

GLASGOW CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MANAGEMENT RULES REGULATING CEMETERIES AND CHURCHYARDS UNDER THE CONTROL OF THE COUNCIL

Consultation Document

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for Cemeteries

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MANAGEMENT RULES REGULATING CEMETERIES AND CHURCHYARDS UNDER THE CONTROL OF THE COUNCIL

GLASGOW CITY COUNCIL (hereinafter referred to as "the Council") by virtue of the powers conferred on it by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as "the 1982 Act") and the City of Glasgow District Council Confirmation Order Act, 1988 (hereinafter referred to as "the 1988 Act") hereby makes the following management rules for the regulation of cemeteries and churchyards and under the management or control of the Council and the conduct of persons while in said cemeteries and churchyards.

1. Interpretation

- a) "**Cemetery**" means any land or premises including churchyards which is owned, occupied or managed by the Council or is otherwise under the control of the Council and to which the public has access, whether on payment or not and this land or premises falls within the remit of Bereavement Services of Glasgow City Council.
- b) "**Churchyard**" means refers to the burial ground surrounding any church, active or inactive, as defined by the Church of Scotland (Property and Endowments) Act 1925
- c) "**Lair**" refers to the Exclusive Right(s) of Burial or grave
- d) "**Lairholder**" refers to the individual or individuals named in the cemetery register and lair certificate for any given right(s) of burial.
- e) "**Memorial**" refers to any headstone, monument, tombstone or grave marker placed on any lair as defined by paragraph 1(c)
- f) "**Authorised Officer of the Council**" means any employee of the Council or any of its Arms Length External Organisations (ALEOs) or any organisation that has undertaken to carry out any service relating to any aspect of these Rules under any contractual arrangement or Service Level Agreement and shall include Police Officers in the course of their duties apprehending a breach of these Rules in relation to any park or building thereon in terms of these Management Rules.

2. The Exclusive Right of Burial

- a) The exclusive right of burial in a lair, subject to the Rules & Regulations will be secured to the Purchaser and his or her successors. The Council shall furnish the Purchaser (Lairholder) with a Lair Certificate describing the lair. A Lairholder duly registered in the records of the Council shall have exclusive right of permitting the lair to be opened. However, the owner of exclusive rights of burial will not be permitted to sell same except to the Council. No Lairholder shall be entitled to transfer any of all of his exclusive rights or burial during his lifetime without the sanction of the Council.
- b) The sale of Exclusive rights of burial shall be at the discretion of the Council purchased right will be allocated in rotation at the discretion of the Council or Cemetery Staff of the Council. Only such lairs as numbered on Cemetery Plans shall be allocated.
- c) On the death of the Lairholder, their representative, as ascertained in a manner hereinafter provided, shall be entitled on production of evidence right, to be registered as Lairholder in the Councils records. In such cases a memorandum of entry may be engrossed upon the original Lair Certificate or a new Certificate issued, but no new Certificates shall be issued until the original is produced and surrendered to the Council if required, or accounted for satisfactorily. To prevent disputes, the polling persons shall be agreed as the representatives of a Lairholder who has died and, as such the representative shall be entitled to be registered as Lairholder.
- d) If a Lairholder dies leaving a lawful spouse and children and shall have made no valid request of the lair, such spouse and such children, shall have the right to interment in the lair for themselves only, and the rights of burial in the said lair shall descend to the Lairholder's children in equal part. In the absence of any of the Lairholder's immediate issue surviving the Lairholder, the right of interment shall devolve in equal part to the children of the Lairholder's children (the Lairholder's grandchildren), and so on until there are no further descendants of the Lairholder.
- e) The Lairholder shall, notwithstanding paragraph (a) above be permitted to bequeath the lair to any member of his or her family or to a stranger. The Council shall not be responsible for any misunderstanding or error in the acceptance in good faith of any person claiming to be the legal Lairholder, or to have a right of burial even though it should be ascertained subsequently that such a claim was unfounded.
- f) Any transfer of Exclusive Right of Burial shall be subject to the appropriate provisions of in the Statutory Declaration Act 1835.

3. Forfeiture

Failing interment in or transfer of a lair for a period of fifty years, the Council may forfeit the right of burial therein, provided that such intention to forfeit has been advertised in two publications of a national newspaper and two local newspapers. In addition, a period of twelve months shall be allowed to elapse, whereupon, failing any claimant, the Council may, by simple resolution duly minuted, declare Right of Burial to be forfeited and may dispose of the lair anew.

4. Notice of Interment

All burials must be authorised by the Council prior to funeral arrangements being publicly announced.

- a) Notice of interment must be given to the Cemeteries Office as early as possible.
- b) No Lairholder shall be entitled to have the ground opened to a greater depth than 2.4 metres, and no interment shall be made without there being at least 600mm of soil between the ordinary surface of the ground and the coffin. It is intended that lairs will accommodate three adult interments however this is dependent on the ground conditions discovered following the initial opening of the lair. The lair details and available space in any one lair shall be recorded on the lair certificate immediately following each interment. The digging of graves and installation of memorial foundations shall be done only by persons authorised by the Council.
- c) The Council shall keep registers in which every interment shall be recorded, specifying the lair, the depth of the grave, the date of the interment, the name and age of the person interred and any other information which is deemed by the Council to be necessary.
- d) A table of Interment Fees and other charges shall be kept within the Bereavement Services Administration, and published on the council's website. In addition, all fees and charges in connection with interments, Lair Certificates, etc., shall be acknowledged on official printed receipt forms.
- e) The Funeral Director shall ensure their customers are suitably advised as to the extent of these Rules and any other amendments introduced by the council from time to time i.e. memorial inspection, transfer of exclusive burial rights, etc

5. Memorials

The erection of memorials will be permitted only on purchased lairs.

- a) 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. The Lairholder is liable for the risks of any damage by or to any memorial on the lair. Planting is permitted at the head of the lair but again shall not infringe in any way over that part of the lair to be opened for burial and shall only be permitted with

the consent of the Council. The Council shall not be responsible for any loss or damage to vases or any other items placed on lairs.

- b) Kerbs, copes, railings, fences, gravel, corner stones or any other such ornamental additions to the lair shall not be permitted.
- c) The Lairholder shall keep memorials in a neat and proper condition, of which the Appropriate Officer shall be the sole judge. Failing attention to this requirement within twenty one days from the date on which written notice was given to the Lairholder at their last known address, the Council shall be entitled to make the memorial safe or remove the memorial to a suitable storage point for a period of twelve months and thereafter dispose of such memorials in an appropriate manner.
- d) Foundations for all memorials shall be constructed in accordance with such recommendations formulated by the National Association of Monumental Masons Code of Working Practise from time to time.
- e) The application for the erection of a memorial must be approved by the Council and must conform to the appropriate administrative requirements. Only application in the appropriate form and accompanied by a copy of the Certificate of Exclusive Right of Burial will be processed.
- f) Memorials are erected at the owner's risk. The Council will not be responsible for loss or damage.
- g) The Section and Lair Number must be cut plainly upon the side of the memorial at the expense of the person erecting the memorial.
- h) No memorial or part thereof shall be removed from the Cemetery without notification to the Council.

6. General

- a) The hours when any Cemetery shall be opened and closed shall be such hours as may be intimated by notices displayed at or near the principal entrances. The opening hours are subject to change at any time, at the discretion of the Council. The Council may, by notices posted at or near the place to which it refers, close any part or portion to the public for such time as it may consider necessary.
- b) No persons shall enter or leave the Cemetery except by the entrances and exits provided for that purpose.
- c) No person shall enter or wilfully remain within the Cemetery except during the hours in which the same is open to the public as agreed by the Council.
- d) Glasgow City Council encourages the use of Cemeteries and Churchyards as an historical and cultural amenity however, where an unauthorised gathering

congregates in any cemetery and, in the opinion of any Authorised Officer of the Council is likely to cause a breach of these Rules. Any such Authorised Officer of the Council is empowered to take such action as is necessary to ensure the said gathering is dispersed and may include taking action under Section 10 of these Rules, and/or seeking assistance from the Police as required.

- e) Only dogs on a short lead are permitted in the Cemetery; a short lead is a maximum of 2m long.
- f) The person in charge of the dog must ensure that any dog excrement is picked up and either removed from the Cemetery or deposited in a bin within the Cemetery.
- g) Memorial wreaths shall be removed at the discretion of the Council.
- h) No operation of any kind shall be permitted inside the Cemetery grounds without the sanction of the Council who must be satisfied that the authority of the Lairholder has been obtained prior to works commencing.
- i) The Funeral Director is responsible for the provision of sufficient 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 damage to hearses or coffins.

7. Vehicles

- a) Car parking facilities provided by the Council for the convenience of Patrons shall only be available at such times as the Cemetery is open.
- b) In all cases the directions of the Cemetery Staff must be complied with and all vehicles must not exceed the speed limit of 10mph.
- c) 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.
- d) Vehicles conveying memorials or goods into the Cemetery grounds will be allowed only with the consent of the Council or Cemetery Staff. The person or persons in charge of such a vehicle must comply with the directions of the Appropriate Officer or Cemetery Staff whilst within the Cemetery Grounds.

8. Prevention of Nuisance

No person shall :

- a) Use any profane or offensive language or behave in an offensive, disorderly or insulting manner whilst in the Cemetery

- b) Willfully or carelessly obstruct, disturb or interrupt any Officer or Servant of the Council in the exercise of his duties or in the execution of any work associated therewith.
- c) Willfully or improperly interfere with any other person using the facilities provided by the Council in any Cemetery, or behave in such a manner as to endanger their own safety or that of other persons.
- d) Disobey any proper instructions given by any member of the Cemetery staff to ensure the safety and comfort of all persons using the Cemetery.
- e) Bring into the Cemetery any object or objects that may be considered by any member of the Cemetery staff to be dangerous.
- f) In any Cemetery climb upon any tree, shrub, wall, fence or railing, or upon any monument, fountain, statue, building or other structure.

9 Disputes

Should any dispute arise as to the interpretation of these Rules and Regulations, or Table of Fees and charges, the Council reserves the right to re-consider its position but the decision of the Council shall be final.

10 Miscellaneous

The Council shall be at liberty to alter these rules and regulations or any part of them, from time to time as they see fit and make and enforce such others as they may consider necessary for the proper or better management of the cemeteries.

The following conditions apply to a contravention by any person of the foregoing management rules:

- a) Should an authorised officer of the Council has reasonable grounds for believing that any person has contravened, is contravening or is about to contravene any of the foregoing management rules, he/she 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 one of the standard scale in terms of Section 118 of the Civic Government (Scotland) Act 1982 and Section 225 of the Criminal Procedure (Scotland) Act 1995.
- b) The Council may decide that a person who has persistently contravened or attempted to contravene the foregoing management rules and is, in their opinion likely to contravene them again, shall be made subject to an Exclusion Order, and if the Council so decide, they shall give the person subject to the Exclusion Order notice of their decision.

- c) Such Exclusion Order shall take effect upon a person on such date as the Council may decide which shall not be less than 14 days after the date of their decision to make the Exclusion Order.
- d) Any person who has been made subject to an Exclusion Order shall be entitled to make written or oral representations to the Council at any time up to the date when the Order should have taken effect upon them in terms of sub-paragraph (d) above. The Council shall suspend the effect of their decision, consider the representations and decide whether to confirm their decision or to revoke or amend it.
- e) 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. If the Council sees fit it may renew such Exclusion Order after review.
- f) Any person who being a person subject to an exclusion order enters or attempts to enter the cemetery to which the exclusion order relates shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level one on the standard scale in terms.