

APPENDIX 3 - MANAGEMENT RULES FOR BURIAL GROUNDS



Argyll & Bute Council Rules for Management of Burial Grounds

(Revised Jan 2023)

Introduction

These management rules are designed to provide a framework whereby the Burial Authority (Argyll & Bute Council), Undertaker and Memorial Mason can work together in order to provide bereavement services.

Rules exist to enable the parties to work harmoniously together in the secure knowledge that the various professions will fulfil their respective duties at a given time.

However, Argyll & Bute Council will not use these rules to prevent a reasonable request from being carried out. For example, Rule 8 requires the appropriate forms to be provided by the Undertaker to the Council three working days before the date of burial.

In some cases, usually for cultural or religious reasons, the burial must be completed within a 24 hour period and Argyll & Bute Council will make every effort to comply with such a request. However, such situations should be viewed as exceptional and under all normal circumstances these Rules will be enforced by the Council.

1. **Authority**

Argyll & Bute Council (hereinafter referred to as 'the Council') hereby make the following regulations for the management of Burial Grounds with Argyll & Bute, by virtue of the: -

Burial Grounds (Scotland) Act 1855
Local Government (Scotland) Act 1894
Local Government (Scotland) Act 1929
Local Government (Scotland) Act 1947
Local Government (Scotland) Act 1973
Local Government (Scotland) Act 1994
Burial and Cremation (Scotland) Act 2016

The term Burial Ground includes graveyards, gardens of remembrance, churchyards (with burial remains), mausoleums and cemeteries.

2 **Area Officer – Roads and Infrastructure Services - RIS**

The management of all Burial Grounds is the responsibility of the Director of Development and Infrastructure Services. The appropriate official within the four geographic areas of the Council is representative of the Council and responsible for all related procedures.

The Senior Admin Officer for the districts within the East and West areas of Argyll and Bute – RIS Management, are provided as alternative contacts.

Helensburgh & Lomond

Crematorium Registrar - RIS

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Tel: 01389 841313

Bute & Cowal

Area Team Leader - RIS

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Argyll House
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Mid Argyll, Kintyre & Islands

Area Team Leader - RIS

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Oban, Lorn & the Isles

Area Team Leader - RIS

Argyll & Bute Council
Jackson's Quarry Depot
Oban
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East

Bute, Cowal & Lomond

Snr. Admin. Officer - RIS

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MAKI & OLI

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Tel: 01631 567817

3. **Sale of Rights of Burial**

- 3.1 On receipt of the appropriate fee the Council will grant the ***exclusive right of burial*** in each lair on the basis that the Lair Holder (the purchaser) agrees to conform to the Council's Rules and Regulations for Cemeteries.
- 3.2 The Council will maintain a Register of the Sale of Rights for Burial, which will record the name and address of the Lair Holder (joint ownership being excluded) and shall issue to the purchaser a ***Certificate of Registration of Sale***, (the Lair Certificate).
- 3.3 The data entered in the Register will provide proof of ownership for the purchaser and their successors in perpetuity, unless the provisions of clause 7 apply, for the exclusive right of burial.
- 3.4 **Lairs can be pre-purchased, unless in particular circumstances, such as section 3.5 below, there are reasons not to allow this. Argyll and Bute Council will guarantee only one coffin funeral per lair.**
- 3.5 **Remaining lair space in any operational cemetery will be considered critical, when the current rate of unrestricted lair sales indicates less than 10 Years until all lairs are sold. In such cases sale of lairs will be restricted to "at point of requirement" for a first interment. There will be no resumption of "pre-purchase" of lairs, until such time, as additional lair space has been developed and made available.**

4. **Transfer of Rights**

- 4.1 The lair holder may not sell or dispose of their ***exclusive right of burial*** except to the Council, who may, in their option, re-purchase the lair at the same price as the original purchase price less a 10% administration fee, provided that no burial shall have been made in the lair or monument erected.
- 4.2 The Lair Holder may, with the consent of the Council, transfer (but not sell) their ***exclusive right of burial*** to a relative, whereupon the record in the register will be amended.

5. **Fees**

The fees and charges to be paid for the interment service will be in accordance with the Council's approved Scale of Charges.

6. **Lost or Defaced Certificate**

Lair Holders are responsible for the safe keeping of the Lair Certificate, which is their proof of the exclusive right of burial for each lair. A lost Lair Certificate cannot be replaced. A letter of comfort may be provided to the Lair Holder if reasonable proof of ownership is given. A defaced certificate may be replaced

if surrendered to the appropriate officer. If, at the time of burial, the Lair Certificate cannot be produced the Indemnity Form on the Notice of Interment Request must be completed and signed.

7. **Forfeiture**

In the event of the Lair not having been used for an interment, or any monument erected, and the lair holder not having claimed the **exclusive right of burial** for a period of 25 years from the date of purchase, then the legislation will allow burial authorities to reclaim that lair, however, Argyll and Bute Council will ensure all attempts are made to contact the lair holder or a representative to establish whether they wish to retain or relinquish the right of lair. **Lairs taken back will be resold as they have not been used for any burial.**

8. **Interments**

8.1 Any lair holder, or agent acting on their behalf, who wishes an interment to take place must apply in writing to the appropriate officer not less than three working days prior to the requested date of interment. The Council officer will issue a **Lair Opening Order**. No interment may proceed until this has been issued.

8.2 The lair holder or agent must present the Lair Certificate at the time of the interment request, or provide an indemnity to the Council.

8.3 Notification by telephone and other approved electronic means may be used to book a funeral. However, any verbal or electronic booking must be confirmed in writing to the appropriate Area Council Officer by 10 a.m. on the next working day. The minimum amount of information required in order for a booking to be accepted is: -

- a. Name of deceased
- b. Coffin size
- c. Name of cemetery
- d. Date and time of burial
- e. Lair number (for second and subsequent burials, i.e. a 're-open')

The interment service is provided between the hours of: -

10:00 to 14:30 Monday to Friday
10:00 to 12:00 Saturday

The interment service will also be provided by special arrangement at other times.

8.4 Argyll and Bute Council will guarantee only one coffin interment per lair. At the time of the first interment, lair holders will be advised of the total number of coffin interments that can take place. This will be either 1, 2 or 3 in total.

- 8.5 The opening and closure of the lair will only be carried out by employees of the Council. The depth of the lair at first opening will not be more than 1.83 metres (six feet).
- 8.6 No coffin shall be interred nearer to the ground surface than 0.76 metres (two feet six inches), measuring from the top of the coffin, unless an arrangement is made for special coverings, for which an additional charge will be made.
- 8.7 The Funeral Director / Undertaker shall be responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the graveside and lower it into the grave. If persons acting on behalf of the Council are asked to assist in these activities, neither they nor the Council shall be responsible for any damage to hearse or coffin. If the Council is unable to provide assistance at any time, this should not be taken as a failing on the part of the Council to properly plan for a service.
- 8.8 Where an existing memorial has to be removed in order to excavate the lair, the Lair Holder will be required to arrange for this to be carried out by using an approved Memorial Mason. (See also clause 10)

9. Register of Burials

- 9.1 The Council will keep the register of Burials, and shall record therein the name and age of the deceased, distinguishing the lair number and section of the cemetery in which the coffin or casket is interred, and the date of burial. The Register will be open to inspection by the public during normal business hours, by appointment, and without any fee being payable for any such inspection.
- 9.2 The Council's representative will, by arrangement, carry out a search of the register on behalf of the enquirer during normal office hours for which a charge will be made. The Council reserves the right to levy an additional charge for complex or lengthy searches. The details contained within the register may at a future date be accessible by electronic means.

10. Monuments (Headstones or similar)

- 10.1 Monuments may be erected by the Lair Holder upon the completion of an application form and the payment of the appropriate fee. While the Council has a model size and style of monument as detailed on the application form, it is open to the Lair Holder to request changes to this. No memorial may be erected until the Council has issued the appropriate permit.
- 10.2 All monuments must be erected in accordance with the Code of Practice of the National Association of Memorial Masons (NAMM), as revised 1 September 2003, subsequently amended, or in accordance with such other equivalent guidance as the Director of Operational Services deems relevant at a later date. Details of the fixing method is shown on the reverse of the application form to erect a headstone, which must be completed, and permission obtained, prior to the erection of a memorial.

- 10.3 One floral container (glass or ceramic is prohibited) or plaque/tablet may be laid at the head of the lair or immediately in front of the memorial headstone. All tributes should be contained within the “memorial border” to the row of headstones (if in place) or should not restrict the grassed area of lairs any farther than 300mm from the face of the headstone.
- 10.4 Beyond this, the laying of kerbs, artificial wreaths, pall stones, globes and the like or the planting of trees, shrubs, bushes or similar planting is generally not permitted and such items will be removed after lair holders have been advised and given 3 months to remove them. The Council reserves the right to cut back or remove any unsuitable material placed on or planted in the lair, where this is considered to disrupt the efficient maintenance of the cemetery or which may interfere with the stability of adjacent memorials, paths or walls.
- 10.4 **Monuments shall be kept in good repair at the expense of the Lair Holder, failing which, the Council will lay flat any unstable monument in the interests of public safety. Where the Council lays flat any memorial in the interests of public safety the Council will seek to notify the Lair Holder but the Council will not be bound to re-erect the memorial. The Lair Holder is advised to avail themselves of appropriate insurance cover in relation to their memorial.**
- 10.5 All surplus material remaining after the erection of a monument (duly sanctioned) must be immediately removed, and any damage to adjoining monuments or lairs made good at the site and under the directions of the Council’s representative, all at the expense of the party executing the work.
- 10.6 The Council reserve the right to remove or make safe railings and fencing features, which were previously permitted. In many cases there date back to Victorian times and due to corrosion are beyond economical repair. Where such features pose a danger to the public the Council reserves the right to remove them.

11. Dressing

All dressing of the turf will be carried out by Council employees and the Lair Holder or their representative may not cut or otherwise interfere with the turf.

12. Visitors and Dogs

- 12.1 Visitors are welcome at all cemeteries providing they recognise the need to behave in an appropriate manner.
- 12.2 An adult must accompany children under the age of 12 years.
- 12.3 Dogs, with the exception of Guide Dogs, are not permitted within any cemetery.
- 12.4 The Council shall have the power to expel from any cemetery any person behaving in a disorderly or unseemly manner.

13. Services

- 13.1 The Council respect the right of individuals and families to arrange services in accordance with the requests of the deceased or their religious or personal beliefs provided that no upset is caused to others in the vicinity.
- 13.2 Where it is known in advance that a large attendance at a funeral is expected prior arrangements should be made with the Council's representative. (for example a military funeral)
- 13.3 Flowers and wreaths may be left at the graveside at the time of burial, which after a reasonable period will be removed by Council employees and disposed of. Only approved monuments may be erected on the lair and no other permanent memorabilia will be permitted. After 3 months' notice to lair holders, any unauthorised items will be removed and stored for collection by lair holders.
- 13.4 Flowers and wreaths will normally be removed two weeks following the interment. Wreaths placed upon lairs at Christmas will be removed no later than 15 January. The Council will exercise discretion when removing floral tributes.

14. Data Protection Act

- 14.1 The information recorded in respect of the deceased, i.e. name, age, occupation, place of death, and burial location is deemed to be in the public domain.
- 14.2 Information recorded in relation to the Lair Holder is subject to the Data Protection Act and will only be used by the Burial Authority or their Agent in relation to the operation of the Burial Service.

15. Alterations to Regulations

The Council reserve the right to alter or cancel all or any of these Regulations and to enact and enforce new or additional Regulations from time to time as appropriate.

As approved by Argyll & Bute Council (Date)

Appendices

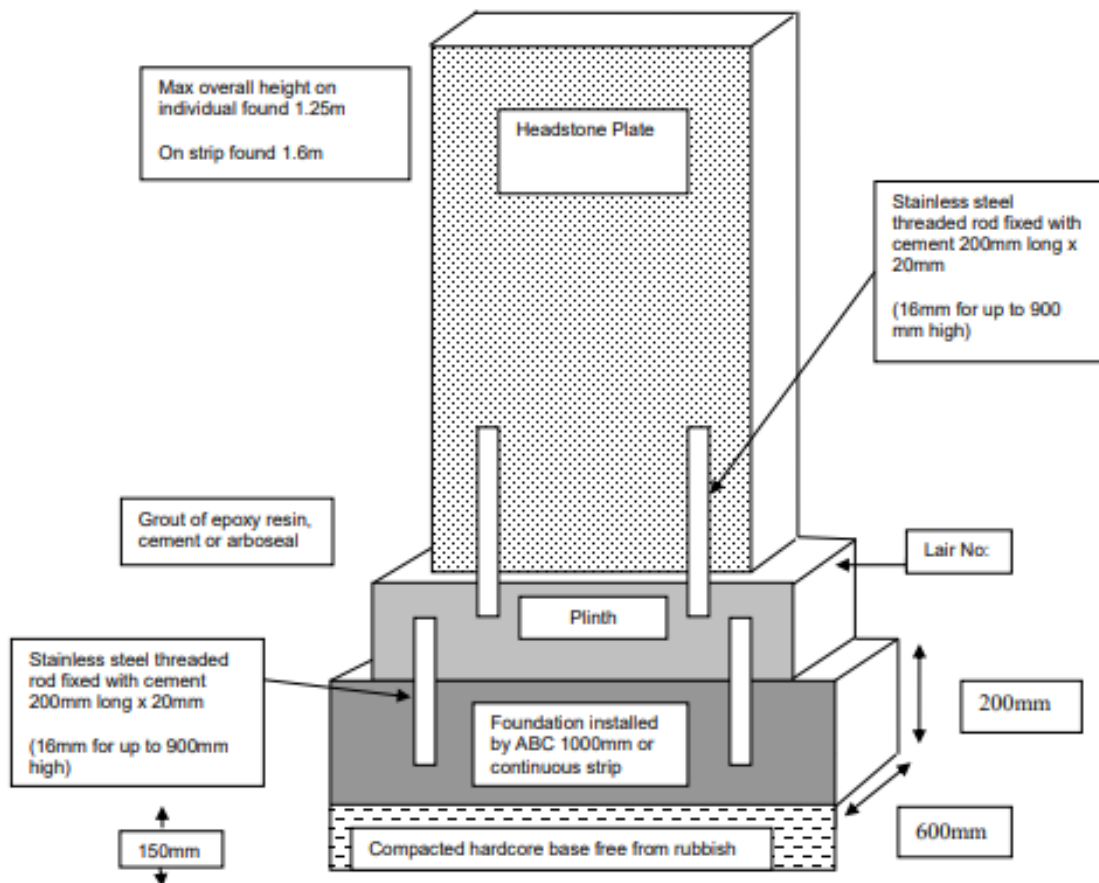
- Appendix – A Headstone Fixing detail
- Appendix – B Memorial Border detail

APPENDIX – A HEADSTONE FIXING DETAIL

ARGYLL AND BUTE COUNCIL

ROADS AND INFRASTRUCTURE SERVICES

Headstone Fixing Detail



June 2021

APPENDIX – B MEMORIAL BORDER DETAIL

Cemetery and Burial Grounds

Standard Detail – Memorial Border details.

Memorial border based on centreline of headstone strip foundation, generally 750 - 900mm either side of a double row of headstones.

Internal footways and memorial borders filled with re-cycled Surface Dressing Chip sweepings or similar.

