

## Burial FAQs:

The following terms have the meanings set out below on this webpage:

- **Lair** means a piece of ground in which a Right of Burial in a Cemetery exists.
- **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** means the Right of Burial Certificate describing a Lair purchased by a Proprietor from the Council.
- **Proprietor** means the person who is named in the Right of Burial Certificate.
- **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.
  
- *Why are the changes regarding burials happening?*

The Scottish Government under the Burial and Cremation (Scotland) Act 2016 has introduced updated regulations which all local authorities, including Dundee City Council, are required to implement and adhere to from 1<sup>st</sup> March 2026.

- *What are the main changes?*

The main change relates to the length of time of the Right of Burial. Currently it is in perpetuity. The Burial and Cremation (Scotland) Act 2016 changes this to 25 years, with options to extend by periods of 10 years once the 25 years has passed, at the discretion of the Council.

- *When are the changes being made?*

The changes come into effect from 1<sup>st</sup> March 2026.

- *Why has 'Title Deed' changed to 'Right of Burial Certificate'?*

The term 'Title Deed' could wrongly imply ownership of the land, which is not the case and never has been the case. A Right of Burial gives you the legal right to be buried in a specific Lair, but it does not give you ownership of the land itself. The term 'Right of Burial' reflects the statutory terminology used in the Burial and Cremation (Scotland) Act 2016. Accordingly, the document confirming this right has been updated from 'Title Deed' to 'Right of Burial Certificate'.

- *Will these changes affect a Right of Burial that I have already purchased?*

No, a Right of Burial purchased before 1<sup>st</sup> March 2026 is not affected and will continue in perpetuity.

- *Why am I paying the same price for a Right of Burial for 25 years as someone who has a perpetual Right of Burial?*

The cost reflects the Council's responsibility to maintain all burial grounds to a consistent standard. This includes regular upkeep of cemetery grounds and ensuring that Lairs remain accessible and safe.

By aligning fees, all holders of a Right of Burial contribute equitably to the overall cost of managing and maintaining burial grounds, regardless of whether their Right of Burial is time-limited or perpetual.

- *What will happen at the end of the 25 years?*

You will have the option to extend your Right of Burial in increments of 10 years. The cost of each 10-year extension is still to be confirmed and will be granted at the discretion of the Council.

- *How will I know the 25-year period is coming to an end?*

The Burial and Cremation (Scotland) Act 2016 requires the Council to notify all Proprietors at least 3 months before the 25-year period expires. It is therefore vital that you keep the Council updated with any changes to your postal address or email address to ensure you receive this notification.

- *What will happen at the end of the 25-year period if the Lair remains unused?*

If the Lair has not been used, and the Proprietor chooses not to extend their Right of Burial, that Right of Burial will revert to Dundee City Council. The Council may then sell a new Right of Burial for that Lair.

- *What will happen at the end of the 25-year period if the Lair has been used?*

If the Lair has been used, and the Proprietor chooses not to extend their Right of Burial, that Right of Burial will revert to Dundee City Council. However, the Lair cannot be used again or resold and the Council will not exhume any remains from the Lair.

- *Can I still transfer my Right of Burial if required?*

Yes, you can transfer your Right of Burial to another person at any time during the initial 25-year period, or during any subsequent 10-year extension period if your Right of Burial has been renewed.

- *Can I still transfer my Right of Burial for the lair that was purchased in perpetuity?*

Yes. You can transfer your perpetual Right of Burial at any time, and it will remain in perpetuity even if the transfer takes place after 1<sup>st</sup> March 2026. However, this must be the same section and lair that was originally purchased.

- *Can I still purchase a Right of Burial in perpetuity prior to 1<sup>st</sup> March 2026*

Yes, any Right of Burials purchased prior to 1<sup>st</sup> March 2026 will be in perpetuity.

- *What happens if the Right of Burial is not extended?*

If the Lair has not been used, and you choose not to extend the Right of Burial after the 25-year period, the Right of Burial is automatically extinguished. Dundee City Council may re-sell the Right of Burial in that Lair to someone else.

- *What will happen if I choose not to extend my Right of Burial in my unused Lair at the end of the 25-year period, but later decide that I would like the Right of Burial for that same Lair again?*

This would depend on whether the Lair is still available. If it has not been allocated to someone else, you may apply for a new Right of Burial. In such circumstances you would be required to pay the full cost of a new Right of Burial.

- *What will happen if I choose not to extend my Right of Burial in my used Lair at the end of the 25-year period, but later decide that I would like the Right of Burial for that Lair again?*

This will be at the discretion of the Council. You will be required to provide appropriate evidence relating to the former Right of Burial that was held and there may be costs associated with this.

- *What will happen to the headstone if I choose not to extend the Right of Burial for the Lair after the 25-year period?*

If the Lair has not been used, and you choose not to extend the Right of Burial after the 25-year period, the Right of Burial will revert to Dundee City Council, and the headstone will be removed.

- *What will happen if the Proprietor of the Right of Burial dies, and there is no Right of Burial Certificate?*

If the Proprietor dies intestate (without a will), the Right of Burial forms part of their estate. It will pass to the person entitled to inherit it under the Succession (Scotland) Act 1964. The person claiming the Right of Burial will be required to provide evidence of their relationship to

the deceased Proprietor. Where two or more persons have the same rights then they require to agree as to which of them will apply for the Right of Burial.

- *Can I sell my Right of Burial back to the Council?*

Yes, you may sell your unused Right of Burial back to the Council at any time. The refund will be based on the original purchase price, minus the cost of issuing the Right of Burial Certificate, which is non-refundable.

- *What happens if I want to transfer my Right of Burial to another cemetery or to a different section within the same cemetery after 1<sup>st</sup> March 2026?*

If you choose to transfer your Right of Burial to a different cemetery or to another section within the same cemetery, the Council will issue a new Right of Burial Certificate for the Lair you are transferring to.

Please note you will be required to pay the appropriate fee for the new Right of Burial Certificate, and if your existing Right of Burial is perpetual, transferring it means the new Lair will be issued under the current rules. This means it will become a 25-year Right of Burial in line with current legislation.

- *Why is there an additional fee when applying to erect a Memorial?*

The Council charges a permission and inspection fee to ensure that all Memorials meet required safety and compliance standards. This fee covers the ongoing safety inspections for a 25-year period, helping to ensure that all Memorials remain secure and safe. This fee is paid to the Council, not to the Memorial Mason. The Council will issue an invoice for this on receipt of the application form from the Memorial Mason.