

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.
 ‘**Register**’ means the Burial Register 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 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.
 ‘**the 1964 Act**’ means the Succession (Scotland) Act 1964.
 ‘**the 2016 Act**’ means the Burial and Cremation (Scotland) Act 2016.
 ‘**NAMM**’ is the National Association of Memorial Masons.
 ‘**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 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 25 years. The Right of Burial Certificate 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. If you need to transfer the Right of Burial, 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 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 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 of the Memorial border. The Memorial may take the form of a tablet, plaque, or headstone.
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 on receipt of an application for the erection of a Memorial and covers 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 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.
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. 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 directly to make the necessary arrangements for the burial.
4.1	No interment can take place without the 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.
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 will be reduced. No Lair in which a coffin has been laid so near as 1.22 metres from the surface shall be permitted 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, plaque or headstone.
5.2	Each Memorial erected must be doweled 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. Memorial walls are provided for a memorial plaque with an inscription commemorating the deceased. Plaques can only be purchased from 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. 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.	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.
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 of a maximum height of 350mm x 450mm wide and 300mm deep will be permitted and must be within the boundaries of 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.</i>

	<i>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. 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

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