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**BOROUGH OF DARLINGTON**

**BYELAWS**

**CEMETERIES AND CREMATORIUM REGULATIONS**

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Regulations made by the Council of the Borough of Darlington with respect to the Management of the North, East and West Cemeteries within the former County Borough of Darlington.

1. In the construction of these Regulations the following words and expressions shall have the meanings hereinafter respectively assigned to them unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur; this is to say:-

“The Council” means the Council of the Borough of Darlington.

“The Manager” means the Parks and Cemeteries Manager and Cemeteries Registrar of the Borough of Darlington and includes any persons duly authorised to discharge temporarily the duties of that Officer.

“The Cemetery” means as the case may require any or all of the Cemeteries provided by the Council.

“Grave” means the burial place formed in the grounds by excavation and without any internal wall or brickwork or stonework or any other artificial lining.

“Vault” includes underground burial place of every description except graves to which the word “grave” interpreted as aforesaid applies.

“Grant” means a grant of the exclusive right of burial whether by Deed or otherwise.

#### **NOTICES, FEES, ETC**

2. Notice of interment, which shall be in the form provided by the Council, is to be given at the Parks and Cemeteries Office, Town Hall, Darlington, between the hours of 9 am and 4 pm on Mondays to Fridays inclusive. In the case of a grave the notice is to be given at least 36 hours (exclusive of Saturdays, Sundays, Good Friday, Christmas Day and Bank or other statutory holidays) previous to any Interment and in the case of a vault at least 72 hours (exclusive of Saturdays, Sundays, Good Friday, Christmas Day and Bank or other statutory holidays) previous to any interment.
3. Every person who gives notice of an interment shall state the name of the Minister desired to officiate at the burial and shall duly notify such Minister of the time and place of burial and arrange for him to conduct the service.
4. All fees and charges due to the Council are to be paid at the Parks and Cemeteries Office, Town Hall, Darlington.

5. No grave or vault in which a right of burial has been purchased or granted shall be opened unless the Grant is produced at the same time as the notice of interment is given. If the original Grant is lost the owner, his heirs or assigns shall complete the prescribed form of indemnity and pay the necessary fee before a grave or vault is opened.
6. Upon the death of the registered owner of a right of burial in any grave or vault, the person claiming the title to the right of burial must produce satisfactory evidence of title before any grave or vault is opened.
7. The purchaser or owner of a right of burial in a grave or vault or the right to place and maintain or to put any additional inscription on a tombstone cannot (except by will) be allowed to dispose of any such right without the consent of the Council. Every transfer of any such right shall be made by the Council at the expense of the applicant. Any person succeeding under a Will shall not be entitled to exercise the right until he has notified the Council of the transmission thereof in writing on receipt of which a Certificate of Ownership will be issued.

## **BURIALS**

8. The permitted hours of burial on Mondays to Fridays inclusive are 9:00 a.m. to 12:00 noon and 1:00 p.m. to 3:45p.m. except during the period six weeks before and six weeks after Christmas when the latest time for burial will be 3:15pm. No funerals are allowed on Saturdays, Sundays, Good Fridays and Christmas Day.
9. The time named for the burial is that at which the cortege arrives at the graveside, and such time is to be strictly observed.
10. The time at which a burial shall take place is subject to the approval of the Manager.
11. The Registrar's Certificate of Registration of the death of the person to be buried, or the Coroner's Order of Burial in cases where an inquest has been held must be given to the Manager or his assistant when the funeral enters the Cemetery.
12. The body of a person who has died from a notifiable disease shall not be taken into a Chapel in the Cemetery.
13. Only the cars of undertakers and mourners accompanying a funeral will be allowed in the Cemetery, and all drivers of vehicles must not exceed a speed of 10 m.p.h. Bicycles, tricycles or other wheeled vehicles shall not be allowed in the Cemetery without the permission of the Manager.

## **GRAVES AND VAULTS**

14. Persons intending to purchase the exclusive right of burial in a grave space may select the site thereof, subject to the approval of the Council the Manager.
15. The site of all common graves shall be determined by the Council or the Manager.
16. The grant of an exclusive right of burial in a grave or vault is subject to these and any further Regulations made by the Council and to the presence and any future Regulations or Orders

issued or to be issued with regard to the Cemetery by any competent authority, and to the payment of the sum or sums specified in the Council's Table of Fees.

17. Underground brick or stone work or metallic coffins will not be allowed except in a walled grave or vault in respect of which an exclusive or right of burial has been granted, and only coffins of wood or concrete or other approved suitable material may be used elsewhere.
18. Within 24 hours of any burial in a walled grave or vault, the coffin shall be:-
  - a. embedded in concrete, and covered with a layer of concrete not less than 150 mm (6 inches) thick; or
  - b. enclosed in a separate cell or compartment of slate, stone flagging precast concrete slabs of a 1 : 2 : 4 mix, in any case not less than two inches thick, in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or compartment;
  - c. there must be at least 150mm (6 inches) of earth between the top of the vault and the ordinary level of the ground.
19. The Council will, upon request, undertake the planting and upkeep of the surface of graves or vaults in respect of which the exclusive right of burial has been granted, on payment of the sum or sums specified in the Table of Fees laid down by them. This does not apply to grave spaces on the Lawn Cemetery Section.
20. The digging of all graves and excavations for all vaults will be carried out by workmen appointed by the Council under the direction of the Manager.
21. The construction of vaults will not be undertaken by the Council. Purchasers of the exclusive right of burial in grave spaces who desire the construction of a vault must arrange for the work to be executed by qualified persons approved by the Council or the Manager.
22. The work of construction of a vault must be carried out in accordance with the specification laid down by the Council. The persons carrying out the work shall fill up and level the ground and remove all refuse material; they will also be held responsible for any injury which, in the progress of the work, may be done to the ground or walks and to any adjacent vault or grave or to any tombstone or other memorial.
23. In the carrying out of any work, mats, boards and canvas are to be used to preserve the grass as the Manager may direct.
24. Trees or shrubs shall only be planed on grave space in respect of which an exclusive right of burial has been granted and with the approval of the Council or the Manager, and after they have been planted none shall be cut or carried away without such approval but the Council or the Manager shall have power to remove trees or shrubs when in its or his opinion removal is necessary. This does not apply to grave spaces on the Lawn Cemetery Section on which no trees or shrubs may be planted.
25. A register of burials will be kept at the Parks and Cemeteries Office, Town Hall, Darlington where searches may be made by arrangement with the Manager. A plan showing the situation o fall graves and vaults will be kept at the North and West Cemeteries, and in the

case of the East Cemetery, a plan will be kept at the Parks and Cemeteries Office, Town Hall, Darlington.

## **TOMBSTONES OR OTHER MEMORIALS**

26. No tombstone or other memorial shall be erected on a grave space unless a right to do so shall have been granted in respect of such grave space and such right shall only be granted to the owner of the exclusive right of burial in respect of the grave space or to a person who satisfies the Manager (whose decision shall be final and binding) that he is a relative of a person buried in that grave space or is acting at the request of the person first mentioned, and that it is impractical to trace the owner of the said exclusive right of burial.
27. No tombstone or other memorial shall be erected nor shall any inscription be inscribed on any tombstone or other memorial without the details thereof being approved by the Council or the Manager before the tombstone or other memorial is erected or the inscription inscribed as the case may be and if any tombstone or other memorial is erected or any inscription is inscribed without such approval or made in violation of these Regulations the tombstone or other memorial or inscription may be removed at any time by the Council without notice.
28. A drawing showing the form and dimensions of any tombstone or other memorial proposed to be erected and a copy of any proposed inscription shall be submitted to the Manager at least fourteen days before any work requiring approval is carried out such drawing shall be correctly drawn in ink on clean serviceable paper to scale of 1 : 10. The drawing shall consist of a plan and front and side elevations and show the base, ground line, foundations, ornamentation and inscriptions, etc. Dimensions of all parts shall be marked in legible figures on the plan. Isometric projections, photographs or prints may be accepted, if suitable, but shall have detailed dimensions.
29. Persons erecting, moving and fixing a tombstone or other memorial shall remove all spare materials, soil and rubbish, and shall use such means as the Manager may direct to protect the grass, trees, plants and neighbouring tombstones or other memorials or any other erections from injury.
30. The materials used in the construction of the tombstone or other memorial shall be of durable natural stone, marble or granite.
31. Every tombstone or other memorial erected over a grave space shall bear the number of that grave space.
32. Every tombstone or other memorial shall be fixed in the position indicated by the Manager and kept in repair by the owner of the right of burial (except where special arrangements have been made with the Council). When, in the opinion of the Manager, a tombstone or other memorial is no longer maintained in good repair and proper condition it may be removed by him after due notice.
33. Copper cramps shall be used in the erection of all tombstones or other memorials.
34. No tombstone or other memorial, of whatever description, will be admitted to the Cemetery or permitted to be erected therein except on condition that such tombstone or other memorial

be so erected and remain at the owners sole risk, and the Council shall not be held responsible for any damage or breakage which may occur to the same.

35. Bell glasses, shells or other fragile embellishments shall not be allowed in the Cemetery, except that such tombstone or other memorial which has been placed on a grave space with permission of the Council prior to the adoption of these regulations will be allowed to remain so long as it is maintained in proper repair.
36. Hewing or dressing of stones, or work of a like nature shall not be permitted in the Cemetery or in the approaches thereto; and all materials and tombstones or other memorials shall be conveyed into and out of the Cemetery at such time as the Manager may direct and in such manner as will avoid injury to the grounds and walks.
37. Workmen employed in the erection or removal of a tombstone or other memorial shall only be allowed to work in the Cemetery during the normal hours of work of the Cemetery workmen except in special circumstances, the existence of which is solely determined by the Council or the Manager.
38. Any tombstone or other memorial or other material removed in the process of opening a grave or vault shall be removed at the risk of the person requiring the grave or vault to be opened and shall be placed in such a position as the Manager may direct, and such tombstone or other memorial shall be re-fixed within three months of the date of its removal or such extended time as may be approved by the Manager.

## **GENERAL**

39. The Cemetery will be open to the Public, under certain Regulations, at the time shown on the notice board at the main entrance to each Cemetery.
40. Children under 12 years of age will not be allowed within the Cemetery except under the care of a responsible person.
41. Visitors are requested to assist in keeping the Cemetery in good order by keeping to the roads and paths.
42. All rubbish or waste flowers must be deposited in the receptacles provided.
43. No inebriate or riotous person shall be allowed to enter or remain in the Cemetery.
44. No dog or other animal will be allowed in the Cemetery unless controlled by a suitable leash.
45. No person (other than an Officer of the Council or person otherwise authorised) shall enter the Cemetery, or remain therein, after closing time and no person shall enter or leave the Cemetery otherwise than through one of the authorised means of entrance.
46. No person shall remove or take any articles from the Cemetery without the consent of the Manager.
47. Any orders or instructions given by telephone will be received at the sole risk of the person giving such orders or instructions, and the Council shall not be responsible for any

misunderstanding, which may arise with regards to the orders or instructions given by telephone. Any such orders or instructions shall be immediately confirmed in writing.

48. The Council reserves to itself the right to alter any of the above Regulations or the fees and charges in connection therewith from time to time.

49. Where the Council are entitled to serve a notice under these Regulations but are unable after reasonable enquiry to trace the person entitled to receive such notice they may instead display the notice in a conspicuous position in the cemetery and publish the notice in two successive weeks in one or more newspapers circulating in its area and such display and publication shall be deemed to be sufficient notice.

50. The foregoing Regulations shall come into force on the 1st day of November 1975 on which date the Rules and Regulations made by the Mayor Aldermen and Burgesses of the County Borough of Darlington on the 1st day of May 1969 shall be revoked.

Dated the 13th day of October 1975.

THE COMMON SEAL of the )  
Council of the Borough of )  
Darlington was hereunto )  
affixed in the presence of: )

J. PATERSON  
Mayor

H. ROGERS  
Chief Executive

## **CREMATORIUM**

Regulations made by the Council of the Borough of Darlington with respect to the general management and control of the Crematorium situated in the West Cemetery, Carmel Road, Darlington.

1. In the Regulations:-

‘The Council’ means the Council of the Borough of Darlington;

‘The Registrar’ means the person for the time being holding the post of Crematorium Registrar in the Parks and Cemeteries Department of the Council and includes any person acting for the Registrar on his behalf or under his direction;

‘The Crematorium’ means the building at West Cemetery fitted with the appliances for the purpose of burning human remains and includes the Crematorium Chapel, the Crematorium ground and any other buildings which may now or hereafter be erected therein or any extensions thereof;

‘The Medical Referee’ means a Medical Referee or a Deputy Medical Referee appointed in pursuance of the Regulations made by the Secretary of State for the Home Department, under Section 7 of the Cremation Act, 1902 and Section 10 of the Births and Deaths Registration Act 1926.

‘Forms’ refer to the Forms prescribed by the Cremation Regulations 1st June 1965.

2. All cremations will be carried out in accordance with the provisions of Regulations made by the Secretary of State for the Home Department under Section 7 of the Cremation Act, 1902, Section 2 of the Cremation Act 1952 including the Cremations Regulations 1st June, 1965 and Section 10 of the Births and Deaths Registration Act 1926. No cremation will be permitted to take place except on the written authority of the Medical Referee.
3. Cremations may take place between the following hours by arrangement with the Registrar:-

Mondays – Fridays 9:00 a.m. – 12:00 noon  
1:00 p.m. – 4:00 p.m.

Cremations are not allowed on Saturdays or Sundays, Christmas Day or Good Friday. When Christmas Day falls on Friday or Monday the Crematorium will be open on the preceding or following Saturday whichever is applicable, also the Saturday following Good Friday.

4. Application for cremation must be made in writing to the Registrar at the Parks and Cemeteries Office, Town Hall, Darlington between the hours of 9:00 a.m. and 4:00 p.m. on Mondays to Fridays inclusive, at least 24 hours before the proposed time of cremation (exclusive of Saturday, Sunday and Bank or other statutory holidays).
5. The application for cremation must be made on Form A (issued by the Coroner) and should normally be signed by an executor or by the nearest surviving relative. The signature of some other person may be accepted if a satisfactory reason is given on the Application Form why it is not signed by an executor or the nearest surviving relative.

6. No application for cremation will be accepted by telephone, and the responsibility for any error in any application shall be that of the person signing the Application Form.
7. Forms A and E (issued by the Coroner) or Forms A, B (Certificate of Medical Attendant), C (confirmatory Medical Certificate) and the Certificate of Disposal issued by the Registrar of Births, Deaths and Marriages must be delivered to the Registrar at the Town Hall, not later than 2:00 p.m. on the day previous to the cremation, excluding Saturday, Sunday, Christmas Day, Good Friday or any Bank Holiday together with the charge payable in accordance with the Table of Fees in force at the time of delivery of the said forms.
8. No cremation shall take place except on the written authority of the Medical Referee in Form F, who may in any case decline to allow the cremation without stating any reason.
9. The period for the use of the Chapel in connection with any one cremation must not exceed 30 minutes, except with the prior consent of the Registrar, and all persons using the Chapel are required to leave the Chapel immediately after the conclusion of the service or other ceremony.
10. The responsibility for making the necessary arrangements for the attendance of Ministers to officiate at a service rests with the applicant for the cremation.
11. By prior arrangement with the registrar not more than two representatives of the relatives of the deceased may see the coffin introduced into the cremator if they so desire, but no inspection of the actual process of cremation will be permitted.
12. No memorial devices, vases, glasses or other receptacles for plants or flowers shall be placed in the Garden of Remembrance or in any other part of the Crematorium.
13. Floral tributes will be disposed of at the discretion of the Registrar.
14. Dogs will not be admitted to the Crematorium or the Garden of Remembrance.
15. In the absence of any arrangements by the executors or the relatives of the deceased for the disposal of cremated remains, the Council shall be entitled after giving, on or after the date of cremation, 14 days notice to the person who applied for the cremation to scatter the cremated remains.
16. An urn or container containing cremated remains shall not be given up by the Registrar except on the written authority of the person making the application for the cremation and the signing of a receipt for such urn or container.
17. Inscriptions in the Book of Remembrance shall be inserted only by the person or persons appointed by the Council for that purpose. Such inscriptions shall consist of a single entry (2 lines) double entry (3 or 4 lines) or treble entry (6, 7 or 8 line), and shall be in wording approved by the registrar. One page of the Book of Remembrance is turned each day so that each entry can be seen on the anniversary of the date of death. The Book of Remembrance can be seen from 9:00 a.m. until half an hour before sunset but not later than 7.30pm Monday – Saturday, Sundays 10:00 a.m. until half an hour before sunset but not later than 8.30pm.
18. The smoking of tobacco is prohibited in or near the Crematorium.
19. Vehicle entering or leaving the Crematorium must not exceed a speed of 10 m.p.h.



20. No body shall be removed from the Crematorium for any purpose whatsoever except on the order of a Coroner, or other competent authority.
21. The Public will be admitted to the Crematorium and to the Chapel of Remembrance at times at times at the discretion of the Registrar.
22. Children will not be admitted to the Crematorium unless in the charge of an adult.
23. The Council will accept no responsibility for any failure in cremation arrangements due to circumstances beyond their control.
24. It is the responsibility of the applicant for the cremation to arrange for the provision of sufficient bearers to convey the coffin reverently from the hearse to the catafalque within the Crematorium.
25. The Coffin must be made of an easily combustible wood. Resinous or badly seasoned wood must not be used. No metal furniture or fittings whatsoever shall be used on a coffin for cremation; and no metal of any kind shall be used in the manufacture of such coffin except as necessary for its safe construction, and then only metal of high ferrous content. Hardwood plugs should be used whenever possible. Cross pieces must not be attached to the bottom of the coffin. If it is desired to strengthen the bottom of the coffin, wood strips may be placed lengthwise for this purpose. The coffin must not be painted or varnished it may be covered with suitable coloured cloth material.
26. The unnecessary use of sawdust or cotton wool in the coffin must be avoided. If circumstances require, suitable sealing material may be used, but no metal or rubber will be permitted and on no account must pitch or similar substances be used.
27. Except in cases where death is due to child birth (when a mother and a still born child may be cremated in the same coffin, provided that the authority to cremate has been granted in both cases) each body, whether adult or child, shall be cremated separately.
28. The maximum external dimensions permitted for a coffin are:-  
Length 2100 mm (7ft.) width 700 mm (28ins.) depth 550 mm (22 ins.)
29. All persons admitted into the Crematorium shall be subject to the orders and control of the Registrar, who has full power to exclude or remove any member of the public whom he, in his discretion, may think fit so to remove or exclude.
30. All person entering the Crematorium do so at their own risk, and the Council will not accept any liability for any injuries or damage sustained by such persons from any cause whatsoever.
31. The foregoing Regulations shall come into force on the 1st day of November 1975 on which date the Regulations made by the Mayor Alderman and Burgesses of the County Borough of Darlington and in force at the date hereof shall be revoked.

Dated the 13th day of October 1975.

THE COMMON SEAL of the )

Council of the Borough of )  
Darlington was hereunto )  
affixed in the presence of: )

J. PATERSON  
Mayor

H. ROGERS  
Chief Executive

## **PENALTIES**

1. By Article 15 of the Local Authorities' Cemeteries Order 1974 (St 1974 No.628) every person who:-
  - (a) contravenes any prohibition under article 5(b) of the Order prohibiting the interring or scattering of cremated human remains in or over a part of cemetery set apart for the use of a particular denomination or religious body.
  - (b) Contravenes article 9(4) of the Order, which article provides that no body shall be buried, or cremated human remains interred or scattered in or over any grave, walled grave or vault in which an exclusion right of burial for the time being subsists except by or with the consent in writing of the owner of the right:
  - (c) Wilfully creates any disturbances in a cemetery:
  - (d) Commits any nuisance in a cemetery;
  - (e) Wilfully interferes with any burial taking place in cemetery;
  - (f) Wilfully interferes with any grave, walled grave or vault any tombstone or other memorial, or any flowers or plants or any such matter;
  - (g) plays at any game or sport in a cemetery;
  - (h) not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery when it is closed to the public;
  - (i) Contravenes the provisions of Part 1 of Schedule 2 to the Order relating to the exercise of burial rights, rights to erect memorials and agreements for the maintenance of graves and memorials;

Shall be liable on summary conviction to a fine not exceeding £20 and in the case of a continuing offence to a fine not exceeding £5 for each day during which the offence continues after conviction therefore.

2. By Section 39 of the malicious Damage Act, 1861, unlawful and malicious destruction or damage of (inter alia) such statue, monument or other memorial of the dead in any burial ground, or ornament, railing or fence surrounding the same is an offence, and the offender is liable to be imprisoned for any term not exceeding 6 months and without prejudice to any persons right to recover damages by action of law.