

Bereavement Services – Cemetery Management Rules (revised August 2015)

CEMETERY MANAGEMENT AND THE REGISTRATION & PURCHASE OF LAIRS

1. The general management, regulation and control of the burial grounds belong to Falkirk Council as **the** local Authority, in accordance with The Burial Grounds (Scotland) Act, 1855, and amending Acts (subject to the provisions of the acts, the present regulations and such further regulations as may from time to time be made).
2. The Management, regulation and control of the burial ground shall be exercised by such Officer as Falkirk Council may appoint, and through such Officer all orders and instructions shall be conveyed to all persons who may be employed therein.
3. Falkirk Council shall keep the Register required by Section 31 of the above Act, and shall enter therein all burials which shall be made in the grounds, distinguishing the exact portion of the ground in which each body is buried, the date of the burial and depth of the grave.
4. Falkirk Council in registering each burial shall mark the number of the lair in which it takes place, etc.
5. All payments for ground, etc. shall be made by Account payable to the Director of Finance Falkirk Council, Municipal Buildings, Falkirk.
6. All services in grave digging, etc, shall be exclusively performed by employees of Falkirk Council or Approved Contractor.
7. Proprietors are prohibited from interring in their ground any other than members of their own family without having previously obtained in writing the consent of Falkirk Council thereto.
8. Notice of interment shall be given to the Officer in charge of the Cemetery by the parties or the Funeral Director as timeously as possible, and not later than 48 hours immediately preceding the day fixed for the interment.
9. Each purchaser of ground will, on payment of the price, be furnished with a Deed of Grant of Exclusive Right of Burial, and such Deed of Grant shall be held to confer on the purchaser the right of burial in the ground described in the Deed of Grant for a period not exceeding one hundred years from the date of issue.
10. The number of lairs which can be pre-purchased can be varied at the discretion of Falkirk Council. For example where the future capacity of the cemetery is estimated at less than 10 years the local authority can elect to suspend pre-purchases.
11. Representatives of deceased purchasers on producing evidence of their right of succession will be entitled to have their names inserted in the Register, and will obtain a Transfer Certificate on payment of fee. All joint succession or division of the property is, however, expressly excluded in any case whatever. The representative possessing such transferred Deed of Grant will be possessed of all the rights of the original purchaser of the ground.

12. No grave for any person shall be less than four feet deep, and no coffin shall be permitted to be laid nearer to the surface than three feet, measuring from the upper part of the coffin. *A maximum of four full-sized coffins shall be allowed to be interred in one grave, under normal circumstances, and no coffin shall be permitted to be removed from any grave with the view of making room for a new interment. In the case of shallow graves interments will be restricted to one or two coffins dependant on ground conditions.*

13. The sale of each lair is conditional upon these rules being observed at all times.

THE APPEARANCE OF GRAVES

14. The proprietors shall keep the tombs monuments, etc., in good order and repair, to the satisfaction of the Local Authority or their officer. Should they fail to make any repair that may be called for by the Local Authority or their Officer within thirty days after written notice has been given, the Local Authority or their Officer may either have the repairs done, or cause the tomb or other erection to be removed at the proprietors expense, and recover the cost of doing so by process of law. No interment in such ground shall be permitted until that expense be first paid. The Local Authority or their Officer may prune all pre-existing planting, and even remove the same, if it shall be the opinion of the Local Authority or their Officer that, by the spreading of the roots, branches, or growth, damage may be done to the adjoining grounds.

15. Falkirk Council reserves the right to test headstones or monuments. If they are deemed to be dangerous Falkirk Council reserves the right to lay the headstones flat. If the headstones are not restored to a safe state after a period of notice (one month or more) Falkirk Council reserves the right to undertake restoration work, and to recharge the lair holder.

16. Seasonal bulbs / flowers may be contained within a pot accommodated on the headstone foundation / concrete raft foundation, but they are not permitted to be planted within the headstone border area or placed on the lair.

17. There is no limit on the number of raised wrought iron flower holders per lair, providing that they are professionally installed by a memorial mason within the concrete strip foundation. They must not encroach onto the burial space or neighbouring lairs.

18. There is no limit on the number of free-standing flower vases permitted on each lair, providing that they do not encroach onto the burial space or neighbouring lairs. No glass or pottery containers will be allowed.

19. Notwithstanding previous arrangements, no new trees or shrubs are permitted to be planted within headstone borders.

20. No monument, rail, fence, chain or erection of any kind whatever, nor planting of any description, shall be permitted on the sites and lairs until approved by the Local Authority, to whom a special written statement and drawing of what is proposed shall be submitted, and their written sanction obtained before the work is commenced. Monuments, etc. shall be founded at such depth, and in such manner as may be approved by the Officer in charge and all excavations for foundations of monuments, etc., shall be executed by the Officer in Charge or any person whom he may appoint at the expense of the proprietors. No monuments or other erection shall be built or fitted in any wall or railing.

21. Headstones shall only be constructed of approved granite, stone or terrazzo materials. Headstones are to be drilled and pinned into foundations.

22. The details of headstone size and content is required to be submitted in advance of installation. Approval is ultimately at the discretion of the Director of the appropriate service of Falkirk Council.

23. Whilst taking into account exceptional / unforeseen circumstances, family / history connections and any other reason, there will be a presumption that the maximum dimensions of a memorial placed on a lair will be as follows:

Height 5ft (1524mm)

Width 3.ft 8 inches (1117mm) **

Thickness excluding base stone 5 inches (125mm)

** Width to be determined in the case of narrow lairs

One continuous headstone will not be permitted to straddle two or more lairs except in exceptional circumstances and with the written approval of the relevant Head of Service.

24. The erectors of headstones will make use of the concrete strip foundation provided by Falkirk Council. In cases where concrete strip foundations are not provided, the monumental mason will be required to drill and pin headstones into new concrete foundations.

25. The hewing or dressing of stones, or operations of any other description, except in the dressing of the sites or lairs, is not permitted within the Cemetery or in the approaches to the Cemetery. All rubbish or refuse remaining after the erection of monuments or other permitted operations, shall be immediately removed, under the direction of the Officer in Charge of the Cemetery, at the expense of the owners of the ground or of the person executing the work.

26. Regarding the size of images on monuments: there is no restriction on the size of images allowed, but no image will be allowed that is likely to be construed as sectarian, racist, sexist or otherwise likely to cause offence. Falkirk Council will remove any item or fixture which they consider to be offensive. This can include any potentially racist, sectarian or sexual offensive item. Any football-club related memorabilia which forms a permanent feature must be approved and authorised in advance by Falkirk Council. Final rulings to be at the discretion of the Director of the relevant Service.

27. Holly wreaths are permitted to remain in situ until 31st January each year, before being removed and disposed of. Advance warning of removal date will be advertised in the local press, on the Council website, and within the cemetery.

28. Flowers, tributes and soft toys shall be permitted to be arrayed on the full length of the burial space (Lair) for two weeks after the burial date. They shall generally not be removed for at least 14 days or until their appearance has substantially declined. Thereafter they may be removed to allow unhindered cemetery maintenance operations to recommence.

29. The lair holder will not install any items or fittings which may impede grounds maintenance and grass cutting, for example protrusions or loose stones.

VISITING CEMETERIES

30. Dog owners are asked to have consideration for other cemetery visitors by keeping their dog(s) on a lead at all times within the cemetery and crematorium grounds.

31. Visitors to the Cemetery shall on no account walk or trespass upon the lairs or the shrubbery, or pull the flowers, or in any way damage the shrubs or trees.

32. No person shall enter upon or depart from the grounds in any other way than by the entrance gates.

33. *Children under twelve years of age visiting the grounds must be accompanied by their parents or guardians.*

34. The Officer of the Council or other person in charge shall be entitled to remove any person or persons who may conduct themselves inappropriately.

35. Persons infringing any of the Rules of the Cemetery may be prosecuted.

36. Should any difference or dispute arise as to the real intent, meaning or interpretation of these Rules and Regulations, or in any matter regarding the Cemetery, the same shall be taken up and disposed of by the Local Authority, whose decision shall be final and conclusive.

37. The Local Authority may alter all or any of the Rules when they see cause, and enact others in their room and place.

Made by Order of the Falkirk Council on *twentieth of August 2015*, and as subsequently amended.

Mary Pitcaithly
Chief Executive

Falkirk Council
Municipal Buildings, Falkirk

Register of Interments	
Name	Date