



DEVELOPMENT AND INFRASTRUCTURE SERVICES

Management Rules for Burial Grounds

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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.

Argyll & Bute Council will not use these rules to prevent a reasonable request from being carried out.

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

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

2 Area Officer

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.

Bute & Cowal

Amenity Services Technical Officer
Argyll & Bute Council
Milton House
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Mid Argyll, Kintyre & Islay
Amenity Services Technical Officer
Argyll & Bute Council
Manse Brae
Lochgilphead
Argyll PA31 8RT

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Oban, Lorn & the Isles
Amenity Services Technical Officer
Argyll & Bute Council
Millpark Depot
Millpark Road
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Argyll PA34 4NH

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Helensburgh & Lomond
Amenity Services Supervisor
Argyll & Bute Council
Cardross Crematorium
Main Road
Cardross
G84 5HD

Tel: 01389 841313

Or as otherwise determined by Council Management

3. **Sale of Rights of Burial**

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.

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 be issued to the purchaser a ***Certificate of Registration of Sale***, (the Lair Certificate).

4. **Transfer of Rights**

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.

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 for any reason, 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 70 years from the date of purchase, then the right of burial in the lair will cease. **Lairs taken back will be resold as they have not been used for any burial..**

8. **Interments**

Any lair holder, or agent acting on his/her behalf, who wishes an interment to take place should normally 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.

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

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 can also be provided by special arrangement at other times.

There will be a maximum of three interments per lair. However, if ground conditions restrict this to a lesser number, lair owners will be advised at the time of the first interment.

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).

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.

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 clause Ten)

9. **Register of Burials**

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. 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.

10. **Monuments**

Monuments may be erected by the Lair Holder upon the completion of an application form and the payment of the appropriate fee. No memorial will be erected until the Council has issued the appropriate permit.

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.

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. 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 not permitted and such items will be removed after lair holders have been advised and given three months to remove them. The Council reserves the right to cut back or remove any unsuitable material placed on or planted in the lair, or which may interfere with the stability of adjacent memorials, paths or walls.

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. 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.

All memorial works must be approved by area office with time / date of works and relevant lair number at burial site. Inspection of site will be carried out by area Supervisor to ensure compliance. Any 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.

The Council reserve the right to remove or make safe railings, stone copings and fencing features. In many cases these 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**

Visitors are welcome at all cemeteries providing they recognise the need to behave in an appropriate manner.

An adult must accompany children under the age of 12 years.

Dogs must be kept on a lead at all times within a cemetery and clean up after dog rules applied. Waste bins may be used for bagged waste.

The Council shall have the power to expel from any cemetery any person behaving in a disorderly or unseemly manner.

13. **Services**

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 unreasonable upset or disturbance is caused to others in the vicinity.

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)

Flowers and wreaths may be left at the graveside at the time of burial, which after a two week 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 three months' notice to lair holders, any unauthorised items will be removed and stored for collection by lair holders.

Wreaths placed upon lairs at Christmas will be removed no later than 31 January. The Council will exercise discretion when removing floral tributes.

14. **Data Protection Act**

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.

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.