

Agenda Item	9
Report No	CP/11/26

# The Highland Council

**Committee:** Communities and Place

**Date:** 21 May 2026

**Report Title:** Bereavement Service Update

**Report By:** Assistant Chief Executive - Place

## 1 Purpose/Executive Summary

- 1.1 This report provides Members with updates on the Council's Bereavement Services burial ground extension programme, on the progress of the cremator replacement project taking place at Inverness Crematorium, and an update of the Council's Burial Ground Management Rules following new regulations within the Burial and Cremation Act (Scotland) 2016 coming into force.

## 2 Recommendations

2.1 Members are asked to:-

- i. **Note** the progress of current projects within the burial ground extension programme;
- ii. **Note** the progress of the cremator replacement project at Inverness Crematorium; and
- iii. **Approve** the updates to the Burial Ground Management Rules in accordance with recent regulation changes.

## 3 Implications

- 3.1 **Resource** - The Council on 14 September 2023 approved a capital budget for Bereavement Services, with budget of £3.846m for identified projects in 2025/26 and £1.321m for 2026/27 - 2028/29.
- 3.2 **Legal** - The Council has a statutory obligation to manage burial provision, memorial safety and cremations as set out in the Burial and Cremation (Scotland) Act 2016.

3.3 **Risk** - If burial ground extensions or new sites are not provided, there is a risk that the Council will be unable to provide burials in some locations to meet the expectations and preferences of communities.

Regarding the Inverness Crematorium refurbishment project, failure to complete the works would result in non-compliance with the proposed new emission targets. The Bereavement Services Project Board, which has proactive oversight and support for projects, serves to reduce service risks.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – The safety of staff and visitors in burial grounds is a statutory obligation for local authorities and there is an ongoing programme of memorial safety inspections being undertaken to reduce risks.

3.5 **Gaelic** - There are not considered to be any Gaelic implications.

#### 4 **Impacts**

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children’s Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

#### 4.3 **Integrated Impact Assessment - Summary**

4.3.1 An Integrated Impact Assessment screening has been undertaken on 24 April 2026. The conclusions have been subject to the relevant Manager Review and Approval.

4.3.2 The Screening process has concluded that there is:-

- One negative impact has been identified, specifically that the Right of Burial will need to be extended after the 25-year period and will incur an additional fee, a full Integrated Impact Assessment is not required.

Members are asked to consider the summary in **Appendix 1** to support the decision-making process.

4.3.3

<b>Impact Assessment Area</b>	<b>Conclusion of Screening</b>
Equality	No impact
Socio-economic	Negative
Human Rights	No impact
Children’s Rights and Wellbeing	No impact
Island and Mainland Rural	No impact
Climate Change	No impact
Data Rights	No impact

## 5 Burial Ground Extension Programme

- 5.1 Through the capital programme, the Council aims to provide appropriate burial ground provision in the Highlands. The team are reviewing burial ground extensions where current capacity is less than 10 years based on past trends. Information on burials and lair sales is monitored on a weekly basis following submission from all bereavement services administrative teams.
- 5.2 Progress on the current approved projects is summarised in **Appendix 2**.
- 5.3 As shown, the only project currently marked with a red RAG status is Glen Nevis, Lochaber. The Glen Nevis burial ground in Fort William is now projected to reach full capacity by May 2027. Extensive investigatory work has been undertaken locally, with over 40 potential sites assessed.

However, challenging ground conditions have made it difficult to identify a suitable alternative location. As a result, efforts are now focused on developing land adjacent to the existing cemetery.

Significant groundwork has already been carried out to improve site conditions, including the removal of tree stumps, roots, bracken and other vegetation. Planning permission has been granted for Phase 2 of the project to improve drainage, which has now been completed and is currently in the settlement phase. A further planning application will be submitted for Phase 3, which will enable construction of the extension, subject to the conclusive results from SEPA-level trial digs in Autumn 2026.

- 5.4 The existing Wick Cemetery is projected to reach full capacity by July 2028. Investigative works around the current cemetery have confirmed that an extension is not feasible due to unsuitable ground conditions. Fourteen alternative locations in the area have been investigated for a possible replacement burial ground, and all were found to be unsuitable. Land acquisition is currently underway for a site near Newton Road, Wick, initial investigations have shown suitable ground conditions for burials, official test digs have been carried out and awaiting report, if successful, we will move to the design and planning phase.
- 5.5 There is approximately 3.7 years of prepared lairs available within the current phase of Kilvean Cemetery. Planning permission has been approved, and drainage works completed, for the next extension which is expected to increase capacity by approximately 10 additional years. Further plans are being developed to utilise other areas of the burial ground, potentially adding 15-20 years additional capacity. Early investigations are also ongoing to identify and secure land for a future cemetery for the Inverness area as an eventual replacement for Kilvean Cemetery.

## 6 Inverness Crematorium Progress Update

6.1 As previously reported to this committee, the replacement of equipment at Inverness Crematorium is necessary, driven by two key factors.

- The UK Government is introducing stricter emission standards for crematoria. Although initially proposed for implementation by January 2027, the updated guidance requiring both existing and new crematoria to adopt enhanced abatement technologies has progressed through Parliament. Despite delays, the new standards will come into force in December 2029.
- Unfortunately, ATI, the manufacturer of the existing cremators ceased trading in 2020. While regular servicing and maintenance are currently carried out by external contractors, the absence of direct support from the original manufacturer introduces an increased risk to the long-term reliability and resilience of the cremation plant.

6.2 The proposed crematorium upgrade includes the installation of two FTIII SE cremators, both designed to accommodate bariatric coffins, ensuring accessibility for larger coffins. A double flue mercury and nitroxide abatement system will be integrated to meet environmental standards. The facility will also feature a new cremulator and ash transfer cabinet, alongside an air blast cooler with a heat exchange system that will contribute to heating the building.

Cold storage facilities will be added, providing capacity for up to six coffins. Additionally, a new control room will be constructed to support the upgraded operations. Refurbishment works will enhance the small chapel for direct cremations and small, intimate services, while the main chapel will see improvements to the catafalque area, including a new catafalque.

6.3 The replacement cremators supplier is Facultatieve Technologies Ltd. Morrison Construction has been appointed as the main contractor. Design development is complete with planning permission granted and building warrant approved.

6.4 The new extension is now wind and watertight, the first ATI cremator has been removed, and the first new FTIII cremator, along with a new stack, has been delivered and is currently being commissioned. It is expected to be fully operational by the beginning of June. Photos of the ongoing works can be seen in **Appendix 3**.

Construction works on the new extension, including refurbishment of the small chapel and improvements to the catafalque area in the main chapel, will continue throughout the summer months.

The second ATI cremator is scheduled for removal in September 2026. Installation of the second new FTIII cremator and associated abatement equipment will follow, with the system expected to be operational by November 2026. This will complete the cremator installation phase of the project.

6.5 During the refurbishment, there will be an impact on service delivery. Chapel service times will be reduced to three per day at 10:00, 11:00 and 12:00, with an increased number of direct cremation slots available. At certain stages of the project, overall capacity may be limited to five cremations per day. Information on the changes has been supplied to Funeral Directors and publicised.

## **7 Update to Burial Ground Management Rules**

- 7.1 Current Burial Ground Management Rules were approved by the Communities and Place Committee on 12 May 2021 and was agreed to delegate powers to the Bereavement Services Manager to amend the rules for operational or legislative purposes.
- 7.2 Several new regulations within the Burial and Cremation Act (Scotland) 2016 came into force on 1 March 2026, leading to various changes to management practices that have since been implemented.
- 7.3 As previously discussed at the Communities and Place Committee on 30 January 2025, Section 14 of the Act highlights changes to the duration and extension of the Right of Burial. Any Right of Burial purchased on or after 1 March 2026 will be granted for an initial period of 25 years. Thereafter, the Right may be extended in successive periods of 10 years in order to retain ownership.

Section 16 of the Act set out requirements for the notification of Right Holders in advance of extinguishment. The Highland Council will endeavour to contact Right Holders a minimum of three months prior to the expiry date of the Right of Burial, advising them of the option to extend the Right and the implication of failing to do so. Where the Right is not extended, it will be extinguished and ownership of the lair will revert to The Highland Council.

- 7.4 The Burial (Management) (Scotland) Regulations 2025 came into force on 1 March 2026. These regulations require all burial authorities in Scotland to prepare and maintain a burial management plan, which serves as an operational manual for burial services.

The Highland Council's burial management plans are being developed and structured by operational area and will be presented to the relevant Area Committees throughout the year.

7.5 As a result of the introduction of these new regulations, minor amendments have been made to the Highland Council's Burial Ground Management Rules, as attached at **Appendix 4**.

Summary of changes include:-

- Changing term "Lair Holder" to "Right Holder"; and
- The Right of Burial will be granted for an initial period of 25 years. Thereafter, the Right must be extended in 10-year periods to remain valid.

Designation: Assistant Chief Executive - Place

Date: 16 April 2026

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Background Papers: Bereavement Update – C&P Committee – 21 May 2021  
Bereavement Update – C&P Committee – 30 January 2025

Appendices: Appendix 1 – Integrated Impact Assessment  
Appendix 2 – Current Approved Capital Projects  
Appendix 3 – Photos of Crematorium Project  
Appendix 4 – Burial Ground Management Rules

## Appendix 1 – Integrated Impact Assessment Screening

### Updates to Burial Ground Management Rules

**High level summary of the proposal:** Update to Burial Ground Management Rules following new regulations coming into force.

**Who may be affected by the proposal?** Highland Council residents and other members of the public.

1. **Equality – Protected characteristics – No impact**  
**Protected characteristics impact details:** As this is minor change to present management rules there will be not impact regarding sex, age, disability, religion or belief, race, sex orientation, gender reassessment, pregnancy and maternity or marriage and civil partnerships.
2. **Poverty and socio-economic**  
**Prospects and opportunities:** No impact  
**Places:** No impact  
**Financial:** Negative  
**Poverty and socio-economic impact details:** As the Right of Burial will have to be extended after a 25 year period, there will be additional fee charged.
3. **Human Rights – No impact**  
**Human rights impact details:** There will be no human rights affected as there will only be minor changes to the management rules following new regulations coming into force.
4. **Children’s right and wellbeing – No impact**
5. **Data Protection – No impact**
6. **Island and mainland rural communities – No impact**
7. **Climate Change – No impact**

## Appendix 2 – Current Approved Capital Project

Project	Project status RAG	Date of estimated full capacity	Estimated or latest works start date	Comments
Crematorium Refurbishment	G	N/A	Ongoing	Works underway.
Alness burial ground	G	01/12/2027	01/01/2027	Works ongoing to identify new site – investigative trial digs completed in December 2025 and await final soil reports.
Canisbay burial ground	C	<b>Complete</b>	<b>Complete</b>	Extension works completed.
Dores burial ground	G	Closed	01/07/2026	Cemetery works currently out for tender, with a view of works starting early Summer 2026.
Dunvegan burial ground	G	01/10/2028	01/07/2026	Planning application now approved. Tender process to progress in Spring 2026, with a view of works starting Summer 2026.
Glen Nevis burial ground	R	01/05/2027	Ongoing	Land purchase and ground works to clear sites of tree stumps, etc. complete. Drainage works completed in January 2026 currently in settlement phase.
Kilmorack burial ground	C	<b>Complete</b>	<b>Complete</b>	Additional plinths within cemetery completed.
Mount Vernon burial ground	G	01/06/2030	01/06/2028	Land purchase for extension now complete. Additional lairs within current cemetery have extended existing capacity.
Portree burial ground	C	<b>Complete</b>	<b>Complete</b>	Main construction works complete. Snagging works ongoing.
Reay burial ground	G	01/11/2027	01/12/2026	Land investigation/acquisition ongoing for new extension.
Skeabost burial ground	G	Closed		Land investigation works ongoing. Trial digs completed in March 2026 and await final soil report.
Blarour burial ground	C	<b>Complete</b>	<b>Complete</b>	Extension works completed in September 2025.
Croy burial ground	C	<b>Complete</b>	<b>Complete</b>	Additional lairs within current cemetery boundary completed.
Proncynain burial ground	C	<b>Complete</b>	<b>Complete</b>	Extension works completed.
Keiss burial ground	G	01/06/2030	01/06/2029	Additional plinths to be created within existing cemetery boundary.
Kilvean burial ground	G	01/12/2029*	01/06/2028	*Note 2029 date based on prepared lairs in current phase. Drainage works for new extension completed. Plan underway for future use of existing site.
Kinlochmore burial ground	G	01/04/2028	01/01/2027	Land investigation underway for potential new cemetery.
Petty-Tornagrain burial ground	C	<b>Complete</b>	<b>Complete</b>	Additional lairs within cemetery were identified.
Tomnacross burial ground	C	<b>Complete</b>	<b>Complete</b>	Additional lairs within cemetery were identified.
Tore burial ground	G	01/08/2033	01/12/2032	Additional plinths to be completed within the existing cemetery.
Wick burial ground	G	01/07/2028	01/01/2027	Land acquisition underway for new cemetery.
Roskean burial ground	G	01/04/2030	01/04/2029	Land acquisition underway for extension to existing cemetery.

**Appendix 3 – Photos of ongoing project at Inverness Crematorium**









# Management Rules for Burial Grounds under the control of the Council

Last Reviewed:- 21<sup>st</sup> May 2026

Document Reference:- BSR1

Version: v.2

By virtue of the powers contained in Sections 112-118 of the Civic Government (Scotland) Act 1982, the Highland Council ("the Council") hereby make and enact the following management rules to regulate the use of and the conduct of persons while in burial grounds under the control of the Council.

These management rules shall be read in conjunction with any regulations introduced by Scottish Ministers by virtue of powers contained within the Burial and Cremation (Scotland) Act 2016.

## 1. Interpretation of terms

- 1.1 In these management rules the following words and expressions shall have the following meanings assigned to them:
- a) "Authorised Officer" means a person who is authorised by the Council, either generally or specifically, to act in manners under these rules to act in connection with these Rules.
  - b) "Right of Burial" means the right to be buried in a Lair, and the right to decide whose remains may be buried in the Lair.
  - c) "Casket Lair" means a Lair reserved for the burial of cremated remains only.
  - d) "Right Holder" means the owner of the exclusive Right of Burial in a Lair, and in whose name the Right of Burial Certificate is registered
  - e) "Lair" means a grave suitable for the burial of coffins and/or cremation caskets.
  - f) "Memorial" means any commemorative marker placed over or upon a grave or Lair (e.g. Headstone).

## 2. The Exclusive Right of Burial

- 2.1 The Council may sell a Right of Burial in a Lair in one of its burial grounds on the application of any person. The right is only exercisable by the Right Holder.
- 2.2 For any application submitted on or after 1 March 2026, the Right of Burial will be granted for an initial period of 25 years. Thereafter, the Right must be extended in 10-year periods to remain valid. It is the responsibility of the Right Holder to ensure that Bereavement Services holds up-to-date contact details.



If the Right of Burial is not extended, the lair will revert to the ownership of The Highland Council and the Right of Burial will be extinguished.


- 2.3 Lairs for the Right Of Burial can only be allocated by an Authorised Officer. Allocations made by Funeral Directors or other persons will not be honoured, unless they have prior written permission from the Council to allocate a specific Lair. Pre-purchasing Right of Burial without an associated burial will only be permitted where the anticipated capacity within a particular burial ground allows. The Council reserves the right to refuse pre-purchasing of Rights of Burial at any time.
- 2.4 The Council shall provide the Right Holder with a certificate describing the end date and location of the Right of Burial. A Right Holder duly recorded by the council shall have exclusive right of permitting the Lair to be opened and/or apply to have a Memorial erected/altered/removed. Entry in the Council's interment books shall be conclusive as to the current ownership of the Right of Burial. In the absence of any reliable record held by the Council, the production of a certificate will be held as sufficient authority.
- 2.5 With the exception of trustees, only one person shall be registered as the Right Holder of a Lair or Lairs. Joint succession to or division of the exclusive rights for any Lair is expressly prohibited. No Right Holder shall be entitled to transfer any or all of his/her Lair rights during his/her lifetime without the approval of the Council. If the Lair is unused, the Right of Burial may be returned to the Council and the original price paid less an administrative charge will be refunded. Where, due to ground conditions, if double depth cannot be achieved in a Lair, two single-depth Lairs will be provided for cost of a double depth Lair.
- 2.6 The exclusive Right of Burial is considered to be part of the Right Holder's estate and shall be treated in accordance with the terms of Succession (Scotland) Act 1964 as amended and all relevant regulations made thereunder (providing they were domiciled in Scotland at the time of their death). Where a registered Right Holder and their spouse / civil partner have died, the Right may only be opened for burial with the permission of all legal successors, whether as an isolated event or as part of the permanent transfer of Right of Burial.
- 2.7 In relation to clause 2.6 above, the written permission of all legal successors is preferred but if this is not appropriate or possible then a declaration may be made by the person applying to open the Lair that all legal successors have been informed and no objections have been made.



The Council shall not be responsible for accepting in good faith this claim, or a claim of legal successorship if it is subsequently ascertained that such a claim is unfounded. This approach also applies to applications for erection of Memorials.


- 2.8 Right of Burial can be transferred within or between cemeteries, subject to an administrative fee.

### 3. Interments

- 3.1 All burials must be authorised by the Council prior to funeral arrangements being publicly announced.
- 3.2 All requests must be made in writing. The Council will not be liable for any failure in arrangements for burial due to circumstances beyond its control.
- 3.3 Any request for interment, including cremated remains, must be submitted to the Council on an approved form and be completed to the satisfaction of the Council. The authorisation of the burial will not be granted unless the form is submitted at least 2 full working days prior to the burial taking place. Burials do not require 2 days' notice in cases of death from epidemic disease, or other interments required to take place immediately upon the production of a certificate from a Procurator Fiscal or a Medical Practitioner, or in the case of a body found at sea or washed ashore. If the applicant wishes to choose a new Lair, then the 2 full working days start at the time the new Lair is chosen. Weekends and public holidays are not considered to be working days.
- 3.4 Any request for interment must include any information deemed necessary by the Council. Interments may only take place during times fixed by the Council, except for circumstances meeting the criteria in Clause 3.3 above.
- 3.5 A statutory Certificate of Registration of Death, Cremation or Still Birth, shall be provided by the undertaker/agent to the Council prior to an interment taking place.
- 3.6 The Council will not accept a body for interment unless the body is properly enclosed in a suitably lined coffin.
- 3.7 The Funeral Director/Agent will be responsible for the provision of sufficient bearers to convey the coffin reverently from the hearse to the graveside and for lowering the coffin into the grave.
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- 3.8 No coffin or casket shall be disturbed or removed from any grave under any circumstances unless permitted/instructed in writing by the Council.
- 3.9 No coffin shall be interred unless there is a minimum of a 60cm (approx. 2 ft) layer of earth available between the top of the final coffin and the surface ground level. Coffins in the same Lair must be separated from one another by a layer of earth not less than 15cm (approx. 0.5 ft) in thickness. No coffin shall be interred nearer than 75cm (approx. 2.5 ft) from the foundation or any part of a boundary, wall or building in a cemetery.
- 3.10 The number of burials which can be accommodated in any particular Lair may be indicated on the Right of Burial Certificate, but it must be noted this cannot be guaranteed as ground conditions may limit capacity. The number of burials which can be accommodated in a specific Lair will be the decision of the Authorised Officer whose decision shall be final. Generally, adult Lairs can hold at least one adult coffin alongside up to six cremation caskets, although some Lairs can hold up to three adult coffins. Infant coffins may be accepted in adult Lairs, subject to size and ground conditions.
- 3.11 The Council will record every interment specifying the Lair number, the burial ground, the depth of the Lair, the date of interment, the name, last address and age of the person buried, burial depth and any other relevant information. An extract from a burial register, duly certified as a true copy by the Council, is sufficient evidence of the burial entered in it for the purposes of any court proceedings.
- 3.12 The Council will be responsible for fixing sunken Lairs as required or when notified by a relevant party.

## 4. Areas for Cremated Remains

- 4.1 Designated areas for cremated remains are only available in some burial grounds. These designated areas will be capable of holding up to four cremation caskets.
- 4.2 No cremation casket shall be interred unless there is a minimum of 30cm (approx. 1 ft) layer of earth available between the top of the casket and the surface ground level.
- 4.3 Cremated remains must not be scattered in any part of a burial ground.
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# 5. Memorials

- 5.1 The erection of Memorials shall only be permitted on Lairs where a Right of Burial has been granted and paid for in full. Any applications made before the Right of Burial has been paid for in full will be refused.
- 5.2 A Right Holder shall be entitled to have a Memorial erected provided it complies with current specifications as determined by the Council and that it will not intrude in any way over that part of the Lair that may require to be opened for future burials. No Memorial shall be erected or inscription added within any burial ground until a plan or sketch thereof showing suitable scale and inscription has been submitted on an appropriate application form and approved by an Authorised Officer. The stonemason must not proceed until they have received written approval from an Authorised Officer.
- 5.3 The application for the erection of a Memorial must be made in writing at least 21 days before it is proposed to erect the Memorial. Any inscription on a Memorial must be approved by and must conform to the administrative requirements of the Council applicable at that time.
- 5.4 All work in connection with the erection of any Memorial shall be undertaken by a mason who is accredited under the approved schemes managed by NAMM, or BRAMM or an equivalent approved scheme, and carried out to the satisfaction of an Authorised Officer. The whole expense of such erection and the fixing any damage to council or any other property shall be borne by the person instructing the erection of such Memorial. Foundations for all Memorials must be constructed in accordance with such recommendations issued by NAMM, or BRAMM. Memorials are erected at the owners own risk and the Council will not be responsible for any loss or damage howsoever caused.
- 5.5 The section and number of a Lair must be clearly and permanently marked / cut upon the side of the Memorial at the expense of the person erecting the Memorial. Any headstone which provides for two or more Lairs must have all Lair numbers marked on the side of the Memorial. The memorial mason will inscribe his identifying mark on the base of the headstone.

5.6 Maximum Dimensions for Headstones are:

	<b>Height</b>	<b>Width*</b>	<b>Depth</b>
<b>Coffin Lair</b>	150 cm	90 cm	45 cm
<b>Casket Lair</b>	75 cm	85 cm	30 cm
<b>Baby Plot</b>	45 cm	60 cm	30 cm

\*Width must be 15 cm less than the width of the Lair




Any proposed variations to these measurements to be by written request to the Council who shall at its sole discretion have powers to waive or modify this regulation.

- 5.7 There should be no inscriptions or decoration of any kind on the rear of the Memorial, and nothing which could be construed as offensive. Please keep in mind that other users of the burial ground are likely to be grieving and have the right to use the space for peaceful reflection and mourning, without being encroached upon by untidy or disrespectful Lair decorations.
- 5.8 Kerbs, stones, footstones, railings, fences or any other structures (other than authorised Memorials) that delineate the Lair are not permitted.
- 5.9 The base of the Memorial may contain a flower vase holder. Additional forms of Memorials, vases, ornaments will only be permitted within 45cm out from the base of the headstone. When temporary Memorials, vases and other ornamentation is placed in this space it will be the responsibility of the Right Holder to maintain the grass within this boundary. Any items out with this area will be removed by the Council without prior notice and stored for 28 days before disposal. Glass and pottery items are not permitted where they may present hazards to grounds maintenance staff. Noise-emitting items (e.g. wind chimes) are not permitted. These items will be removed by the Council without prior notice and stored for 28 days before disposal. The Council will not be responsible for any loss or damage to such items.
- 5.10 The planting of trees and shrubs shall not be permitted, and any such planting will be removed by the Council without prior notice. Any previous planting which is considered by an Authorised Officer to be inappropriate because of potential interference to any Memorial, grave or maintenance of the burial ground will be removed without prior notice.
- 5.11 The Right Holder shall keep any Memorial clean and in a safe condition of repair of which an Authorised Officer shall be the sole judge. If the Right Holder fails to make safe a Memorial after written notice to the Right Holder at their last known address, the Council shall be entitled at the holder's expense either to repair any Memorials on that Lair, lay the Memorial flat, or have them removed in the name of public safety. Until the cost of such repairs or removals are paid, any further rights associated with the Lair shall be withheld. Sometimes Memorials are too unstable to leave standing and will be made safe and the Council will seek to notify the Right Holder in this instance. The Council is not bound to re-erect any Memorial. The Right Holder is advised to avail themselves of appropriate insurance cover in relation to their Memorial.

- 5.12 Where a Right Holder is deceased, their legal successors assume liability in terms of Clause 5.11 above.
- 5.13 Memorial benches may be placed within burial grounds only with the authorisation of the Council, and all benches must be to the specification and design as decided by the Council. All benches are available for use by any and all visitors to the burial ground. Maintenance will be the responsibility of the person purchasing the bench. The Council will not be responsible for any damage sustained either by vandalism or storms. If the bench is deemed to be unsafe or beyond economical repair the Council will be free to remove the bench and is under no obligation to replace it. Notification will be sent to the last known address of the purchaser in this instance.
- 5.14 No Memorial or part thereof shall be removed from the cemetery without notification to the Council.

## 6. General

- 6.1 Information recorded in respect of the deceased, i.e. name, age, occupation, place of death, and burial location is deemed to be in the public domain. This includes the details of a deceased Right Holder. Information recorded in relation to a Right Holder who is not deceased is subject to General Data Protection Regulation (GDPR) and will only be used by the Council in relation to the burial service. Identifying information of a living Right Holder such as name, address, and relationship to any previous Right Holder will not be disclosed to any third party, including stonemasons and funeral directors, without the written unambiguous consent of the living Right Holder.
- 6.2 Any burial grounds which are not permanently open shall have opening times at the main entrances. No person shall enter or wilfully remain in a burial ground except during the hours it is advertised as being open to the public by the Council. The Council may by notices posted at or near the place to which it refers, close any part to the public for such time as it may consider necessary.
- 6.3 No dogs shall be permitted into any burial ground with the exception of guide dogs.
- 6.4 Memorial wreaths will be removed when they wither or otherwise become unsightly in the opinion of an Authorised Officer. The timing of this may vary according to the season, however they will be left in place for at least 14 days. Families are advised to remove any tribute cards within this time.
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Christmas wreaths shall generally not be removed for disposal until after the end of January, unless their appearance has substantially declined. The Council does not accept any responsibility or liability for any damage to Memorials, ornamentation or flowers in any burial ground, howsoever caused. All items/Memorials/flowers are left at the owners' risk.

- 6.5 No works of any kind shall be permitted inside a burial ground without the sanction of an Authorised Officer who must be satisfied that the authority of the Right Holder has been obtained before work commences.
- 6.6 Charges for permission to erect and place any Memorial in the cemetery or to make any inscription shall be in accordance with the fees determined by the Council. A table of fees relating to burial ground charges shall be kept at local Council offices and published on the Council's website. All fees and charges in connection with the interments, Right of Burial certificates etc. shall be acknowledged on an official printed receipt form.
- 6.7 Car parks provided at burial grounds are for legitimate cemetery users such as use by funeral parties; council staff and stonemasons; families and the bereaved to visit plots; and for visitors researching their genealogy and local history. The use for overnight parking, camping and motorhoming is not permitted.
- 6.8 All vehicles on burial ground premises and in car parking facilities must be driven with due care and attention, and must not be driven in excess of 10mph. The Council shall not be held responsible for damage to vehicles or other property left in a burial ground, howsoever caused.

## 7. Nuisance

- 7.1 Whilst present in any of the Council's burial grounds, no person shall:
- a) Use offensive language or behave in an offensive, disorderly or insulting manner.
  - b) Wilfully or carelessly obstruct any employee of the Council in the exercise of their duties or in the execution of any works.
  - c) Wilfully or improperly interfere with any other person legitimately using the facilities provided by the Council or behave in such a manner as to endanger their own or any other person's safety.
  - d) Disobey any proper instructions given by any Council employee to ensure the safety and comfort of all persons using the burial ground.
  - e) Bring in any object or objects which may be considered by the Council to be dangerous.



- f) Wilfully break, damage, deface, disfigure, tamper with or climb on any tree, shrub, wall, fence, railing, Memorial, fountain, statue, building or other structure in the burial ground.
- g) Wilfully or carelessly damage, destroy or improperly soil any article supplied for use by the Council.
- h) Retain or remove any article supplied for use by the Council after it has been used.

## 8. Contravention of the rules

8.1 The following provisions apply to a contravention by any person of the Management Rules.

8.2 An Authorised Officer may:

- a) if he/she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene a management rule, expel that person;
- b) if he/she has reasonable grounds for believing that a person is about to contravene a management rule, exclude that person; from the land or premises to which the rule applies.

8.3 Any person who has persistently contravened or attempted to contravene the management rules and is in the opinion of the Council likely to contravene or attempt to contravene them again, may be made the subject of an exclusion order in terms of Section 117 of the Civic Government (Scotland) Act 1982.

8.4 Any person who:

- a) on being required to leave burial grounds by an Authorised Officer who has reasonable ground for believing that the person has contravened or is contravening or is about to contravene any of the foregoing management rules, fails to leave;
- b) on being informed by an Authorised Officer who has reasonable grounds for believing that the person is about to contravene any management rule applying to any land or premises that he is excluded from the land or premises, enters or attempts to enter the land or premises; or
- c) is subject to an exclusion order under Section 117 of the Civic Government (Scotland Act) 1982 and enters or attempts to enter the crematorium to which the exclusion order relates,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 of the standard scale of fines.

