

## HIGHLAND COUNCIL

29 October 2009

Agenda Item	
Report No	

### BURIAL GROUND EXTENSIONS

#### Report by Head of Legal & Democratic Services

##### **Summary**

This Report invites the Council to resolve to provide an extension to the following existing burial grounds: Orchard Wood Burial Ground, Isle of Raasay; Skeabost Burial Ground, Isle of Skye; Portree Burial Ground, Isle of Skye; Badenscallie Burial Ground, Achiltibuie.

## **1 BACKGROUND**

- 1.1** In order to determine whether an extension to any existing burial ground should be provided, the Council is obliged to follow a requisition and special meeting procedure set out in Section 9 of the Burial Grounds (Scotland) Act 1855. This section provides that a local authority requires to convene a special meeting to determine whether a burial ground, or an extension to an existing one, should be provided. This Report only concerns the process which must be followed under Section 9 of the 1855 Act and is not concerned with the acquisition of the land which is addressed at paragraph 3.1 below. If this Report is approved, the next step is to petition the Sheriff to designate the land as a burial ground.
- 1.2** It is readily apparent that the 1855 Act fails to address the realities of modern local government and Counsel's Opinion has been obtained to confirm that the procedure laid down in the Act must be followed.

## **2.0 REQUISITION**

- 2.1** In accordance with section 9 of the 1855 Act, a requisition has been received, signed by two Members, requiring that a special meeting be held to determine whether extensions (the extents of which are shown in brackets) to the following burial grounds should be provided:

Orchard Wood Burial Ground, Isle of Raasay (1,247 square metres or thereby)

Skeabost Burial Ground, Isle of Skye (717 square metres or thereby)

Portree Burial Ground, Isle of Skye (3.3 hectares or thereby)

Badenscallie Burial Ground, Achiltibuie (660 square metres or thereby)

- 2.2** In each case, extensions will be provided in accordance with the 1855 Act if the majority of those Members voting at a special meeting resolve that an extension to the existing burial ground is to be provided.

### **3.0 ACQUISITION**

- 3.1** The principle of buying the land has already been taken with the land required for Orchard Wood, Skeabost and Portree already having been acquired and missives agreed for the purchase of the land for Badenscallie.

### **4.0 FINANCIAL IMPLICATIONS**

Costs associated with the acquisition of the land and the provision of the extensions have been provided for or identified within the TECS Budget.

### **5.0 RECOMMENDATION**

The Council is recommended to agree to provide the burial ground extensions listed in paragraph 2.1 under section 9 of the Burial Grounds (Scotland) Act 1855, as amended.

Signature:

Designation: Head of Legal and Democratic Services

Date: 13 October 2009

Background paper: Signed requisition dated 24<sup>th</sup> August 2009  
13 October 2009