

EAST DUNBARTONSHIRE COUNCIL

MANAGEMENT RULES FOR THE REGULATION OF CEMETERIES

East Dunbartonshire Council have made the following rules for the regulation of cemeteries in East Dunbartonshire in terms of section 112 of the Civic Government (Scotland) Act 1982. The rules shall apply to all cemeteries and churchyards under the control of the Council.

1. INTERPRETATION

Throughout these rules;-

- (a) “the Council” means East Dunbartonshire Council and their statutory successors;
- (b) “cemetery” means any cemetery or churchyard under the control of the Council;
- (c) “Appropriate Officer” means the Council officer responsible for the management of cemeteries in East Dunbartonshire.

2. THE EXCLUSIVE RIGHT OF BURIAL

(a) Lairs shall only be sold to residents of East Dunbartonshire. Purchased lairs shall be allocated in rotation at the discretion of the Appropriate Officer or Cemetery Keeper of the Council. Only such lairs as are numbered on the cemetery plans shall be allocated.

(b) Subject to these rules, the purchaser of a lair and his or her successors shall acquire the exclusive right to determine who shall be buried in the lair. The Appropriate Officer shall provide the purchaser with a lair certificate detailing the lair number. A lairholder duly registered in the books of the Council shall have the sole right of permitting the lair to be opened and the production of the lair certificate shall be held as sufficient authority for such opening. Only one person shall be registered as the holder of a lair or lairs, except in the case of trustees. No lairholder shall be entitled to transfer any or all of their lairs during their lifetime without the Council's approval. Notwithstanding this, a lairholder shall be permitted to bequeath the lair to any one member of their family or to any one person who is not a member of their family. However, if a lairholder bequeaths the lair to more than one person the bequest shall be disregarded and the rules as to succession in paragraph (d) below shall apply.

(c) On the death of the lairholder their successor, as ascertained in accordance with paragraph (d) below, shall be entitled, on producing sufficient evidence of their right, to be registered as lairholder in the Council's books. In such cases a memorandum of entry may be endorsed on the original lair certificate or a new certificate issued, but a new lair certificate shall not be issued until the original one is surrendered to the Council or accounted for satisfactorily.

(d) If a lairholder dies and has made no valid bequest of the lair, the lair shall devolve on the lairholder's successors in the following order;- to the widow or widower, whom failing to the lairholder's children, whom failing to the lairholder's grandchildren, whom failing to remoter descendents in order of descent, whom failing to ascendants in order of ascent, whom failing to collaterals and their ascendants and descendents in similar fashion. The party succeeding in the event of there being more than one party in any class of relatives shall be the eldest in each case and the nearer of the classes shall take precedence over the remoter. Adopted children shall succeed in all respects in the same manner as natural children.

(e) The Council shall not be responsible for accepting in good faith the claim of any person to be the legal lairholder, or to have the right of burial in a lair, if it is subsequently ascertained that such a claim is unfounded.

3. FORFEITURE

If there is no interment in or transfer of a lair for a period of forty years the Council may order forfeiture of the right of burial therein after carrying out the following procedure. Notice of intention to order such forfeiture shall be advertised twice in one national newspaper and two local newspapers and a period of twelve months allowed to elapse, whereupon, failing any claimant, the Council may by simple resolution duly minuted declare such right of burial to be forfeited and dispose of the lair anew.

4. INTERMENT ARRANGEMENTS

(a) All interments must be authorised by the Council prior to funeral arrangements being publicly announced.

(b) Notice of interment must be given to the local cemeteries office as early as possible and in any event not less than sixteen working hours notice, excluding Saturdays, Sundays and public holidays, must be given for any proposed interment. Such notice shall state the name, address, age and date of death of the deceased, the deceased's relationship to the lairholder, the deceased's place of residence at the time of death, the day and hour of the interment and any other information deemed necessary by the Council from time to time. Upon checking the lair register the order for digging the grave will then be issued.

(c) No lairholder shall be entitled to have the ground opened to a greater depth than 2.2 metres and no interment shall be made without there being at least 900mm of soil between the ordinary surface of the ground and the upper side of the coffin. In a lair not exceeding 1.8 metres in depth not more than two adult coffins shall be interred and in a lair of 2.2 metres in depth not more than three adult coffins shall be interred. Cremated remains may also be interred in a lair at the discretion of the Appropriate Officer. The digging of the graves and the preparation for the laying of foundations for monuments shall be carried out only by persons authorised by the Council,

(d) The Council shall keep registers in which there shall be entered every interment. The entry for each interment shall specify the lair number, the depth of the grave, the date of interment, the name and age of the person buried and all other requisite particulars.

(e) A plan of the cemetery and a table of interment fees and other charges shall be kept at each local cemeteries office. All fees and charges in connection with interments, lair certificates, etc. shall be acknowledged on official printed receipt forms.

(f) The funeral director 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.

5. AREAS FOR THE INTERMENT OF CREMATED REMAINS

(a) Designated areas for the interment of cremated remains will be provided in some cemeteries. Each lair for this purpose shall be one metre square and be capable of holding six sets of cremated remains. The exclusive right to determine whose ashes shall be interred in such a lair shall be sold to the purchaser along with the right to erect a memorial which shall be restricted to at least 75mm less in width than the width of the lair on which it is to be erected and a maximum height of 900mm. The base of the memorial shall contain a flower vase holder. No other form of memorial, vase or planting shall be allowed on the lair space. The exclusive right to determine whose ashes shall be interred in such a lair shall be sold subject to these rules and in particular the provisions of Rule 2 above.

(b) Application for the interment of cremated remains must be made in accordance with Rule 4 above.

(c) Cremated remains shall not be scattered in any part of a cemetery.

6. MEMORIALS

(a) The erection of memorials will be permitted only on purchased lairs. A lairholder shall be entitled to have a memorial erected but such memorial shall not protrude in any way over that part of the lair to be opened for burial and shall be restricted to at least 75mm less in width than the width of the lair. Wooden crosses, kerbstones, footstones, copes, railings, fences, gravel, cornerstones, etc shall not be permitted. These items, their like, and any other works, erections, obstructions, additions, ornamentation and/or plantings, apart from the memorial described above, the vases described below and any item to which express written consent has been granted in advance by the Council's Appropriate Officer, shall hereinafter be referred to as 'unauthorised memorials'. If the Appropriate Officer, who shall be the sole judge, considers that an unauthorised memorial has been added to a lair, the Council reserves the right to remove it without recourse to the lairholder to ensure Health and Safety for those visiting or working in the cemetery and for the

efficient operation of the cemetery. Without prejudice to this provision, the Council will in all appropriate cases attempt to give the lairholder an opportunity to remedy matters by giving written Notice to the lairholder at his/her last known address requiring removal of the unauthorised memorial. Failing attention to the requirement to remove within 21 days after the written Notice has been given, the Council shall be entitled to arrange removal of the unauthorised memorial at the lairholder's expense. In each case, until the cost of removal is paid, the right to use the lair shall be withheld. Any unauthorised memorial removed in terms of this provision will be placed in storage for the lairholder by the Council for a period of 21 days, but the Council shall not be responsible for any loss or damage to the unauthorised memorial. A number of flower vases shall be allowed on each lair and any such vase shall be placed in the space provided at the head of each lair, i.e. the crownhead or on the base of the memorial subject to the approval of the Appropriate Officer. The Council shall not be responsible for any loss or damage to such vase. Glass or pottery containers shall not be allowed. Under no circumstances will memorials, plantings or any other items be permitted on, or to encroach on, lawn areas or adjacent lair areas and in all cases must be approved by the Appropriate Officer.

(b) The lairholder shall keep the memorial in a proper state of repair, of which the Appropriate Officer shall be the sole judge. Failing attention to this requirement within twenty one days after written notice to the lairholder at their last known address, the Council shall be entitled at the lairholder's expense to either repair the memorial or have it removed and until the cost of such repair or removal is paid the right to use the lair shall be withheld. No planting of any nature (including trees, shrubs, bulbs, herbaceous and annual plants, etc.) shall take place on a lair.

(c) Foundations for all memorials shall be constructed in accordance with such recommendations as may be formulated from time to time by the National Association of Monumental of Monumental Masons.

(d) An application for the erection of a memorial or additional inscription on a memorial must be submitted in writing to the Appropriate Officer and must contain details of the proposed memorial or the proposed additional inscription. The Appropriate Officer shall only approve an application for the erection of a memorial if the proposed memorial complies with the requirements of this rule.

(c) The lairholder shall be responsible for any damage to any memorial on the lair other than damage caused by the Council, or their employees or agents. The lairholder shall free and relieve the Council of any liability arising in connection with damage caused by any memorial on the lair.

(f) The section and number of the lair must be cut plainly upon the side of the memorial at the expense of the person erecting the memorial.

(g) No memorial or part thereof shall be removed from a cemetery without prior notification to the Council.

(h) No work or operation of any kind shall be permitted on a lair without the approval of the Appropriate Officer who must be satisfied that the lairholder's authority has been obtained before the work or operation commences.

7. GENERAL

(a) A cemetery shall be open to the public during such hours as may be agreed by the Council from time to time and intimated by notices displayed at or near the principal entrances. The Council may by notice placed at or near the place to which it refers close any part of a cemetery to the public for such period of time as they consider necessary.

(b) No person shall enter or leave any cemetery except by the entrances and exits provided for that purpose.

(c) No person shall enter or wilfully remain in a cemetery except during the hours it is open to the public.

(d) Children under sixteen years of age must be accompanied by a person over eighteen years of age whilst in any cemetery.

(e) Except for guide dogs, no dogs shall be admitted to any cemetery.

(f) Memorial wreaths shall be removed from lairs at the discretion of the Appropriate Officer.

8. VEHICLES

Car parking facilities provided by the Council for the convenience of patrons shall only be available to patrons during such times as they are using the facilities of the cemetery. Whilst vehicles are in the cemetery grounds the directions of the Appropriate Officer or the Cemetery Keeper must be followed and all vehicles within the cemetery grounds must be driven at a reasonable speed and with due care and attention. The Council shall not be responsible for any damage to vehicles or other property left in the car parking facilities, however such damage may be caused.

Vehicles conveying memorials or goods into the cemetery grounds will be allowed access only with the consent of the Appropriate Officer or Cemetery Keeper. The person or persons in charge of such a vehicle must comply with the directions of the Appropriate Officer or Cemetery Keeper as to the route to be followed within the grounds.

9. PREVENTION OF NUISANCE

No person shall whilst in a cemetery;-

(a) use any profane or offensive language or behave in an offensive, disorderly or insulting manner;

(b) wilfully or carelessly obstruct, disturb or interrupt any officer or employee of the Council in the exercise of their duties or in the execution of any work associated therewith;

(c) wilfully or improperly interfere with any other person using the facilities provided by the Council or behave in such a manner as to endanger their own or other persons' safety;

- (d) play music on a portable radio or other similar appliance to the annoyance of any other person using the facilities provided by the Council;
- (e) disobey any proper instructions given by any member of the cemetery staff to ensure the safety and comfort of all persons using the cemetery
- (f) bring into a cemetery any object or objects considered dangerous by any member of the cemetery staff;
- (g) climb any tree, shrub, wall, fence, railing, monument, fountain, statue, building or other structure;
- (h) enter or use any toilet or use any of the facilities reserved or appropriated by the Council for use by the opposite sex, provided that nothing in this rule shall prevent a child under eight years of age from using facilities provided for the opposite sex whilst accompanied by an adult of that sex.
- (i) wilfully or carelessly break, damage, deface, disfigure, tamper with or improperly soil any tree, shrub, wall, fence, railing, monument, fountain, statue, building or other structure;
- (j) wilfully or carelessly damage, destroy or improperly soil any article supplied for use by the Council;
- (k) retain or remove any article supplied for use by the Council after the purpose for which the same was issued has been served.

10. ARBITRATION

Any difference or dispute arising as to the true intent, meaning or interpretation of these rules or the table of fees and charges shall be taken up and disposed of by the Appropriate Officer whose decision shall be final.

11. ALTERATION OF RULES

The Council shall be entitled to alter these Rules or any part of them from time to time as they see fit and make and enforce such other rules as they consider necessary for the proper or better management of the cemeteries.

12. PENALTIES

- (a) If an authorised officer of the Council has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these rules he may expel that person from the cemetery.

(b) If an authorised officer of the Council has reasonable grounds for believing that a person is about to contravene any of these rules he may exclude that person from the cemetery.

(c) The Council may decide that a person who has persistently contravened or attempted to contravene these rules and is, in their opinion, likely to contravene them again shall be made subject to an exclusion order. An exclusion order shall have effect for such period not exceeding one year as the Council may determine and the Council may at any time reduce the period of, or revoke, an exclusion order made by them.

(d) Any person who:-

- (i) on being required to leave any cemetery by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these rules, fails to leave;
- (ii) on being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any of these Rules that he is excluded from any cemetery, enters or attempts to enter the cemetery; or
- (iii) being a person subject to an exclusion order enters or attempts to enter the cemetery to which the exclusions order relates

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50

Made by East Dunbartonshire Council on the Eighth day of April Nineteen hundred and ninety eight.

