



SOUTH AYRSHIRE COUNCIL

MANAGEMENT RULES FOR CEMETERIES

We have made the following rules for managing of cemeteries in South Ayrshire. These rules are in line with Section 112 of the Civic Government (Scotland) Act 1982 and apply to all cemeteries we control.

1. Definitions

In these rules, the following definitions will apply.

'Certificate' – the Certificate of the Exclusive Right of Burial given by us to the owner.

'Exclusive right of burial' – the right to bury family members in a piece of land owned by us. When you buy a grave, you are buying the right to bury in the land, but not the land itself.

'Owner' – the person who buys the exclusive right of burial to the grave and who has the certificate (and who can pass it on to their children).

'Grave' – the piece of ground we give exclusive rights of burial for.

'We, us, our' – the Registration and Bereavement Services Manager and any other officer authorised by us.

'Memorial' – any gravestone or other headstone placed at the head of the grave.

2. The exclusive right of burial

- (a) The exclusive right of burial in a grave will be given to you and your family forever. You are only buying the right to bury in the grave – we will continue to own the actual grave. We will give you a certificate showing where the grave is. As an owner registered in our books, you will have the exclusive right to have the grave opened (you will need to produce the certificate to do this.) Only one person will be registered as the owner of the exclusive right to the grave or graves. You will not be able to sell, transfer or give the exclusive right of burial to anyone else without our agreement, and you will not be able to bury anyone else in the grave for a payment of any kind. We will give you a copy of these rules and you will need to sign an acknowledgement slip that says that you have read the rules and agree to act in line with them.
- (b) You will not be able to use the grave until you have paid the burial fees. We allocate graves depending on their availability.
- (c) When you die, we will pass the grave on to the person named on the burial application, and they will need to complete a grave transfer form. When this happens, we may write a note on the original grave certificate or provide a new one, but we will not supply a new certificate until the original certificate is shown or accounted for.

The new owner will need to agree to compensate us against future loss, damage, or responsibility relating to owning the 'exclusive right of burial' by signing a declaration in the transfer form. This will state that those family members who could inherit rights to the 'Exclusive Right of Burial' all agree to the transfer.

- (d) The grave owner has the right to be buried in his or her grave whether a certificate can be produced or not, provided there is enough space within the grave. If their details are confirmed to be the same as those on our records then we can continue without the certificate.

3. Ending the exclusive right to burial

If, after 100 years, there have been no burials in the grave and the certificate has not been transferred, we may end any exclusive right of burial in that grave. We will advertise this once in a national newspaper and twice in two local newspapers, and then wait for 12 months. If no one claims ownership of the grave, we may end any right to burial by a signed letter of declaration. We may sell the exclusive right of burial to someone else (as long as no burials have taken place in that grave).

4. Burial forms

- (a) We must authorise all funeral arrangements before they are publicly announced (for example, before you advertise a funeral in the local newspaper you must have a confirmed booking).
- (b) Burial forms must be sent to your nearest cemeteries office at least 48 hours (not including Saturdays, Sundays and public holidays) before the day of the burial. (It is usually the funeral director who fills in these forms and gives them to us.) Your form needs to have the following information.
- Name and address of the person who has died
 - Age of the person who has died
 - The date the person died
 - The relationship between you and the person who has died
 - The address at the time of their death of the person who died
 - The day and time of the burial

If the person who has died is the registered owner, we will need to transfer ownership to register the name of the new owner with us.

We will issue the order for digging the grave once we have checked the burial register.

- (c) The maximum depth of our graves is 1.8 metres. There must be a 900 millimetre layer of soil between the top of the last coffin and the normal ground surface. In a grave dug to a depth of 1.8 metres, there cannot be more than three standard-sized adult coffins buried in the grave (rule 4(d) below). A standard sized coffin is not more than 300mm in depth. There will be fewer burials in a grave if larger coffins are used. **Only people we authorise can dig graves and lay foundations for memorials and headstones to be placed.**
- (d) Each cemetery has different ground conditions, and this can affect the number of burials in each grave. Because of this, we can only **guarantee** one burial in any grave.
- (e) A coffin containing an infant, stillborn baby or a 'non-viable foetus' (a baby that is stillborn before 24 weeks of pregnancy) which is buried in a full-sized adult grave will be recorded as one full burial in the burial register.

- (f) A grave that has had the maximum number of burials possible (in line with rule 4d) will not be opened again for burial except to add cremated remains. Six sets of cremated remains may be buried in the grave if it has the maximum number of coffin burials.
- (g) We will keep registers that will list every burial, specifying the grave, the depth of the grave, the date of the burial, the name and age of the person, and all other relevant details.
- (h) A plan of the cemetery and burial fee details and other charges will be kept at each local cemetery office. We will give you an official South Ayrshire Council receipt for any services we charge.
- (i) The funeral director is responsible for providing bearers to carry the coffin from the hearse to the grave, and for lowering the coffin into the grave.

5. Burial areas for cremated remains

- (a) We will provide special areas for burying cremated remains in most cemeteries.
- (b) Each grave is one metre square and can hold six sets of cremated remains. We sell the exclusive right of burial in a grave for cremated remains along with the right to put up a memorial. The memorial must be 1200mm (48 inches) or less in height, 750mm (30 inches) or less in width and be placed in the centre at the head of the grave. The base of the memorial may contain a flower vase holder. Wall plaques must be fixed to the wall in line with National Association of Monumental Masons specifications. You may put a flower vase on the ground directly below the plaque. We do not allow any other type of memorial, vase or plant on the grave space.
- (c) You must apply to bury cremated remains in the same way as in rule 4.
- (d) You must not scatter cremated remains in any part of a cemetery.

6. Burial areas for stillborn babies and non-viable fetuses

- (a) In some cemeteries we will provide special areas with two types of graves.

- (1) 'Individual purchased **baby grave**'

You can buy the 'exclusive right of burial' and receive title deeds for the grave. You can place a headstone on these graves and in later years use the grave again for up to 6 sets of cremated remains.

- (2) 'Individual **baby grave** with communal memorial'

The graves are set in an area where each baby is buried individually and has their name inscribed on a shared memorial. No individual headstone is allowed. There is no fee for this grave as there is no 'exclusive right of burial' given.

Each grave is one metre square. Both these types of grave are for babies less than six months old. However, the actual size of the coffin will be the main factor in deciding whether the baby can be buried in these graves.

- (b) We will use an 'individual purchased baby grave' for one burial only (after that, six sets of cremated remains may be buried in the grave). The exclusive right of burial in the grave will be sold with the right to have a memorial, which must be 900mm (36 inches) or less in height, 750mm (30 inches) or less in width and placed in the centre at the head of the grave. The base of the memorial may contain a flower vase holder. We will not allow any other type of memorial, vase or plant on the grave space. There is no fee for the baby burial in this grave. (There is a fee for the burial of cremated remains)
- (c) Only one burial is allowed in the 'individual with communal memorial' grave. We provide a central memorial feature which you can have inscribed with your baby's name (there is no fee for this). There is no exclusive right of burial or rights to have a memorial with these graves. You will be able to have one small inscribed memorial vase on the foundation strip at the head of the grave, but we will not allow any other permanent memorial. There is no charge for this grave or for the burial.
- (d) You must apply to bury stillborn babies and non-viable fetuses in the same way as in rule 4.

7. Headstones

We will only allow memorials on graves where an exclusive right of burial has been given. You cannot have any other memorial in a cemetery without our written permission. Memorials must be made of natural stone or marble and contain no wood, plastic, metal or glass.

- (a) We will allow you to place a memorial in the centre at the head of the grave, but it must not be in any way over the part of the grave that needs to be opened for burial. There must be clear room of 38mm (1½ inches) on both sides of a 3 foot wide grave, and 50mm (2 inches) room on both sides of a 4 foot wide grave. We do not allow wooden crosses, kerbs, copes, railings, fences, gravel, corner stones and so on around or over the grave. You will be responsible for any damage or injury caused by the condition of the memorial placed on the grave. We only allow one flower vase on each grave (in the space provided at the head of each grave), or at the bottom of the memorial. We will not be responsible for any loss or damage to any vase or memorial. For safety reasons, the flower vase must not be made of glass or pottery.
- (b) You are responsible for looking after the memorial and making sure it is safe. We will be responsible for checking its safety. If we find that the memorial is dangerous or needs to be repaired, we will write to you, giving you 21 days' notice to carry out the repairs. If you do not carry out these repairs within that period, we will be entitled to repair the memorial or remove it if we think it is in a dangerous condition. You must pay for any repairs or removal costs, and until you have paid these the right of burial in the grave will be stopped.
- (c) We do not allow any plants or trees other than the flower vase. We may remove any plants found at the grave. You can join our 'floral enhancement' scheme, which provides you with a recycled plastic plant trough, which you can plant with flowers, small shrubs and bulbs. You can find details of this scheme at local cemetery offices.

- (d) All memorials must be placed by a member of (and made of material approved by) the National Association of Monumental Masons (NAMM). Copies of these safety guidelines are available from Ayr Cemetery Office, Masonhill Crematorium, McNairston Road, Ayr KA6 6EN.
- (e) We must approve an application for a memorial or for anything extra written on the memorial.
- (f) We will not be responsible for any loss or damage to memorials.
- (g) The section and number of the grave must be cut plainly on the side of the memorial and must be paid for by the grave owner.
- (h) No memorial or part of a memorial can be removed from the cemetery by anyone without our written permission.
- (i) We do not allow any work (such as making any changes to the headstone, adding an inscription or cleaning the headstone) to be carried out inside the cemetery without first getting both the registered owner's and our permission.

8. General

- (a) You can get into the cemetery on foot at all times, but access with a car or any other vehicle is limited to the opening hours listed on the cemetery gate. We may have to close part of any cemetery to the public if we feel it is necessary. We will put information about any closures on the cemetery gate.
- (b) You must enter or leave any cemetery by the entrances and exits.
- (c) You must not enter or stay in any cemetery overnight.
- (d) Children under 16 years of age must be with a parent, guardian or responsible adult when entering any cemetery.
- (e) We do not allow dogs in any cemetery (apart from guide dogs).
- (f) We may decide to remove memorial wreaths or flower tributes.

9. Vehicles

Our car parks will only be open before and after funeral services. You must keep to the cemetery officer's instructions and drive carefully and at a reasonable speed. We will not be responsible for any damage to vehicles or other property left in the car park.

The person or persons in charge of commercial vehicles bringing memorials or goods into cemetery grounds will need the permission of the cemetery officer. They must also follow the directions given by the cemetery officer on the route to take through the cemetery grounds.

10.1 Preventing nuisance

No-one is allowed to do any of the following in any cemetery.

- (a) Use offensive language or behave in an offensive or insulting way.

- (b) Stop any of our officers from doing their job in any way.
- (c) Interfere with anyone else using our facilities, or behave in a way that puts themselves or others at risk.
- (d) Ignore safety instructions given by cemetery staff.
- (e) Bring any items into any cemetery that staff feel are dangerous.
- (f) Climb any tree, shrub, wall, fence or railing, or climb on any monument, fountain, statue, building or other structure.

10.2 No-one can break, cause damage to, write on, or tamper with any tree, shrub, wall, fence, monument, fountain, statue or building, or any of our property in the cemetery. It is also an offence to urinate in the cemetery or any public place.

11. Disputes

If there are any disputes or disagreements about any of our rules, fees or charges, our Registration, Bereavement and Archives Manager will make our position clear, and their decision will be final.

12. Right of amendment

We can change these rules or any part of them at any time if we feel that it would improve the way our cemeteries are managed.

13. Breaking the rules

The following applies to anyone breaking the management rules.

- (a) If our officer thinks that you have broken, are breaking or are about to break the management rules, they may eject you from the cemetery. If you are ejected from the cemetery and do not leave, you will be guilty of an offence and may be convicted and fined.
- (b) We may decide that if you have broken or attempted to break the management rules and are likely to break them again, you should be given an exclusion order. We will let you know about this and send you a statement showing the reasons for our decision. We will also send you a statement about your right to appeal against our decision (under rule 13 b2) below.
 - (1) The exclusion order will start from the date we give, which must be at least 14 days after we decided to make the order.
 - (2) If you are given an exclusion order you can make a written or verbal representation or appeal to us at any time up to the date when the order will start. We will delay any decision, consider the representation or appeal and decide whether to confirm our decision or change it.
 - (3) An exclusion order will not last longer than one year. We may decide to shorten the length of the exclusion order at any time.

If you have been given an exclusion order and we find you trying to get into a cemetery, you will be guilty of an offence and could be fined.