

Management Rules for Burial Grounds



1 Management Rules for Burial Grounds

1.1 In terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 as amended, the Dumfries and Galloway Council (hereinafter referred to as 'the Council') have made Management Rules (herein referred to as "Rules") in relation to their management of public burial grounds in Dumfries and Galloway as follows;

2 Owning a Lair – Conditions of Purchase

2.1 The purchaser (the lairholder) and his legal successors will have exclusive rights of burial within the designated lair (a piece of ground for a burial or burials) or lairs, subject to the following conditions;

2.2 The lairholder will be given a lair certificate describing the lair. The lairholder may also purchase another lair at this time, where available. The Council will fix the price charged for exclusive rights and for issuing and transferring lair certificates and for all burial ground charges.

2.3 Where a lair remains unused after a period of 50 Years, the Council shall reserve the right to re-claim the lair at a cost of 75% of the original purchase price or £100 - whichever is greater.

2.4 Only one person can be recorded as having the exclusive right of burial in a lair. The lairholder has the right of burial for himself, wife, husband, civil partner, children or anyone in his immediate family, subject to the specification of the lair, see below for further information. Others may be buried in the lair only at the request of the owner and with written consent from the Council

2.5 The lairholder cannot transfer the right of burial without an application in writing to the Council. The Council are responsible for the issuing and transferring of lair certificates. The lairholder will not be permitted to sell the right of burial in any lair other than to the Council who may purchase it back at 75% of the original purchase price.

2.6 The lairholder shall be permitted to bequeath the lair to another person. On the death of an intestate lairholder, the right to burial in the lair shall be transferred in the following order; surviving spouse of the lairholder, whom failing, any surviving child of the lairholder – where there is more than one surviving child, the right shall pass to the eldest child – whom failing, any other family member after application by themselves or their representatives to the Council for a decision and any decision made by the Council shall be final. Thereafter the Council will issue a lair certificate entitling the said successor to the right of burial.

3 Lair Specification

3.1 A lair shall be sold to accommodate a minimum of TWO standard size coffin interments (to a maximum of THREE where ground conditions allow).

3.2 No reduction in charges will be made where three interments cannot be accommodated within a lair. In some cases it may be only possible for a lair to be dug to a single coffin depth due to ground conditions. In this eventuality another lair will be made available at no extra charge, and where possible this will be adjacent to the original lair.

3.3 No coffin shall be removed to make room for a new interment.

4 Provision of Coffin Bearers

4.1 The person arranging a funeral shall be responsible for the provision of sufficient bearers to convey the coffin from the hearse to the grave side and for lowering the coffin into the grave.

4.2 If persons acting on behalf of the Council are asked to assist, neither they nor the Council will be held responsible for damage to hearse or coffin, or injury to third parties.

5 Cremation

5.1 The scattering of cremated remains in the open within cemeteries is not permitted. The burial of cremation caskets will be treated as per normal coffin interment.

5.2 Should a lairholder make a specific request for ashes to be scattered on his lair, the Council will accommodate where possible.

5.3 Permission may be granted to scatter ashes in a designated remembrance area if this facility is available within a specific cemetery.

6 Monuments

6.1 No tomb, monument, inscription, rail, fence, chain or other structure shall be permitted to be erected, or placed in the lair space without the written approval of the Council.

6.2 Approved monuments are restricted to gravestones, base slabs and vase blocks, which will be placed on the lair at the direction of the Council. All gravestones and base slabs shall be constructed of natural stone.

6.3 The section and lair number must be cut plainly on the side of the headstone at the expense of the lairholder.

6.4 Approved monuments must be installed by Memorial Masons who are members of the National Association of Memorial Masons (NAMM) and in accordance with the NAMM Code of Working Practice.

6.5 Any other items placed on the lair space, such as teddy bears, vases, wind chimes etc. preventing or limiting maintenance of the lair, or which will prevent the opening of the lair for future interments will not be permitted.

6.6 No planting of any kind is allowed on lair spaces.

6.7 Any such structures or items noted in 6.5 and 6.6 above will be removed by the Council.

6.8 The lairholder will have a period of one calendar month to remove such items following notification by the Council.

6.9 Certain planting of memorial trees and shrubs may be allowed in other parts of cemeteries with the written consent of the Council.

6.10 Hewing or dressing of stones is not permitted in public cemeteries, except for renovation work or adding inscriptions to existing memorials. After the work has been carried out, the site must be left clean and tidy.

6.11 No memorial or part of shall be removed from the ground without written notification to the Council thereof.

6.12 The lairholder must keep tombs, monuments and other erections in good order and repair.

6.13 Where a memorial is found to be in an unsafe condition, the Council reserve the right to make safe and charge the lair holder for any works carried out. The Council may refuse further interments in these lairs until costs incurred have been paid in full.

6.14 The Council will not be held responsible for any claims for damages or injury in connection with any tomb, monument or other erection.

6.15 Memorials are erected at the lairholder's risk. The Council will not be responsible for loss or damage.

7 Memorial Benches

7.1 Relatives may place memorial benches, of a type approved by the Council, within cemeteries where there is sufficient space.

7.2 Location of the benches will be subject to the approval of the Council.

7.3 Responsibility for maintaining a memorial bench will remain with the purchaser.

7.4 The Council reserve the right to remove any memorial bench, which falls in to disrepair and/or is deemed to be unsafe.

8 Maintenance

8.1 The digging and back filling of graves, restoration and maintenance of the surface will be carried out on the instructions of the appropriate Council Officer.

8.2 Wreaths and floral tributes placed on a lair following a funeral will normally be removed by the Council when flowers have withered.

8.3 Where wreaths are placed on lairs at Christmas, these will normally be removed by the Council from the beginning of March.

8.4 Where relatives wish to retain any wreaths, they should be removed from the lair by the end of January.

8.5 Wreaths placed on lairs for Remembrance Day will be removed after a period of two months.

9 Prevention of Anti-social Behaviour

9.1 Cemeteries will be open to the public in accordance with these Rules.

9.2 Council Officers have the power to remove anyone behaving improperly and to prevent people from entering out of hours.

9.3 Visitors to cemeteries should keep to the paths as appropriate and not walk on lair spaces, or damage flowers, shrubs or trees.

9.4 Children should be accompanied by an adult at all times, and behave in a manner appropriate to the location.

9.5 Dogs will be permitted in cemeteries provided they are kept on a lead at all times.

9.6 Dog owners should be aware of the requirements of the Dog Fouling (Scotland) Act 2003, and ensure that any fouling is removed immediately and properly disposed of.

9.7 No drinking of alcohol, taking of illegal substances or any other anti social behaviour, cycling or playing of games, will be permitted in cemeteries.

10 Vehicles

10.1 With the exception of hearses, the taking of vehicles into cemeteries shall be restricted to taking elderly, infirm or disabled relatives to visit graves.

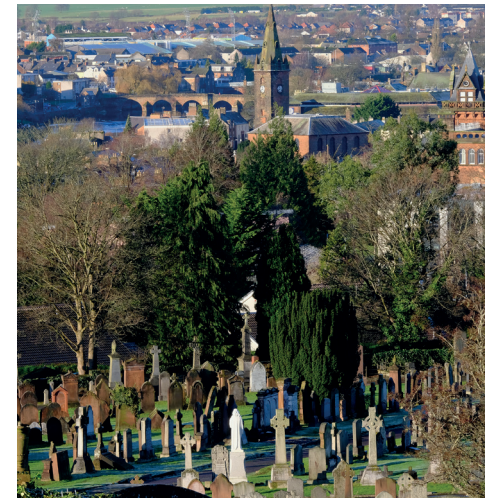
10.2 Essential vehicles shall be driven on roadways only and not across grass areas or graves.

10.3 The Council shall not be held responsible for any damage or loss to vehicles or property left in parking facilities.

11 Interpretation of Rules

11.1 Any difference or dispute arising regarding the meaning or interpretation of these Rules will be decided by the Chief Executive or other such officer of the Council so duly authorised in that regard by the Chief Executive.

11.2 The Council may amend these Rules and make such additional Rules, in accordance with the relevant legislation, as deemed necessary to improve the management of the cemeteries.



Contact Information

For further information on these Burial Ground Rules please call 030 33 33 3000.

If you would like some help understanding this or need it in another format please contact 030 33 33 3000.