

REPORT TO: CLIMATE, NET ZERO AND ENVIRONMENT COMMITTEE – 17 NOVEMBER 2025

REPORT ON: REVOCATION AND REPLACEMENT OF DUNDEE CITY COUNCIL'S MANAGEMENT RULES FOR CEMETERIES AND UPDATE OF THE TERMS AND CONDITIONS FOR CEMETERIES

REPORT BY: EXECUTIVE DIRECTOR, NEIGHBOURHOOD SERVICES

REPORT NO: 322-2025

1. PURPOSE OF REPORT

- 1.1 To update elected members on the statutory changes introduced by the Burial and Cremation (Scotland) Act 2016 and associated regulations, which necessitate the revocation of the current Management Rules for Cemeteries and their replacement with new Management Rules for Cemeteries.
- 1.2 To seek Committee approval for the proposed Terms and Conditions for Cemeteries to ensure compliance with the Burial and Cremation (Scotland) Act 2016 and associated regulations.
- 1.3 To seek Committee approval for the new draft Management Rules for Cemeteries which require formal public consultation in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATIONS

- 2.1 The Committee is recommended to remit the Executive Director of Neighbourhood Services to undertake public consultation on the proposed Management Rules for Cemeteries (Appendix 1), and to report any further amendments as a result of this consultation to the February 2026 committee meeting. The current Management Rules for Cemeteries will be revoked once the new Rules have been consulted upon and agreed.
- 2.2 The Committee is recommended to approve the proposed Terms and Conditions for Cemeteries (Appendix 2).

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with the implementation of the above recommendations.

4. BACKGROUND

- 4.1 Reference is made to Article III of the minute of the Neighbourhood Services Committee on the 18th February 2019 ([74-2019](#) refers), and Article III of the Neighbourhood Services Committee on 22nd April 2019 ([AN25-2019](#) refers) which approved updated Management Rules for Dundee City Council's Open Spaces and Cemeteries according to the requirements of Civic Government (Scotland) Act 1982.
- 4.2 The Civic Government (Scotland) Act 1982 requires that Management Rules are updated every 10 years, with the next review due in 2029. However, the implementation of the Burial and Cremation (Scotland) Act 2016 through the introduction of associated regulations in 2024 and 2025 has necessitated the revocation and redrafting of Dundee City Council's Management

Rules for Cemeteries before the 2029 review. The Open Space Management Rules are unaffected by the Burial and Cremation (Scotland) Act 2016 and will be reviewed in 2029.

4.3 The key changes proposed, concern the Definitions in the Management Rules for Cemeteries to include reference to a 'Right of Burial' which is introduced by the 2016 Act. Although not required under legislation, but to ensure clarity for all, the tributes and planting which are permitted on lairs has also been reviewed and amended. Further information on the specific changes is contained in Appendix 3.

4.4 In accordance with the Civic Government (Scotland) Act 1982, Dundee City Council is required to formally consult the public on the draft Management Rules for Cemeteries as at Appendix 1. The period for formal public consultation is one month. Accordingly, a further report will be presented to the Climate, Net Zero and Environment Committee meeting in February 2026 appraising elected members of the results of the public consultation and further recommended amendments. At this meeting recommendations to formally revoke the current Management Rules for Cemeteries and agree amended Management Rules for Cemeteries, which comply with the Burial and Cremation (Scotland) Act 2016, will be considered by elected members.

4.5 Implications of the Burial and Cremation (Scotland) Act 2016

4.5.1 The Scottish Government introduced new regulations under the Burial and Cremation (Scotland) Act 2016, marking a significant step in the Act's implementation. In line with their powers under the 2016 Act, Scottish Ministers introduced two sets of complementary sets of Regulations to strengthen burial governance and service delivery. These are the Burial (Management) (Scotland) Regulations 2025, and the Burial (Applications and Register) (Scotland) Regulations 2024.

4.5.2 The above Regulations introduce statutory duties and responsibilities for Dundee City Council in burial ground management and operational procedures.

4.5.3 Although the above regulations brought in minor administrative changes with the introduction of new burial application forms, and the requirement to retain these for 50 years, which were implemented on 1st March 2025, the regulations also require further changes to be implemented by 1st March 2026 which impact on Dundee City Council's Management Rules for Cemeteries and the Council's Terms and Conditions for Cemeteries requiring revocation and adjustment to ensure compliance.

4.5.4 In addition to the changes to the Management Rules and Terms and Conditions above, the Regulations require Dundee City Council to prepare and maintain a Burial Management Plan. The plan must outline how burial grounds are managed and operated and must be available from 1st March 2026 and reviewed annually. The plan must be made available for inspection by the Inspector of Burial and members of the public. Approval for the Burial Management Plan will be sought from elected members at the Climate, Net Zero and Environment Committee meeting in February 2026.

4.5.5 The key legislative changes required by the 2016 Act are summarised below: -

- Statutory Application Forms: Under Section 8, a burial must not proceed without a completed application form submitted by a person with the legal right to arrange the burial.
- Right of Burial Certificate: The document previously referred to as a 'Title Deed' will now be known as a 'Right of Burial Certificate', reflecting the statutory terminology and clarifying it grants interment rights, rather than land ownership.

- Duration of Right of Burial (from 1 March 2026): Rights will be granted for 25 years, replacing perpetual ownership.
- Extension of Right of Burial: Rights may be extended for further periods of 10 years at the Council's discretion, subject to operational capacity and compliance with notification procedures.
- Burial Management Plan Requirement: The Council must prepare and maintain a Burial Management Plan, available from 1 March 2026 reviewed annually, and made available for public and regulatory inspection.

4.6 The Terms and Conditions for Cemeteries have also been amended to ensure consistency and compliance with the legislation above, and with the proposed Management Rules for Cemeteries. To ensure consistency with timescales, the proposed Terms and Conditions will come into force on 1st March 2026. Proposed Terms and Conditions are contained in Appendix 2. A summary of the changes is contained in Appendix 3.

4.7 Summary of Appendices: -

- Appendix 1 – Proposed changes to the Management Rules for Cemeteries
- Appendix 2 - Proposed changes to the Terms and Conditions for Cemeteries
- Appendix 3 – Summary of proposed changes to Management Rules for Cemeteries and Terms and Conditions for Cemeteries.

5 POLICY IMPLICATIONS

5.1 This report has been subject to an Integrated Impact Assessment to identify impacts on Equality & Diversity, Fairness and Poverty, Environmental and Corporate Risk. An impact, positive or negative, on one or more of these issues was identified. An appropriate senior manager has checked and agreed with this assessment. A copy of the Integrated Impact Assessment showing the impacts and accompanying benefits of/mitigating factors for them is included as Appendices to this report.

6 CONSULTATIONS

6.1 The Council Leadership Team have been consulted in the preparation of this report.

7 BACKGROUND PAPERS

7.1 None.

Tony Boyle
Executive Director of Neighbourhood Services

Catherine Conroy
Interim Head of Environment

30th September 2025

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Appendix 1: Proposed Management Rules for Dundee City Council Cemeteries

Dundee City Council in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 have made the following Management Rules for the Council's Cemeteries:

1.	<p>Definitions</p> <p>'Lair' means a piece of ground 2.74 metres in length and 0.92 metres in width and no greater in depth than 2.14 metres and no less in depth than 1.53 metres in which a Right of Burial in a Cemetery exists.</p> <p>'Memorial' means any gravestone, headstone or other monument erected at the head of the Lair in the Memorial Border or plaque in designated areas such as a memorial wall.</p> <p>'Proprietor' means the person who is named in the Right of Burial Certificate Title Deed.</p> <p>'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.</p> <p>'Right of Burial Certificate Title Deed' means the Right of Burial Title Deed Certificate describing a Lair purchased by a Proprietor from the Council.</p> <p>'Cemetery' means any land operated and managed by Dundee City Council for the purpose of interment including churchyards and burial grounds.</p> <p>'Memorial Border' means the area immediately surrounding the Memorial, outwith the grassed areas of the Cemetery.</p> <p>'Code' means the Scottish Outdoor Access Code, the guidance on the Land Reform (Scotland) Act 2003.</p> <p>'Council' means Dundee City Council.</p> <p>'Council Official' means an employee of the Council or any person authorised by the Council to enforce these rules.</p>
2.	<p>Summary</p> <p>Any person who appears to be breaking, has broken or is about to break any of the following rules may be asked by a Council Official to leave the Cemetery. Any person refusing to leave will be guilty of an offence and liable on summary conviction, to a fine.</p>
2.1	Any written permission required by these Rules must be shown on request to a Council Official.
2.2	The Council may decide to waive any Rule at any time.
3.	General
3.1	<p>The following acts are prohibited:</p> <p>Behaviour which causes (or is likely to cause) annoyance, offence, alarm or distress to any other Cemetery user or neighbouring resident.</p>
	The following acts are prohibited unless the Council's written permission has been obtained first:
3.2	Erect any memorial or fence, hoarding or similar structure, placard, poster, bill, notice or other similar material.
3.3	Being in possession of a firearm or any other weapon.
3.4	Use of any form of metal or mineral detecting equipment.
3.5	Dig or otherwise interfere with any ground surface or release any animal, plant, seed, compound or cremated remains on to the site
3.6	Intentionally or recklessly kill, injure, capture or disturb any animal or disturb or interfere with their places of shelter or nests.
3.7	Intentionally or recklessly uproot or damage any tree or plant or attach any structures or ropes to them.
4.	<p>Burials, Memorials and Tributes</p> <p>Please contact the Council Bereavement Services or a Funeral Director for assistance</p>
4.1	Memorials can only be erected with permission from the Council and must meet minimum standards.

4.2	Cremated remains may be scattered in any Cemetery upon written application to, and permission from the Council.
5.	Tributes and Planting
5.1	Any plants, shrubs floral tributes, or personal mementos must be limited to the Memorial Border and must not infringe on the Lair in any way. The Council shall not be responsible for any loss or damage to vases or any other item(s) placed on the Memorial Border or Lair. Kerbs, copes, railings, fences, gravel, corner stones or any other such ornamental additions to the Lair shall not be permitted. No fences or barriers are to be erected on the Lair. This is to allow for the grass areas to be maintained.
5.2	Floral tributes may be placed on the <u>Lair but</u> will be removed after approximately 2 weeks to allow for the grass areas to be maintained.
5.3	Christmas wreaths are permitted within all Cemeteries. These will be removed no earlier than the first Sunday in February. Anyone wishing to keep their wreaths should remove them before this date. Signs will be posted in the Cemetery advising of the date when removal of the wreaths is required.
5.4	The Council has the right to remove or prune a shrub or tree that encroaches onto an adjacent Lair or causes damage to an adjacent Memorial. The Council also has the right to remove or prune a tree or shrub that inhibits the interment process. <i>If neighbouring tributes, trees or plants are causing concern, please contact the Council.</i>
5.5	Dispose of flower wrappings in the bins provided or take them home. <i>The wrappings of flowers can be blown by the wind and become litter. A list of plants suitable for Memorial Borders and resistant to deer and rabbit grazing is available.</i>
6.	Dogs and Horses
	The following acts are prohibited:
6.1	Allowing dogs to foul in a Cemetery unless the person in charge of the dog immediately removes the fouling (within the provisions of the Dog Fouling (Scotland) Act 2003).
6.2	Failing to keep a dog on a short lead in any Cemetery
6.3	Leading, riding, training or exercising a horse in a manner which falls short of the responsibilities in the Code.
7.	Recreation
	The following acts are prohibited:
7.1	Playing games or sports
7.2	Lighting fires or using barbecues
7.3	Failing to remove litter.
7.4	Release balloons, sky lanterns or any other uncontrolled items in or onto land, air or water. <i>To protect livestock and marine wildlife.</i>
7.5	Smoking in an area signed "No Smoking". Do not smoke where others may suffer your smoke.
7.6	Erect, occupy or use any tent, caravan, motorhome or other structure. <i>There are caravan sites close to Dundee.</i>
8.	Cycling
	The following acts are prohibited:
8.1	Cycling in a manner which falls short of the responsibilities in the Code.
8.2	Cycling on planted or grass areas.
9.	Motor Vehicles
	The following acts are prohibited unless the Council's written permission has been obtained first:

9.1	Ride, park, drive or wheel any motorised vehicle except vehicles attending funerals or carrying a Blue Badge holder and only on roads designated for that purpose. <i>The police have taken action under Section 34 of the Road Traffic Act 1988 to confiscate motorcycles and quad bikes. This rule does not apply to e-bikes or vehicles adapted for use by a person with a disability provided the adapted vehicle is being used by such a person.</i>
9.2	Launch or land powered aircraft or use a powered, remote controlled plane or drone.
9.3	Ride or drive any motorised vehicle greater than 10mph or other signed speed.
10.	Events and Other Activities The following acts are prohibited unless the Council's written permission has been obtained first:
10.1	Holding an event, performance, ceremony, demonstration or public meeting
10.2	Undertake commercial sound recording, commercial photography or commercial filming.
10.3	Carrying or discharging any firework.
11.	Expulsion & Exclusion from Cemeteries
11.1	Where a Council Official has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, they may expel that person from the Cemetery.
11.2	Where a Council Official has reasonable grounds for believing that a person is about to contravene any of these Management Rules, they may exclude that person from the Cemetery.
11.3	Where a person has persistently contravened or attempted to contravene these Management Rules and in the Council's opinion likely to contravene them again, the Council may decide to make that person subject to an exclusion order for a specified period of up to one year.
11.4	Any person who fails to comply with expulsion (11.1 above), exclusion (11.2 above) or exclusion order (11.3 above) will be guilty of an offence and liable on summary conviction, to a fine not exceeding level 1 on the Standard Scale currently £200.
12.	Revocation of existing Rules
12.1	<i>The existing Management Rules for Cemeteries which came into effect on 1st June 2019 are hereby revoked.</i>

The foregoing Rules shall come into force on the 1st day of **March 2026**

Dated at Dundee **[xx] [xx] 2026**

Signed _____
Chief Executive
Dundee City Council

Appendix 2

Proposed Terms and Conditions 2026

Right of Burial in Lair, Notice of Interment and Permission for Scattering Cremated Remains

Definitions	
'Lair' means a piece of ground in which a Right of Burial in a Cemetery exists. 2.74 metres in length and 0.92 metres in width and no greater in depth than 2.14 metres and no less in depth than 1.53 metres.	
'Register' means the Burial Register Book of Sales of Ground held by the Council.	
'Memorial' means any gravestone, headstone, or other monument erected at the head of the Lair in the Memorial Border or plaque in designated areas such as a memorial wall.	
'Proprietor' means the person who is named in the Title Deed Right of Burial Certificate.	
'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.	
'Right of Burial Certificate' Title Deed means the Right of Burial Certificate Title Deed describing a Lair purchased by a proprietor from the Council. For avoidance of doubt the Title Deed does not confer any heritable right in such a Lair.	
'the 1964 Act' means the Succession (Scotland) Act 1964.	
'the 2016 Act' means the Burial and Cremation (Scotland) Act 2016. 'Certificate of Registration of Death' means either a Certificate prescribed for the purpose of Section 27(1) of the 1965 Act as set out in Schedule 14 of the 1997 Regulations (Form 14) or a Notice prescribed for the purposes of Section 27(3) of the 1965 Act as set out in Schedule 15 to the 1997 Regulations (Form 15) or an 'Out of England' certificate for a death occurring in England and Wales or the appropriate death registration certificate relating to the country in which a death occurs for a death occurring overseas.	
'NAMM' is the National Association of Memorial Masons.	
'Inspection Fee' is paid to the Council to cover the cost of safety checks to Memorials for a period of 30 years.	
'Cemetery' means any land operated and managed by Dundee City Council for the purpose of interment including churchyards and burial grounds.	
'Memorial Border' means the area immediately surrounding the Memorial, outwith the grassed areas of the Cemetery.	
'Code' means the Scottish Outdoor Access Code, the guidance on the Land Reform (Scotland) Act 2003.	
'Council' means Dundee City Council.	
'Council Official' means an employee of the Council or any person authorised by the Council to enforce these rules.	
'Permission and Inspection Fee' means permission from the Council to erect a Memorial headstone and to cover the cost of safety checks to Memorials for a period of 25 years.	
1.	Burial Lairs in Dundee City Council Cemeteries
1.1	Purchase of a Lair gives an exclusive Right of Burial for a period of 100 25 years. The Right of Burial Certificate Title Deed is important, please keep it safe.
1.2	The Right of Burial may be extended for further periods of 10 years beyond the initial 25-year period at the discretion of the Council. At least 3 months before the date on which the Right of Burial falls to be extinguished, the Council will notify the Proprietor of the date on which the right falls to be extinguished and advise them of their right to apply for an extension. In the event that the Proprietor does not apply for such an extension, the Right of Burial is automatically extinguished. Where this happens, with an unused Lair, the Council may sell the Right of Burial in that Lair anew.
1.3	Only one person is named in the Right of Burial Certificate Title Deed . If you need to transfer the Right of Burial Title Deed , evidence will be required by the Council.
1.4	If the proprietor dies intestate, the Lair will form part of their estate, and it will fall to such beneficiary as is entitled to it under the 1964 Act.
1.5	Assignations or bequests by a now deceased Proprietor of a Lair must be recorded in the Register within twelve months of the death of the Proprietor. The Title Deed Right of Burial Certificate will be re-issued with the name of the new Proprietor.

1.6	For Lairs purchased prior to 1 March 2026 that remain unused after 100 years, the Council may grant the exclusive Right of Burial anew.
1.7	Ownership of the land stays with the Council. For avoidance of doubt the Right of Burial Certificate Title Deed does not confer any heritable right in such a Lair.
1.8	The Proprietor shall not be permitted to sell the Lair except to the Council.
2.	Memorials
2.1	Memorials must meet the standards set out in the Council's Headstone Memorial Installation and Repair Registration Scheme. Masons must be registered with the scheme before erecting or altering a Memorial. Masons working in Council Cemeteries must be members of NAMM. All Memorials must be erected, repaired and altered to approved NAMM standards.
2.2	Memorials of no more than 1.53 metres high, 860mm wide and 460mm in depth will be permitted, and must be within the boundaries on the Memorial border. The Memorial may take the form of a tablet, plaque, or headstone. at ground level, or headstone, tablet or plaque above ground level.
2.3	The Section of the Cemetery and Lair Number must be cut plainly upon the side of the Memorial at the expense of the Proprietor.
2.4	Memorials need to remain safe. The Permission and Inspection fee is generated and invoiced accordingly paid on receipt of an application for the erection of a Memorial and covers 30 25 years of inspection of the Memorial to ensure it meets safety standards. Inspection is at least once every 5 years and includes a test of stability. If the Memorial fails the inspection, the Council will contact the Proprietor to request work to secure the Memorial. The Council may have to take immediate action to make the Memorial safe or remove the Memorial to a suitable storage point for a period of 12 months. If no action is taken by the Proprietor in response to any remedial notice, the Council will dispose of such Memorials in an appropriate manner.
2.5	It is the Proprietor's responsibility to ensure the Memorial is in a safe condition at all times.
2.6	The Council does not accept responsibility or liability for damage to Memorials unless it can be shown that it was caused by the fault or negligence of the Council.
2.7	No monument or other structure shall be built or fitted in any wall unless written consent is given by the Council.
2.8	The Council shall be entitled to remove structures which are damaged or dilapidated or which do not meet the standards in these terms and conditions.
3.	Tributes and Planting
3.1	Any plants, shrubs floral tributes, or personal mementos must be limited to the Memorial Border and must not infringe on the Lair in any way. The Council shall not be responsible for any loss or damage to vases or any other item(s) placed on the Memorial Border or Lair. Kerbs, copes, railings, fences, gravel, corner stones or any other such ornamental additions to the Lair shall not be permitted. No fences or barriers are to be erected on the Lair. This is to allow for the grass areas to be maintained.
3.2	Floral tributes may be placed on the Lair but will be removed after approximately 2 weeks. <i>To allow for the grass areas to be maintained.</i>
3.3	Christmas wreaths are permitted within all Cemeteries. Signes will be posted in the Cemetery advising of the date when removal of the wreaths is required. These will be removed no earlier than the first Sunday in February. Anyone wishing to keep their wreaths should remove them before this date.
3.4	The Council has the right to remove or prune a shrub or tree that encroaches onto an adjacent Lair or causes damage to an adjacent Memorial. The Council also has the right to remove or prune a tree or shrub that inhibits the interment process. <i>If neighbouring tributes, trees or plants are causing concern, please contact the Council.</i>
3.5	Dispose of flower wrappings in the bins provided or take them home. <i>The wrappings of flowers can be blown by the wind and become litter.</i>
	<i>A List of plants suitable for Memorial Borders and resistant to deer and rabbit grazing is available.</i>
4.	Interment

	Funeral Directors will be able to assist with all necessary arrangements and paperwork. If you are not using the service of a funeral director and making arrangements yourself, you should speak to the Council burial authority directly to make the necessary arrangements for the burial.
4.1	No interment can take place without production of the Right of Burial Certificate and full completion of the relevant burial application form required in terms of the 2016 Act.
4.2	Two full working days' notice of interment, excluding weekends and bank holidays must be given to allow preparation of the Lair. Notice of interment must be given to allow preparation of the grave 24 hours for burials Tuesday to Saturday and no later than 3pm on the Friday before a Monday burial.
4.3	Where all coffins are of a maximum depth of 380mm, and where the Lair is 2.36 metres in depth, and depending on ground conditions , three full-size coffins may be interred. Where the Lair is 1.98 metres in depth, two full-size coffins may be interred. Where the Lair is 1.53 metres in depth, only one full-size coffin may be interred. If any coffin is of a greater depth than 380mm, then the number of interments permitted amount of interments allowed will be reduced. No Lair in which a coffin has been laid so near as 1.22 metres from the surface shall be permitted allowed to be opened. Provided always, that in addition to each full-size coffin, the coffin of a child under two years of age may also be interred in the Lair. The child's coffin must be appropriately sized to allow burial before each full-sized coffin.
5.	Additional Conditions and Birkhill and Pitkerro Grove Cemeteries
5.1	Memorials of no more than 1.53 metres high, 920mm width and 460mm depth will be permitted and must be within the boundaries of the Memorial Border. The Memorial may take the form of a tablet, or plaque or headstone. at ground level, headstone, tablet or plaque above ground level
5.2	Each Memorial erected must be doveled into a concrete foundation provided in each Memorial Border.
6.	Birkhill Woodland Burial Grounds
6.1	Memorial planting - all trees to be provided and planted by the Council. Native wildflowers may be planted on the grave.
6.2	No memorials can be placed on Lairs graves . Memorial walls are provided for a memorial plaque with an inscription commemorating the deceased. Plaques can only be purchased from the Council will be from a selected range approved by the Council and will be uniform in size, colour and material.
6.3	Placing of flowers - The bereaved upon initial burial will be allowed to lay flowers upon the Lair. grave . Thereafter, all flowers will be laid at the base of the memorial wall.
6.4	Lairs - each Lair will be 1.53 metres depth and immediately adjacent to each other without footpath and allows for only one interment per Lair.
6.5	Lairs cannot be purchased in advance. Lairs shall be allocated by the Council at the time the funeral arrangements are made.
6.6	Coffins - all coffins shall be of a type approved by the Council taken from the following approved list: <ul style="list-style-type: none"> • Standard coffin constructed from chipboard, plywood or wood with a minimum plastic content. • Card coffins which are biodegradable made to an approved standard. Shrouds and body bags are acceptable but must be made of biodegradable material.
7.	8 Cremated Remains Gardens
7.1	For the purpose of interring cremated remains the Council offers Lairs 1.5m x 1m to a depth of 600 mm.
7.2	A maximum of four interments of caskets or urns will be allowed in each Lair, one in each corner.
7.3	Headstones will be permitted to a maximum size of 900 mm x 1m x 460mm within the Memorial Border.
8.	Scattering of Cremated Remains

8.1	Cremated remains may be scattered in any Cemetery upon written application to and permission from the Council. All applications must be accompanied by a certificate from the Crematorium. The Council reserves a right to charge a fee in the event that a record requires to be kept of the scattering of cremated remains.
8.2	Cremated remains cannot be scattered in any other Council green space without permission. The Council reserves a right to charge a fee in the event that a record requires to be kept of the scattering of cremated remains.
9.	Pitkerro Grove and Birkhill Cemetery Baby Memorial Gardens
9.1	Baby Memorial Gardens are for stillborn, and for babies up to, and including, two years old. and provides a section of ground
9.2	Interment will take place in the next available space as determined by the Council with one interment per space.
9.3	Small stone memorials set on a plinth with optional flower holders of a maximum height of 350mm x 450mm wide long and 300mm deep wide will be permitted and must be within the boundaries of in the Memorial Borders. The construction of the plaque and plinth shall be to the Council's specifications.
9.4	A memorial wall has been provided by the Council for the purpose of allowing parents to erect a plaque in memory of the deceased baby. Plaques can only be purchased from the Council and will be uniform in size, colour and material.
9.5	Floral tributes will only be allowed on the grave at the time of burial and remain for approximately two weeks. Thereafter any tributes will be placed around the memorial wall. Memorabilia and further tributes must be placed within the Memorial Border. <i>To allow for grass maintenance and access to other graves. Memorabilia and tributes may suffer weather damage and start to look unsightly. The Council will make every effort to contact the Proprietor prior to tidying a grave. If neighbouring graves are causing concern, please contact the Council.</i>
9.6	Parents having a stillbirth or baby interment at another location, on production of relevant documentation, may be permitted to erect a memorial plaque.
10.	Other Burial Areas
10.1	The Council has allocated sections in certain Cemeteries for other burials. At these locations it is not possible to purchase a Right of Burial. Title Deed . No erection of Memorials, shrubs planting or tributes are permitted. There is a designated area available to leave temporary floral tributes.

Contact Bereavement Services

Appointments are required to be made for Family History searches, Lair Sales & Lair Transfers.

For general enquiries and appointments contact Burial Administration:

Email: parks.burials@dundeecity.gov.uk

Tel: 01382 431536

5 City Square, Dundee, DD1 3BA

Appendix 3

Summary of Main Changes to Management Rules

Section from current Rules	Proposed Change
Title	Updating of Management Rules for Cemeteries to incorporate changes required by the Burial and Cremation (Scotland) Act 2016 introduced by the Scottish Government.
I. Definitions	Updated to ensure consistency and clarity across terms, aligning with statutory terminology from relevant legislation.
II. Tributes and Planting	Reworded to clarify that all tributes must remain within the Memorial Border and not encroach on the Lair. Ornamental additions are prohibited. Floral tributes placed on the Lair will be removed after approximately 2 weeks, and Christmas wreaths are permitted but will be removed after the first Sunday in February.

Summary of Main Changes to Terms and Conditions

Section from current Rules	Proposed Change
Title	Updating of Terms and Conditions for Cemeteries to incorporate changes required by the Burial and Cremation (Scotland) Act 2016 introduced by the Scottish Government.
III. Definitions	Updated to ensure consistency and clarity across terms, aligning with statutory terminology from relevant legislation.
IV. Burials and Lairs	Change to 1.1 Purchase of a Lair gives an exclusive Right of Burial for 25 years, which was previously for 100 years
	Addition of 1.2 Right of Burials can be extended for further periods of 10 years at the discretion of the Council. Where no extension is applied for, the Right of Burial is automatically extinguished.
	Update to 1.4 from Title Deed to Right of Burial
	Addition of 1.5 to include reference to Succession (Scotland) Act 1964.
	Update to 1.8 that Lairs can only be sold back to the Council.
V. Memorials	Addition of 2.3 that the Section of the Cemetery and Lair number must be cut plainly to the side of the Memorial at the expense of the Proprietor
	Update to 2.4 Permission and Inspection fee covers 25 years in line with the exclusive Right of Burial – change from 30 years, and addition that the Council can remove an unsafe memorial to a place of storage for 12 months.
	Addition of 2.6 stating the Council has no responsibility or liability for damage to Memorials unless proven it was the Council's fault.
VI. Interments	Update to 4.1 to include full completion of relevant application form introduced on 1 st March 2025
	Update to 4.2 change from 24 hours to 2 full working days to allow adequate time for preparation of Lair

Integrated Impact Assessment

Committee Report Number: 322-2025

Document Title: Revocation and replacement of Dundee City Council's management rules for cemeteries and update of the terms and conditions for cemeteries

Document Type: Policy

Description:

Implementation of regulations arising from the Burial and Cremation (Scotland) Act 2016 by 1st March 2026 requires Dundee City Council to update its Management Rules for Cemeteries and the Terms and Conditions for Cemeteries.

Intended Outcome:

Management Rules for Cemeteries and Terms and Conditions for Cemeteries to be compliant with legislation.

Period Covered: 01/03/2026 to 01/03/2036

Monitoring:

Implementation of new Management Rules and Terms and Conditions

Lead Author:

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Equality, Diversity and Human Rights

Impacts & Implications

Age: Not Known

Dundee City Council must implement regulations arising from the Burial and Cremation (Scotland) Act 2016 by 1st March 2026. Compliance requires the revocation of the existing Management Rules for Cemeteries and the setting of new ones. The terms and conditions for cemeteries also require to be updated to reflect the regulations. Principal amendments in line the Act concern the replacement of 'Title Deed' for lairs with 'Right of Burial' and the 'Right of Burial' amended from 'in perpetuity' to 25 years, with options to extend for further 10-year periods (at the discretion of the Council). To ensure consistency, clarity and efficiency the terms and conditions for cemeteries have been fully reviewed.

The principal amendments will not apply to existing lair proprietors. To mitigate any impacts the amended Management Rules will be clearly displayed at cemeteries, along with the amended terms and conditions. Both will be accessible through the Council's website and other appropriate communication channels. The terms and conditions will be sent out to new proprietors along with their 'Right to Burial' certificate.

Disability: No Impact

Gender Reassignment: No Impact

Marriage & Civil Partnership: No Impact

Pregenancy & Maternity: No Impact

Race / Ethnicity: No Impact

Religion or Belief: Not Known

See age as above.

Sex: No Impact

Sexual Orientation: No Impact

Are any Human Rights not covered by the Equalities questions above impacted by this report?

No

Fairness & Poverty

Geographic Impacts & Implications

Strathmartine:	No Impact
Lochee:	No Impact
Coldside:	No Impact
Maryfield:	No Impact
North East:	No Impact
East End:	No Impact
The Ferry:	No Impact
West End:	No Impact

Household Group Impacts and Implications

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Looked After Children & Care Leavers: No Impact

Carers: No Impact

Lone Parent Families: No Impact

Single Female Households with Children: No Impact

Greater number of children and/or young children: No Impact

Pensioners - single / couple: Not Known

See age as above

Unskilled workers or unemployed: No Impact

Serious & enduring mental health problems: No Impact

Homeless: No Impact

Drug and/or alcohol problems: No Impact

Offenders & Ex-offenders: No Impact

Socio Economic Disadvantage Impacts & Implications

Employment Status: No Impact

Education & Skills: No Impact

Income: No Impact

Caring Responsibilities (including Childcare): No Impact

Affordability and accessibility of services: Not Known

See age as above.

Fuel Poverty: No Impact

Cost of Living / Poverty Premium: Not Known

See age as above

Connectivity / Internet Access: No Impact

Income / Benefit Advice / Income MaximisationNo Impact

Employment Opportunities: No Impact

Education: No Impact

Health: No Impact

Life Expectancy: No Impact

Mental Health: No Impact

Overweight / Obesity: No Impact

Child Health: No Impact

Neighbourhood Satisfaction: No Impact

Transport: No Impact

Environment

Climate Change Impacts

Mitigating Greenhouse Gases: No Impact

Adapting to the effects of climate change: No Impact

Resource Use Impacts

Energy efficiency & consumption: No Impact

Prevention, reduction, re-use, recovery or recycling of waste: No Impact

Sustainable Procurement: No Impact

Transport Impacts

Accessible transport provision: No Impact

Sustainable modes of transport: No Impact

Natural Environment Impacts

Air, land & water quality: No Impact

Biodiversity: No Impact

Open & green spaces: No Impact

Built Environment Impacts

Built Heritage: No Impact

Housing: No Impact

Is the proposal subject to a Strategic Environmental Assessment (SEA)?

No further action is required as it does not qualify as a Plan, Programme or Strategy as defined by the Environment Assessment (Scotland) Act 2005.

Corporate Risk

Corporate Risk Impacts

Political Reputational Risk: No Impact

Economic/Financial Sustainability / Security & Equipment: No Impact

Social Impact / Safety of Staff & Clients: No Impact

Technological / Business or Service Interruption: No Impact

Environmental: No Impact

Legal / Statutory Obligations: Positive

Implementation of the regulations arising from the Burial and Cremation (Scotland) Act 2016 by 1st March 2026 will ensure that Dundee City Council is compliant with legislation. This implementation requires that the Council's Management Rules for Cemeteries are revoked and restated under the terms of the Civic Government (Scotland) Act 1982 with public consultation for one month. Steps have been taken to clarify documentation and paperwork.

Organisational / Staffing & Competence: No Impact

Corporate Risk Implications & Mitigation:

The risk implications associated with the subject matter of this report are "business as normal" risks and any increase to the level of risk to the Council is minimal. This is due either to the risk being inherently low or as a result of the risk being transferred in full or in part to another party on a fair and equitable basis. The subject matter is routine and has happened many times before without significant impact.

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