

ITEM No ...3.....

REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE – 18 FEBRUARY 2019

REPORT ON: REVIEW OF OPEN SPACES MANAGEMENT RULES AND CEMETERIES MANAGEMENT RULES

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 74-2019

1. PURPOSE OF REPORT

- 1.1 To gain Committee approval for the updated Open Spaces Management Rules and Cemeteries Management Rules and to engage in public consultation.
- 1.2 To gain Committee approval for the proposed Terms and conditions for Cemeteries.

2. RECOMMENDATIONS

- 2.1 It is recommended that approval be given for the updated Open Spaces Management Rules and Cemeteries Management Rules
- 2.2 It is recommended that the Executive Director of Neighbourhood Services is remitted to undertake the necessary statutory procedures to formally adopt the updated Management Rules.

3. FINANCIAL IMPLICATIONS

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

4. MAIN TEXT

- 4.1 Reference is made to Article V of the minute of the Policy and Resources Committee of 28th April 2008 which approved the Parks, Open Spaces and Places of Public Resort or Recreation Management Rules and Cemetery Management Rules (report 254-2008). Following public consultation objections were heard and considered thereafter the rules came into force on 1st of June 2009.
- 4.2 The current Management Rules will expire on 31st May 2019 after being in place for 10 years as provided for in the Civic Government (Scotland) Act 1982. This has given an opportunity to review the Management Rules to make them more appealing to read and to refer to modern uses. The adopted Management Rules will be used to promote the responsible and safe use of our Open Spaces and Cemeteries. The reviewed drafts Open Spaces Management Rules and Cemeteries Management Rules are appended to this report together with the current Management Rules.
- 4.3 The review of the Management Rules has been undertaken following:
 - Consideration and benchmarking of similar reviews with other City authorities, ie Glasgow, Edinburgh and Aberdeen.
 - an internal consultation with Parks Operations managers
 - meetings with representatives from a number of groups that assist in looking after our open spaces including Friends of Riverside Nature Park, Friends of Barnhill Rock Gardens, Friends of Magdalen Green, Friends of Dundee Law, Friends of Baxter Park and BRAW (Biking, Running and Walking) – Dundee’s Outdoor Access Forum.

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| 4.4 | Appendix 1 - main changes to the current Management Rules. | Page 3 |
| | Appendix 2 - proposed management rules Open Spaces. | Page 4 |
| | Appendix 3 - proposed management rules for Cemeteries. | Page 7 |
| | Appendix 4 - proposed terms and conditions for Cemeteries. | Page 10 |
| | Appendix 5 - current management rules. | Page 13 |
| | Appendix 6 - current management rules for Cemeteries. | Page 21 |
- 4.5 A statutory period of at least 1 month is required for public consultation. The Council requires to take into consideration any objections timeously received and to give any objector an opportunity to be heard.
- 4.6 Following adoption, the Management Rules for Open Spaces will be displayed at all major parks and open spaces replacing the current rules on park notice boards. Following Best practice from other authorities the rules shall be presented in a simpler more appealing format to ensure clarity and understanding. The Management Rules for Dundee City Council Cemeteries will be displayed at cemeteries and these have been restructured to separate the rules required for general day to day visiting from the Terms and Conditions of burials and Lair purchase where individuals require to purchase lairs and arrange funerals which are provided separately (appendix 4). These will be available on the Council website.

5. POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6. CONSULTATIONS

- 6.1 The Council Management Team have been consulted on the preparation of this report and are in agreement with its contents.

7. BACKGROUND PAPERS

- 7.1 None.

Elaine Zwirlein
Executive Director Neighbourhood Services

Tony Boyle
Head of Environment

Date: 30 January 2019

Appendix 1

Details of Main Changes to Management Rules

Section from current Rules	Proposed Change
Title	Simplification of “Management Rules regulating Parks, Open Spaces and Places of Public Resort or Recreation” to “Management Rules for Open Spaces”. “Management Rules for Cemeteries” are contained in a separate document.
I Definitions	Removal of unnecessary text to make the meanings clearer
II Entrance and Exclusion from Parks	Reworded to be easier to read, removing dated language, and separating groups of rules to be relevant for different types of open space use.
III Exclusion etc of Vehicles, Aircraft and Animals	Reworded and now included in 4 “Dogs and Horses” and 7 “Motor Vehicles” Removal of “Greyhounds and coursing Dogs etc” due to changes in legislation and relevance.
IV Caravans	Reworded and now included in 5 “BBQs, Camping and Fires”
V Protection of Ponds, Fish etc	Reworded and now included in 3 “General” and 8 “Events and Other Activities”
VI Protection of Animals, Birds, Game etc	Reworded and now included in 3 “General” and text removed as it is more likely to be able to stop illegal activity through other legislation.
VII Regulation of Games etc	Reworded and now included in 3 “General” Reworded to make it apparent that physical activity in parks and open spaces is welcomed. Some text removed as it is more likely to be able to stop illegal activity through other legislation.
VII Protection of Person	Partially reworded and now included in 3 “General” Some text removed. Assault is a criminal offence with no benefit in management rules
IX Control of Trading	Reworded and now included in 3 “General” and 8 “Events and Other Activities” Trading is also governed by other legislation
X Regulations of Meetings etc	Reworded and now included in 3 “General” and 8 “Events and Other Activities”
XI Prevention of Danger, Nuisance etc	Reworded and now included in 3 “General”, 5 BBQs, Camping and Fires” and 8 “Events and Other Activities”
XII Miscellaneous	Reworded and now included in 2 “Summary” and 9 “Expulsion and Exclusion from Open Space”
Additions	Certain specific additions have been made <ul style="list-style-type: none"> to support the current signage in parks including Dogs on Leads in Cemeteries, Broughty beach Animal Exclusion zone, no fishing at Trottick Ponds, protection of birds in Riverside Nature Area from disturbance, no smoking at play areas to take into account new problem activities such as drones, metal detecting, balloon and sky lantern releasing. Additional text for explanation has been included in italics in the documents to encourage compliance Colour graphics will be added to make the rules more appealing to read
Cemetery Management Rules	The Cemetery Management Rules have been restructured to separate the rules required for day to day visiting from the Terms and Conditions of burials and Lair purchase.

Appendix 2

Proposed Management Rules for Open Spaces

Management Rules for Open Spaces

Helping everyone enjoy our parks

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 Public Parks and Open Spaces:

1. Definitions

"Open Space" includes recreational and open areas, school grounds when open to the public, outdoor sports areas, walkways, shared paths, play areas, woodland, gardens, golf courses, community growing spaces and Local Nature Reserves owned, occupied or managed by Dundee City Council.

"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 Open Space. 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 Open Space user or neighbouring resident.

The following acts are prohibited unless the Council's written permission has been obtained first:

3.2 Erect any hoarding or similar structure, placard, poster, bill, notice or other similar material or graffiti any surface or wall.

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. 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.

3.6 Intentionally or recklessly kill, injure, capture or disturb any animal or disturb or interfere with their places of shelter or nests. This rule does not apply to fishing.

3.7 Intentionally or recklessly uproot or damage any tree or plant, or attach any structures or ropes to them.

3.8 Fish at Trottick Ponds Local Nature Reserve. *To protect water birds.*

3.9 Walk or cycle off surfaced paths in the designated area at Riverside Nature Park 1st April to 31st July *To protect ground nesting birds.*

4. Dogs and Horses

The following acts are prohibited:

4.1 Allowing dogs to foul in an Open Space unless the person in charge of the dog immediately removes the fouling and disposes of it in a responsible manner (within the provisions of the Dog Fouling (Scotland) Act 2003).

4.2 Walk a dog within the designated area at Broughty Beach 1st May to 31st September. *Dog urine can harm children playing in the sand.*

4.3 Failing to keep a dog on lead and on paths in the designated area at Riverside Nature Park 1st April to 31st July. *To protect ground nesting birds.*

- 4.4 Failing to keep a dog under close control or on a short lead in any Open Space or failing to keep a dog away from cultivated areas and ponds in formal gardens or community growing spaces.
- 4.5 Allowing a dog onto sports pitches when these are in use, or in a children's play area at any time.
- 4.6 Leading, riding, training or exercising a horse in a manner which falls short of the responsibilities in the Code.

5. BBQs, Camping and Fires

The following acts are prohibited:

- 5.1 Lighting fires outwith designated fire sites.
- 5.2 Using barbecues where they may damage grass or park furniture.
- 5.3 Failing to remove litter.
- 5.4 Release balloons, sky lanterns or any other uncontrolled items in or onto land, air or water. *To protect livestock and marine wildlife.*
- 5.5 Flying kites at Riverside Nature Park, Riverside Playing Fields and Magdalen Green. *Airport exclusion area.*
- 5.6 Smoking in a children's play area or other area signed "No Smoking". *Do not smoke where others may suffer your smoke.*

The following acts are prohibited unless the Council's written permission has been obtained first:

- 5.7 Erect, occupy or use any tent, caravan, motorhome or other structure. *There are caravan sites close to Dundee.*

6. Cycling/Skate parks

The following acts are prohibited:

- 6.1 Cycling in a manner which falls short of the responsibilities in the Code.
- 6.2 Modify provided skate parks or bike trails.

7. Motor Vehicles

The following acts are prohibited unless the Council's written permission has been obtained first:

- 7.1 Ride, park, drive or wheel any motorised vehicle except on roads and car parks 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.
- 7.2 Launch or land powered water craft or air craft or use a powered, remote controlled plane or drone.
- 7.3 Ride or drive any motorised vehicle greater than 10mph or other signed speed.

8. Events and Other Activities

The following acts are prohibited unless the Council's written permission has been obtained first:

- 8.1 Holding an event, performance, ceremony, demonstration or public meeting in any Open Space.
- 8.2 Undertake commercial sound recording, commercial photography or commercial filming.
- 8.3 Playing any organised game or sport on pitches provided by the Council.
- 8.4 Organised activities such as sports coaching, fitness or hobbies which may impact others users or increase ground surface wear.
- 8.5 Carrying or discharging any firework, or building or lighting a bonfire.
- 8.6 Swim or wade in ornamental ponds or in water bodies specifically managed for horticulture or wildlife.

9. Expulsion & Exclusion from Open Spaces

- 9.1 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 Open Space.
- 9.2 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 Open Space.

- 9.3 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.
- 9.4 Any person who fails to comply with expulsion (9.1 above), exclusion (9.2 above) or exclusion order (9.3 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.

The foregoing Rules shall come into force on the (x) day of (x) 2019

Dated at Dundee / / .

Signed _____ Chief Executive
Dundee City Council

Appendix 3

Proposed Management Rules for Dundee City Council Cemeteries

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 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.

'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.

'Title Deed' means the Title Deed 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 plants, shrubs, floral tributes, or personal mementos must be limited to the Memorial Border. 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 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. 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. *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 them 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, 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.

The foregoing Rules shall come into force on the (x) day of (x) 2019

Dated at Dundee xx/xx/2019

Signed "" Chief Executive.
DUNDEE CITY COUNCIL

If you need more information, please speak to your Funeral Director or contact Dundee City Council Bereavement Services.

Appendix 4

Proposed Terms and Conditions for Cemeteries

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

Definitions

'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.

'Register' means the 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.

'Title Deed' means the 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 1965 Act' means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 and any Act amending same.

'the 1997 Regulations' means the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997.

'Certificate of Registration of Death' means either a Certificate prescribed for the purposes 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

1. Burial Lairs in Dundee City Council Cemeteries

- 1.1 Purchase of a Lair gives exclusive right of burial for a period of 100 years. The Title Deed is important, please keep it safe. If the Lair is unused after 100 years, the Council may grant the exclusive right of burial anew.
- 1.2 Only one person is named in the Title Deed. If you need to transfer the Title Deed, evidence will be required by the Council.
- 1.3 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 will be re-issued with the name of the new Proprietor.
- 1.4 Ownership of the land stays with the Council. For avoidance of doubt the Title Deed does not confer any heritable right in such a Lair

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 need to remain safe. The Inspection Fee is paid on receipt of an application for the erection of a Memorial and covers 30 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.
- 2.3 It is the Proprietor's responsibility to ensure the Memorial is in a safe condition at all times.
- 2.4 No monument or other structure shall be built or fitted in any wall unless written consent is given by the Council.

- 2.5 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. 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. *To allow for the grass areas to be maintained.*
- 3.3 Christmas wreaths will be permitted within all Cemeteries. Signs will be posted in the Cemetery advising of the date when removal of the wreaths is required.
- 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. *If neighbouring tributes, trees or plants are causing concern, please contact the Council*
- 3.5 Dispose of flower wrappings in the bins provided or take them 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.

4. Interment

Funeral Directors will be able to assist with all necessary arrangements and paperwork.

- 4.1 No interment can take place without production of the Title Deed.
- 4.2 Notice of interment must be given to allow preparation of the Lair – 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, three full size coffins may be interred, where the Lair is 1.98 metres in depth, two full sized coffins may be interred and where the Lair is 1.53 metres in depth, only one full sized coffin may be interred. If any coffin is of a greater depth than 380mm then the 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 allowed to be opened. Provided always that in addition to each full sized coffin the coffin of a child under two years of age may also be interred in the Lair provided that the child's coffin is interred prior to each full size coffin.

5. Birkhill Cemetery Additional Conditions

- 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 at ground level, headstone, tablet or plaque above ground level.
- 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 Lair.
- 6.2 No memorials can be placed on Lairs. Memorial walls are provided for a memorial plaque with an inscription commemorating the deceased. Plaques will be from a selected range approved by the Council and 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
- 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

Cremated Remains Gardens are for interment of cremated remains.

- 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 Memorials 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 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 of 1.5m x 0.91m to a depth of approximately 1.2m.
- 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 - maximum height 350mm x 450mm long and 300mm wide will be permitted 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 will be standard, made from stainless steel approximately 3mm x 175mm x 100mm fitted with stainless steel screws.
- 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. *To allow for grass maintenance and access to other Lairs. 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 Lair. If neighbouring Lairs are causing concern, please contact the Council.*
- 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. Semi Private Ground

The Council has allocated sections in certain Cemeteries to be used as semi private ground. At these locations it is not possible to purchase a Title Deed. No erection of memorials, shrubs planting or tributes are permitted. However, all other arrangements will be the same as a private funeral.

Current Management Rules Parks, Open Spaces and Places of Public Resort or Recreation

DUNDEE CITY COUNCIL MANAGEMENT RULES

regulating

Parks, Open Spaces and Places of Public Resort or Recreation

DUNDEE CITY COUNCIL (hereinafter referred to as “the Council”) by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act, 1982 (hereinafter referred to as “the 1982 Act”), hereby makes the following Management Rules for the regulation of parks, open spaces and places of public resort or recreation and conduct of persons while in the parks, open spaces and places of public resort or recreation under the management or control of the Council.

PART I

Interpretation

1. Definition of terms used in Management Rules

- (i) The provision of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament;
- (ii) In these Management Rules, unless the context requires otherwise, the following words and expressions shall have the following meanings:-

" **the Council**" means the Local Authority for the Dundee City Council in terms of the Local Government etc (Scotland) Act 1994 and their statutory successors.

"**The Director**" means the Director of the Leisure & Communities Department or the Director of the Dundee Contract Services Department of the Council or other duly authorised person.

"**Park**" means any land whether owned or leased by or under the control of the Council and used for the purpose of recreation, games, sports or amusements or as a public playground (other than a school playground and/or school playing fields), open spaces, public walk, caravan park and ornamental or pleasure ground or place of public resort or recreation and all buildings works, appliances and servitudes, rights, powers and privileges connected therewith.

"**Vehicle**" means a carriage or conveyance of whatever description. For the avoidance of doubt this excludes non-motorised cycles and motorised vehicles or vessels adapted for use by a person with a disability and which are being used by that person, provided the user complies with the 2003 Act.

"**Caravan**" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.

"**The 2003 Act**" means the Land Reform (Scotland) Act 2003 and any Acts extending or amending the same, and any related guidance.

"**The Code**" means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same.

Part II

Entrance and Exclusion from Parks

2. Entry to and Exit from Parks

No person shall enter or leave any park except by the duly appointed gateways or other entrance.

3. Exclusions when Park is Closed

No person shall enter or wilfully remain within any park when such park is closed to the public.

4. Entry to Buildings etc

No person shall, without prior written consent of the Director:-

- (i) enter or be within any building, glasshouse or nursery in any park when such building, glasshouse or nursery is closed to the public; or
- (ii) use any building, glasshouse or nursery in any park otherwise than for the purpose or purposes for which it is provided.

5. Refusal of Admission

The Council reserves the right in respect of any park to refuse admission to any person, group, body or organisation and its decision to do so shall be final. The 2003 Act gives the public the right of responsible access to parks and people are expected to comply with the responsibilities outlined in the Code.

6. Under Section 11 of the 2003 Act, the Council may by order exempt any park or part of a park for a particular purpose specified in the order from the access rights which would otherwise be exercisable during such times as may be specified by the order. In general such exemptions will be limited to allowing a charge to be levied for admission to a particular event; in the interests of safety and security; and for ensuring the protection of privacy.

7. Damage to Trees, Erections etc

No person shall in any park:-

- (i) wilfully or negligently deface, remove, displace, injure or destroy any board, plaque, tablet or any bill, placard or notice exhibited on such board, plaque, tablet or any support, fastening or fitting on any board, plaque or tablet used in exhibiting any bill placard or notice;
- (ii) wilfully or negligently deface, injure, destroy or soil any wall, fence or railing in or enclosing any park or any shelter, barrier, railing, post, seat, erection or ornamental structure situated in any park;
- (iii) climb any building, wall, fence, tree, barrier, railing, post, monument, fountain, shelter or other erection situated in any park.

8. Persons not to Climb over Walls etc

No person shall walk, stand, climb, or step on or over any wall, railing, fence, hedge or verge whether temporary or permanent, enclosing or within any park.

9. Persons not to Enter or Injure Plantations etc

- (i) No person shall enter or stand, sit or walk in or upon any flower bed, verge, border or shrubbery within any park or in or upon any part of any park which bears notices of restriction;
- (ii) No person shall cut, displace, or injure any turf or uproot or displace any plants of whatever description or anything growing in any park.

10. Protection of Grass etc

No person shall lay or deposit on the grass or in or upon any flowerbed, verge, border or shrubbery, or any part of any park, any substance of whatever description likely to be injurious to such part of any park.

11. Firearms etc

No person shall, in any park without the prior written consent of the Director:-

- (i) carry any firearm or weapon; or
- (ii) discharge any firearm or weapon; or
- (iii) throw, shoot or propel any stone, fireworks, arrow, knife, missile, or other similar article; or
- (iv) fly or otherwise put into motion any mechanically propelled model aeroplane or similar device, except in such part of any park designated for such purpose by the Council.

Notwithstanding the foregoing provisions of this Management Rule the Council may permit fireworks or other similar display or entertainment within any park on such terms and conditions as they may prescribe.

PART III

Exclusion etc of Vehicles, Aircraft and Animals

12. Exclusion of animals etc from Parks

Unless a notice is posted by the Council at the entrance to, or elsewhere in, any park indicating that animals are not permitted in the park or any part thereof it shall be permissible to bring an animal (except a dangerous wild animal as defined under the Dangerous Wild Animals Act 1976) into any park always provided that the owner or person in charge of any such animal shall keep it under close control or on a short lead and ensure that any excrement deposited by any dog under his/her control be picked up and removed from the park and the provisions of the Dog Fouling (Scotland) Act 2003 any Act extending or amending the same shall apply.

- 13.** Any person leading, exercising, training, riding or moving any such animal in any park may do so as provided under the 2003 Act subject to that person complying with the responsibilities outlined in the Code. Owners are asked act responsibly and to avoid crossing marked out sports pitches.

14. Greyhounds, coursing Dogs etc

Notwithstanding the foregoing Rules, no person shall take into or permit to be in any park any greyhound or coursing dog which is not on a lead and not led by such person, except with the prior written consent of the Director or in such areas as may be designated for the racing and exercising of such dogs, from time to time by the Council.

15. Assistance Dogs (Guide Dogs)

Assistance dogs are exempt from the foregoing Rules when under the control of their handlers, with the exception of the Wildlife Centre in Camperdown Country Park, from which all dogs are prohibited.

16. Vehicles etc in Parks

- (a) No person shall use, propel or drive any vehicle including a caravan other than on such roads or other parts of any park as are provided or designated for such purposes and during such hours as may be determined from time to time by the Council or in accordance with such notices which may be erected in any park prohibiting or restricting said use except with the prior written consent of the Director. Notwithstanding this rule, the Director may from time to time permit any vehicle to be used within any part of any park for the purposes of participating in any event involving the use of vehicles.
- (b) There shall be excluded from such restriction any vehicle used or operated by or authorised by the Director in carrying out the maintenance of any park.

17. Exempt from Restriction

The provision contained in Management Rule 16 hereof shall not apply for the use in any park of any perambulator or similar vehicle drawn or propelled by hand for the use by a child or invalid or of any ambulance, fire engine, police vehicle, hearse and attendant vehicles as may be permitted by the Director.

18. Rules as to driving lights etc in Parks

In any park a driver of any vehicle, or rider of any cycle or horse, or other animal which is normally ridden, shall be bound to observe such statutes, enactments, rules and regulations for the time being in force or any amendment thereof or extension thereto for the regulation of driving on public street or roads and for the exhibition of lights on vehicles as are applicable to public streets or roads.

19. Speed Control of Vehicles

No person shall use, propel or drive any vehicle on any road in any park at a speed exceeding ten miles per hour or such other speed as may be determined from time to time by the Council; declaring that nothing in this Management Rule shall be in derogation of any enactment relating to the speed of vehicles.

20. Car Parking

- (i) No person shall park any vehicle in any park except in an area designated by the Council as a car park;
- (ii) No person shall park a vehicle overnight in any car park unless they have the prior written consent of the Director;
- (iii) Any designated disabled parking spaces within a car park shall be used only by drivers of vehicles displaying registered disabled markers;
- (iv) The Council reserves the right to impose a charge for car parking;
- (v) The Council shall not be held responsible for any loss or damage to any vehicle or any property left in the car parking facilities or in any vehicle.

21. Aircraft

No person shall make use of any park as an aerodrome or landing ground for aircraft or hot air balloon without the prior written consent of the Director, except in an emergency.

22. Kites at Riverside

It is not permitted to fly kites on the open space adjacent to Riverside Drive or at Magdalen Green.

PART IV

Caravans

23. Caravans in Parks

No persons shall tow, park or otherwise allow to remain, any caravan on any part of any park otherwise than on such parts of any park as are provided or designated for such purposes from time to time by the Council or in accordance with such Notices which may be erected in any park prohibiting or restricting said use.

PART V

Protection of Ponds, Fish etc

24. Pollution of Water, Protection of Fish etc

- (i) Access in any park for swimming or wading in any reservoir, loch, pond, pool, river, canal or stream, is permitted by the 2003 Act, but open water can be dangerous and use should be in accordance with the Code. Signage may be erected to alert the public of potential danger. Swimming or wading shall not be allowed in ornamental ponds or in water bodies specifically managed for horticulture or wildlife;
- (ii) No person shall take, injure, destroy, disturb or interfere with or attempt to take, injure, destroy, disturb or interfere with any fish, amphibians or plants of whatever description in any pond, pool, river or stream in any park, except with the prior written consent of the Director. Pond dipping for educational purposes does not require the prior written consent of the Director and anything taken should be returned;

- (iii) No person shall go onto any ice formed over a body of water in any park (unless a notice intimating that it is safe to do so is displayed where the ice has formed).

25. Yachts, Boats etc

Access rights under the 2003 Act extend to non-motorised water based activities such as canoeing, rafting, rowing and sailing. Persons pursuing such activities on any lake, loch, pond, pool, river, canal or stream in any park must do so in a responsible manner and must comply with the responsibilities outlined in the Code. The Director may seek an order or orders to exempt certain water bodies from such use in accordance with Rule 6.

PART VI

Protection of Animals, Birds, Game etc

26. Protection of Animals, Birds, Games etc

No person shall in any park:-

- (i) wilfully or negligently displace, disturb, ill-treat, injure, take, destroy or attempt to displace, disturb, ill-treat, injure, take or destroy any animal, bird, game, nest or egg;
- (ii) spread, set or use or attempt to spread, set or use any net, snare, trap, line, firearm, instrument, weapon or other means for the taking, injury or destruction of any animal, bird or game.

Nothing in these Management Rules, however, shall affect the right of the Council, The Director or other person duly authorised by the Council to take such steps as the Secretary of State may require in the exercise of his power under Section 39 of the Agriculture (Scotland) Act 1948 and any Act extending or amending the same for the killing, taking or destruction in any park of any animal or birds to which the said Section applies or the eggs of such birds.

PART VII

Regulation of Games etc

27. Control of Structures, Erections etc

No person shall erect in any park without the prior written consent of the Director any post, rail, fence, platform, pole, peg, tent, booth, screen, stand, swing or other erection.

28. Obligation to perform Sports, Games and Active Pursuits safely

Any person taking part in leisure activities which may be dangerous to themselves or to others within the park shall ensure that they do so in a safe manner, have regard to other park users, and use recommended safety equipment. Staff appointed by the Council to supervise parks shall have the authority to determine that an activity is potentially dangerous and should be suspended.

29. Military Operations in Parks

No person shall drill or practice military or similar operations in any park without the prior written consent of the Council.

30. Regulation of Cricket, Football etc

- (i) No person shall play cricket, football, rugby, hockey or similar sport in any park except in such areas and during such a period or periods as the Director may determine from time to time;
- (ii) No person shall play any game or practise any sport or play golf (including putting) in any park:-
- (a) otherwise than in such part of any park set aside for such purposes; or
- (b) in such a manner as to disturb or annoy or interfere with other persons in the proper use and enjoyment of any park; or
- (c) except with the prior written consent of the Director; or

(d) in contravention of any notice exhibited in any park prohibiting the playing of such games or the practise of such sports.

(iii) No person shall leave overnight on or within any park any goalpost, apparatus or equipment except with the prior written consent of the Director.

31. Use of Play Apparatus

No person shall use any swing, gymnastic or play apparatus in any park in contravention of any notice erected in any park indicating the use of such apparatus.

PART VIII

Protection of Person

32. Prohibition of Molestation etc

No person shall in any park:-

- (i) Wilfully obstruct, disturb, interrupt or annoy any other person in the proper or authorised use of any park; or
- (ii) Wilfully obstruct, disturb, interrupt or annoy any officer, servant or employee of the Council or person duly authorised by the Council in exercise of his duty or in the execution of any work in connection with any park; or
- (iii) molest or importune any other person and no person shall importune any other person for the purpose of prostitution or loiter for that purpose

PART IX

Control of Trading etc

33. Control of Trading

No person shall in any park except with the prior written consent of the Director:-

- (i) sell or offer or expose for sale or deal in any commodity article or thing; or
- (ii) let or hire or offer or expose for let or hire any commodity, article or thing; or
- (iii) Pursue any trading vocation; or
- (iv) carry out any market research, survey or any other activity of a similar kind; or
- (v) distribute or affix to any wall, tree, fence or any other surface any hand bill, tract, advertising material or any written or printed paper or document.

PART X

Regulations of Meetings etc

34. Control of speeches, meetings, performances etc

(1) No person whilst in any park shall, without the prior written consent of the Council:-

- (i) deliver or utter any speech, lecture or address or preach; or
- (ii) hold or cause to be held or take part in any public meeting, lecture, pronouncement, religious service, public discussions, procession, demonstration or public assembly.

(2) No person in any park shall:-

- (i) sing or play any instrument; or
- (ii) operate any cassette, radio, television, compact disc player, apparatus or similar instrument, in such a manner or to such a degree as may cause annoyance to other persons within the park.

35. Control of Collections etc

No persons shall in any park solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Director.

36. Control of Performances and Exhibitions

No person shall give or take part in or attempt to give or take part in any performances or exhibition in any park except with the prior written consent of the Director.

PART XI

Prevention of Danger, Nuisance etc

37. Dangerous Articles - Litter, Refuse etc

No person shall deposit or leave or cause to suffer or fall or to be deposited or left in any park:-

- (i) any substance or article likely to cause injury or damage to any person or property; or
- (ii) any substance or article which might occasion risk of any kind to any child or other person finding or handing same; or
- (iii) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
- (iv) any other material;

except with the prior written consent of the Director, unless in containers specifically provided for litter or dog excrement.

38. Control and Prevention of Fires etc

No person shall light a fire, burn, or do any action which might cause to be set on fire or burned in any park any paper, rubbish, refuse, fuel or other substance, except with the prior written consent of the Director. Barbeques shall be permitted provided that they are managed in a controlled manner ensuring that no damage or nuisance is caused to the surrounding area.

39. Nuisance

No person shall in any park:-

- (i) commit a nuisance of any act of indecent behaviour; or
- (ii) use any profane, obscene, abusive, indecent or insulting language.

40. Public Conveniences, etc

No person shall in any park enter any public conveniences or similar accommodation which is not appropriate to the sex and age of such person.

41. Alcohol Liquors etc

Except where a proper licence has been granted in terms of the Licensing (Scotland) Act 1976 and any Act extending or amending the same, no person shall sell or supply or consume or cause to be sold, supplied or consumed any spirit or other alcoholic liquor (as defined in the aforementioned Act).

42. No person who is under the influence of alcohol, drugs or solvents shall enter or remain in any park.

43. Control of Smoking

No person shall smoke in any building, pavilion, erection, enclosure or place in any park in contravention of the Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking in Certain Premises) Regulations 2005 or a notice prohibiting smoking.

PART XII

Miscellaneous

44. Expulsion or Exclusion for Breach of Rules

The Director may:-

- (i) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel the person from the park;
- (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the park.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again, shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year in terms of Section 117 of the 1982 Act.

45. Offences

Any person who:-

- (i) on being required to leave the park by an authorised Officer of the Council who has reasonable grounds for believing that such person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, fails to leave;
- (ii) on being informed by the authorised Officer of the Council who has reasonable grounds for believing that such person is about to contravene any of the foregoing Management Rules that he is excluded from the park, enters or attempts to enter the park;
- (iii) being a person subject to an Exclusion Order under Section 117 of the 1982 Act, enters or attempts to enter the park to which the Exclusion Order relates.

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level one of the standard scale, currently TWO HUNDRED POUNDS (£200) STERLING in terms of Section 118 of the 1982 Act.

46. Date of Operation

The foregoing Management Rules shall come into force on the First day of June Two thousand and Nine.

Dated at Dundee this Sixth day of May, Two Thousand and Nine.

Signed_ _"Alex Stephen" Chief Executive
DUNDEE CITY COUNCIL

Current Management Rules for the Regulation of Cemeteries

DUNDEE CITY COUNCIL

MANAGEMENT RULES FOR THE **REGULATION OF CEMETERIES**

Dundee City Council (hereinafter referred to as 'the Council') by virtue of powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as 'the 1982 Act') hereby make the following Management Rules for the regulation and the use of cemeteries and conduct of persons while in the cemeteries under the control of Dundee City Council.

PART I

In these Management Rules unless the context requires otherwise, the following words or expressions shall have the meanings hereby assigned to them, videlicet:-

'the Council' means the Local Authority for the Dundee City Council in terms of the Local Government etc (Scotland) Act 1994 and their statutory successors.

'Director of Leisure and Communities' means the Director for the time being of the Leisure and Communities Department of the Council or other duly authorised person.

'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.

'Register' means the Register Book of Sales of Ground, held by the Director of Leisure and Communities.

'Memorial' means any gravestone, headstone or other monument erected at the head of the Lair in the headstone border or plaque in designated areas such as a memorial wall.

'Proprietor' means the person who purchases the Exclusive Right of Burial to the Lair and to whom the Title Deed Certificate is granted and his successors in terms of Rule 2 below who are registered in the Register.

'the 1965 Act' means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 and any Act amending same.

'the 1997 Regulations' means the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997.

'Title Deed Certificate' means the Certificate describing a Lair purchased by a Proprietor from the Council in which the Proprietor is granted the Exclusive Right of Burial. For the avoidance of doubt the Title Deed Certificate does not confer any heritable right in such a Lair.

'Certificate of Registration of Death' means either a Certificate prescribed for the purposes 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.

'the Access Code' means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same drawn up under the Land Reform (Scotland) 2003.

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

PART II

1. Each purchaser of a Lair in a cemetery will, on payment of the price, be granted an Exclusive Right of Burial and be furnished with a Title Deed Certificate describing the Lair so purchased. The Lair in which the right is exercised remains wholly in the ownership of the Council. The Title Deed Certificate must be recorded in the Register and the name of the person so recorded shall be held to be the Proprietor of the Lair so purchased.
2.
 - (i) Only one person shall be recorded as the Proprietor of a Lair and joint proprietorship is specifically prohibited. For the avoidance of doubt the order of succession to a Lair will be decided in terms of the Succession (Scotland) Act, 1964 as amended. Notwithstanding the foregoing, the Proprietor shall have it in his power the ability to bequeath the Lair to any member of his family or to any unrelated person.
 - (ii) No person who claims right to succeed to a deceased Proprietor shall be recognised or have his name inserted in the Register as Proprietor, without adducing evidence that he is entitled to succeed all to the satisfaction of the Council. When application is made by a party who claims to succeed, the Council may order such public or other notice of the application to be made as they judge proper, and the expense in that event shall be paid by the applicant.
 - (iii) No transfer by an inter vivos deed shall have any strength or effect unless sanctioned by the Council, who shall have the right of pre-emption and shall have the power to accept the Lair in the case where a transfer by way of sale is intended.
 - (iv) No party claiming a Lair either by succession or transfer shall be recognised or have their name inserted in the Register without production of the Title Deed Certificate or document granted to the original Proprietor, or such other evidence as may satisfy the Council.
 - (v) Assignations or bequests by a now deceased Proprietor of any Lair, must be recorded in the Register within twelve months of the death of the said deceased Proprietor, otherwise the deed, in so far as regards such Lair, shall be ineffectual. However the Council reserves the right to give effect to any assignation or bequest if it sees fit.
3. Failing interment in or transfer of a Lair for a period of 100 years, the Council may terminate the Exclusive Right of Burial therein, provided that such notice of intention to terminate will be advertised once in a national newspaper and twice in two local newspapers and a period of twelve months allowed to elapse, following the publication of the last advertisement, whereupon, failing any claimant, the Council may, by simple resolution duly minuted, declare such Right of Burial to be terminated and may grant the Exclusive Right of Burial of the Lair anew if no persons are interred in the Lair.
4. No interment can take place without production to the Director of Leisure and Communities of the Title Deed Certificate or by the completion and submission of a Form of Indemnity.
5. Notice of interment must be given to the Director of Leisure and Communities by the parties, or by the undertaker of the funeral as early as possible and no less than 24 hours notice preceding the time fixed for the interment and in the case of Monday funerals no later than 3pm on the Friday preceding. Interments may take place from Monday to Friday inclusive and between 9am and 11am on Saturdays. Outwith these times, funerals are not permitted except in necessitous cases, on a Doctor's Certificate and with the authority of the Director of Leisure and Communities. Notice of interment shall be made by completion and subscription of the prescribed form (obtainable at the office of the Director of Leisure and Communities). A Certificate of Registration of Death or a Certificate of Cremation, or a Coroner's Report must be submitted with the aforementioned interment form. When the bottom of the ground is known to be formed of rock, earlier notice must be given, so as to ensure that the work is properly and timeously completed. Undertakers are not to give directions to, or in any way interfere with, the employees of the Council after the coffin is laid in the grave.
6. Where all coffins are of a maximum depth of 0.38 metres and where the Lair is 2.36 metres in depth, three full size coffins may be interred, where the Lair is 1.98 metres in depth, two full sized coffins may be interred and where the Lair is 1.53 metres in depth, only one full sized coffin may be interred. If any coffin is of a greater depth than 0.38 metres then the 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 allowed to be opened. Provided always that in addition to each full sized coffin the coffin of a child under two years of age may also be interred in the Lair provided that the child's coffin is interred prior to each full size coffin.
7.
 - (i) No plants, shrubs or trees of any description are permitted other than in the headstone border and only with the prior approval of the Director of Leisure and Communities. No planting, Memorial, inscription, or erection of any kind whatsoever shall be permitted to be placed on the Lair outwith the headstone border.

- (ii) No Memorial shall be erected in the headstone border unless it meets the standards set out in the Council's Headstone Memorial Installation and Repair Registration Scheme. All Memorials must be constructed and erected in accordance with the recommendations laid down by this Scheme. Any Memorial Mason wishing to work within the Council's cemeteries must be registered with the Council under this Scheme.
- (iii) Permission will be granted for the erection of a Memorial for an initial period of thirty years on payment of an Inspection fee. At the expiry of the thirty year period an extension for a further thirty years may be applied for on payment of a fee equivalent to the Inspection fee at that time.
- (iv) No monument or other erection shall be built or fitted in any wall of the cemetery, nor if erected near any wall shall such erection exceed the height of the wall unless approved by the Director of Leisure and Communities. The erection of tombs, kerbing, lair rails, fences and walls is not permitted except within the headstone border and subject to the prior approval of the Director of Leisure and Communities. The Director of Leisure and Communities shall be entitled to require the removal of any such tombs, kerbing, lair rails, fences or walls erected without his consent and in the event of the Proprietor failing to remove such items, the Director of Leisure and Communities shall be entitled to remove the items at the Proprietor's expense and recover the cost of so doing.

Notwithstanding the foregoing, the Proprietor may make minor improvements within the headstone border by placing small personal tributes or mementos thereon provided that the Director of Leisure and Communities shall be entitled to require the removal of any such items as he considers inappropriate and in the event of the Proprietor failing to remove the item(s) as required, the Director of Leisure and Communities shall be entitled to remove the item(s) at the Proprietor's expense and recover the cost of so doing.

- 8. (i) The Proprietor must keep the Memorial or other erection in good order and repair; and should he fail to do so the Director of Leisure and Communities may either instruct the repair or may cause the Memorial or other erection to be removed at the Proprietor's expense and may then recover the cost of so doing. No interment shall be permitted until the said expense is first paid.
 - (ii) The Director of Leisure and Communities has the power to remove damaged and/or dilapidated Memorials, if after complying with all the current legislation on removal of such Memorials the last known owner cannot be traced. Thereafter, if the said damaged and/or dilapidated Memorials are not claimed within one year from the date of removal the Director of Leisure and Communities will have power to dispose of the same as he sees fit.
 - (iii) The Director of Leisure and Communities reserves the right to prune all planting and even remove such, if it shall be in his opinion that by the spreading of the roots, branches or otherwise, injury may be caused to the adjoining grounds. Proprietors are prohibited from removing or disposing of any plants or shrubs without the consent of the Director of Leisure and Communities.
9. The hewing or dressing of stones, or operations of any other description, except in the dressing of lairs, will on no account be permitted within the cemeteries or in the approaches thereto. However the addition of inscriptions to and the renovation and stabilisation of existing Memorials will be permitted with the prior consent of the Director of Leisure and Communities. All rubbish or refuse remaining after the erection of Memorials or other duly sanctioned operations must immediately be removed from the site under the direction of the Director of Leisure and Communities and at the expense of the Proprietor, or of the person executing the work. The dressing and decorating of burial places shall be carried out only by the employees of the Council and at the expense of the Proprietors.
- 10. (i) Visitors to the cemeteries shall walk on the paths (where possible) and shall on no account pull the flowers, or in any way injure the shrubs or trees. No person shall enter or depart from the cemeteries by any other way than the designated entrances. Children under 14 years of age must be accompanied by a parent or guardian.
 - (ii) It shall be permissible to bring a dog into a cemetery provided that the owner or the person in charge of any such dog shall keep the dog under his/her close control or on a short lead (two metres or less) and that the provisions outlined in the Access Code and the provisions of the Dog Fouling (Scotland) 2003 are complied with.
 - (iii) Cars, excepting those attending funerals, will not be admitted to any cemetery unless an occupant of the car is in possession of and displaying a current permit issued by the Director of Leisure and Communities and only for the purpose of people with disabilities visiting graves. Such permits shall require to be renewed annually and shall be in possession of the person with the disability for the visit and shown to any employee of the Council on request.

- (iv) No person shall deposit or leave or cause to suffer or fall or to be deposited
 - (a) any substance or article likely to cause injury or damage to any person or property: or
 - (b) any substance or article which might occasion risk of any kind to any child or other person finding or handling same: and
 - (c) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
 - (d) any other material
 - (v) No person may play any game or practice any sport in any cemetery.
11. No person shall in any cemetery:
- (i) commit a nuisance or any act of indecent behaviour; or
 - (ii) use any profane, obscene, abusive, indecent or insulting language.
12. The cemeteries shall be open to the public every day during such hours as the Director of Leisure and Communities may fix and determine. The Director of Leisure and Communities shall be entitled to remove any person or persons who may conduct themselves improperly and may also prevent persons entering at prohibited times.
13. No employee of the Council shall be entitled to accept any gratuity whatsoever, on pain of dismissal.
14. Semi Private Ground
- The Council has allocated sections in certain cemeteries to be used as semiprivate ground, the same to be regarded as free ground pure and simple. No right of property can be acquired thereto and when a funeral takes place it shall be attended to in all respects as a private funeral. No erection of Memorials, no planting of shrubs, flowers, or decorating of the ground shall be allowed (except as provided for in Clause 24). Notice of interments therein must be given in the same way as for private funerals.
15. Perpetuity fees must be paid on purchase of ground or at a reopen if not previously paid.
16. A scale of current interment dues and other burial charges may be obtained from the Director of Leisure and Communities, Head Office, Level 3, Wellgate Centre, Dundee DD1 1DB
17. The Director of Leisure and Communities may, if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel that person from the cemetery.
18. Any person who:
- (a) on being required to leave the cemetery by the Director of Leisure and Communities who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of the foregoing Management Rules fails to leave;
 - (b) on being informed by the Director of Leisure and Communities who has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules that he is excluded from the cemetery enters or attempts to enter the cemetery;
 - (c) being a person subject to an exclusion order under Section 117 of the 1982 Act 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 1 in terms of Section 118 of the 1982 Act.
19. (i) All vehicles allowed in the cemetery must keep to the approved roads and must keep off the grass at all times. Car parking will only be allowed in the designated car parking area/s.
- (ii) On arrival, funeral parties will be met by the Duty Officer or his representative at the appropriate entrance specified by the Director of Leisure and Communities before commencing the burial service.

20. This clause, in addition to the above clauses, will apply only to Birkhill Cemetery:-
- (i) Access for funeral parties will be at the southern gate and exit will be by the northern gate to allow for a circular route.
 - (ii) Only the erection of Memorials and planting will be allowed in the headstone border. The grass areas must be kept free of all obstructions. Memorials of no more than 1.53 metres high, 0.92 metres width and 0.46 metres depth will be permitted and must be within the boundaries of the headstone border.
 - (iii) The Memorial may take the form of a tablet or plaque at ground level, headstone, tablet or plaque above ground level.
 - (iv) Each Memorial erected must be doveled into a concrete foundation provided in each headstone border.

Woodland Burial Grounds

21. This clause in addition to the clauses numbered 1 to 19 above will only apply to Woodland Burial Grounds which may be designated by the Council.
- (i) Memorial planting - all trees to be provided and planted by the Director of Leisure and Communities. Wildflowers may be planted on lairs subject to the approval of the Director of Leisure and Communities.
 - (ii) Memorial plaque - for the purpose of allowing the public to place memorial plaques, a series of memorial walls will be created, allowing the bereaved to place upon the wall a memorial plaque, with an inscription commemorating the deceased. Plaques will be from a selected range approved by the Director of Leisure and Communities and be uniform in size, colour and material. No conventional memorials can be placed on graves.
 - (iii) Placing of flowers - The bereaved upon initial burial will be allowed to lay flowers upon the grave. Thereafter, all flowers will be laid at the base of the memorial wall.
 - (iv) 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.

Lairs cannot be purchased in advance Lairs shall be allocated by the Director of Leisure and Communities at the time the funeral arrangements are made.

A Title Deed Certificate shall be issued but not against a specific lair. The name of the person so recorded shall be held to be the proprietor of the lair so purchased.
 - (v) Coffins - all coffins shall be of a type approved by the Director of Leisure and Communities taken from the following approved list. Coffins should not be deeper than the standard 0.38 metres without the approval of the Director of Leisure and Communities.
 - (a) Standard coffin constructed from chipboard, plywood or wood with a minimum plastic content.
 - (b) Card coffins which are biodegradable made to an approved standard.
 - (c) Shrouds and body bags are acceptable but must be made of biodegradable material.

Maintenance

An area immediately adjacent to roads and paths shall be of a standard amenity maintenance. The woodland areas shall be cut twice per year.

22. Cremated Remains Areas

This clause, in addition to the clauses numbered 1 to 19 above, will only apply to the Cremated Remains Areas.

- (i) The area(s) of ground designated by the Council will be known as the Cremated Remains Garden(s). These Garden(s) shall be for the sole purpose of the interment of cremated remains.
- (ii) For the purpose of interring cremated remains the Council shall offer the public a section of ground.
- (iii) The lair shall measure no more than 1.5m x 1m to a depth of 600 mm.

- (iv) A maximum of four interments of caskets or urns will be allowed in each lair, one in each corner.
- (v) Headstones will be permitted to a maximum size of 900 mm x 1m x 0.46m within the headstone borders.

23. Scattering of Cremated Remains

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.

24. Baby Memorial Gardens

This clause, in addition to the clauses numbered 1 to 19 above, will only apply to Baby Memorial Gardens.

- (i) The areas of ground designated by the Council will be known as Baby Memorial Gardens. Baby Memorial Garden shall be designated for stillborn and for babies up to, and including, two years old.
- (ii) For the purpose of interring a baby or stillborn baby, the Council will offer the parent(s) a section of ground.
- (iii) The ground will measure no more than 1.5m x .91m at a depth of approximately 1200mm.
- (iv) Interment will take place in the next available space as determined by the Director of Leisure and Communities with one interment per space.
- (v) Small memorials set on a plinth with optional flower holders - maximum height 350mm x 450mm long and 300mm wide will be permitted in headstone borders. The choice of materials will be in stone, the type and finish to be a matter of individual choice. The construction of the plaque and plinth shall be to the Council's specifications.
- (vi) Plaques, in addition to memorials in headstone borders will be permitted. A wall has been provided by the Council for the purpose of allowing parents to erect a plaque in memory of the deceased baby.
- (vii) Plaques will be standard, made from stainless steel approximately 3mm gauge and 175mm x 100mm fitted with stainless steel screws. A maximum of two colours of type may be used.
- (viii) 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. Alternatively, flowers will be placed within the flower holder attached to the memorial stone.
- (ix) Any parent(s) having a stillbirth or baby interment at another location, on production of relevant documentation, may be permitted to erect a memorial plaque.

25. The foregoing Rules shall come into force on the First day of June Two thousand and Nine.

Dated at Dundee this Sixth day of May, Two Thousand and Nine.

Signed "Alex Stephen" Chief Executive.
DUNDEE CITY COUNCIL