

Agenda Item	7
Report No	CP/14/21

HIGHLAND COUNCIL

Committee: Communities and Place

Date: 12 May 2021

Report Title: Burial grounds and crematorium management rules

Report By: Executive Chief Officer Communities and Place

1. Purpose/Executive Summary

- 1.1 The Council has statutory duties towards burials and cremation. It is an important public service, delivered sensitively and with care. This report sets out reviewed management rules for burial grounds and the crematorium which take into account feedback from the public consultation earlier this year, including responses from some Funeral Directors.
- 1.2 The purpose of this report is to seek approval of the revised management rules.

2. Recommendations

- 2.1 Members are asked to note:
 - i. the responses to the public consultation.

Members are asked to agree:

- ii. the revised management rules for burials grounds as set out in Appendix 1 shall come into force on 1st June 2021 and shall, unless revoked, continue in force for a period of 10 years from that date;
- iii. the revised management rules for Inverness Crematorium as set out in Appendix 2 shall come into force on 1 June 2021 and shall, unless revoked, continue in force for a period of 10 years from that date;
- iv. that the Committee delegates powers to the Bereavement Services Manager to amend the rules for operational or legislative purposes; and
- v. that in keeping with legislation, the next formal review is undertaken in 2030.

3. Implications

3.1 Resource implications

Any costs associated with signage and communication of management rules can be accommodated within the current budget.

3.2 Legal implications

Highland Council has a statutory obligation to manage burial provision, memorial safety and cremations as set out in the Burial and Cremation (Scotland) Act 2016. The Council has the authority, through the Civic Government (Scotland) Act 1982, to create and enforce Management Rules regulating the use of and conduct of persons within burial grounds and the crematorium. There is a legal duty to consult on proposed changes to management rules.

3.3 Community (Equality, Poverty and Rural) implications

The refreshed management rules ensure a transparent and consistent approach to meeting the statutory duties of the Council over the Highlands.

3.4 Public sector equality duty: The new management rules have been through an Equality Impact Assessment screening exercise. Consequently, written information regarding the revised management rules and policy can be made in other formats or languages on request.

3.5 Fairer Scotland duty: Public consultation is required on proposed changes to management rules and the proposals for this consultation are included in the report.

3.6 Climate Change implications

There are no implications arising from this report.

3.7 Risk implications

There is a potential reputational risk to the Council regarding enforcement of the Management Rules in relation to memorabilia and ornaments on Lairs. This can be mitigated by the sensitive approach to enforcement outlined in the report.

3.8 Gaelic implications

In line with the Council's Guidelines on the use of Gaelic, at burial grounds where new signs are being erected or existing signs require to be replaced, bilingual signs will be erected.

4. **Management Rules**

4.1 Section 112 of the Civic Government (Scotland) Act 1982 details the process by which local authorities can make Management Rules to regulate the use of, and the conduct of persons on, any land or premises which is owned, occupied or managed by the authority or is otherwise under their control and to which the public have access, whether on payment or not.

4.2 This legislation has been used by Councils to establish rules to regulate the use of and the conduct of persons in places such as parks, burial grounds and crematoria.

4.3 The legislation requires a period of public consultation when introducing management rules including ensuring the draft rules are made available for inspection for at least a month. Members of the public will require to be notified by way of a newspaper advertisement where the draft Management Rules may be inspected, and the address to which objections may be sent. Following the consultation and execution of the Management Rules the legislation states they will remain in force for a period of ten years unless revoked or amended and will be available for public inspection.

4.4 In Highland, the management rules for Burial Grounds and Inverness Crematorium were reviewed and updated versions reported to the Communities and Place Committee on 25th November 2020 (report available [here](#)). The Committee approved proceeding with the public consultation.

5. Consultation results

5.1 Revised versions of the proposed rules were issued for consultation on the 6 February 2021. The consultation closed on 14 March 2021. In accordance with the Civic Government (Scotland) Act 1982 the consultation was advertised and was also promoted by news releases and on social media.

5.2 The consultation received 10 written responses. These were from 3 funeral directors, 4 MP & MSPs, 1 Councillor and 2 from the public.

5.3 The consultation responses covered a range of issues and these are summarised below along with comments:

- a) A number of respondents expressed significant concern over inappropriate use of cemetery car parks especially given some disrespectful behaviour last summer by irresponsible campers and motorhome users. Respondents were concerned over lack of clarity of the proposed rules on this issue compared with previous versions.

Comments: These concerns have been noted and the revised rules make clear that the burial ground car parks are provided to accommodate legitimate burial ground users (burial grounds rules paragraph 6.7). The Council's Traffic Management & Control team are also considering the use of Traffic Regulation Orders at burial ground car parks to enable further legal controls on use of the car parks.

- b) Concern that the restriction of pottery items is excessive particularly on a grave where a headstone has not been erected.

Comments: Restrictions on glass and pottery items are to ensure safety of staff while undertaking grass cutting. Wording amended in revised rules 'Glass and pottery items are not permitted where they may present hazards to grounds maintenance staff'.

- c) Concern on burial grounds rule paragraph 3.1 being unclear on who was liable for fees.

Comments: Paragraph reviewed, and sentence removed as not required.

- d) Concern that existing burial grounds rule 5.5 (The section and Lair number to be clearly cut on the side of the memorial) is not being followed at all times.

Comments: reminder will be issued as part of memorial authorisation process.

- e) A member of the public commented on the general bereavement services policy, presentation of Policies and rules on the Council's website, implementation of Rules and cemetery signposting, and the need for Adherence to Rules and policies including by Council members and Staff.

Comments: The comments included useful suggestions on policies, the website, signs at cemeteries and on implementation, and the bereavement services manager will consider these as we take forward the revised management rules.

- f) A funeral director commented on proposed crematorium rule that the coffin identifies age of deceased. Noted many families don't want the age on the name plate.

Comments: Revised to remove requirement for age.

- g) Responses from funeral directors raised some operational matters not specifically covered by the management rules. These included crematorium service times, coffin drop off times, and administrative forms.

Comments:

A review is underway on the administrative process of burials and cremations including forms. The bereavement services manager will liaise with funeral directors on any proposed changes.

The service has noted the comments on operational times at the Crematorium. The times have been previously reviewed and the current arrangements were established to allow cleaning between services and rearrangement of seating, preparation of music/streaming etc. The bereavement services manager will liaise with funeral directors on this issue and any possible beneficial changes that could be considered as Covid restrictions are lifted over the next few months.

6. Revised Management Rules

- 6.1 The updated management rules for Burial Grounds and Inverness Crematorium are attached at **Appendices 1 and 2**.

- 6.2 These have been updated to take account of consultation comments in paragraph 5.3 above. Further changes are highlighted below:

- a) Following feedback from members at the November Committee proposed rules requiring prior notice to play music and of a large number of attendees were deleted;
- b) text was revised to be clearer following further comments from the Council's legal team;
- c) Sections that duplicated statutory duties deleted (proposed burial grounds rules 2.4 and 2.8).

- 6.3 Generally, there has been good compliance with the burial ground rules and this ensures staff safety and that routine maintenance can be carried out in an efficient manner (e.g. grass cutting). However, there have been limited cases highlighted which can cause difficulties particularly with Lairs. This can be with unauthorised items being placed out with permitted areas including in some cases turf being cut to allow installation of small fences and gravel. Some cases involve ornamentation (e.g. plastic solar lights) being placed. Members will be aware that enforcement of these aspects of the burial grounds rules requires sensitivity, tact and care.

- 6.4 As outlined in the November report, to take forward a proportionate, fair, consistent approach to enforcement it is proposed that:

- a) following consultation, the finalised rules should be publicised for 3 months;

- b) plain English leaflets highlighting compliance and common problems will be supplied to Lair purchasers. This information can be made in other formats or languages on request;
- c) signs highlighting compliance and common problems will be provided at burial grounds;
- d) clear guidance will be provided to staff on proportionate, fair, consistent enforcement approach to breaches of the management rules. This will include guidance on when it is appropriate to take action and action to be taken. For example, on minor breaches (e.g. plastic solar lights can be removed, stored for 28 days then disposed of), and then to escalation to management of new significant breaches (e.g. turf being cut to install a fence and gravel, where manager would contact Lair Holder with written explanation of breach with time scale for matter to be remedied). In significant cases, where no immediate safety risk, 2 written warnings would be provided to Lair Holder with a 4-week period in-between.
- e) Any concerns involving the graves of infants or children would be referred to the Bereavement Services Manager.
- f) Legal services have indicated applying the management rules to historic issues is likely to be challenged. It is therefore proposed that the enforcement will focus on application of the new rules following their date of implementation.

6.5 As stated in the November report an informal survey of other Scottish Councils has found similar issues. Most have rules in place for the safety of staff and to assist maintenance and some do permit items in immediate area of headstone. Generally, enforcement is not pursued unless it is impacting on ability to open the Lair or has impact on safety or valid complaints are received. All recognise that it must be approached with sensitivity and enforcement can be very challenging.

6.6 It is recommended that the revised management rules come into force on 1st June 2021 and shall, unless revoked, continue in force for a period of 10 years from that date. The next formal review to be undertaken in 2030 and it is recommended that the Committee delegate powers to the Bereavement Services Manager to amend the rules for operational or legislative purposes to allow minor amendments ahead of the next formal review.

6.7 As agreed at the November Committee, a report will be presented to a future meeting of the Committee in 2022 on the how the final management rules had been received following implementation.

Designation: Executive Chief Officer Communities and Place

Date: 24.4.21

Authors:

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Background Papers:

Report No EDI/13/19 dated 31 January 2019 Review of Management Rules for Cemeteries and Kilvean Crematorium

https://www.highland.gov.uk/download/meetings/id/74824/item_17_-_review_of_management_rules_for_cemeteries_and_kilvean_crematorium

Civic Government (Scotland) Act 1982

<https://www.legislation.gov.uk/ukpga/1982/45/part/IX/crossheading/management-rules>

The Highland Council

Management Rules for Burial Grounds under the control of the Council

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) “Lair Holder” means the owner of the exclusive Right of Burial in a Lair, and in whose name the Lair 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 Lair Holder.

2.2 Purchased Lairs 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 of Lairs 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 Lairs at any time.

- 2.3 The Council shall provide the Lair Holder with a Lair certificate describing the Lair. A Lair 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 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.
- 2.4 With the exception of trustees, only one person shall be registered as the Lair Holder of a Lair or Lairs. Joint succession to or division of the exclusive rights for any Lair is expressly prohibited. No Lair Holder shall be entitled to transfer any or all of his/her Lair rights during his/her lifetime without the approval of the Council. The Lair right may be handed back to the Council and a refund at current Lair charge less an administrative charge if the Lair is still unused. Where, due to ground conditions, two single-depth Lairs were sold in lieu of one double-depth Lair, one double-depth charge will be refunded.
- 2.5 The exclusive Right of Burial is considered to be part of the Lair 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 Lair Holder and their spouse / civil partner have died, the Lair 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 Lair rights.
- 2.6 In relation to clause 2.5 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.
- 2.7 Lair rights 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.
 - 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 Lair 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.

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 Lair 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:

	Height	Width*	Depth
Coffin Lair	150 cm	90 cm	45 cm
Casket Lair	75 cm	85 cm	30 cm
Baby Plot	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 Lair 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 Lair 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 Lair Holder fails to make safe a Memorial 21 days after written notice to the Lair 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 for 21 days and will be laid flat immediately, and the Council will seek to notify the Lair Holder in this instance. The Council is not bound to re-erect any Memorial. The Lair Holder is advised to avail themselves of appropriate insurance cover in relation to their Memorial.
- 5.12 Where a Lair 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 Lair Holder. Information recorded in relation to a Lair 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 Lair Holder such as name, address, and relationship to any previous Lair Holder will not be disclosed to any third party, including stonemasons and funeral directors, without the written unambiguous consent of the living Lair 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. 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 Lair 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, Lair 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.

The Highland Council

Inverness Crematorium Management Rules

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 at Inverness Crematorium.

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) “Crematorium” means the Inverness Crematorium buildings, associated facility, ground or access road pertaining thereto under the control of the Council.
- c) “Crematorium Attendants” means the person(s) who is employed to carry out cremation duties.
- d) “Crematorium Office” means the Administration Office at Inverness Crematorium, Kilvean Road, Inverness, IV3 8JN
- e) “Ashes” means the cremated remains of a deceased person
- f) “Direct Cremation” is a cremation with no funeral service, or ceremony performed beforehand at the Crematorium, and no attendees. The Ashes will be returned to the family to do with as they wish or can be scattered in garden of remembrance.

2. Cremation arrangements

2.1 Application for cremation must be made to Crematorium Office. The applications for cremations must be received by the Crematorium Office no later than 10am, two working days before the cremation is due to take place. Weekends and public holidays are not considered to be working days. A statutory Certificate of Registration of Death, Cremation or Still Birth, or any

other relevant forms must be provided by the undertaker/agent to the Council before any cremation can take place.

- 2.2 Cremation timings and arrangements must not be made public until confirmed by the Council. All requests must be made in writing. The Council will not be liable for any failure in arrangements for cremation due to circumstances beyond its control.
- 2.3 The Council will publish details of the specific time slots for cremation services and drop off times for Direct Cremations.
- 2.4 Arrangement may be made for Cremation at other times in only in exceptional special circumstances at the discretion of the Council.
- 2.5 Funeral Directors are responsible for ensuring that any coffin brought for Cremation bears the name 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.

3. Services

- 3.1 Any Funeral Service at the Crematorium shall be subject in all things to the control of the Crematorium Attendant.
- 3.2 The 45 minutes allocated for each service includes the entrance and exit of all mourners. Late arrival of a cortege may result in a service being postponed until later in the day. All persons attending the funeral shall leave the building immediately after the conclusion of the service.
- 3.3 The Funeral Director must provide sufficient bearers to convey the coffin from the hearse to the catafalque. The coffin must be placed correctly in position on the catafalque. Where the Council is asked to assist, it will not be held responsible for damage to the hearse or coffin howsoever caused.
- 3.4 Funeral Directors must follow any rules published by the Council on suitability of coffins for cremation.

4. Collection of Ashes

- 4.1 Ashes are normally available for collection after 10am on the next working day after the cremation. Weekends and public holidays are not considered to be working days. Ashes will only be released to the person/Funeral Director named on the original application. Any changes as to the identity of the collector must be made in writing by the original applicant or their legal successor/executor of their Will.
- 4.2 If requested by the applicant, the Council will scatter the Ashes in one of its memorial gardens either with or without a ceremony, dependant on the applicant's request.
- 4.3 In the event of Ashes not being collected the Council will follow the statutory requirements of the Cremation (Scotland) Regulations 2019, and any

associated guidance, on handling and disposal of Ashes. The Council will take all reasonable steps to contact the original applicant.

- 4.4 Ashes cannot be scattered in any burial ground. Ashes may only be spread in a garden of remembrance with the express permission of the Council.

5. Records

- 5.1 All cremations will be recorded in a Cremation Register, kept at the Crematorium Office. This register will contain information as required by legislation and statutory guidance. Cremation registers will be kept indefinitely. These registers and copies of entries will be supplied to members of the public on request, subject to an administration fee.

6. Remembrance

- 6.1 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. 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.

- 6.2 The Wreath Courtyard will be open at all times the Crematorium grounds are open. Flowers may be placed in the courtyard by any person at any time. Glass and pottery items are not permitted, nor are any noise-emitting items (e.g. wind chimes). Prohibited items will be removed immediately without prior notice by the Council and will be stored for 14 days before disposal.

7. General

- 7.1 No dogs, except guide dogs, are permitted in the Crematorium at any time.
- 7.2 The Car park at the crematorium is provided for legitimate crematorium users. The use for overnight parking, camping and motor homing is not permitted. All vehicles on crematoria 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 at the Crematorium, howsoever caused.

8. Prevention of Nuisance

- 8.1 No person shall
- a) Use any profuse or offensive language or behave in an offensive, disorderly or insulting manner whilst in the Crematorium.
 - b) Wilfully or improperly interfere with any other person using the facilities provided by the Council in any Crematorium or behave in such a manner to endanger their own or other persons safety.
 - c) Wilfully or carelessly obstruct any employee of the Council in the exercise of their duties or in the execution of any works.

- d) Disobey any proper instructions given by any member of the Crematorium staff to ensure the safety and comfort of all persons using the Crematorium.
- e) Bring into the Crematorium any object or objects that may be considered by any member of the Crematorium staff to be dangerous.
- f) Wilfully or carelessly damage, destroy, remove or improperly soil any article supplied for use by the Council.

9. Contravention of the rules

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

9.2 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.

9.3 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.

9.4 Any person who:

- a) on being required to leave the Crematorium 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.
