



## **THE BOROUGH OF DOUGLAS**

### **CEMETERIES BYELAWS 2007**

In exercise of the powers conferred on the Mayor, Aldermen and Burgesses of the Borough of Douglas by section 27 of the Douglas Cemetery Act 1895, and of all other enabling powers, the following Byelaws are hereby made:-

#### **1. Citation and Interpretation**

(1) These Byelaws may be cited as the Borough of Douglas Cemeteries Byelaws 2007, and shall come into operation on.....

(2) These Byelaws are made for the good rule and government of those parts cited above, within the Borough of Douglas, for the prevention and suppression of nuisances therein.

(3) In these Byelaws –

“the Act” means the Local Douglas Cemetery Act 1895.

“the district” means the Borough of Douglas;

“the local authority” means the Mayor, Aldermen and Burgesses of the Borough of Douglas and Douglas Corporation;

“cemetery” means and includes the Douglas Borough Cemetery and the Borough of Douglas Lawn Cemetery, and all buildings, seating, lighting, notices, notice-boards, water and focal features, car parking and any perimeter, boundary or other walls, fences and hedges associated with the cemetery;

“designated route” and “designated area” means a route or area through or in a cemetery which is set aside for a specific purpose; that route or area and its purpose will be indicated by notices in conspicuous positions;

“motor vehicle” means any mechanically propelled vehicle, whether or not made or adapted for use on a road, other than a motor cycle or invalid carriage;

“motor cycle” means a mechanically propelled motor cycle as defined in the Road Traffic Act 1985, and any other mechanically propelled vehicle not made, adapted or permitted to be used on a road;

“trailer” means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle or motor cycle;

“self-propelled vehicle” means a vehicle, including pedal cycle, other than a wheel-chair and perambulator used in the manner for which they were constructed, which is propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle;

“moveable dwelling” means any tent, caravan, van, or other conveyance (whether or not capable of being used on roads), and any portable shed or similar structure, which is used either regularly or intermittently for human habitation;

“ball games” means any game involving throwing, catching, kicking, batting striking or running with, any ball or other object designed for throwing and catching;

“authorised person” means and includes a duly authorised officer, officer, employee, servant, contractor or agent of the local authority.

## **2. Penalties and Enforcement**

(1) Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding £1,000, unless such amount of fine is otherwise fixed by the enactment conferring power to make the byelaws. Check fine ?£5 or some shillings.

(2) These Byelaws shall be enforceable by any police officer or authorised person and any action taken hereunder may be instigated by such officers whether or not a complaint has been made by any other party.

(3) The following byelaws shall not apply to any police officer in the execution of his or her duty, nor to any authorised person carrying out his or her duties for and behalf of, and as directed by, the local authority.

## **3. Hours of opening**

(1) The local authority may prescribe the hours during which cemeteries will be open to the public: such hours will be displayed in a notice at or near the main entrances to the cemeteries. It shall be an offence for any person to be in, or remain in, the cemetery during the hours of closure.

(2) It shall be a defence to this byelaw if such person can prove he or she was passing through the cemetery, at the time of closure, and had no intention of remaining therein.

**4. Removal of boards, structures, plants, etc.**

No person shall, without reasonable excuse, remove from, interfere with or displace within any cemetery any notice, sign, barrier, board, post, seat, implement or any structure or ornament or part of any structure or ornament provided for use in the laying out or maintenance of the ground, or provided in pursuance of any statutory functions of the local authority, or for public information.

**5. Disturbance of soil, plants, etc.**

No person shall, within any cemetery,

- (a) pick, pluck, remove or disturb the whole or any part of any plant, shrub, tree or any stone, soil or turf, by any means, or
- (b) walk or run over, or be on any part of any cemetery set aside for, or which is in the course of preparation for, a flower bed or the growth of any tree or shrub or other plant, or the renovation of turf or for landscaping purposes.

**6. Bill-posting, etc.**

(1) No person shall place, affix or post, or cause to be placed, affixed or posted, any bill, placard, sign or notice,

- (a) within or anywhere connected to any cemetery, or
- (b) on any vehicle, trailer or motor cycle in any cemetery

for the purpose of selling any vehicle, or advertising any article, service or event without prior, written consent of the local authority.

(2) For the purposes of this byelaw an officer or manager of any organisation or body corporate will be named as causing such items to be placed, affixed or posted.

**7. Animals**

(1) No person shall ride, walk, exercise or otherwise allow in any cemetery or open space, any horse, donkey or similar animal, without consent from the local authority.

(2) This byelaw shall not apply to horses or other animals mentioned in Regulation 29 of Schedule 1 to these byelaws.

**8. Throwing, etc. of stones or other missiles**

In any cemetery, no person shall throw, or use any device to propel, discharge or catapult any stone or other object which causes danger or the possibility of injury, or nuisance or gives reasonable grounds for annoyance to any other person.

**9. Disfigurement and Climbing**

No person shall soil, defile or disfigure, nor climb upon or over any tree, wall, fence, gate or any other object, feature or building in or connected with any cemetery.

**10. Interference with Water Features**

No person shall, without reasonable excuse,

- (a) enter or wash in, or discharge any substance or liquid into any water or water feature, or
- (b) interfere with any fish or fowl in or on any water or water feature

in any cemetery.

**11. Camping and Moveable Dwellings**

(1) In any cemetery, no person shall

- (a) erect any pole, railing, barrier of any description, tent, booth, stall or other structure, or
- (b) park, leave or otherwise maintain a moveable dwelling.

(2) Any items mentioned in (1)(a) and (b), will be removed or caused to be removed by or behalf of the local authority.

(3) It shall be an offence for any person not to remove items mentioned in (1)(a) or (b) when requested so to do by a police officer or authorised person.

(4) Any costs incurred by the local authority in the removal, mentioned in (2) may be recoverable as a civil debt.

**12. Vehicles in Cemeteries**

(1) No person shall drive, ride, park or leave any motor vehicle or motor cycle in or on any cemetery, except within designated routes or designated areas and must abide by all signs, notices and surface markings indicating the route, speed, type of vehicle and permitted parking areas.

(2) Except as shown in (3), no person shall cause any private motor vehicle, goods vehicle or motor cycle to be left in any part of a cemetery overnight.

(3) Any motor vehicle or motor cycle left in any cemetery, other than within a designated area, will be deemed to be in contravention of a parking restriction. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1984, such a motor vehicle or cycle will be liable for removal and any charges incurred in such removal and storage will be recoverable as a civil debt.

(4) This byelaw does not apply to drivers of emergency services' vehicles, in the execution of their duties, nor shall it affect vehicles driven or left in connection with an approved activity.

### **13. Ball Games or Sports**

No ball games or sports shall be played in any cemetery.

### **14. Obstruction or disturbance**

In any cemetery, it shall be an offence for any person to

- (i) obstruct, disturb, interrupt or annoy any other person making proper use of the cemetery, or
- (ii) wilfully obstruct, disturb or interrupt any authorised person.

(4) This byelaw shall not apply to persons having prior, written, conditional consent, and who must abide by that consent, from the local authority.

### **15. Nuisance Vehicles**

It shall be an offence for any person to drive, ride, assist or cause to be driven or ridden, any motor vehicle or motor cycle, in a cemetery or open space in a manner likely to cause disturbance or nuisance or give reasonable grounds for annoyance to other persons.

### **16. Traders, etc.**

No traders or purveyors of victuals shall operate in any cemetery without written consent from the local authority.

### **17. Regulations with regard to Cemeteries**

(1) Regulations, approved by the local authority, have been made in relation to conduct within all cemeteries in the district, whether or not already in existence. It shall be an offence, under this byelaw, to ignore, disregard or disobey these regulations.

(2) All regulations are shown in Schedule 1 to these byelaws.

(3) Any further regulations approved during the lifetime of these byelaws, shall have effect as if approved at the time of commencement of these byelaws.

**18. Birds Nesting**

No person shall seek, take or destroy any birds' nests or eggs or attempt to or snare, take, destroy, injure or molest any bird in any cemetery or open space.

**19. Conveniences**

(1) It shall be offence for any male person to intrude upon any toilet set aside for females and for any female person to intrude upon such facilities set aside for males.

**20. Pedal cycles, skateboards, roller skates, etc.**

(1) No person shall ride a pedal cycle or skate, slide or ride on rollers, skateboards or other self-propelled vehicles in any cemetery at any time.

**21. Removal from cemeteries**

It shall be an offence for any person to refuse to leave a cemetery, after being requested to do so by a police officer or authorised person having reasonable grounds for believing that person is committing, has committed or is about to commit an infraction against any byelaw or regulation

**22. Providing particulars**

It shall be an offence for any person to refuse to provide his or her correct full name and address to an authorised person or police officer who has reasonable grounds for believing he or she is committing or has committed an offence against these byelaws.

**23. Expiry of Byelaws**

These Byelaws shall cease to have effect on ..... (*twenty years after they have been laid before /approved by Tynwald*), unless revoked prior to that time.

**24. Revocation**

The Borough of Douglas/Douglas Corporation Cemetery Bye-Laws/Rules and Regulations 1897, are hereby revoked.

## **Schedule 1**

### **Regulations relating to Cemeteries and crematoria.**

#### **1. Plans of graves**

1.1 The area to be used for graves shall be divided into suitable grave spaces. Each shall be designated by convenient marks so that the position may be readily determined, and a corresponding plan kept upon which each grave space is clearly shown and numbered.

1.1 Plans shall be maintained, detailing and identifying plots or grave spaces, their respective classes and divisions, in the office of the Registrar at the Town Hall and at the office of the Curator of the cemetery.

1.2 Such plans will be open to inspection by any person making application for grave spaces during any working day and there will be no charge or fee payable.

1.3 A working day is between Monday and Friday, excluding Bank, Public or other holidays, and between the hours of 8.45 o' clock in the forenoon and 5 o' clock in the afternoon.

#### **2. Notices of Interment**

2.1 All notices of intended interment shall be handed in to the office of the Registrar on forms provided for such notice, between the hours of 10 o' clock in the forenoon and 4.30 o' clock in the afternoon and, in any case, at least 48 hours prior to the proposed interment, thus allowing sufficient preparation time for the grave.

2.2 Sundays, Bank, Public and other holidays are excepted from such notice.

2.3 If notice is not handed in to the office of the Registrar within the given time, extra charges, **not exceeding one third of the cost**, will be payable.

2.4 When vaults are requested, in every case, three days' notice is required, excluding days mentioned in 2.2 above.

2.5 Provided always that this registration shall not apply in cases of emergency or in cases of death from epidemic or endemic disease or other interment upon a Coroner's Certificate or that of a duly qualified Medical Practitioner, then the notice required shall be at the discretion of the Registrar, acting under the directions of the local authority.

#### **3. Particulars Required**

3.1 Form provided by the Corporation, for the Notice of Interment must contain a statement of particulars of the deceased, including:

- a) forenames and surname;

- b) occupation or other similar description;
- c) age;
- d) time, date and place of birth;
- e) place and residence;
- f) time, day and date of intended burial;
- g) the number of grave space shown on the plan;
- h) whether or not the grave space has been purchased.

3.2 In the case of a purchased vault, also provided to the Registrar must be the consent, in writing, from the owner of the vault. The proof of ownership of the vault shall be at the discretion of the Corporation.

#### **4. Officiating Minister**

4.1 Persons making arrangements for interment may appoint their own Minister to officiate at such interment.

4.2 Notice of this appointment must be given to the Registrar at least twenty-four hours before the time of interment.

#### **5. Interment Order**

5.1 No interment will take place without an order issued by the Registrar.

5.2 Any such order shall be produced to the Curator when the funeral enters the cemetery.

5.3 It shall be the duty of the Registrar to issue an interment order only upon being satisfied that all notices, and particulars and details contained therein, have been complied with.

#### **6. Time of Interment**

6.1 No interment shall take place before 10 o' clock in the forenoon nor after 4 o' clock in the afternoon.

6.2 In cases of emergency, such hours of interment may be subject to Special Permission, obtained from the Registrar acting under directions of the Corporation.

#### **7. Contagious Diseases**

7.1 In all cases of certified death from contagious or infectious diseases, where immediate burial may be required, the Registrar shall have the power and authority for making all necessary arrangements for speedy burial.

#### **8. Punctuality**

8.1 The time given for a funeral is that at which the procession must arrive at the cemetery.



8.2 Any funeral not arriving at the specified time must then await a suitable time for interment.

**9. Certification of Death**

9.1 The Registrar of Death's certificate, or in the case where an Inquest has been convened, the Coroner for Inquest's certificate, of death of the person to be buried, must be given to the Curator of the cemetery when the funeral enters the cemetery.

**10. Certificate of still-birth**

10.1 Before the burial of a still-born child, the requisite medical or other certificate must be delivered to the Registrar or Curator.

**11. Payment of Fees and Charges**

**CHECK FOR CURRENT PROCEDURES – still valid?:**

11.1 All fees and charges due to the Corporation, whether in cases of common interment or grave purchase, must be paid against receipt to the Registrar's office.

11.2 Exceptions to 11.1 above are those relating to turfing graves and interments of still-born children, which must be paid to the Curator at the cemetery.

11.3 The fees and charges for any interment are to be paid at the time of giving notice or before the notice is accepted, otherwise the interment will not be permitted.

11.4 All other fees are payable for any work before such work has begun; however, the Corporation will not be responsible for any fees except those received by an for itself, and no payment will be received at the cemetery except as stated in 11.2.

**12. Grave spaces not to be within or near buildings**

12.1 No interment shall be permitted either:

- a) in the cemetery Chapel,
- b) within 12 feet of the walls of such Chapel,
- c) within a like distance from the Curator's lodge, or
- d) within three feet from a boundary wall, fence or hedge

**13. Selection of graves**

13.1 The selection of any grave space or spaces, for purchase for exclusive right of burial, shall be subject to approval by the Corporation and consistent with the plan of the ground.

13.2. The wishes of the applicants for purchase will, in all cases, be met so far as may be deemed practicable.

**14. Register of graves**

14.1 The Registrar shall keep a register of all grave spaces in which shall be recorded:

- (a) name and age of the person buried,
- (b) day and date of burial,
- (c) the depth of every grave

14.2 The register of burials, kept in the office of the Registrar, may be searched between the hours of 10 o' clock in the forenoon and 4 o' clock in the afternoon on every working day.

14.3 Searches may be made upon payment of a fee of **1s** for every search, for a time not exceeding one hour, and certified extracts obtained.

**15. Size and depth of grave space, re-burials and deep common graves**

15.1 The grave space set apart for each adult shall be eight feet long and four feet wide.

15.2 Every grave for first interments shall extend to the depth of at least six feet, but not exceeding eight feet from the surface.

15.3 Subject hereto, the depth shall be at the option of the person at whose instance any grave shall be excavated; in all subsequent cases of interment, the soil shall be excavated to such a depth that the top of the coffin shall not be nearer than three feet from the surface.

15.4 When an unwallled grave shall be opened, a layer of soil not less than one foot thick shall be left undisturbed above the previously buried coffin.

15.5 If, upon re-opening any grave, the soil shall be found to be offensive, such soil shall not be disturbed and in no case shall human remains be removed from the grave.

15.6 The Corporation reserve the right to make deep, common graves and to inter several bodies therein, should the Corporation deem it necessary or desirable.

**16. Construction of vaults and excavating brick graves and vaults**

16.1 Every person who, in any part of a cemetery, causes a vault to be built for use as a burial place, shall cause the vault to be enclosed with walls constructed of good bricks, stone or other hard and suitable material, properly bonded and solidly constructed.

16.2 In the case of brick graves and vaults, the cost of excavating the ground and removing soil shall be defrayed by the purchaser, in addition to fees for the purchase.

16.3 All brick graves and vaults shall be excavated, made and repaired at the expense of the person(s) requiring the same.

**17. Opening of vaults and brick graves**

17.1 Vaults or brick graves shall be opened from the top, unless the ground required for entrance thereto shall have been purchased.

17.2 All walls and arches of vaults shall be at least nine inches thick

17.3 In all cases of vaults and brick graves, there shall not be less than eighteen inches between the top of the bricked grave or vault and the ordinary surface of the ground.

## **18. Turfing graves**

18.1 Every person who arranges, and is permitted, to bury a body in a grave, in any part of a cemetery, shall, as soon as conveniently, after the lapse of such a period as may reasonably suffice for the natural subsidence of the earth used to fill the grave, cause the surface of the grave to be:

- (a) covered with fresh turf or seeded with grass, or
- (b) covered with any gravestone or monument, which in pursuance of a certificate of approval by the Corporation, may lawfully be erected or placed on the grave, or
- (c) planted with shrubs or other suitable vegetation

18.2 Any shrubs or other vegetation approved for coverage of a grave:

- (a) must not be cut or carried away without the prior consent of the Corporation or Curator, and
- (b) the Corporation reserves the right to prune, cut down, dig up or remove at any time any such shrub or vegetation when, in their opinion the same may become unsightly or overgrown, or when necessary for the purpose of allowing another burial.

## **19. Covering coffins**

19.1 Every person who is permitted and arranges to bury a body in a vault or walled grave shall, within a period of twenty-four hours after the deposit in such vault or walled grave of the coffin containing the body, cause the coffin to be wholly covered with slate or slate flagging, not less than two inches in thickness, properly pointed in cement.

## **20. Removal of coffins**

20.1 No coffin shall be removed after interment without the consent of the Corporation being first obtained and in writing.

## **21. Thickness of brickwork graves and outside walls thereof**

21.1 The brickwork of sides and arch of every grave shall be four and a half inches thick, with a sufficient covering stone

21.2 If more than one coffin wide, the centre wall, if built in mortar, shall be at least nine inches thick, or in cement at least four and a half inches thick, which may be carried up as interments take place.

21.3 In brick graves, the brickwork of outside walls shall be carried up to within three feet of the surface of the ground, as each interment takes place.

## **22. Conveyance of materials and control of works**

22.1 All graves will be excavated, opened and filled or covered with soil be Corporation employees.

22.2 Any other works on any grave, vault, monument or memorial shall be performed strictly and entirely under the direction of the Curator.

22.3 Surplus soil excavated from any grave or vault shall be deposited on such part of the cemetery as the Curator may point out or direct.

22.4 Mats, boards or canvas shall be used as directed by the Curator to preserve the grass or roads from injury by any work.

22.5 All grave stones, monuments and memorials shall be conveyed into the cemetery by hand or on suitable trucks, carts, wagons or vehicles.

22.6 No such truck, cart, wagon or vehicle shall be allowed to remain in the cemetery longer than necessary for loading or unloading.

22.7 Should any damage to grass, roads, walks or paths be caused in the course of works connected with any grave or vault owned by any person, that owner shall be responsible for ensuring:

- (a) the ground is filled and made level,
- (b) any damage or injury to the grass, road, walk or path is repaired and made good,
- (c) all rubbish and materials are removed, and
- (d) making good any and all injury or damage, caused in the progress of the works, to any adjacent vault, grave, tomb, memorial stone or any portion of the property of the Corporation.

## **23. Graves Stones or Monuments**

23.1 No grave stone or monument shall be erected except over vaults or graves in which exclusive right of burial is purchased

23.2 All graves stones and monuments shall be of marble or stone, slate or other material approved by the Curator or Corporation.

23.3 The minimum thickness of headstones will be three inches.

23.4 Owners of exclusive rights of burial may place grave stones, kerb stones, monuments, railings, memorials and inscriptions over graves only with the approval of the Corporation.

23.5 Application forms for such approval are available and must be submitted to the office of the Registrar in the Town Hall.

23.6 Only when Corporation approval, and a certificate verifying same, have been obtained may any grave stones, kerb stones, monument, railings, memorial or inscription be fixed or erected or used in any part of the cemetery.

23.7 All brickwork foundations for monuments and headstones, and the re-fixing same upon removal, and the quality of materials shall be subject to approval by the Curator or Corporation.

23.8 No hewing or dressing of stones will be permitted within the cemetery; similar conditions with regard to conveyance upon removal or re-fixing shall apply as given in Regulation 22.7.

23.9 A purchased grave space occupied by a coffin, on which no monument is erected, may be enclosed by a wall not exceeding 12 inches in height or railings not exceeding 20 inches in height.

23.10 Strict restrictions for any such fixings or erections apply in other than the Douglas Borough Cemetery, in that no memorial or headstone may be erected on any grave except a headstone conforming to the approved specification of the Corporation, in respect of content, material and size.

23.11 Other than in the Douglas Borough Cemetery, the surface of the grave shall be covered by turf or seeded with grass and, except for the headstone stipulated in 23.10, no article may be placed nor any tree, shrub, bush or plant may be planted on the grave.

23.12 Except for the provision of a memorial or headstone on a grave space, within these regulations, no person may, without the prior consent of the Corporation, place or fix any memorial, or plant any tree, shrub, bush or other plant in any part of the cemetery.

23.13 The Corporation will only consent to such planting subject to such conditions as it considers appropriate from time to time.

## **24. Cemetery Chapel**

24.1 All monuments or memorials approved for the cemetery Chapel must be such as will accord with the architectural features of the building.

## **25. Identifying numbers on grave or headstone**

25.1 The Corporation reserves the right to themselves placing and continuing on any tomb, monument or stone over a grave, their private mark or reference to every vault or grave.

25.2 Such mark will be at the back of the tomb, monument or stone and shall not be removable by the owner

**26. Neatness, order and decorum**

26.1 Grave spaces, monuments, roads, path, buildings and the whole surface of the cemetery shall be kept in a proper state of neatness.

26.2 Nothing offensive to public decency shall be permitted within the cemetery.

26.3 Visitors are required to keep to the paths and walks, unless visiting a grave, and shall refrain from touching any shrub and flowers and to observe perfect decorum at all times.

26.4 No person shall, unless taking part in any funeral deliver any public address in the cemetery.

26.5 No person shall, in any part of the cemetery, by any violent or indecent behaviour, prevent, interrupt or delay the decent, orderly or solemn burial of any body.

**27. Admission of children**

27.1 Children under twelve years of age shall not be admitted to the cemetery unless accompanied by a responsible person.

**28. Offensive smells**

28.1 In the event of an offensive smell issuing from any corpse or coffin brought into the cemetery for interment, or for any other sufficient cause, it shall be in the power of the Curator to order that such corpse or coffin shall not be brought within the door of the cemetery Chapel.

**29. Roadways for vehicular traffic, horses and animals**

29.1 Only a horse and carriage forming part of, or in connection with, a funeral procession shall be permitted to be ridden, driven, led or brought into a cemetery on the roadway therein.

29.2 Such horse and carriage shall only be permitted to enter as far as the cemetery Chapel.

29.3 No vehicle drawn by a horse, horses or otherwise, within the cemetery, shall be driven, drawn or otherwise propelled quicker than the walking pace of a horse.

29.4 No animal within the cemetery shall be left under any pretence whatsoever without a competent person in charge, and every driver or person in charge of such vehicle or animal shall obey the directions of the Registrar or Curator.