

**WEST LOTHIAN COUNCIL
CEMETERIES**

MANAGEMENT RULES 2016

West Lothian Council, incorporated under the Local Government Etc (Scotland) Act 1994, by virtue of the powers conferred on them under Section 112 of The Civic Government (Scotland) Act 1982 hereby make the following Management Rules which shall apply to all cemeteries under the control of the Council.

Control of all cemeteries situated within West Lothian shall be exercised by the Head of Operational Services of the Council or any person delegated in terms of the Council's Standing Orders from time to time to so act.

1. INTERPRETATION OF TERMS

In these Management Rules, unless the context otherwise requires:-

"authorised officer" means a Council Officer carrying authorisation from the Chief Executive of the Council in writing, or from any person delegated in terms of the Council's Standing Orders from time to time to provide authorisation on its behalf to enforce these Management Rules.

"cemetery" means any land operated and managed by the Council for the purpose of interment including churchyards and burial grounds.

"cemetery staff" means a Council Operative who is employed by the Council to maintain cemetery grounds and churchyards including the preparation of lairs for burials.

"Certificate" means the Certificate of Right of Burial granted by the Council, or its predecessors in title as proprietors of the cemetery.

"Council" means West Lothian Council

"lair" means the piece of ground the exclusive right of burial in which is granted by the Certificate.

2 SUPERVISION OF CEMETERIES

The Head of Operational Services of the Council or any person delegated in terms of the Council's Standing Orders from time to time to so act shall be responsible for the control of the cemeteries.

3. CONDUCT

3.1 No person shall in any cemetery:-

- (i) Use any profane or offensive language or behave in an offensive, disorderly or insulting manner.
- (ii) Obstruct, disturb or interrupt any officer, employee or agent of the Council in exercise of their duties
- (iii) Interfere with any other person using the facilities or behave so as to endanger their own or other person's safety.
- (iv) Disobey any instructions given by any member of the cemetery staff.
- (v) Bring into the cemetery any object which may be considered by any member of the cemetery staff to be dangerous.
- (vi) Climb upon any tree, shrub, wall, fence or railing, or upon any monument or any other structures.
- (vii) Enter or leave any cemetery except by the entrances and exits provided.
- (viii) Behave in a manner that does not strictly adhere at all times to the Scottish Outdoor Access Code. <http://www.outdooraccess-scotland.com/>
- (ix) Break, damage, deface, disfigure, tamper with any tree, shrub, wall, fence, railing, monument or any structure.
- (x) Damage, destroy or improperly soil any articles supplied for use by the Council.
- (xi) Retain or remove any articles supplied for use by the Council after the purpose for which it was issued has been served.
- (xii) Erect or inscribe any memorial without the written permission of an authorised officer.
- (xiii) Undertake any form of mechanical cleaning operation of any monument or structure
- (xiv) Walk any dog without a lead or on a lead that is longer than 2 metres in length.
- (xv) Plant any tree, shrub or plant without the permission of an authorised officer.

3.2 Car parking facilities provided by the Council in any cemetery shall only be available for such times as those persons are using the facilities of the cemetery. In all cases the instructions of an authorised officer or cemetery staff must be complied with and all vehicles must be driven carefully and at a speed not exceeding five miles per hour

and keep to the roadways. The Council shall not be held responsible for any damage to vehicles, or other property left in the car parking facilities.

- 3.3 Vehicles conveying memorials or goods into any cemetery grounds will be allowed to enter only with the consent of an authorised officer or cemetery staff. The person in charge of such a vehicle must comply with the directions of the appropriate authorised officer or cemetery staff as to the route to be followed in the grounds.
- 3.4 Cycling, skateboarding, roller-blading, or such similar activities are prohibited within any cemetery. Any person contravening the foregoing shall be liable to the Council for, and indemnify the Council against, any and all loss, injury or damage, which is caused thereby except where such loss, injury or damage is caused through the fault or negligence of the Council, its employees or agents.

4. INAPPROPRIATE CONDUCT

- 4.1 Should an authorised officer have reasonable grounds for believing that any person has contravened, or is contravening any of the foregoing Management Rules, he/she may expel that person from any cemetery. Any person who fails to leave any cemetery on being so expelled, shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level One of the standard scale in terms of Section 118 of the Civic Government (Scotland) Act 1982 and Section 289F of the Criminal Procedure (Scotland) Act 1975. 4.2 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, shall be made subject to an Exclusion Order, and if the Council so decide, they shall give the person subject to the Exclusion Order notice of their decision.
- 4.3 Such Exclusion Order shall take effect on such date as the Council may decide which shall not be less than 14 days after the date of their decision to make the Exclusion Order.
- 4.4 Any person who has been made subject to an Exclusion Order shall be entitled to make written or oral representations to the Council at any time up to the date when the Order should have taken effect upon them. The Council shall suspend the effect of their decision, consider the representations and decide whether to confirm their decision or to revoke or amend it.
- 4.5 An Exclusion Order shall have effect for such period not exceeding one year as the Council may determine and the Council may reduce the period of, or revoke an Exclusion Order made by them. If the Council sees fit it may renew such Exclusion Order after review.
- 4.6 Any person who being a person subject to an Exclusion Order enters or attempts to enter the cemetery to which the Exclusion Order relates shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level One on the standard scale in terms of Section 118 of the Civic Government (Scotland) Act 1982 and Section 289F of the Criminal Procedure (Scotland) Act 1975.

5. MEMORIALS/FLORAL TRIBUTES

- 5.1 Railings, kerbing, fencing, corner stones and gravel are not permitted. Any such items shall be removed by the Council and will be stored for a period of up to one month. A note will be placed on the lair informing of the removal.
- 5.2 Wreaths in honour of the war dead are permitted and shall be removed at the discretion of the Council. Christmas wreaths will be permitted within all cemeteries between the dates of the 1st of December and the 31st of January. Any artificial wreaths removed from the lair will be stored by the Council for a period of up to one month. A note will be placed on the lair informing of the removal.
- 5.3 Floral tributes placed on a lair will not be removed by the Council for a minimum of 21 days following an interment. After 21 days, the Council may remove tributes in order to maintain the ground. Any artificial floral tributes removed from the lair will be stored by the Council for a period of up to one month. A note will be placed on the lair informing of the removal.

6. GENERAL

- 6.1 The Council may by notices posted at or near the place to which it refers, close any part of a cemetery to the public for such times as it may consider appropriate.
- 6.2 When a cemetery reaches 90% capacity or such other capacity level deemed appropriate, the Council reserves the right to sell lairs only for immediate use.
- 6.3 Each cemetery shall have a pre-determined number of locations available for the purchase and installation of memorial benches. These locations/benches will be made available for purchase on a first come first served basis. Once the allocation of locations/benches has been purchased, no further locations will be made available within the cemetery unless an extension to that cemetery is made.
- 6.4 Where a memorial bench is being purchased, the type of bench to be installed will be specified by the Council.

7. SUPERVISION OF CEMETERIES

- 7.1 The Head of Operational Services of the Council or any person delegated in terms of the Council's Standing Orders from time to time to so act shall regulate the hours during which monumental masons will be admitted to a cemetery, the routes by which they may bring materials into and out of the cemetery, and the manner in which such materials may be conveyed.

8. MANAGEMENT RULES

- 8.1 These Management Rules shall be cited as West Lothian Council Cemeteries Management Rules 2015.
- 8.2 These Management rules shall come into force on the date of their execution and shall remain in force for a period of 10 years thereafter unless earlier revoked or amended.

DATA LABEL: PUBLIC

- 8.3 The Council shall be at liberty to alter these rules and regulations or any part of them, as they see fit and make and enforce such others as they may consider necessary for the proper or better management of cemeteries.
- 8.4 Should any difference or dispute arise as to the real intent, meaning or interpretation of these rules, the issue shall be taken up and decided by the Head of Operational Services of the Council or any person delegated in terms of the Council's Standing Orders from time to time to so act, whose decision shall be final.