

**ABERDEEN CITY COUNCIL
(CEMETERIES AND BURIAL GROUNDS)
MANAGEMENT RULES 2008**

Aberdeen City Council (hereinafter referred to as “the Council”) in exercise of the powers conferred on them by Section 112 of The Civic Government (Scotland) Act 1982 hereby make the following Management Rules which shall apply to all cemeteries and burial grounds under the control of the Council.

1. INTERPRETATION

In these Rules “**the Certificate**” means the Certificate of Right of Burial granted by the Council, or its predecessors in title as proprietors of the cemetery; “**the owner**” means the person to whom the Certificate is granted and his heirs; “**the lair**” means the piece of ground the exclusive right of burial in which is granted by the Certificate; “**Council**” includes any authorised Council employee; and “**Bereavement Services Manager**” means the Officer authorised by the council to act as Registrar of Burials and Cremations, formerly known as the Assistant Registrar (Bereavement Services).

2. THE EXCLUSIVE RIGHT OF BURIAL

2.1 The exclusive right of burial in a lair will, subject to these Rules, be secured to the purchaser and his or her successors. The Bereavement Services Manager shall furnish the purchaser with a Lair Certificate describing the lair. A lairholder duly registered in the books of the Council shall have exclusive right of permitting the lair to be opened and the production of the Certificate will be held as sufficient authority. One person only 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 without the sanction of the Council. The Bereavement Services Manager may on application and after due enquiry, issue a duplicate Certificate in the name of the registered lairholder as indicated in the Council’s books on such terms and conditions as seem appropriate.

2.2 On the death of the lairholder, notwithstanding the place of his domicile at his or her death, the right of succession to the lair will be governed by the law of Scotland. The lair is capable of bequest, subject to the proviso that if more than one beneficiary is entitled to claim in terms of the Will, the executors appointed thereunder or in the absence of any executors, the beneficiaries shall nominate one of their number as the lairholder.

In the event that the lairholder dies intestate, the lair forms part of the estate of the lairholder and falls to be distributed in accordance with the terms of Succession (Scotland) Act 1964 as amended and all relevant regulations made thereunder.

The transfer shall be made by an appropriate entry in the Council’s books. A memorandum of the transfer may be endorsed upon the lair certificate. The

entry in the Council's books shall be conclusive as to the ownership of the right of burial.

- 2.3 The owner shall not be entitled to sell the right granted by the Certificate except to the Council at the current rate.
- 2.4 No heir of the owner or transferee shall have any right or interest in the lair, or liberty to use the same until evidence of title is exhibited to the Council and all purchase and burial dues have been paid.
- 2.5 The person instructing the burial is personally liable for all burial dues and fees.

3. NOTICE OF BURIAL

- 3.1 Notice of an interment, whether of coffin or of cremated remains, must be given to the Bereavement Services Manager on the approved form to allow not less than 2 clear working days between the receipt of the notification following the production of satisfactory evidence of title to the lair and the burial. If the applicant wishes to choose a new lair, the 2 clear working days will commence from the time of choosing the lair. A Saturday may count as a working day on a weekend of a Public Holiday, but not otherwise. The necessary order for digging the grave will then be issued on payment of charges. No interment shall take place out with normal hours unless in the case of urgency and then only with the consent of the Bereavement Services Manager.
- 3.2 All burials must be authorised by the Bereavement Services Manager prior to funeral arrangements being publicly announced.
- 3.3 Arrangements for burials can be made during normal office hours within the Bereavement Services Manager's Office. No arrangements can be made directly with the Cemetery staff.
- 3.4 If the Certificate of Right of Burial cannot be produced, the Bereavement Services Manager will require that an Indemnity Form be completed by the member of the family or executor arranging the burial.
- 3.5 Application for the interment of cremated remains must be made to the Bereavement Services Manager and the same information supplied as in the case of the burial of a coffin.
- 3.6 If the Certificate of Right of Burial cannot be produced, the Bereavement Services Manager may in his or her sole discretion allow the burial to take place on such terms and conditions as may seem appropriate, including the provision of indemnities and/or caution by the person instructing the burial and no liability shall be incurred by the Council, its Officers, or employees whatsoever.

4. BURIALS

- 4.1** No owner shall be entitled to have the lair opened to a greater depth than 2.14 metres (7 feet) and no burial shall be made without there being at least 0.76 metres (2 feet 6 inches) of soil between the surface of the ground and the coffin.
- 4.2** Only three adult burials will be permitted in each lair, although cremation caskets may also be interred in the lair.
- 4.3** The Council alone have power to declare a lair to be full. No further burials shall be permitted in any such lair so declared to be full.
- 4.4** The digging of graves, the infilling of graves and the preparing for the laying of foundations for monuments shall be effected by the employees of the Council only.
- 4.5** Memorial wreaths shall be removed at such time as the Council in its discretion considers appropriate.
- 4.6** No burials will be permitted where the body has not been placed in a coffin.
- 4.7** The Council may, but only where necessary for good working practice and the health and safety of grounds staff, require to site a box containing soil from an adjacent grave on top of a lair. This procedure will be carried out in a manner which protects the lair on which the box is laid and that lair will be returned to its previous condition with all due respect and care as soon as reasonably practicable after completion of the burial in the adjacent grave.

5. BURIALS OF CREMATED REMAINS

- 5.1** Cremated remains may not be scattered in any part of a cemetery or burial ground.
- 5.2** No cremation caskets may be interred in a lair without there being at least 0.76 metres (2 feet 6 inches) of soil between the surface of the ground and the casket.
- 5.3** Only two cremation caskets may be interred in a lair which is identified on the Certificate as a "casket lair". The Bereavement Services Manager may in his or her sole discretion allow additional interments to take place in the casket lair.
- 5.4** The Council alone have the power to declare a casket lair to be full. No further burials shall be permitted in any such lair so declared to be full.

6. MONUMENTS

6.1 A lairholder shall be entitled to have a headstone or other monument erected but such monument shall not protrude in any way over that part of the lair to be opened for burial. No erection of or inscription on any monument shall be permitted until approved by the Bereavement Services Manager to whom a specific written statement, with a drawing of what is proposed, shall be submitted. Kerbs, copes, cornerstones, fences around the lair, etc shall not be permitted. Monuments may be erected only at such times as are permitted by the Cemetery staff. Erection of all monuments is subject to registration in accordance with Rule 6.3. The lairholder is liable for the risks of any damage by or to any monument on the lair, and for all reasonable costs incurred by the Council in removing and returning to the lairholder any monument not authorised in accordance with this Rule 6.

6.2 All monuments shall be fixed in accordance with the National Association of Monumental Masons' Codes of Practices and appendices thereto.

6.3 No monument shall be erected or worked on within a Cemetery or Burial Ground except by a mason who is able to satisfy the Council that they:

- (i) are covered by public liability insurance to a value of not less than £5 million;
- (ii) are qualified in monumental mason work to a recognised national standard;
- (iii) are suitably experienced to carry out monumental mason work safely and to the standard expected of a competent worker in that trade;
- (iv) have received and understand these Management Rules;
- (v) will comply with the National Association of Monumental Masons' Code of Practice or a comparable equivalent standard;
- (vi) have not been barred from working in a local authority cemetery or burial ground anywhere in the United Kingdom within the two years prior to application.

The Council may introduce a detailed Memorial Mason Registration Scheme which shall contain such reasonable conditions as the Council may determine. On the coming into force of such a Registration Scheme no monument shall be erected or worked on within a Cemetery or Burial Ground except by a mason registered under the Scheme.

6.4 The Section and Number of the lair shall be cut on the side of the monument at the expense of the lairholder.

6.5 The maximum dimensions of a monument on a casket lair shall not exceed 0.91 metres (3 feet) high and 0.61 metres (2 feet) wide.

6.6 The lairholder shall maintain monuments in a neat, safe and proper condition of which the Bereavement Services Manager shall be the sole judge. Failing attention to this requirement within fourteen days after written notice to the lairholder at their last known address the Council shall be entitled, at the lairholder's expense either to repair the monuments or to cause to have them

moved and until the cost of such repairs or removal is paid the right to use the lair shall be withheld.

- 6.7** Nothing shall be planted on a lair without the consent of the Bereavement Services Manager. In granting such permission, the Bereavement Services Manager will take into account the type of plant and its location. Any plant or bush planted without permission, if considered unsuitable, may be removed by the Cemetery staff. The Council will not be responsible for the maintenance of any plants or shrubs.
- 6.8** Lairholders may, where practicable, be permitted by the Bereavement Services Manager to place one vase or suitable container for flowers in the headground to the grave, in addition to any permitted mementos (see 6.9 below). Such container will be of stone or metal and any containers constructed of a material considered to be unsuitable may be removed immediately by the Cemetery staff.
- 6.9** For Health and Safety reasons, any vase or memento (e.g. toys, photographs, etc.) placed in the head ground of a lair must be at least 75mm (3 inches) from the grassed edge to allow for ground maintenance (this includes pebbles/gravel etc.).
No glass, mesh/netting, food, drink or any noise emitting items (e.g. wind chimes) will be allowed. **These will be removed immediately and without prior notice by the Cemetery staff.**

7. PREVENTION OF NUISANCE

- 7.1** Visitors must not pull flowers, or in any way damage shrubs or trees.
- 7.2** The Bereavement Services Manager or other person in charge for the time being shall be entitled to remove any person inebriated or who may conduct himself improperly or who may cause damage.
- 7.3** No dogs shall be admitted except for Guide Dogs for the Blind.
- 7.4** No person within a Cemetery or Burial Ground shall feed birds or animals by hand or any other means, or throw, place or otherwise deposit or leave any foodstuff or other edible matter.

8. GENERAL

- 8.1** The Council will keep Registers in which will be entered every burial specifying the lair, the depth of the grave, the date of the burial, the name and age of the person buried and all other necessary information.
- 8.2** The Burial Grounds shall be opened to the public daily, during such hours and subject to restrictions as the Council may fix.

- 8.3** Children under 12 years of age must be accompanied by their parents or guardians.
- 8.4** Car parking facilities provided by the Council shall only be used by persons visiting that Cemetery or Burial Ground either:
- (i) on the Council's business; or
 - (ii) to attend an interment; or
 - (iii) to visit a grave.
- 8.5** The Council shall be at liberty to alter these Rules from time to time as they may see fit and make and enforce such others as they may consider appropriate for the proper or better management of the cemeteries.
- 8.6** The Council shall be at liberty to alter the charges made for burials and allied services from time to time.
- 8.7** These Management Rules shall be cited as Aberdeen City Council (Cemeteries and Burial Grounds) Management Rules 2008.
- 8.8** These Management Rules shall come into force on the date of their execution and shall remain in force for a period of 10 years thereafter unless earlier revoked or amended.
- 8.9** The Aberdeen City Council (Cemeteries and Burial Grounds) Management Rules 2005, made by the Council on 29 April 2005, are hereby revoked.

JANE MACEACHRAN

**City Solicitor (a proper officer for
the purposes of Section 112 of the
Civic Government (Scotland) Act
1982)**

1 August 2008