

Management Rules for Dundee City Council Cemeteries

Helping look after our 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. Definitions

'Lair' means a piece of ground in which a Right of Burial in a Cemetery exists.
'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 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' means the Right of Burial Certificate describing a Lair purchased by a Proprietor from the Council.
'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.

2. Summary

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.

- 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

The following acts are prohibited:

- 3.1 Behaviour which causes (or is likely to cause) annoyance, offence, alarm or distress to any other Cemetery user or neighbouring resident.

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. Burials, Memorials and Tributes

Please contact the Council Bereavement Services or a Funeral Director for assistance.

- 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 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. This is to allow for the grass areas to be maintained.
- 5.2 Floral tributes may be placed on the Lair, but 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.
- 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.
If neighbouring tributes, trees or plants are causing concern, please contact the Council.
- 5.5 Dispose of flower wrappings in the bins provided or take wrappings home. *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.*

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. *To protect livestock and marine wildlife.*
- 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. *There are caravan sites close to Dundee.*

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. *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.*
- 9.2 Launch or land powered air craft 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 or 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 is 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 The existing Management Rules for Cemeteries which came into effect on 1 st June 2019 are hereby revoked.

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

Signed

Chief Executive
Dundee City Council

