

Orkney Islands Council
Burial Grounds
Customer Charter

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Introduction

This document sets out various aspects of the maintenance standards for the public burial grounds managed by Orkney Islands Council.

There is a current list of all the managed burial grounds within Orkney, including historic sites that are no longer in active use.

The service level agreements of the Council are defined in relation to the burial grounds that it manages in the role of keeper, as defined in the Burial and Cremation (Scotland) Act 2016, including the legal responsibilities of the Council to maintain those sites.

This document also clarifies the rights and responsibilities for owners of rights of burials in lairs within those burial grounds, and specific guidance on the management and maintenance of memorials that are erected in our burial grounds.

The document ends with an extensive FAQs relating to burials and burial ground management.

Our Burial Grounds

Orkney Islands Council is responsible for 47 burial grounds throughout the county, including grounds which are no longer in active use and heritage sites. To arrange the purchase of the right of burial, or to discuss the erection of a memorial, the registration office can supply the details of the burial clerk for a specific burial ground.

This is a list of our burial grounds throughout Orkney:

No.	Burial Ground	Location
1	North Ronaldsay	Main Road, North Ronaldsay
2	St Boniface Cemetery	Central Road, Papa Westray
3	Ladykirk Cemetery	The Quarry Road, Pierowall, Westray
4	Scar Cemetery	Burness, Sanday
5	Cross Kirk	Tuquoy Road, Westray
6.	Rapness Cemetery	Rapness, Westray
7.	Lady Kirkyard	Nr Overbister, Sanday
8.	Faray Cemetery	Faray Island, Eday
9.	St Johns Cemetery	Kirk Road, Eday
10.	Old Eday Cemetery	Kirk Road, Eday
11.	Wasbister Cemetery	Wasbister Road, Rousay
12.	St Magnus Church	Pier Road, Egilsay
13.	St Peter's Cemetery	Whitehall Road, Whitehall, Stronsay
14.	Brinian Cemetery	Brinian Road, Rousay
15.	St Magnus Cemetery	The Palace, Birsay
16.	Birsay Cemetery	Birsay
17.	Old Evie Cemetery	Aikerness Road, Evie
18.	Evie Cemetery	Evie
19.	Chapel Cemetery	Russness Road, Wyre
20.	Lady Cemetery	Bay Road, Bay, Stronsay

21.	St Nicholas Cemetery	Holland Road, Holland, Stronsay
22.	Sandwick Cemetery	Sandwick
23.	Rendall Old Cemetery	Hinderayre Road, Rendall
24.	Rendall Cemetery	Gorseness Road, Rendall
25.	St Michael's Church	Church Road, Harray
26.	Shapinsay Cemetery	Sands Road, Shapinsay
27.	Firth Cemetery	Firth, Finstown
28.	Stennes Cemetery	Churchyard Road, Stennes
29.	St Magnus Cathedral	Broad Street, Kirkwall
30.	St Olaf's Cemetery	Orquil Road, St Ola
31.	Hall of Tankerness Cemetery	Tankerness Hall Road, Tankerness,
32.	Warbeth Cemetery	Warbeth Road, Stromness
33.	St Andrews Tankerness	Churchyard Road, Tankerness
34.	Deerness Cemetery	Deerness
35.	Round Church	Gyre Road, Orphir
36.	Graemsay Cemetery	Kirk Road, Graemsay
37.	North Hoy Cemetery	North Hoy
38.	St Nicholas Cemetery	Cornquoy Road, Holm
39.	St Laurence	Ness Road, Burray
40.	Flotta Cemetery	Church Road, Flotta
41.	St Johns Cemetery	B9047 Hoy
42.	St Peters	Kirkhouse Road, South Ronaldsay
43.	Osmandwall Cemetery and Peedie Kirk	Cantick Road, Hoy
44.	Flaws Cemetery	Halcro Road, South Ronaldsay
45.	St Marys	Burwick, South Ronaldsay
46.	Cross cemetery	Sanday
47.	Leaquoy cemetery	Stronsay

Our Commitment to You

Our burial grounds are maintained to set standards which can be found in our Burial Grounds Management Plan. This includes grass cutting, maintaining pathways, entrances, boundaries, any vegetation or buildings that are owned by the Council, pest control, litter and lighting (where applicable).

One of the main purposes of this maintenance is to ensure all our burial grounds are pleasant and safe places for anyone visiting. This means we undertake regular inspections for health and safety which includes the memorials. The Council must ensure all memorials are safe and secure with no risk of any falling over and causing injury. This often means liaising with a lair owner to ensure work is undertaken to make a memorial safe.

Any queries, comments, complaints or compliments about the maintenance of the burial grounds can be directed to the Burial Grounds Officer by calling 01856 873535 (ext 2703).

Ownership of Right of Burial – Rights and Responsibilities

When someone requires a lair, they can buy a Certificate of Right of Burial from the burial ground clerk responsible for their choice of burial ground. A list of Orkney's Burial Clerks can be found on the Orkney Islands Council website. The holder of a Certificate of Right of Burial owns the rights to burial within the lair in perpetuity. The right to a subsequent burial in the same lair may be possible subject to ground conditions for that specific lair.

Buying the right of burial in a lair means the owner also has the right to erect a memorial, subject to it meeting safety standards (BS 8415:2018) and being supplied and erected by an appropriately qualified and approved stonemason, who has received permission from the Council to undertake the work. The lair owner must also ensure that the stonemason obtains a permit for memorial erection from the council – this ensures that the required safety standards are met and that the work is checked independently.

An owner has some responsibilities when they take up the right of burial. The owner must make sure the lair is maintained to the standards explained when they buy the certificate. This means following the guidelines on what can and cannot be placed on a lair and maintaining any memorial. Memorials may over time need maintenance, for example cleaning, repairing or refitting due to wear and tear, weather or ground movement. It is the lair owner's responsibility to ensure work is undertaken by a qualified person, and the Council is notified prior to and after completion of any works.

The owner of the right of burial also needs to ensure the Council has the correct contact details on file, so they can contact the owner, for example to notify of any damage to a memorial. If the Council is unable to contact the lair owner, they have the authority to undertake any maintenance works that is necessary to make a memorial safe, but any work undertaken in these circumstances is chargeable to the owner.

Owner Guidance - Terms and Conditions

Buying the right of burial in a lair means you are agreeing to the following terms and conditions as an owner:

You agree to take ownership of the right of burial in the assigned lair which is detailed on the Certificate issued with ownership.

If you wish to amend or cancel your ownership this can be discussed with the burial ground clerk. The right of burial for a lair can be sold back to the council for the price originally paid.

The owner must ensure the burial ground clerk has relevant and up to date contact details throughout the term of the ownership.

Ownership of the right of burial in a lair permits the owner to erect a memorial once a permit is obtained. This must meet specified safety standards and be installed by a qualified and approved specialist. It must have the lair location (section and plot number) inscribed on the left side of the memorial.

Any other memorials, ornamentation, fencing or other objects on the lair can only be installed following specific permission from the Council. Requests for such additions should be made to the Burial Grounds Officer in the first instance.

Lair grass cutting will be managed by Orkney Island Council, in conjunction with community councils in some cases.

The memorial must be managed by the owner. If the memorial requires repair, renovation or removal the owner is required to arrange this using a qualified and approved stonemason. The Council needs to be notified of any works prior to taking place.

The Council will notify the owner if they determine a memorial is unsafe and needs repair. The owner will then be required to arrange the repair as stated above.

Memorials and Memorial Safety

Memorial safety is especially important due to some serious accidents in burial grounds in other local authority areas.

Memorials remain the property of the owner of right of burial, which means the owner must ensure they are maintained and safe to be in our burial grounds.

Orkney Islands Council has a responsibility to check every memorial is safe and ensure any dangerous memorials are made safe.

This means if a memorial is unsafe, we will ask you to arrange for it to be made safe by using a qualified and approved specialist, who has obtained a permit to undertake the work. The Council must be informed before and after it has been carried out. If, during an inspection, a memorial is judged to pose an immediate danger, the council will make safe at the time of inspection.

If you cannot arrange the work to be undertaken, the Council will make the memorial safe for you, but there will be a charge for this service.

Visitor Guidance

People are welcome at our burial grounds at any time.

We ask visitors to be respectful and use bins where provided or take any litter home.

Visitors are not allowed to bring dogs into the burial grounds, unless they are assistance dogs.

Visitors are not allowed to bring vehicles into the burial grounds but are requested to use parking spaces where present or roadside parking. Visitors with disabled blue badge permits may drive into the site if necessary, but please be aware that the Council accepts no liability for any vehicles which are on or parked next to burial grounds.

Please be aware some memorials may be unsafe so take care and maintain a safe distance where possible.

FAQs

Who maintains the burial grounds?

The Council has overall responsibility for all the burial grounds, but some of the maintenance work is undertaken by contracted services either through the Council or the regional community council.

When are the burial grounds open?

The sites have open access for visitors.

How do I purchase a lair?

You actually purchase the right of burial in a lair, not the lair itself. This can be done by contacting the relevant clerk for your preferred burial ground.

When purchasing a lair does the ground belong to the lair owner?

No, it gives exclusive right of burial and erection of memorial only.

Who owns the lair?

The Council continue to own the lair. Purchasing a lair means purchasing the right to burial within a lair, not the land itself.

If a right of burial in a lair is not used, what happens to it?

The owner of the right of burial can sell the lair rights back to the Council at the original price paid through the burial clerk for that burial ground.

Can I pass ownership to another person?

Yes you can. This can be arranged by the clerk responsible for the burial ground where the lair is located.

Can my family choose a specific lair within a burial ground?

This is not possible, except in very specific cases for which requests must come through to the Burial Grounds Officer for consideration.

Can I see a plan of the burial ground where I have a lair?

The burial ground clerks have access to plans which they can show anyone who owns, or is considering purchasing, a lair.

How do I arrange a burial?

This is normally done through the funeral directors, but families can arrange a funeral independently if they wish and can contact the relevant services direct (any religious organisation, council registrars etc.)

Can cremated remains be buried in the burial grounds?

This can be accommodated by purchasing a right to burial certificate from the burial ground clerk. Cremated remains can also be interred in an existing lair that is in use with permission from the owner of the rights of burial in that lair.

Can pets be buried in the burial grounds?

Pets are not allowed to be interred in the burial grounds.

How long do floral tributes remain on a lair?

Flowers can be left on a lair for up to a maximum of one month. The Council has the right to remove any withered or deteriorated flowers, wreaths etc. Placing of flowers and wreaths on a grave is done at the persons own risk and the Council is not liable for any loss or damage due to weather, vermin, theft etc.

How do I get a memorial erected?

Only a recognized, accredited specialist can be used to erect memorials in our burial grounds. The specialist should seek permission from the Council for erecting memorials by contacting the Burial Grounds Officer.

Who owns the memorial?

A memorial is owned by the owner of the right of burial in the lair where it is erected. The Council do not own any memorials on a lair.

Can I be held responsible for my memorial?

Owners of the right of burial in a lair are held responsible for memorials on that lair, and for the cost of any remedial work required to make the memorial safe should it become damaged, weathered etc.

Can I inspect and fix my own memorial?

Members of the public are not allowed to inspect or carry out any works on memorials unless they are qualified specialists who has received permission from the Council authorising them to undertake such works. This is because it is dangerous and specialized work which requires training. The Council must be notified if any work is to be carried out on a memorial within a burial ground.

Can I re-erect my deceased relatives' memorial?

Yes, this is possible. The Council must be informed and assured that a qualified specialist will undertake the work.

Who is responsible for the memorial once it is erected?

The owner of right of burial is responsible for the memorial including any future maintenance. If the memorial needs repairing due to weathering, damage etc. The owner must arrange this with a qualified specialist and notify the Council.

Why does the Council carry out safety inspections within its burial grounds?

The Council is required by law to ensure that the burial grounds are safe places to visit and work, and regular inspections help us to maintain that legal requirement.

What happens if a memorial is identified as unsafe?

Memorials are inspected by trained staff. Should a memorial be identified as dangerous, then the Council needs to make it safe immediately to prevent any accidents. This can include staking and tying memorials as a temporary measure, or other methods deemed necessary such as ditching in (sheughing). Owners would be notified of this and their responsibilities to repair the memorial.

What happens to a memorial if there are no family, or owners cannot afford to carry out the repairs?

Staking and tying is a temporary measure. The Council would continue to inspect and monitor all memorials, and if necessary, stake and tie, sheugh, lay flat, or any other remedial work that would need to be carried out to any memorials which have not had any repair work undertaken.

What if the owner cannot be traced and a memorial is unsafe?

The Council will make every reasonable effort to make the memorial safe.

Are memorials removed from the burial ground?

The Council does not remove memorials; however the Council reserves the right to remove any dangerous memorials from a burial ground if necessary, for safety.

Can I have more than one memorial or vase on a lair?

Please contact the Burial Grounds Officer to discuss this request.

Can I plant flowers or shrubs on a lair?

This is generally not permitted on lairs but please contact the Burial Grounds Officer to discuss. Owners of older lairs which have vegetation are responsible for its maintenance, and the Council has the right to cut back or remove any vegetation if it is not being maintained by the lair owner.

Can I section off part of the lair with a fence or kerb?

Please contact the Burial Grounds Officer to discuss.

Can I place a seat in the cemetery?

This is not permitted.

Why has the ground sunk on some lairs?

This is due to soil movement after the internment etc. The Council levels lairs after a period following an internment, and all lairs are inspected and monitored regularly as part of ongoing burial ground maintenance.

Can I walk my dog in the burial ground?

Dogs are not permitted unless they are assistance dogs.

Can I drive into a burial ground?

This is not permitted except for visitors with disability requirements, and for funeral vehicles such as hearse and cortege.

Where can I complain or comment about any problems relating to the burial ground?

Any complaints, comments or compliments can be directed to the Burial Grounds Officer.