



ENVIRONMENT & INFRASTRUCTURE

RULES

**FOR THE MANAGEMENT OF CEMETERIES AND CHURCHYARDS UNDER THE
CONTROL OF RENFREWSHIRE COUNCIL**

RENFREWSHIRE COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
MANAGEMENT RULES REGULATING CEMETERIES AND CHURCHYARDS UNDER THE CONTROL
OF RENFREWSHIRE COUNCIL

By virtue, and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, The Renfrewshire Council (hereinafter referred to as “the Council”) makes the following rules and regulations for the management of cemeteries and churchyards in the Renfrewshire area.

1. Interpretation and Citation

1.1 These Management Rules may be cited as the “Management Rules Regulating Cemeteries and Churchyards under the Control of Renfrewshire Council”.

1.2 In these Rules the following terms shall have the following meanings –

1.2.1 “**2016 Act**” means the Burial and Cremation (Scotland) Act 2016;

1.2.2 “**Authorised Officer**” means a person who is authorised by the Council to act in matters arising under the enforcement of these Rules;

1.2.3 “**Burial Authority**” has the meaning given by section 2 of the 2016 Act;

1.2.4 “**Cemetery**” means burial ground as defined by section 1 of the 2016 Act;

1.2.5 “**Council**” means The Renfrewshire Council, a Local Authority established under and in terms of the Local Government etc. (Scotland) Act 1994;

1.2.6 “**Exclusion Order**” means an exclusion Order made in terms of section 117 of the Civic Government (Scotland) Act 1982

1.2.7 “**Fee Table**” means a table of fees relating to the use of a Cemetery which are determined by the Council from time to time and published on the Council’s website.

1.2.8 “**Lair**” means a defined plot of land within a Cemetery in which human remains are or can be interred;

1.2.9 “**Lair Certificate**” means the certificate of the exclusive Right of Burial issued to the Lair holder by the Council;

1.2.10 “**Lair Holder**” means the individual or Trustee in whom the Right of Burial vests;

1.2.11 “**Register of Lair Holders**” means the Register the Council is required to maintain by virtue of section 17 of the 2003 Act;

1.2.12 “**Right of Burial**” means, subject to any rule of law or provision within these Rules:

(a) a right to be buried in a Lair; and

(b) a right to determine whose remains may be buried in the lair;

1.2.13 “**Rules**” means the Management Rules Regulating Cemeteries and Churchyards under the Control of Renfrewshire Council;

1.2.14 “**Woodland Burial Lair**” are Lairs designated as such within Lochwinnoch Cemetery.

1.3 In these Rules unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting gender shall include all genders.

2. Application of the Rules

2.1 These Rules apply to Cemeteries for which the Council is the Burial Authority.

2.2 The Council shall be at liberty to alter these Rules or any part of them, from time to time, as they may see fit.

2.3 These Rules supersede and revoke all previous Council management rules and supplementary management rules insofar as they relate to the management of Cemeteries for which the Council is the Burial Authority.

3. Right of Burial

3.1 Any person aged 18 or over may apply to the Council to purchase an exclusive Right of Burial in a Lair. The Council reserves the right to refuse an application unless it is prohibited to do so by law. A successful applicant shall be granted an exclusive Right of Burial in a Lair upon payment of the appropriate fee within the Fee Table. The Council shall record the sale of a Right of Burial in the Register of Lair Holders together with the name and address of the person in whom the Right of Burial vests, the date of sale of the Right of Burial and the Lair to which the Right of Burial relates. The Council will thereafter issue a Lair Certificate to the Lair Holder.

3.2 An application to purchase a Right of Burial in a Lair may only be made when the Lair to which the Right of Burial relates is to be used for a prearranged funeral. Accordingly, a Right of Burial may only be purchase at the time of booking a funeral.

3.3 A Right of Burial is limited to the rights set out in Rule 1.2.12 above and is subject to and must be exercised in accordance with the provisions of these Rules. A Right of Burial does not include a right of ownership in the ground in which the Lair is located.

3.4 Only one person shall be registered as a Lair Holder, except in the case of a trustee. Only the Lair Holder may exercise the Right of Burial in respect of the Lair to which it relates.

3.5 No individual shall hold a Right of Burial in more than three Lairs.

3.6 The location of a Lair in which a Right of Burial is purchased shall be determined by the Council.

4. Succession and Transfer of the Right of Burial

4.1 Only a spouse or civil partner of a Lair Holder shall be entitled to have the Right of Burial transferred to them following the death of the Lair Holder. The Lair Holder may, with the consent of the Council, transfer (but not sell) their Right of Burial to a relative. The Council shall, after approving a request to transfer a Right of Burial, record the date of transfer of the Right of Burial in the Register of Lair Holders together with the name and address of the person in whom the Right of Burial has been transferred to and in whom such right now vests. The Council shall thereafter issue a new Lair Certificate but only after the existing Lair Certificate has been returned to the Council and after payment of the appropriate fee within the Fee Table.

5. Notice of Interment

5.1 Notice of interment in respect of new unopened Lairs and must be given to the Council no later than 2 days prior to the funeral. Notice of re-opening Lairs for coffin interments must be given to the Council no later than 10:00am, 4 days prior to the funeral. Notice for the interment of cremated remains must be given 2 days prior to the funeral. Notice shall be given by submitting to the Council a completed:

5.1.1 Interment Confirmation Form, and

5.1.2 Authority to Open Lair for Interment Form.

5.2 Funeral directors are responsible for the provision of enough bearers to convey the coffin from the hearse to the graveside. If persons acting on behalf of the Council are required to assist, neither they nor the Council will be held accountable for any damage caused in the course of that assistance including but not limited to damage to hearses or coffins.

6. Lairs

6.1 A Right of Burial in a Lair entitles the Lair Holder to inter one coffin only within that Lair, however, the Lair holder will be permitted to inter further coffins within that Lair up to the total number permissible under Rule 6.2.

6.2 The total number of coffins that can be interred within a Lair shall be determined as follows:

6.2.1 no Lair shall contain more than three coffins;

6.2.2 no given Lair shall contain more coffins than that specified by the council;

6.2.3 no Lair shall contain more coffins than the physical characteristics of the Lair permits which are:

6.2.3.1 a Lair extends to a depth to which excavation is reasonably practical, which is determined by the Council after taking account of the soil structure and ground conditions of the Lair plot, but shall be no deeper than 2438mm below the ordinary surface of the ground;

6.2.3.2 there must be at least 910mm of soil between the ordinary surface of the ground and the upper surface of a coffin; and

6.2.3.3 a Lair extends to a length of 2700mm and a width of 1200mm;

6.2.4 where the Lair is a Woodland Burial Lair, no more than one interment may take place within that Lair; and

6.2.5 any other provision within these Rules or any other rule of law which specifies the number of interments permissible within a Lair.

6.3 No interments of any kind are permitted on or above a Lair.

6.4 No coffin exceeding a maximum length of 2010mm or a maximum width of 770mm shall be permitted to be interred within an individual Lair. Interment of a coffin exceeding such dimensions will only be permitted within an area of ground comprising of two adjacent Lairs in which the Lair Holder has a Right of Burial in both.

6.5 A Right of Burial in a Lair entitles the Lair Holder to inter cremated remains within that Lair unless expressly disallowed. All cremated remains to be interred within a Lair must be contained within an urn or casket. Urns and caskets must be interred in a standing position. No cremated remains are to be scattered in any part of a Cemetery.

6.6 The Council will be able to provide an estimation of the total number of interments possible within a given Lair only after it has been opened for the first time. Any estimation provided by virtue of this Rule does not constitute a guarantee as to the actual number of interments permissible within a Lair. Where the maximum depth of a Lair is found to be less than 2290mm the Lair Holder will be notified of such.

6.7 On completion of a burial within a Woodland Burial Lair a memorial tree may be planted at the head of the Lair at a time of the year deemed appropriate by the Council. All memorial trees are to be species of trees indigenous to Scotland. The Council may upon request by the Lair Holder supply and plant a tree upon the Lair. The Lair Holder may make their own arrangements for the

planting of a tree, but this will be subject to approval by the Council. No monument or memorial may be placed upon a Woodland Burial Lair. A small memorial plaque may be placed on the Memorial Wall within Lochwinnoch Cemetery, but this will be subject to approval by the Council.

- 6.8 A designated area for the communal interment of stillborn babies and non-viable fetuses is provided within Hawkhead Cemetery. There is no exclusive Right of Burial for communal graves. Application for the interment of stillborn babies or non-viable fetuses for interment within the children and baby section must be made by giving 2 days notice in the manner prescribed by Rule 5.1. The parents of a stillborn baby or non-viable fetus interred within the children and baby section may place one inscribed vase at the end of the row of memorials to the rear of the Lairs. The Council reserves the right to remove any unauthorised memorabilia it considers excessive or unsightly.
- 6.9 The digging of graves shall be done by officers of the Council only. When opening a Lair for burial the Council may place any equipment and the soil from that Lair onto an adjacent Lair until the opened Lair has been backfilled. The Council will issue a letter to the registered address of any Lair Holder so affected by this provision to advise them of such.
- 6.10 No work or operation of any kind shall be permitted on or within a Lair without the prior approval of the Council.
- 6.11 All grounds maintenance of Lairs shall be carried out by the Council only.

7. Memorials and Monuments

- 7.1 A Lair Holder shall, subject to any other provision within these Rules, be entitled to erect a monument on the ground of the Lair to which the Right of Burial relates. No monument shall protrude in any way over the part of the Lair that is to be opened for burial. The maximum permitted height for any new monument is 1524mm. There shall be a minimum of 50mm clearance on either side of the monument to the edge of the Lair. The design of and inscription upon all new monuments must be submitted to and approved by the Council prior to their erection. The Lair number and section must be cut into the surface on the bottom left of all new monuments in lettering of 25mm in font size. No other form of identification markings such as painting or adhesive will be acceptable. All memorials must be constructed and erected in accordance with Codes of Practice or other guidelines issued by the National Association of Memorial Masons. No work of any kind shall be permitted within a Cemetery without the authorisation of the Council which must be satisfied that the authority of the Lair Holder has been obtained before authorising any work to proceed.
- 7.2 Any flower vases or other such memorabilia shall be placed in the space provided at the head of each Lair. No other objects shall be permitted to be placed on a Lair including but not limited to wooden crosses, kerbs, copes, railings, fences, gravel and corner stones. Any item going beyond that permitted by this Rule, including items encroaching onto adjacent Lairs, shall be removed at the sole discretion of the Council.
- 7.3 Memorial wreaths shall be removed at the sole discretion of the Council.
- 7.4 The Lair Holder shall be liable for any damage caused by a memorial or monument upon the Lair in which they hold a Right of Burial. The Council shall not be liable for any damage caused to a Lair or structure thereon however such damage was caused.

- 7.5 The Lair Holder shall ensure that any structures or memorabilia placed upon the Lair in which they hold the Right of Burial shall be maintained to a proper standard of which the Council shall be the sole judge. Should the Council deem that a Lair has fallen below the proper standard it shall give written notice to the Lair Holder requiring it be brought back up to the required standard within a period of time the Council considers appropriate but no sooner than 21 days. Should the Lair Holder fail to adhere to the terms of the notice, the Council shall be entitled to carry out work as it considers necessary to bring the Lair up to a proper standard and may recover from the Lair Holder any expenses reasonably incurred by it in doing so.
- 7.6 Where the Council considers any structure upon a Lair to be an immediate risk of danger to the public, it will take reasonable action to remove that danger without first giving notice to the Lair Holder. Such action may include laying the structure flat or removing the structure completely and the Council may recover from the Lair Holder any expenses reasonably incurred by it in doing so. The council will thereafter seek to notify the Lair Holder of the action taken.
- 7.7 No plant, tree or vegetation of any kind may be planted on a Lair without the express consent of the council. Any unauthorised plant, tree or vegetation found growing on a Lair may be removed by the Council without notice.
- 7.8 Where a structure on a Lair requires to be moved for the purpose of opening that Lair for burial, the expense of doing so shall be borne by the Lair Holder.
- 7.9 Where a sum becomes due to the Council by virtue of Rule 7, no interment shall be permitted within the Lair to which the sum relates until such sum has been settled in full.

8. Prevention of Nuisance

8.1 While in a Cemetery no person shall:

- 8.1.1 use language or behave in a way that is offensive, disruptive or insulting;
- 8.1.2 wilfully or carelessly obstruct or disturb any officer or servant of the Council in their duties or in the execution of any work associated therewith;
- 8.1.3 wilfully or improperly interfere with any other person using facilities within any Cemetery;
- 8.1.4 behave in such a manner as to endanger their own or other persons safety;
- 8.1.5 disobey reasonable instructions given by Council staff to ensure the safety and comfort of all persons within the Cemetery;
- 8.1.6 carry an object or objects which are considered by Council staff to be dangerous;
- 8.1.7 climb upon any tree, shrub, wall, fence or railing, or upon any monument, fountain, statue, building or other erection; and
- 8.1.8 wilfully or carelessly break, damage, deface, disfigure, tamper with any shrub, wall, fence, railing, monument, fountain, statue, building or other structure.

9. Miscellaneous

- 9.1 The Council may prohibit access to all or part of a Cemetery when it considers it necessary to do so. This may be on a temporary basis or by way of proscribed opening and closing times. The Council will endeavour to place a notice in the vicinity of the area where access is to be prohibited detailing the extent and duration of the prohibition.
- 9.2 No persons shall enter or wilfully remain within an area where access has been prohibited by virtue of Rule 9.
- 9.3 No person shall enter or leave a Cemetery except by the entrances and exits provided for that purpose.
- 9.4 Children under 12 years of age must be accompanied by an adult while in a Cemetery.
- 9.5 Dogs are permitted within a Cemetery but must be kept on a lead at all times which shall be no greater than 2 meters in length. Dog foul must be removed and disposed of appropriately by the person in control of the dog responsible for such fouling.
- 9.6 Car parking facilities provided at a Cemetery by the Council are for the convenience of patrons and shall only be available during such times as have been specified by the Council. The Council shall not be held responsible for any damage to vehicles, or other property left in the car parking facilities however such damage may be caused.
- 9.7 All vehicles must remain on the roadway at all times unless express permission is granted by the Council. No vehicle may be driven at a speed exceeding 5 miles per hour and must be driven with due care and attention.
- 9.8 Should any difference or dispute arise as to the interpretation of these Rules, the Council reserves the right to re-consider its position but the decision of the Council shall be final.

10. Enforcement

The following provisions apply to a contravention by any person of the foregoing Rules:

- 10.1 Should an Authorised Officer of the Council have reasonable grounds to believe that person has contravened, is contravening or is about to contravene any of the foregoing Rules, that officer may expel that person from the Cemetery. Any person, who fails to leave the Cemetery on being so expelled, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- 10.2 Should an Authorised Officer of the Council have reasonable grounds to believe that a person is about to contravene the foregoing Rules, that officer may exclude that person from the Cemetery. Any person who, on being informed by an Authorised Officer of the Council that he is excluded from the Cemetery, enters or attempts to enter the Cemetery shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- 10.3 Where a person has contravened or attempted to contravene any of these Rules and is, in the Council's opinion, likely to contravene them again the Council may make that person the subject

of an Exclusion Order. Such an order may remain in effect for a period no longer than one year from the date of its creation. Any person who, being a person subject to an Exclusion Order, enters or attempts to enter a Cemetery to which the exclusion order relates, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.