs have been planted, Council may remove them and re-seed or turf the plot.
- 4.4. Natural Burials and Green Funerals are not possible. If you wish to know the nearest green burial site, please contact the Town Council.

#### **5. Availability of plots**

- 5.1. The selection of grave spaces is at the final discretion of the Council.
- 5.2. Every interment shall take place either in a private or public grave. Private Graves are graves to which an Exclusive Right of Burial has been purchased. Public graves are graves which remain in the ownership of the Council and to which no specific rights have been granted.
- 5.3. Anyone wishing to be buried in Middleham Civic Burial Ground may purchase an 'Exclusive Right of Burial' for 99 years. This confers the benefit of a specific plot and may be desirable if family members wish to be interred in adjacent plots or, in the future, as the cemetery reaches capacity. This cost is in addition to the interment fee that is payable at the date of burial. An Exclusive Right means that the plot is a 'private grave' and is the name for the lease of a burial plot or cremation plot for a set period of time. Nobody else can be buried in the plot for the duration of the period covered by the lease, but it will eventually expire. The Exclusive Right of may be renewed or transferred to / purchased by another person or persons who are entitled and via the legal process adopted by the council.
- 5.4. Subject to national Law, it is possible that public graves may be re-used after the expiry of a period of time. The Council has no intention of permitting re-use at the current time. When graves are re-used, this is usually many years later, possibly 75 years after initial burial.

#### **6. Size of burial grave plots**

Grave plots are single 8ft x 4ft (2.4 x 1.2 metres) centred. No part of a coffin may be less than three feet below the level of any ground adjoining the grave. Due to the soil type and presence of underlying rocks, only single depth burial plots are possible. Your funeral director is responsible for ensuring that these dimensions are not exceeded.

#### **7. Coffins**

- 7.1. Coffins and urns for burial must be made from suitable bio-degradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc. As an alternative to a coffin, a shroud may be used, which should also be biodegradable.

#### **8. Memorial Stones / Headstones**

- 8.1. These rules may not allow your first choice of design. They have been based on the adjacent church burial ground with some greater flexibility. To avoid any disappointment, please first find out what is permissible and seek approval in principle with the Council. The stonemason you engage will work with you on this and can submit a draft design for approval by the Council. We regret that any stones placed in contravention of these rules shall be removed at the expense of the next of kin.
- 8.2. We recommend that you use a stonemason who specialises in headstones to ensure that it will be safe for many years. Accidents and injuries can result from unstable stonework and Council will regularly inspect the burial ground. Any headstones which in Council's opinion are deemed unsafe will be laid over and the relatives of the deceased informed. The cost of resetting is the responsibility of the relatives.
- 8.3. Headstones should not be erected until 6 months have passed after the burial. This allows the ground to settle. Should be installed upright, in straight line, and not exceed the dimensions set out below.
- 8.4. All memorials must be installed in compliance with the NAMM approved fixing method and comply with relevant standards (British Standard 8415); your stonemason must warrant that this is the case. The Town Council reserves the right to refuse the installation of any memorial where the memorial mason cannot prove that the memorial will conform to the requirements.
- 8.5. From time to time when new graves are excavated, it may be necessary to remove the headstone of an adjacent plot to allow access for digging machinery. When this is necessary, the funeral director shall remove and securely reinstall any headstones.

#### ***Types of headstones permitted***

- 8.6. These rules permit the introduction of either a wooden cross or a headstone. Please note the following requirements.

#### ***Size***

No more than 1200 mm nor less than 750 mm high (4 ft.; 2 ft. 6 in)

No more than 900 mm nor less than 500 mm wide (3 ft.; 1 ft. 8 in)

No more than 150 mm nor less than 75 mm thick (6 in; 3 in)

- 8.7. For burials when a child is aged 15 or younger, a smaller size is permitted, as follows.

No less than 600 mm x 375 mm x 50 mm (2 ft. x 1 ft. 3 in x 2 in)

#### ***Base***

- 8.8. A base forming an integral part of the design of a headstone may be included, provided it does not project more than 50 mm (2 in) beyond the headstone in any direction and provided that it is fixed on a foundation slab of an approved material (see below) which itself is fixed flush with the ground and extending 75mm to 125mm (3 in to 5 in) all round so that a mower may freely pass over it. The base may incorporate up to two flower vases.

#### ***Materials***

- 8.9. The following stones are permitted:

**Limestone:** Derbyshire; Derbyshire Fossil; Ravensworth

**Sandstone:** Yorkshire; Derbyshire – Derby Dale; Gloucester/Forest of Dean; Serena; Allswick Blue

**Slate:** Cumberland; Westmoreland; North Lancashire;

**Granite:** Bluehill Grey; Cornish Grey; Cumbrian Grey; Devon Grey; Karin Grey; Indian Grey; South African Dark Grey; Creetown

### ***Surface appearance***

8.10. Polished stone or mirror finish is permitted.

### ***Inscriptions, emblems and photographs.***

- 8.11. Bronze or ceramic inserts are not to be used. Badges, crests or emblems may be used provided they are seemly and appropriate for the deceased, for example military insignia. Any representation will need to be designed so that it may be accurately cut by a skilled craftsman. Incised lettering may be painted in gold, silver, matt white, matt black or matt grey. Plastic inserted lettering is not permitted. If in doubt about what is permitted please speak to the Council.
- 8.12. Photographs and military insignia are permitted on headstones but should be no larger than 4" x 3". Approval for the design of the photograph must be obtained in the first instance from the Town Council.
- 8.13. The memorial mason must inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1" high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right hand side of the reverse of the memorial in letters not exceeding 1" high.

## **9. Ashes Interments**

- 9.1. Ashes may not be scattered in any part of the burial ground. Anyone wishing to scatter ashes may do so on Middleham Low or High Moors, the Busks or the Playing Fields, upon application to the Town Council.
- 9.2. Cremated remains can either be interred in caskets or laid directly into the excavated plot. The funeral director can advise you on the appropriate size of casket (which shall be no larger than 14" by 14"). Ashes interment plot sizes are 2'6" x 2'6". All ashes plots provide double depth for a second interment.
- 9.3. Ashes plots shall be laid to lawn, level with the surrounding grass; no kerbs or mounds are permitted.
- 9.4. A plaque or tablet commemorating the cremation may be placed on the plot; it shall not exceed 14in by 14in wide and should incorporate any flower vases within the tablet, if required. The plaque should be level with the ground surface, i.e. not sloping or elevated, to ease grass cutting.
- 9.5. A plaque may be made from any of the stone types and finishes specified above for burial monuments. The same rules regarding lettering, emblems and photographs apply.

## **10. FUNERAL DIRECTORS**

- 10.1. Funeral Directors will be requested to provide Council with their risk assessments, safe systems of work and staff training information together with a copy of their public liability insurance certificates.
- 10.2. Only trained grave diggers working for a Funeral Director will be allowed to dig a grave in the Cemetery; they should provide a written risk assessment and method statement.
- 10.3. All graves must be dug centrally within the respective grave space to the exact dimensions indicated. Care should be taken so as not to disturb neighbouring graves.
- 10.4. All unattended graves must be completely boarded over in such a manner as to prevent any person falling into the grave.

- 10.5. In order to prevent a trip hazard all finished graves must be prepared using imitation grass matting, which must be laid out neatly on staging leaving no folds or gaps.
- 10.6. A suitable platform e.g. walk board or staging, must be laid along the length of the grave and supported at each end. The platform must be capable of carrying the weight of the Pall Bearers and coffin.

## **11. GENERAL RULES FOR BURIALS AND ASHES.**

### **Orientation**

- 11.1. The Grave Plan follows convention that the headstones are placed at the western end of all plots and burial plots face to the east.

### **Flowers and Ornamentation**

- 11.2. We are happy to say that fresh flowers are permissible. In order to keep the graveside beautiful, they need to be removed from wrappings or bows and we kindly ask that flowers are removed before they decay.
- 11.3. Artificial flowers, including Poppies for Remembrance Sunday, and small wooden crosses are permitted. They should be removed before fading, becoming weathered or damaged.
- 11.4. Only vases incorporated in the headstone or plinth may be used; we regret that free-standing vases, balloons, lights, toys and other ornamentation are not permitted and will be removed and kept safely by Council for collection.

### **Who owns the Grave or interment Plot?**

- 11.5. The fees payable cover the perpetual maintenance of the burial ground; however every grave plot will remain the property of the Town Council. By contrast, any memorial belongs to the person who paid for its erection. After their lifetime it then belongs to the heir-at-law of the person commemorated. That person has a duty to maintain it and a legal liability for its safety. Your stonemason may be able to arrange indemnity insurance against any injury arising from a fallen headstone.

### **Who is Responsible for the Care of the Grave?**

- 11.6. Subject to specific references to the individual's next of kin to maintain the headstone, remove flowers etc., the burial ground is cared for by Middleham Town Council which engages professional contractors and, from time to time, volunteer teams to ensure its upkeep, including grass cutting and strimming, maintenance of walls, gateways and the paved path levelling and re-seeding.
- 11.7. Council will trim around any headstones and plaques and will ensure that its contractors exercise proper care and not damage any items. Contractors will be expected to have appropriate insurance in place and to provide risk assessments and method statements to Council.
- 11.8. All headstones will be regularly Safety tested by Council, every 5 years, by a topple testing machine to ensure stability. Any which are found to be unstable will be laid down and the family will be notified
- 11.9. Regular health and safety checks and risk assessment will be carried out in accordance with the Council's Cemetery Risk Management Policy.

## **12. Booking procedure**

- 12.1. Arrangements for burials and interments are made on your behalf by the funeral director who will liaise with the Council to complete all necessary forms and ensure the burial is properly carried out. Funeral directors provide advice and information and will ensure that all arrangements are made on behalf of the person organising the funeral.
- 12.2. Subject to availability of your funeral director, burials and interments may be undertaken at any time and day during daylight hours.
- 12.3. In respect of private graves, the deed of grant for the exclusive right of burial will be registered in the name of the applicant for the burial indicated on the notice of interment and signed by that person.
- 12.4. It is the responsibility of the person making the funeral arrangements to organize a Minister or Officiant for the funeral if one is required.
- 12.5. The "Green Form" or Form 9, authority to bury or cremate should be in the possession of the funeral director on the day of the funeral and handed to a council representative at the cemetery on the day; failing this it should be sent to the council immediately after the burial or a copy submitted with the application for burial form prior to the interment taking place.
- 12.6. Council reserves the right to refuse a burial where the required documentation is not provided.

### **13. Fees and Charges Payable.**

- 13.1. The Town Council has published a schedule of fees and charges which are published on its website, also available from the Clerk at the address in the 'Contact Details' section above.
- 13.2. Council will review and amend the schedule from time to time. An inflationary increase will be applied from 1 January each year.

### **14. Memorial Seats**

- 14.1. Anyone wishing to install a memorial seat in the Cemetery must apply in writing to the Town Clerk. Full details of the seat must be submitted with the application. All seats and their location must be approved by the Cemetery Committee prior to installation.
- 14.2. All applications will be considered by the Town Council and the Council reserves the right to refuse an application. The Council's decision is final. If there is no available space within the Cemetery, Council may suggest an alternative location.
- 14.3. All seats must be suitably robust and of good quality and standard. The Council reserves the right to refuse the installation of a seat deemed to be of an inferior quality.
- 14.4. Once installed all seats remain the property of the applicants and applicants are responsible for the ongoing maintenance.
- 14.5. The Council reserves the right to relocate any seat.
- 14.6. The Council reserves the right to remove any seat if it considers it to be beyond a state of repair.

### **15. Exhumation**

- 15.1. From time to time, it may be necessary to exhume remains. It is an offence to exhume any human remains or cremated remains without first obtaining the necessary lawful permission
- 15.2. On receipt of lawful permission to exhume the body of a deceased person the Burial Authority, being Leyburn Town Council, will notify the Environmental Health Officer so that he can be present at the exhumation site.
- 15.3. The Officer in charge of burials will oversee the exhumation and re-burial, or removal of the deceased. The Officer will also ensure that:

- 15.3.1. the correct grave is re-opened
- 15.3.2. the exhumation commences as early as possible in the morning to ensure maximum privacy
- 15.3.3. the grave is screened as appropriate for privacy
- 15.3.4. Health and safety of all workers is maintained, for example the use of protective clothing including masks and gloves, task lights and all other necessary equipment
- 15.3.5. Everyone present shows due respect to the deceased person and to adjoining grave sites
- 15.3.6. The new coffin or casket has been approved by the Environmental Health Officer
- 15.3.7. All human remains and all the pieces of the original coffin or casket are placed in the new coffin or casket
- 15.3.8. The new coffin or casket is properly sealed and identified
- 15.3.9. The area of the exhumation is properly disinfected
- 15.3.10. Satisfactory arrangements are in place for the onward transmission of the remains.
- 15.3.11. If the conditions of the licence or faculty cannot be met, or there are public health or decency concerns, the exhumation will not be proceeded with