



**Community and Enterprise Resources
Bereavement Services**

Operating procedures and conditions on internments in cemeteries

For more information phone 0303 123 1020 or email bereavement.services@southlanarkshire.gov.uk

The Regulations

1 Meanings of words and phrases

- 1.1 In these regulations certain words and phrases are used and they have the following meanings:
- 1.2 **"Cemetery"** means any ground used either currently or at one time as a burial ground for the interment of human remains.
- 1.3 **"Executive Director"** means the Executive Director (Community Resources) of the Council or any Council Officer to whom he has delegated authority.
- 1.4 **"Lair"** means the plot of ground to be used for the interment of human remains.
- 1.5 **"Lair holder"** means the person who has purchased the burial rights in the lair.

2 Layout of cemetery and designation of plots

- 2.1 The Council will designate plots of land within cemeteries under their control for use as individual graves or lairs ("lair"). This excludes any area designated for use as common burial ground.
- 2.2 Common burial ground will be used by the Council for the burial of any person who dies within South Lanarkshire.
- 2.3 Rights of burial in the lairs may be purchased from the Council on payment of the fee fixed and are available to both residents and non-residents of South Lanarkshire.
- 2.4 The Council will prepare a plan showing the layout of the cemetery identifying common burial ground and lairs.

3 Purchase of burial rights

- 3.1 As stated in paragraph 2.3 rights of burial in lairs may be purchased from the Council on payment of the appropriate fee.
- 3.2 Fees for the purchase of burial rights will be set by the Council from time to time and the Council will have the right to fix different rates in relation to residents (including persons who own property in South Lanarkshire) and other non-residents.
- 3.3 The selection of the lair purchased will be at the discretion of the Executive Director (Community Resources). At all times the Council will attempt to allocate a desired lair but cannot guarantee being able to do so.
- 3.4 On payment of the fee, the Council will grant to the purchaser of the burial rights ("the lair holder") a Lair Certificate confirming that the lair holder has purchased the rights to be buried in the lair specified in the Certificate.

3.5 All rights of burial will be sold in perpetuity but will be subject to any conditions in the Council's title deeds or these regulations. The rights of the Council to terminate burial rights under certain circumstances are discussed in paragraph 9.

4 Succession to burial rights

4.1 The burial rights to a lair may only be owned by one person as lair holder. Joint ownership or ownership by anybody other than a natural person will not be permitted.

4.2 On the death of the lair holder ownership of the burial rights will be transferred to the lair holder's successor or if more than one, the successor shall be determined as specified in paragraph 4.4.

4.3 A lair holder may specify his/her successor by either bequeathing the rights to an individual in his/her will or notifying the Council of the identity of the successor to the rights on his death.

4.4 Where a lair holder does not specify a named individual then the burial rights will be transferred to the following people in order

(a) surviving spouse

(b) eldest surviving child

(c) such other family member decided upon by the Council at their discretion.

4.5 On succession to the burial rights, the new lair holder may request the Council on payment of the appropriate fee fixed by the Council, to change the name in the register of lair holders to his or her own name.

4.6 On production of any evidence (such as a will) or proof of relationship to the former lair holder (such as a marriage certificate) as may be required by the Council and on the payment of the appropriate fee, the Council will amend their register and issue a Certificate of Transfer.

4.7 The Council will attempt to ensure that so far as possible the person indicating to the Council does succeed to the burial rights, however the Council does not accept any liability for any loss suffered as a result of an error arising from the acceptance of the Council in good faith of evidence provided to them.

5 Non-transferable rights

5.1 No lair holder will be entitled to see their burial rights unless the rights are being sold to the Council in return for the original fee paid by the lair holder.

5.2 Lair holders will only be permitted to assign their burial rights to close family members namely spouse, parents, grandparents, children, grandchildren, uncles, aunts and cousins but only if the assignation is for no monetary consideration.

- 5.2 A lair holder will be entitled to exercise his/her burial rights in relation to the interment of anyone who is not a member of the lair holder's family, but only where the lair holder does not receive any monetary or other consideration for doing so.

6 Burials

- 6.1 A lair holder or his representative must give at least 48 hours notice in writing of any proposed burial and at that time provide such information as may be required by the Council.
- 6.2 Notices of burial may be given by telephone to the Cemetery Administration Office (Community Resources) at Atholl House, East Kilbride provided that:
- (a) these notices are confirmed in writing and must reach the Council no later than first post on the day following the intimation of burial by telephone and
 - (b) the written confirmation is received at least 48 hours before the burial.
- 6.3 If the person being buried is not the lair holder, written consent of the lair holder to the burial must be given at the same time as the notice of burial.
- 6.4 All burials will take place between 9.00 and 15.30 on Mondays to Fridays and between 9.00 and 11.30 on a Saturday. No burials will take place outwith these hours.
- 6.5 No burials shall take place on a Sunday, Christmas or New Year's Day except in cases of emergency.
- 6.6 The decision as to what constitutes as an emergency will be at the discretion of the Executive Director (Community Resources) who will be the sole judge.
- 6.7 In the event of the consent being granted for an emergency burial, charges will be double the level of fees etc normally charged unless this provision is waived by the Council.
- 6.8 The procedures detailed above apply to both an earth burial and the burial of cremated remains. Ashes may be scattered in any part of the cemetery.
- 6.9 Council staff are not permitted to assist funeral directors in the cortege.

7 Monuments

- 7.1 A lair holder may erect a headstone or similar monument at a lair, provided that the lair holder has previously submitted a plan or sketch of the headstone or monument advising the Council of the type of material to be used and any inscription to be carved on the headstone or other monument.
- 7.2 If the written approval of the Council to a headstone or other monument is given, the headstone or monument must not protrude over that part of the lair to be opened for the burial or otherwise obstruct the burial.

- 7.3 Once erected it will be the sole responsibility of the lair holder to maintain the headstone or other monument in good order and repair.
- 7.4 If the lair holder fails to maintain the headstone or monument in good repair and as a result the headstone or monument is deemed by the Council to amount to a risk to the Health and Safety of people attending the cemetery then the Council will:
- (a) Contact the lair holder by sending a letter by recorded delivery post to the last known address of the lair holder advising of the Council's concern and requesting that the risk of health and safety is remedied within a reasonable timescale and,
 - (b) If the lair holder cannot be located or refuses or delays to remove the risk to health and safety, remove the headstone or monument.
- 7.5 All carving of inscriptions on and shaping of headstone or other monument must be carried out by a suitably qualified person(s) and in accordance with the plans and details previously submitted to the Council.
- 7.6 If the carving of inscriptions and shaping of headstones and other monuments is not carried out to the satisfaction of the Council, then the Council may withdraw the permission for the erection of the headstone or monument. In deciding to withdraw the permission the Council will take account of the circumstances of each case and at all times will act reasonably.
- 7.7 No headstones or other monuments will be erected on common ground unless the written permission is granted by the Council.
- 7.8 The lair holder will be permitted to place small memorial globes, vases, shells displays of flowers etc at the head of the lair. If these globes, vases, shells and displays of flowers are broken or damaged in any way and in the view of the Council constitutes risk to Health and Safety then the globes, vases, shells etc will be removed by the Council and stored until such times as claimed by the lair holder.
- 7.9 "A lair holder shall be entitled to have a monument erected but such monuments shall not protrude in any way over that part of the lair to be opened for burial. No erection of any monument shall be permitted until approved by the Council or Cemetery Office, to which a specific written statement with a drawing of the proposed memorial be submitted accompanied by the lair certificate. It is acknowledged that some lair holders may wish to tend their loved ones' graves. If so, there are certain rules which have to be adhered to. Any plants, flowers or additional items must be five inches away from the burial area. In addition, the soil surrounding the grave must not be contaminated by any chips or stones (this will ensure that the area can be maintained by cemetery staff)."
- 7.10 Lairs shall be laid out in turf and no railings, kerbstones, fences, chains or boxes will be permitted.
- 7.11 The lair holder will not plant any trees, shrubs, plants or flowers on a lair unless within a planting strip provided by the Council at the lair and which bedding plants or flowers must not encroach upon the lair itself or any other part of the cemetery.

7.12 If as a result of a prospective interment, a headstone or other monument is required to be moved then the lair holder will pay a fee fixed by the Council from time to time.

8 Preparation of lairs

8.1 Only the Council or its employees or persons appointed by the Council may prepare lairs for a prospective burial. This includes the moving of headstones and other monuments.

8.2 Lair holders are prohibited from employing any person (other than in connection with any sculpture or masonry work) to perform any work to be carried out by the Council.

8.3 The maximum number of coffins which may be laid in a lair is:

- (a) where the lair is a maximum of 6 foot deep, 2 coffins, and
- (b) where the lair is a maximum of 8 foot deep, 3 coffins.

8.4 Once these maximums have been reached, no more burials may take place in that lair, without the written consent of the Council.

9 Termination of burial rights

9.1 Where all burial rights in respect of all of the lairs within a cemetery have been sold and the Council are of the view that a lair holder will not be exercising a right of burial in relation to a law, then the Council may terminate these rights of burial.

9.2 The Council will not be able to terminate these burial rights until one year after:

- (a) Sending a letter recorded delivery to the lair holder at his/her last known address advising of their intention to terminate these burial rights and asking for all those who may be lair holders to intimate their interests to the Council, and
- (b) Placing adverts in two editions of one or more newspapers available within the South Lanarkshire area, asking that any lair holder come forward to the Council, whichever is the later.

9.3 If as a result of the termination of these burial rights any headstone or other monument will require to be removed, the Council will remove the headstone or monument and store the headstone or monument.

9.4 At no time will the re-sale of burial rights result in the disturbance of any coffins or remains or the disinterring of any remains. If the re-use of the lair were to result in such disturbance or disinterring the Council will not be permitted to terminate the burial rights.

10 **Register of burials**

- 10.1 The Council will keep a register detailing the name, age, date of death and last residence of all persons buried in the cemetery and will also detail the lair in which the persons have been buried.
- 10.2 The register will be available by members of the public, free of charge

11 **Charges and fees**

All fees and charges to be paid by purchasers of lairs and lair holders in connection with burials will be detailed in a Table of Interment Fees, a copy of which is available for inspection at the office of the Cemetery Administration Office, South Lanarkshire Council at Atholl House, East Kilbride.

12 **Revocation**

- 12.1 All previous rules and regulations made by the former Hamilton District Council, East Kilbride District Council, Clydesdale District Council and City of Glasgow District Council (but only in so far as these relate to cemeteries located within the areas of Rutherglen and Cambuslang) in relation to the operation of cemeteries formerly under their control are revoked on the coming into operation of these regulations.
- 12.2 These regulations came into operation on 1 October 2001.

If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone 0303 123 1015 or email equalities@southlanarkshire.gov.uk