

**The Inverclyde Council (hereinafter referred to as "the Council") have made the following Rules for the Management of Cemeteries in Inverclyde in terms of Section 112 of the Civic Government (Scotland) Act 1982 which will apply to all cemeteries under the control of the Council.**

## **1 Interpretation**

In these Rules:

- a. "The Certificate" means the Certificate of the Exclusive Right of Burial granted by the Council to the "Owner".
- b. "The Owner" means the person who purchases the Exclusive Right of Burial to the Lair and to whom the Certificate is granted and his/her successors in terms of Rule 2 below, who are registered as the Owner in the Lair Register maintained by the Council.
- c. The "Lair" means the piece of ground in which the Exclusive Right of Burial is granted by the Council.
- d. The "Appropriate Officer" includes the Burial Grounds Officer and any other officer duly authorised.
- e. A "Memorial" is any gravestone or other monument erected at the head of the "Lair".

## **2 The Exclusive Right of Burial**

- a. The Exclusive Right of Burial in a Lair will, subject to these Rules, be granted to the Owner and his/her successors (as described in Rule 2) in perpetuity subject to Rule 3 below. The Owner of a Lair owns only the Exclusive Right of Burial in the Lair. The Lair in which the right is exercised remains wholly within the ownership of the Council. The Appropriate Officer will furnish the Owner with a Certificate describing the location of the Lair to which he/she has an Exclusive Right of Burial. An Owner, duly registered in the books of the Council, will have Exclusive Right of permitting the Lair to be opened and the production of the title deeds and suitable proof of identification will be held as sufficient authority. One person only will be registered as the Owner of the Exclusive Right of Burial in a Lair or Lairs subject to (2c and 2d). The Owner will not be entitled to sell, transfer or assign the Exclusive Right of Burial without the agreement of the Council, nor will they, for pecuniary consideration, be entitled to inter anyone in the Lair to which they have the Exclusive Right of Burial. The Owner will be given a copy of these Rules and will be required to sign a receipt agreeing that they have read the Rules and agree to comply with them.
- b. The Owner will not be entitled to use the Lair until any outstanding burial dues are paid. Purchased Lairs will be allocated in rotation at the discretion of the Appropriate Officer of the Council. Only such Lairs as are numbered on the Cemetery Plans will be allocated.
- c. On the death of the Owner, the Lair will pass to the individual nominated on the application for interment. In such cases a memorandum of entry may be engrossed upon the original Lair Certificate or a new one may be issued. No new Certificate will be granted until the original Certificate is produced or accounted for satisfactorily. The new Owner will indemnify the Council against any subsequent claims resulting from their registration as the new Owner.
- d. The next of kin or executors of the registered Owner can, on production of the Certificate in the name of the registered Owner, instruct the burial of the said registered Owner in the Lair.
- e. No Lair will be sold without an interment taking place at that time. Purchase should be transacted through the Funeral Director undertaking the funeral arrangements.

## **3 Forfeiture**

Failing interment in or transfer of a Lair for a period of 100 years, the Council may terminate the Exclusive Right of Burial therein, provided that such notice of intention to terminate will be advertised once in a national newspaper and twice in two local newspapers and a period of twelve months allowed to elapse, following the publication of the last advertisement. Whereupon, failing any claimant, the Council may, by simple resolution duly minuted, declare such Right of Burial to be terminated and may grant the Exclusive Right of Burial of the Lair anew if no persons are interred in the Lair.

#### **4 Notice of Burial**

- a. All burials must be authorised by the Council prior to funeral arrangements being publicly announced.
- b. Notice of interment must be submitted to the Council's Cemetery Office at the very latest two working days (excluding Saturdays, Sundays and Public Holidays) before any proposed interment. Such notice should include the following information about the deceased:
  - Name & address
  - Age
  - Date of death
  - Relationship of the deceased to the Lair Owner (if any)
  - Residence at the time of death
  - Proposed day and hour of the interment
  - Any other such information deemed necessary by the Council from time to time.

If the deceased was the registered Owner, notice should be given as to the individual who is to be registered as the new Owner. Upon checking the Lair Register the order for digging the grave will then be issued.

- c. No Owner will be entitled to have the ground opened to a greater depth than 1.8 metres, and no interment will be made without there being at least 900mm of soil between the ordinary surface of the ground and the upper side of the coffin. In a Lair excavated to a depth of 1.8 metres not more than three standard sized adult coffins may be interred, subject to Rule 4d. below. A standard sized coffin is deemed to be not more than 300mm in depth. The number of interments permitted in any Lair may be reduced if the coffin chosen exceeds the standard depth. Only persons authorised by the Council will excavate graves and carry out the laying of foundations for monuments.
- d. Ground conditions at each Cemetery are variable, therefore the number of interments possible will be determined by the ground conditions discovered at the time of opening. In cases of all new lairs and interments, the depth will be recorded after each burial.
- e. A coffin containing an infant, stillborn baby or non viable foetus interred in a full sized adult Lair will be counted as one full interment and recorded as such in the Lair Register.
- f. Lair that has had the maximum number of interments possible, subject to Rule 4d. above, will not be opened again for interment except in the case of cremated remains.
- g. The Council will keep registers in which will be entered every interment, specifying the Lair, the depth of the grave, the date of interment, the name and age of the deceased and all other requisite particulars.
- h. A plan of the Cemetery and a Table of Interment Fees and other charges will be kept at the Burial Grounds Office in Greenock Cemetery. All fees and charges in connection with interments, Lair Certificates, etc., will be acknowledged on official printed receipt forms.
- i. The Funeral Director is 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.

#### **5 Areas for the Interment of Cremated Remains**

- a. Designated areas for the interment of cremated remains will be provided in some cemeteries. Each Lair will be one metre square and capable of holding up to six caskets of cremated remains. The Exclusive Right of Burial in a Lair for cremated remains will be sold with the right to erect a memorial. The base of the memorial may contain a flower vase holder. No other forms of memorials, vases or planting will be allowed on the Lair space.
- b. The Exclusive Right of Burial for cremated remains will be sold subject to these Rules where inconsistent with this Rule 5.
- c. Application for the interment of cremated remains must be made in the same manner and providing the same information as in Rule 4, above.
- d. Cremated remains may not be scattered in any part of a Cemetery without the permission of the Appropriate Officer and the appropriate documents being completed and recorded.

## **6 Areas for the Interment of Stillborn Babies and Non Viable Foetuses**

- a. Designated areas for individual and communal interment of stillborn babies and non viable foetuses will be provided in some cemeteries.
- b. An individual Lair will be issued for one interment only. The Exclusive Right of Burial in the Lair will be sold with the right to erect a memorial. The base of the memorial may contain a flower vase holder. No other forms of memorials, vases or planting will be allowed on the Lair space subject to rules 7a. to 7i.
- c. The Exclusive Right of Burial will be sold subject to these Rules where inconsistent with this Rule 6.
- d. A maximum of six interments will be permitted in a Rankin Memorial Garden Lair. A central memorial feature will be provided. There will be no Exclusive Right of Burial in the said communal Lair only a Right of Burial.
- e. Application for the interment of stillborn babies and non viable foetuses must be made in the same manner and providing the same information as in Rule 4, above.

### **6.1 Unpurchased Lair**

- a. A maximum of three interments will be permitted in any communal Lair. There will be no Exclusive Right of Burial in the said communal Lair only a Right of Burial.
- b. No memorial can be placed on the Lair.
- c. Designated areas for individual and communal interment of adults will be provided.

## **7 Memorials**

The erection of memorials will be permitted only on Lairs where an Exclusive Right of Burial has been granted and only by a monumental mason registered with the Council. No headstone or any other memorial may be erected in a Cemetery without the express written permission of the Council and permits must be made available for inspection when entering a Cemetery to carry out these works. Memorials must consist of natural stone or terrazzo and contain no wood, plastic or glass.

- a. A registered Owner will be entitled to have a memorial erected at the head of the Lair but such memorial will not protrude in any way over that part of the Lair to be opened for burial and will be restricted to at least 100mm less in width than the width of the Lair. Wooden crosses, plastic flowers, windmills, and teddy bears, kerbs, copes, railings, fences, gravel, corner stones etc. will not be permitted around or over the Lair. The said Owner is liable for any damage or injury caused by the state of repair of the memorial erected on the Lair. Only one flower vase will be allowed on each Lair and placed in the space provided at the head of each Lair, i.e. the crownhead or on the base of the

memorial. The Council will not be responsible for any loss or damage to such vase or any memorial. The said flower vase will not be made of glass or pottery.

- b. The Owner will keep the memorial in a neat and proper condition, of which the Appropriate Officer will be the sole judge. Upon failure by the registered Owner to comply with this Rule, within twenty one days of being given written notice of any failures at the owner's last known address, the Council will be entitled either to repair the memorial or to have the memorial removed. If said memorial is in a state that the Appropriate Officer considers dangerous the Council will be entitled to, without notice, take action as necessary to make it safe. Any costs incurred by the Council will be recovered from the Owner and until the cost of such repairs or removal is paid, the Right of Burial in the Lair will be withheld.
- c. Any unauthorised planting will be removed.
- d. All memorials must be constructed and erected in accordance with such recommendations formulated by the National Association of Monumental Masons from time to time.
- e. The application for the erection of a memorial or additional inscription on a memorial must be approved by the Appropriate Officer and must conform with the requirements of the Council, copies of which will be available from the Appropriate Officer.
- f. The Council will not be responsible for any loss or damage to memorials.
- g. The section and number of the Lair must be cut plainly upon the side of the memorial at the expense of the person erecting the memorial.
- h. No memorial or part thereof will be removed from the Cemetery by the registered Owner or their agents without prior written notification to the Council.
- i. No works of any kind will be permitted inside the grounds of the Cemetery without a permit and the sanction of the Appropriate Officer, who must be satisfied that the authority of the registered Owner has been obtained before work commences.
- j. A permit must be obtained for the installation a small marker. A charge will be applied, but should a headstone be erected at a later date no charge will be made for the 2nd permit issued.

## **8 Memorial Benches**

- a. The installation of memorial benches in Knocknairshill Cemetery will be permitted only in areas designated and mapped out for placement of memorial benches. Installation of memorial benches within all other cemeteries will be at the discretion of the Appropriate Officer.
- b. Application to have a memorial bench placed within a Cemetery must be put in writing to the Appropriate Officer.
- c. Subsequent to the application being accepted, the memorial bench must be purchased through the Appropriate Officer. The memorial bench, once installed, will become the property of Inverclyde Council and be available for use by visitors to the Cemetery. Maintenance, as considered appropriate, will be assessed and carried out by Inverclyde Council.
- d. If the memorial bench is vandalised or damaged beyond economical repair, the bench will be removed and disposed of at the discretion of the Appropriate Officer. Inverclyde Council will not be responsible for replacement of the damaged bench. The applicant will be notified of the removal at their last known address.
- e. Applications will be dealt with in date order, and the applicant given the choice of available sites for the memorial bench.

## **9 General**

- a. Cemetery opening hours will be:  
September to March: 8.00 a.m. - 5.00 p.m.  
April to August: 8.00 a.m. - 9.00 p.m.  
The Council may, by notices posted at or near the place to which it refers, close to the public any part of any Cemetery for such time as it may consider necessary.
- b. No persons may enter or leave any Cemetery except by the entrances and exits provided for that purpose.
- c. No persons may enter or wilfully remain within any cemetery except during the opening hours, as intimated at 9a. above.
- d. Children under 16 years of age must be accompanied by a parent, guardian or a responsible adult when entering any Cemetery.
- e. Dogs on a leash are permitted, but fouling must be removed by the person in charge of the dog and disposed of properly. Failure to keep dogs leashed or to remove fouling will result in the person in charge of the dog being expelled from the Cemetery and persistent offenders may be excluded from entering the Cemetery in future.
- f. Old memorial wreaths will be removed at the discretion of the Appropriate Officer.

## 10 Vehicles

Car parking facilities provided by the Council for the convenience of patrons will only be available during such times as the facilities of the Cemetery are being used. In all cases, the directions of the Appropriate Officer must be complied with and all vehicles must be driven at a speed not exceeding 15 miles per hour and with due care and attention. The Council will not be held responsible for any damage to vehicles or other property left in the car parking facilities.

- a. Vehicles conveying memorials or goods into any Cemetery grounds will be allowed entry only with the consent of the Appropriate Officer. The person or persons in charge of such a vehicle must comply with the directions of the Appropriate Officer as to the route to be followed within the grounds.
- b. The Appropriate Officer may instruct the removal of parked vehicles at his/her discretion if he/she considers that they interfere or may interfere with access or egress to the Cemetery or Crematorium. Removal means towed away or otherwise removed to a compound.
- c. The vehicle will be removed to a compound, at the owners expense.

## 11 Prevention of Nuisance

No person will:

- a. Use any profane or offensive language or behave in an offensive, disorderly or insulting manner whilst in any Cemetery.
- b. Wilfully or carelessly obstruct any Officer or Servant of the Council in the exercise of their duties or in the execution of any work associated therewith.
- c. Wilfully or improperly interfere with any other person using the facilities provided by the Council in any Cemetery, or behave in such a manner as to endanger their own safety or the safety of others.
- d. Ignore any proper instructions given by any member of the Cemetery staff to ensure the safety of all persons using the Cemetery.
- e. Bring into any Cemetery any object or objects which may be considered by any member of the Cemetery staff to be dangerous.

- f. In any Cemetery, climb upon any tree, shrub, wall, fence or railing, or upon any monument, fountain, statue, building or other structure.
- g. Wilfully or carelessly break, damage, deface, disfigure, tamper with or improperly soil any tree, shrub, wall, fence, monument, fountain, statue, building, Lair, other structure, or any property owned by the Council in the Cemetery.
- h. Place memorial plaques or other forms of memorialisation on land, walls, trees, or benches within the Cemetery or Crematorium grounds. The Appropriate Officer will have the discretion to remove unauthorized memorials without further notice. Inverclyde Council will not be held responsible for any damage or loss arising out of the removal. Removed memorials not uplifted by their owners within a period of 3 months from the date of removal will be disposed of.

## **12 Disputes**

Should any difference or dispute arise as to the interpretation of these Rules or in relation to the Tables of Fees and Charges, the same will be clarified by the Council's Appropriate Officer or other equivalent officer, whose decision will be final.

## **13 Right of Amendment**

The Council will be at liberty to alter these Rules or any part of them from time to time as they may see fit and make and enforce such others as they may consider necessary for Legal or for Statutory requirements or for the proper or better management of the Council's Cemeteries.

## 14 Contravention

The following provisions apply to a contravention by any person of the foregoing Management Rules:

- a. Should the Appropriate Officer of the Council have reasonable grounds for believing that any person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, they may expel that person from the Cemetery. Any person who fails to leave the Cemetery on being so expelled or attempts to reenter the Cemetery, will be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the standard scale.
- b. The Council may decide that a person who has persistently contravened or attempted to contravene the foregoing Management Rules and is, in their opinion likely to contravene them again, be made the subject of an Exclusion Order and they will give any person subject to an Exclusion Order notice of their decision.
- c. The said notice will contain a statement of the reasons for the decision and a statement as to the right to make representations under Rule 14e. below.
- d. Such Exclusion Order will take effect upon a person on such date as the Council may decide which will not be less than 14 days after their decision to make the Exclusion Order.
- e. Any person who has been made the subject of an Exclusion Order will be entitled to make written or oral representation to the Council at any time up to the date when the Order will take effect in terms of sub-paragraph 14d. above. The Council will suspend the effect of their decision, consider the representations and decide whether to confirm their decision or to revoke or amend it.
- f. An Exclusion Order will have effect for such a period, not exceeding one year, as the Council may determine and the Council may at any time reduce the period of, or revoke, an Exclusion Order made by them.
- g. Any person who, being a person subject to an Exclusion Order, enters or attempts to enter the Cemetery or Cemeteries to which the Exclusion Order relates will be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the standard scale.



## CREMATORIUM

### 15 Interpretation

Cremations MUST be conducted strictly in accordance with the Regulations made by the Secretary of State for the Home Department, dated 28th October 1930 as amended under Section 7 of the Cremation Act 1902 and Section 10 of the Births and Deaths Registration Act 1926.

- a. "Crematorium" means any Crematorium building, facility, ground or access road pertaining thereto under the control of Inverclyde Council.
- b. "Appropriate Officer" includes the Burial Grounds Officer and any other officer duly authorised.
- c. "Crematorium Attendants" means the person(s) who is employed to carry out cremation duties.

### 16 Cremation

- a. Application for cremation must be made to the Burial Grounds Officer, 1 South Street, Greenock, PA16 8UG, between the hours of 8.30am and 4.30pm Mondays to Thursdays and 8.00am to 4.15pm Fridays and 8.00am - 12 noon Saturday and at least 24 hours before the proposed hour for cremation. No Cremations will take place on Saturday afternoons, Sundays or local holiday Mondays.
- b. Cremation Services may take place only between the Hours of 9.00am and 3.00pm Mondays to Fridays and 9.00am to 11.00am Saturdays.
- c. Arrangement may be made for Cremation at other times in special circumstances at the discretion of the Appropriate Officer.
- d. Funeral Directors are responsible for ensuring that any coffin brought for Cremation bears the Name, Age, and Date of death of the deceased contained therein. If there appears to be any discrepancy regarding the details recorded on the coffin against those in the application for cremation, the Appropriate Officer will refuse the coffin access until he/she is satisfied the correct details are contained thereon.

### 17 Application

- a. An application on a **Form A** must be made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, must show satisfactory reason why the application is not made by an executor or by the nearest surviving relative and be accompanied by a duly certified copy of the Registration of Death on one of the forms provided by the Registrar General except in cases where an inquest has been opened or post mortem examination made when a certificate given by a procurator fiscal in **FORM E** may be produced.
- b. An Application **FORM A** must also be verified by being countersigned by a householder to whom the applicant is known who shall verify that the applicant is known to him or her, and that he or she has no reason to doubt the truth of any information furnished by the applicant.



- c. No Cremation shall be allowed to take place unless :-

A certificate in **FORM B** be given by a registered medical practitioner who has attended the deceased during his/her last illness and who can certify definitely as to the cause of death, and a confirmatory medical certificate in **FORM C** be given by another medical practitioner qualified to give such a form. Or;

A post-mortem examination has been made and the cause of death has been certified by the Procurator Fiscal under section 21 (2) of Procurator Fiscal (Amendment) Act 1926 and a certificate has been given to him in **FORM E**. Or;

An inquest has been opened and a certificate has been given by the Procurator Fiscal in **FORM E**.

- d. In relation to a person who has undergone anatomical examination pursuant to the provisions of the Anatomy Act 1832, a certificate has been given in **FORM H**. No cremation shall take place except on the written authority of the Medical Referee.

### 18 Medical Referee

The Medical Referee will, before allowing the cremation, examine the application and certificates and ascertain that they are such as required by these Regulations and that adequate inquiry has been made by persons giving the certificate. He may make any inquiry with regards to the application and certificates that he/she may think necessary.

- a. The Medical Referee may, after making proper inquiries, decline to allow the cremation unless an inquest is opened and a certificate be given by the procurator fiscal in **FORM E**. Provided that in any case to which the foregoing rule applies it is shown to the satisfaction of the Secretary of State that by reason of any special circumstances, it is impracticable or undesirable that an inquest shall be held, he/she may by order under his/her hand authorise the Medical Referee to allow the Cremation without an inquest being opened and certificate being given by the Procurator Fiscal.
- b. If the Procurator Fiscal has given notice that he/she intends to hold an inquest, he/she shall not allow cremation to take place until the inquest has opened.
- c. The Medical Referee may in any case decline to allow the cremation without stating any reason.
- d. Notwithstanding the foregoing regulations, the Medical Referee may permit the cremation of the remains of a stillborn child if it is certified to be stillborn by a registered medical practitioner after examination and if the Medical Referee, after such inquiries as he/she may think so necessary, be satisfied that it was stillborn and that there is no reason for further examination.
- e. In the case of any person dying of plague, cholera or yellow fever on board a ship or in a hospital or temporary place of reception of the sick, provided by port or other local authority under Public Health Acts or by a Hospital Committee under the isolation Hospital Acts, the Medical Referee, if satisfied as to the cause of death, may dispense with the requirements of these regulations. These regulations may also be suspended or modified in any District during an epidemic or for other sufficient reason by order of the Secretary of State.

## 19 General

- a. Any service or demonstration in connection with a funeral shall be subject in all things to the control of the Crematorium Attendant.
- b. All persons admitted to the Crematorium shall abide by the regulations laid down by the Council. The Crematorium Attendant will have the full power to exclude or remove from the Crematorium any member of the public as he/she thinks fit. All persons attending the funeral shall leave the building immediately after the conclusion of the service.
- c. The public can obtain permission to inspect the building, at the discretion of the Appropriate Officer when no cremation is proceeding, by appointment only.
- d. For the disposal of the ashes the written authority of the applicant (as per **FORM A**) will be required.
- e. The ashes from each cremation shall be reduced and placed in separate containers whilst awaiting final disposal on instruction given by relatives. Specimens of urns may be seen on application to the Appropriate Officer, and provision of same is included in the fees.
- f. The urn containing the ashes may only be stored at the Crematorium for a period of seven days pending instruction for their disposal. In event of no instructions being received by the Appropriate Officer, at the end of one month, the ashes will be strewn in the Garden of Remembrance.
- g. No body will be accepted for Cremation unless it is enclosed in a coffin of the traditional type normally accepted by the Appropriate Officer. Details of any such type of coffin or container proposed must be referred to and approved by the Appropriate Officer at the time when initial reservation of service is made.