



**Community and Enterprise Resources
Land and Fleet Services**

**Civic Government (Scotland) Act 1982
Management rules for cemeteries
throughout South Lanarkshire**

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

These rules (known as management rules) have been made by South Lanarkshire Council to control the way in which people use public cemeteries and the behaviour of people while in them.

These management rules only apply to public cemeteries which are:

- (a) owned or managed by the council (or managed on behalf of the council) and
- (b) to which the public have access

These rules do not apply to any cemeteries which have their own specific management rules. These rules came into force on 5 December 2002.

The rules

1 Meanings of words and phrases

In these Rules certain words and phrases are used and they have the following meanings:

Public cemetery means any ground used either currently or at one time as a burial ground for the interment of human remains.

Executive Director means the Executive Director (Community Resources) of the council or any officer to whom he/she has delegated authority.

Council Officer means the person who is the manager with responsibility for operating the public cemetery or any person to whom he has delegated that responsibility.

2 Breaking the rules

- 2.1 Any person who has broken or is about to break one or more of the rules may be Expelled from a public cemetery or part of a public cemetery.
- 2.2 Any person who is about to break one or more of these rules may be refused entry to a public cemetery or to part of a public cemetery.
- 2.3 If the council believes that a person who has persistently broken or attempted to break these rules is likely to do so again, they may make an exclusion order.

2.4 An exclusion order forbids a person from entering any public cemetery mentioned in the order. The person may not be allowed to enter the public cemetery for up to one year.

2.5 Any person who

- (a) refuses to leave when requested to do so by the Council Officer;
- (b) enters or attempts to enter a public cemetery despite being informed by the Council Officer that he/she is being refused entry, or
- (c) enters or attempts to enter a public cemetery when not allowed to do so because of an exclusion order

is guilty of a criminal offence and may be liable to a fine.

3 Access to public cemetery

3.1 Unless otherwise stated public cemeteries shall be open to the public during the following hours:

- (a) 08.00 hours to 20.00 hours Monday to Sunday inclusive -
1 April to 30 September
- (b) 08.00 hours to 16.30 hours Monday to Sunday inclusive-
1 October to 31 March

3.2 The council may temporarily close a public cemetery or any part of a public cemetery for such time as it considers necessary. The council in doing so will post a notice specifying the times of the closure at any part of the public cemetery which is temporarily closed.

3.3 Any person who is within a public cemetery after it or the part of it they are in has been closed

- (a) either at the end of the opening hours fixed by the council, or
- (b) temporarily within those opening hours must leave the public cemetery or those parts of the public cemetery which have been closed.

3.4 No person shall enter a public cemetery which has been closed.

4 General behaviour

4.1 Fighting etc

Nobody shall fight or cause a disturbance or use violent, abusive or obscene language whilst in a public cemetery.

4.2 Disturbing other people

Nobody shall obstruct, disturb, interrupt or annoy any other person using a public cemetery including the Council Officer or other employee of the council in the performance of his duties. For these rules, behaviour forbidden includes (but is not restricted to) behaving in an obscene or indecent way.

4.3 **Damaging property**

4.3.1 Nobody shall damage in any way any part of a public cemetery including buildings, walls, fences, barriers, railings and headstones.

4.3.2 Nobody shall write, deface or spray paint any part of a public cemetery.

4.4 **Putting up signs and notices**

4.4.1 Nobody (other than the Council Officer) shall:

- (a) put up any signs or notices of any kind;
- (b) distribute or make available any leaflets;
- (c) make available any petitions for signing by the public, or
- (d) hold any public charitable collection

in a public cemetery without the permission of the Executive Director or his/her authorised representative.

4.4.2 All signs, notices, leaflets or petitions must be given to the Council Officer who will then decide whether they should be put up or made available. When deciding whether to put up or make available any signs, notices, letters or petitions, the Council Officer will bear in mind the purpose of the notice boards etc. These notice boards are primarily to be used for making available council information, information from local community groups and organisations (but not commercial business or activities unless linked to a tourism or community purpose) and local events. No signs, notices, leaflets or petitions will be made available if

- (a) by doing so this could result in disorder, or
- (b) their contents are political or relate to expression of political views, or
- (c) if the contents of the signs, notices, leaflets or petitions contain information which is illegal or defamatory to others.

4.5 **Litter**

Nobody shall drop litter of any sort in a public cemetery other than in a bin provided by the council.

4.6 **Public meetings**

4.6.1 Nobody shall hold any public meetings, processions, demonstrations, exhibitions, religious service (except in connection with a funeral), political rally, lecture or concert in any public cemetery, without the consent of the Executive Director.

4.6.2 This permission (referred to in paragraph 4.6.1) must be in writing and obtained prior to the holding of the public meeting etc.

5 **Use of public cemetery**

5.1 **Grounds**

- 5.1.1 Nobody shall climb any wall, fence, gate, barrier or railing in or enclosing any public cemetery.
- 5.1.2 Nobody shall climb any tree or any seat, monument, statue or anything else erected on the ground of a public cemetery.
- 5.1.3 Nobody shall walk or run over any planted area or any grass, lawn or verge in a public cemetery which has a sign "Keep off the Grass".
- 5.1.4 Nobody shall pluck, cut, destroy or remove any flower, plants or shrubs etc planted by the council , from a public cemetery without the consent of the Executive Director.
- 5.1.5 Nobody shall do anything to disturb any graves in a public cemetery.

5.2 **Vehicles**

- 5.2.1 Only vehicles used in connection with attending funerals or transporting persons to visit graves within a public cemetery are allowed to enter a public cemetery without the consent of the Executive Director. All other vehicles must obtain the consent of the Executive Director. The consent must be in writing and be obtained prior to any such vehicle entering the public cemetery.
- 5.2.2 No vehicle shall be parked in such a way that it causes an obstruction to vehicles and visitors to a public cemetery.
- 5.2.3 All vehicles driving through a public cemetery must be driven at a speed not exceeding 10mph.
- 5.2.4 Nobody shall carry out any repairs or other works to any vehicle whilst in a public cemetery except where the works are of an emergency nature.

5.3 **Alcohol/substances**

- 5.3.1 Nobody shall drink any alcoholic beverages whilst within a public cemetery unless part of a burial ceremony and with the prior written permission of the Executive Director.
- 5.3.2 Nobody shall take any illegal substances whilst within a public cemetery.

5.4 **Collections**

- 5.4.1 Nobody shall collect money, gifts or subscriptions whilst within a public cemetery unless the prior written permission of the Executive Director has been obtained.
- 5.4.2 Permission for public charitable collections must be obtained from the Executive Director before the collection is held. This permission may be in writing and could be subject to such conditions as the Executive Director may consider reasonable.

5.5 **Games/activities**

Nobody shall play or take part in any game or activities or exercises in a public cemetery.

5.6 **Animals**

5.6.1 All dogs and other animals brought into a public cemetery must be kept under control and in particular, all dogs must be kept on a lead, and the animals must not cause annoyance to any person or damage any part of a public cemetery.

5.6.2 Nobody shall ride, train or exercise any horse or other animal in a public cemetery, save as provided in paragraph 5.6.3.

5.6.3 Horses may only enter and be ridden in a public cemetery when in connection with a funeral and only with the consent of the Executive Director. The consent must be in writing and be obtained prior to the relevant funeral taking place. Horses permitted to enter a public cemetery as so specified must not be ridden at any pace faster than walking .

5.7 **Council Officers and staff**

Every person in a public cemetery must follow the instructions of the Council Officer and any of his/her staff. This includes leaving when requested to do so and to stop doing anything when instructed to do so.

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