



Burial Grounds Customer Charter October 2025

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Section 1 - Document Control and Council Approval

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Approved by Council	Development and Infrastructure Committee 11 November 2025
Next Update Due	October 2026
Summary of Changes 08/10/2025	General update

Section 2 - Contact Details

Address	Orkney Islands Council, School Place, Kirkwall, KW15 1NY
Telephone	01856 873535
Email Addresses	burialgroundsofficer@orkney.gov.uk registrar@orkney.gov.uk
Website	https://www.orkney.gov.uk/our-services/law-and-licensing/births-marriages-deaths-and-burials/burial-services/

Section 3 - Our Burial Grounds

Orkney Islands Council is responsible for 50 burial grounds throughout the county, including grounds which are no longer in active use and heritage sites.

An interactive ['Burial Grounds Location Map'](#) and can be found on Orkney Islands Council website.

The list of our burial grounds throughout Orkney can be found in the Burial Grounds Management Plan.

Section 4 - Introduction

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

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 details the terms and conditions for owners of the Exclusive Right of Burial for 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 list of FAQs relating to burials and burial ground management.

Section 5 - Our Commitment to You

One of the main purposes of maintenance is to ensure all our burial grounds are pleasant and safe places for anyone visiting. This means we undertake regular health and safety inspections including memorials.

Burial ground maintenance includes grass cutting, maintaining pathways, entrances, boundaries, any vegetation or buildings that are owned by the Council, litter and pest control, further information can be found in our Burial Grounds Management Plan.

Any queries, comments, complaints or compliments about the maintenance of the burial grounds can be directed to the Burial Grounds Officer, please see the contact details in Section 2.

Section 6 - Ownership of Exclusive Right of Burial - Terms and Conditions

When someone requires a lair, they can buy a Certificate of Exclusive Right of Burial from the Burial Ground Clerk responsible for their choice of burial ground. A list of Orkney's Burial Ground Clerks can be found on the interactive ['Burial Grounds Location Map'](#) 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 for a lair means you agree to the following terms and conditions as an owner:

1. You agree to take ownership of the Right of Burial in the assigned lair, which is detailed on the Certificate issued with ownership.
2. 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.
3. The owner shall not allow any person, other than members of their family, to be interred in the lair, except with the consent of the Council.
4. The owner must ensure the Burial Ground Clerk has relevant and current contact details throughout the term of ownership.
5. Lair grass cutting will be managed by Orkney Islands Council, in conjunction with Community Councils in some cases.
6. Ownership of the Right of Burial in a lair permits the owner to erect a memorial once a permit is obtained. The memorial must meet specified safety standards and be installed by a qualified, approved and insured specialist. Please see 'Section 7 – Memorial Safety' for further information.
7. Any other memorials, ornamentation, fencing or other objects are generally not permitted on the lair due to the grass maintenance required, the high risk of tributes being damaged in the process and the distress this would likely cause.

Section 7 - Memorial Safety

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

The lair owner 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, approved and insured stonemason, who has received permission from the Council to undertake the work. The lair owner must ensure that the stonemason obtains a Memorial Permit for the installation from the Council – this ensures that the required safety standards are met and that the work is checked independently.

The memorial must have the lair location (section and lair number) inscribed on the left side of the memorial, at the expense of the person erecting the memorial.

Memorials remain the property of the owner of the Right of Burial, which means the owner must ensure they are maintained and safe to be in our burial grounds. Lair owners are therefore also liable for any incident or damage arising from failure to maintain, or any damage sustained to the memorial e.g. through vandalism or acts of nature

Memorials may need maintenance over time, for example cleaning, renovation, repairing, refitting or removal due to wear and tear, weather or ground movement. It is the lair owner's responsibility to ensure any work is undertaken by a qualified, approved person, and the Council is notified prior to and after completion of any work.

Orkney Islands Council has a responsibility to inspect every memorial and ensure it is made safe, as necessary. This includes checking memorials are secure with no risk of falling over and causing injury. If, during an inspection, a memorial is judged to pose an immediate danger, the Council will make safe at the time of inspection.

The Council will attempt to identify and notify the owner if the memorial on the lair is considered unsafe and requires attention. The owner has 21 days in which to respond to the notification, and three months in which to arrange appropriate work. The Council must be informed before and after the work is carried out. If the Council does not receive any communication from the owner after 21 days, or the required work has not been completed within three months of the notification, the Council will be entitled to carry out either the repair of the memorial, removal of memorial, or laying down of memorial and recover such costs from the lair owner.

Additional efforts to ensure that owners are aware of any potential issues may include working with the relevant Community Councils, and possibly local Funeral Directors, to attempt to trace the owners.

Further information regarding memorial inspection and safety can be found in the Burial Grounds Management Plan.

Section 8 - 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 on a lead.

Visitors are not allowed to bring vehicles into the burial grounds; a car parking area or roadside parking may be available. Visitors with a Blue Badge may drive into the burial ground, if necessary, please drive slowly, please only drive and park on the paths and take extreme care manoeuvring near memorials. Please report any accidental damage caused to the burial ground or memorials to the Burial Grounds Officer. The driver will be responsible for the cost of any necessary repairs. Please be aware that the Council accepts no liability for any vehicles in or parked next to burial grounds.

Burial Ground car parks are for legitimate users such as Funeral Directors and funeral attendees; Council staff; stonemasons; families and friends visiting graves; and for visitors researching their genealogy and local history. The use of Burial Ground car parks and nearby Council ground for overnight parking, camping and motorhoming is not permitted.

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

Section 9 - 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 relevant Community Council.

When are the burial grounds open?

The sites have open access for visitors.

How do I purchase a lair?

You purchase the Right of Burial in a lair, not the lair itself. This can be done by contacting the relevant Burial Ground 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 continues 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 Ground Clerk for that burial ground.

Can I pass ownership to another person?

Yes, you can. This can be arranged by the Burial Ground 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 to 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 flowers and wreaths on a grave is done at the person's own risk and the Council is not liable for any loss or damage due to weather, wildlife, theft etc. Natural and artificial Christmas wreaths and tributes will be removed from lairs and disposed of from 26 January onwards. This is to allow the grass to recover and grass cutting operations to begin in spring. Burial Rights owners may wish to collect their Christmas tributes before 26 January.

How do I get a memorial erected?

Only a recognised, accredited specialist can be engaged to erect memorials in our burial grounds. The specialist should seek permission from the Council to erect memorials by contacting the Burial Grounds Officer. A [list of approved memorial masons](#) can be found on the Council website.

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 lairs.

Who is responsible for the memorial once it is erected?

The owner of the 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.

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 a qualified specialist who has received permission from the Council authorising them to undertake such work. This is because it is dangerous and specialised 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.

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 in, 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 will make it safe immediately to prevent any accidents. This can include cordoning, *-staking and tying memorials as a temporary measure, or other methods deemed necessary such as ditching in (sheughing). The Council will try to contact the owners to notify them 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 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. 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?

This is not permitted.

Can I place a memorial bench or seat in the cemetery?

This is not permitted.

Why has the ground sunk on some lairs?

This is due to soil movement after the interment or other natural settling processes over time. The Council levels lairs after a period following an interment. Please contact the Burial Grounds Officer should your lair require levelling.

Can I walk my dog in the burial ground?

Dogs are not permitted unless they are assistance dogs on a lead.

Can I drive into a burial ground?

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