Item: 2

Enterprise and Infrastructure Committee: 10 November 2026.

Burial Grounds Management Plan and Customer Charter.

Report by Director of Infrastructure and Organisational Development.

1. Overview

1.1. This report presents the updated Burial Grounds Management Plan and Burial Grounds Customer Charter for Member's approval.

1.2. The Burial and Cremation (Scotland) Act 2016 provides the overarching legislative framework for the management of burial grounds in Scotland and places a responsibility on the Council for overall management of Council-owned burial grounds.

1.3. The Burial (Management) (Scotland) Regulations 2025 came into force on 1 March 2025. This introduces a statutory duty on local authorities to manage and maintain burial grounds in accordance with nationally prescribed standards.

1.4. These Regulations require councils to prepare and regularly review burial grounds management plans, ensure the safety of memorials through scheduled inspections, and maintain burial grounds in a condition that reflects dignity and respect.

1.5. The legislation strengthens governance and accountability in this area and supports consistent service delivery across Scotland.

1.6. Burial Ground services in Orkney are currently defined through two documents, which were approved by Council in December 2025:

i. Burial Grounds Management Plan.
ii. Burial Grounds Customer Charter.

1.7. Adoption of the updated Burial Grounds Management Plan 2026 and the Burial Grounds Customer Charter 2026 will ensure compliance with the new duties set out in legislation.

2. Recommendation

2.1. It is recommended that members of the Committee:

i. Adopt the Burial Grounds Management Plan and Burial Grounds Customer Charter, attached as Appendices 1 and 2 respectively to this report, in order to ensure compliance with new regulatory requirements.

3. Consultation

3.1. Given that the Burial (Management) (Scotland) Regulations 2025 introduce statutory duties that must be implemented by local authorities, no formal public consultation has been undertaken in relation to the revised and updated Burial Grounds Management Plan or the Burial Grounds Customer Charter.

3.2. The content of these documents reflects regulatory requirements and operational standards prescribed by legislation, which are not subject to discretionary amendment through community input.

3.3. It should be noted that communities should see no material differences to the way burial grounds are maintained in Orkney as a result, assuming budgetary levels meet the demands of the service.

For Further Information please contact:
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Implications of Report

1. **Financial –** Ongoing maintenance will be funded from within the existing Burial Grounds revenue budget. Any additional costs arising from works associated with the Burial Grounds Management Plan or the Customer Charter will require to come forward as a separate report for consideration.
2. **Legal –** The Burial (Management) (Scotland) Regulations 2025 introduce statutory duties that must be fulfilled by the Council. Adoption of the Management Plan and Customer Charter will assist the Council in complying with these legal obligations and mitigates risk of non-compliance.
3. **Corporate Governance** – None.
4. **Human Resources –** None.
5. **Equalities – The** Equality Impact Assessment undertaken in 2025 has been reviewed and updated and is attached as Appendix 3.
6. **Island Communities Impact – The** Island Community Impact Assessment undertaken in 2025 has been reviewed and updated and is attached as Appendix 4.

7. **Links to Council Plan** - The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
   ☐Growing our economy.
   ☐Strengthening our Communities.
   ☒Developing our Infrastructure.
   ☐Transforming our Council.
8. **Links to Local Outcomes Improvement Plan** – The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
   ☐Cost of Living.
   ☐Sustainable Development.
   ☐Local Equality.
   ☐Improving Population Health.
9. **Environmental and Climate Risk –** None.
10. **Risk –** Failure to adopt these documents may result in non-compliance with statutory duties, reputational risk, and potential health and safety concerns. Should budget allocation not meet service requirements it is likely that a less stringent maintenance regime will be provided.
11. **Procurement –** None.
12. **Health and Safety –** Regular inspections will continue to enhance safety standards for both staff and visitors.
13. **Property and Assets –** The plan supports the responsible management of Council-owned burial grounds, and associated structures, as public assets.
14. **Information Technology –** None.
15. **Cost of Living –** None.

List of Background Papers

None.

Appendices

Appendix 1 – Burial Grounds Management Plan.
Appendix 2 – Burial Grounds Customer Charter.
Appendix 3 – Equality Impact Assessment.
Appendix 4 – Island Communities Impact Assessment.

Appendix 1

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Burial Grounds
Management Plan
October 2026

www.orkney.gov.uk

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Section 1 - Document Control and Council Approval

Version Number / Date	V1 / 5 October 2026
Approved by Council	Enterprise and Infrastructure Committee XX XXX 2026 (TBC)
Next Update Due	October 2027 The Scottish Government Burial Management Regulations state that this plan must be reviewed at least annually to ensure it is up to date and relevant.
Summary of Changes 05/10/2026	• General Update • To reflect changes to 'Certificate of Right of Burial' duration. From 1 March 2026 this period was changed from in perpetuity, to 25 years with the option to apply for 10-year extensions at the end of that period. (Section 8.2).

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/births-marriages-deaths-and-burials/burial-services

Section 3 - List of Orkney Islands Council Burial Grounds

3.1 All burial grounds are open access for pedestrians.

3.2 An interactive 'Burial Grounds Location Map' can be found on Orkney Islands Council website.

No.	Ward (Alphabetical)	Island / Town / Area	Cemetery Name & Address	New Burials Accepted	Listed / Scheduled Monuments
1	East Mainland, South Ronaldsay and Burray	Burray	St Lawrence Cemetery Ness Road, Burray, KW17 2TA	Coffin and Ashes	Listed Category B Old Burray Kirk
2	East Mainland, South Ronaldsay and Burray	Deerness	St Ninian's Cemetery Deerness, KW17 2QJ	Coffin and Ashes	Listed Category B St Ninian's Church (not OIC) Including Walled Churchyard and Railings
3	East Mainland, South Ronaldsay and Burray	Holm	St Nicholas Cemetery Cornquoy Road, Holm, KW17 2SD	Coffin and Ashes	Listed Category B St Nicholas's Church (not OIC) Including Walled Churchyard, Gatepiers and Outbuilding
4	East Mainland, South Ronaldsay and Burray	South Ronaldsay	Flaws Cemetery Halcro Road, South Ronaldsay, KW17 2RW	Coffin and Ashes	None
5	East Mainland, South Ronaldsay and Burray	South Ronaldsay	St Mary's Cemetery A961, Burwick, South Ronaldsay, KW17 2RW	None	Listed Category B St Mary's Kirk (not OIC), Kirkyard and Kirkyard Gateway
6	East Mainland, South Ronaldsay and Burray	South Ronaldsay	St Peter's Cemetery Kirkhouse Road, South Ronaldsay, KW17 2TJ	Coffin and Ashes	Listed Category A St Peter's Kirk (not OIC) and Kirkyard
7	East Mainland, South Ronaldsay and Burray	Tankerness	Hall of Tankerness Cemetery Tankerness Hall Road, Tankerness, KW17 2QS	None	Listed Category B Burial Ground and Baikie Burial Vault

No.	Ward (Alphabetical)	Island / Town / Area	Cemetery Name & Address	New Burials Accepted	Listed / Scheduled Monuments
8	East Mainland, South Ronaldsay and Burray	Tankerness	St Andrew's Cemetery Churchyard Road, St Andrews, KW17 2QU	Coffin and Ashes	None
9	Kirkwall East	Kirkwall	St Magnus Cathedral Cemetery Broad Street, Kirkwall, KW15 1DH	None	Listed Category A St Magnus Cathedral, (not Burials), Including Boundary Walls, Railings, Graveyard and War Memorial
10	Kirkwall West and Orphir	Orphir	Round Church Cemetery Gyre Road, Orphir, KW17 2RD	Coffin and Ashes	Scheduled Monument St Nicholas's Round Church and Burial Ground
11	Kirkwall West and Orphir	St Ola, Kirkwall	St Olaf’s Cemetery Orquil Road, St Ola, Kirkwall, KW15 1SA	Coffin and Ashes	None
12	North Isles	Eday	Old Eday Cemetery Kirk Road, Eday, KW17 2AA	None	None
13	North Isles	Eday	St John's Cemetery B9063, Eday, KW17 2AA	Coffin and Ashes	Listed Category C Eday Kirk (not OIC), Boundary Wall and Gatepiers
14	North Isles	Egilsay	St Magnus Church Cemetery Pier Road, Egilsay, KW17 2QD	None	Scheduled Monument Church and Part of Adjacent Burial Ground
15	North Isles	Faray	Faray Cemetery Faray Island, Eday, KW17 2AB	None	None
16	North Isles	North Ronaldsay	Holland Cemetery Main Road, North Ronaldsay, KW17 2BE	Coffin and Ashes	Listed Category B Old Kirk (not OIC) Including Boundary Walls and Gatepiers

No.	Ward (Alphabetical)	Island / Town / Area	Cemetery Name & Address	New Burials Accepted	Listed / Scheduled Monuments
17	North Isles	Papa Westray	St Boniface Cemetery Central Road, Papa Westray, KW17 2BU	Coffin and Ashes	Listed Category A St Boniface Kirk (not Burials) Including Kirkyard and Boundary Walls Scheduled Monument Below ground remains of St Boniface Kirk (not Burials), part of the surrounding burial ground and a hog-backed tombstone
18	North Isles	Rousay	Brinian Cemetery Brinian Road, Rousay, KW17 2PU	Coffin and Ashes	None
19	North Isles	Rousay	Glebe (Kirknoust) Cemetery Rousay, KW17 2PR	None	None
20	North Isles	Rousay	Scockness Cemetery Scockness Road, Rousay, KW17 2PR	None	None
21	North Isles	Rousay	Wasbister Cemetery Wasbister Road, Rousay, KW17 2PS	Coffin and Ashes	None
22	North Isles	Rousay	Westside (St Mary's) Cemetery Westside Road, Rousay, KW17 2PS	None	Scheduled Monument Westness Church
23	North Isles	Sanday	Cross Cemetery Howe Road, Sanday, KW17 2BJ	Coffin and Ashes	Scheduled Monument Cross Parish Church
24	North Isles	Sanday	Lady Cemetery B9069, Sanday, KW17 2BL	None	None
25	North Isles	Sanday	Scar Cemetery Sanday, KW17 2AZ	Coffin and Ashes	None
26	North Isles	Shapinsay	Shapinsay Cemetery Sands Road, Shapinsay, KW17 2EA	Coffin and Ashes	Listed Category B Shapinsay Kirk (not OIC) and Balfour Burial Aisle
27	North Isles	Stronsay	Lady (Bay) Cemetery Bay Road, Stronsay, KW17 2AE	Coffin and Ashes	None
28	North Isles	Stronsay	Leaquoy Cemetery Holland Road, Stronsay, KW17 2AJ	Not Yet In Use	None

No.	Ward (Alphabetical)	Island / Town / Area	Cemetery Name & Address	New Burials Accepted	Listed / Scheduled Monuments
29	North Isles	Stronsay	St Nicholas's Cemetery Holland Road, Stronsay, KW17 2AJ	None	None
30	North Isles	Stronsay	St Peter's Cemetery Old Cemetery Road, Whitehall, Stronsay, KW17 2AR	None	None
31	North Isles	Westray	Cross Kirk Cemetery Tuquoy Road, Westray, KW17 2DR	None	Scheduled Monument Cross-Kirk (not OIC, in Scot Gov Care) and Burial Ground
32	North Isles	Westray	Lady Kirk Cemetery The Quarry Road, Pierowall, Westray, KW17 2DF	Coffin and Ashes	Scheduled Monument Pierowall Church (Lady Kirk) (not OIC) and Part of Adjacent Burial Ground
33	North Isles	Westray	Rapness Cemetery B9066, Westray, KW17 2DE	Coffin and Ashes	None
34	North Isles	Wyre	Wyre Cemetery Russness Road, Wyre, KW17 2QA	Coffin and Ashes	Scheduled Monument St Mary's Chapel and Burial Ground (in Scot Gov Care)
35	Stromness and South Isles	Flotta	Flotta Cemetery Church Road, Flotta, KW16 3NP	Coffin and Ashes	Listed Category C Flotta Church (not OIC), Including War Memorial, Boundary Wall and Gatepiers
36	Stromness and South Isles	Graemsay	Graemsay Cemetery Kirk Road, KW16 3NG	Coffin and Ashes	Listed Category C Graemsay Kirk (not OIC) Including Graveyard
37	Stromness and South Isles	Hoy	North Hoy Cemetery B9047, Hoy, KW16 3NJ	Coffin and Ashes	None
38	Stromness and South Isles	Hoy	Osmondwall Cemetery Cantick Road, Hoy, KW16 3PQ	Coffin and Ashes	Listed Category B Moodie Mausoleum and Graveyard
39	Stromness and South Isles	Hoy	St John's Cemetery B9047, Hoy, KW16 3NY	Coffin and Ashes	Listed Category C St John's Church (not OIC), Including Boundary Wall

No.	Ward (Alphabetical)	Island / Town / Area	Cemetery Name & Address	New Burials Accepted	Listed / Scheduled Monuments
40	Stromness and South Isles	Stromness	Warebeth Cemetery Warebeth Road, Stromness, KW16 3JW	Coffin and Ashes	None
41	West Mainland	Birsay	Birsay Cemetery B9056, Birsay, KW17 2AQ	Coffin and Ashes	None
42	West Mainland	Birsay	St Magnus Cemetery The Palace, Birsay, KW17 2LX	None	Listed Category B Birsay (St Magnus) Kirk (not OIC)
43	West Mainland	Evie	Evie Cemetery A966, Evie, KW17 2PH	Coffin and Ashes	None
44	West Mainland	Evie	Old Evie Cemetery Aikerness Road, Evie, KW17 2PH	None	None
45	West Mainland	Finstown	Firth Cemetery A965, Finstown, Firth, KW17 2UB	Coffin and Ashes	None
46	West Mainland	Harray	St Michael’s Cemetery Church Road, Harray, KW17 2LD	Coffin and Ashes	Listed Category B Harray Kirk (not OIC)
47	West Mainland	Rendall	Rendall Cemetery Gorseness Road, Rendall, KW17 2PB	Coffin and Ashes	None
48	West Mainland	Rendall	Rendall Old Cemetery Hinderayre Road, Rendall, KW17 2EZ	None	Scheduled Monument South Aittit, Rendall Parish Church
49	West Mainland	Sandwick	Sandwick Cemetery B9056, Sandwick, KW16 3LS	Coffin and Ashes	Listed Category A Sandwick Kirk (St. Peter's) (not OIC)
50	West Mainland	Stenness	Stenness Cemetery Churchyard Road, Stenness, KW16 3JY	Coffin and Ashes	Listed Category C Stenness Kirk (not OIC)

Section 4 - Introduction

4.1. Orkney Islands Council, through the requirements of the Burial and Cremation (Scotland) Act 2016, is responsible for the overall management of Council-owned burial grounds. The Council provides its burials service to the public and to funeral directors through the Council's Burial Ground Clerks and Operations Team, administered locally by burial clerks in some areas. The policy, operations and physical assets are currently managed by Infrastructure and Organisational Development.

4.2. The Burial Grounds Management Plan outlines the procedures and practices for interments and the management and operation of burial grounds. Earlier versions of the rules and regulations which apply to individual burial grounds are superseded by this plan.

Section 5 - Interpretation of Terms

In this Management Plan, the following words and expressions have been used with the following meanings assigned to them:

"The Burial Authority" and "the Council" refer to Orkney Islands Council.

"Lair" refers to the piece of ground within the burial ground under the control of the Council in which the Exclusive Rights of Burial are granted by a certificate.

"Certificate" refers to the Certificate of Right of Burial granted by the Council or its statutory predecessors.

"Owner" refers to the person to whom the Certificate of Right of Burial is granted and their heirs.

"Memorial" refers to any headstone, monument, tombstone or grave marker placed on a lair.

Section 6 - Roles and Responsibilities

Set out below are the key day-to-day functions managed through this plan and the principal roles of each party.

Developing, implementing, reviewing and monitoring all aspects of policies, strategy and operational procedures relating to provision and upkeep of the burial grounds.

Ensuring that all burial grounds are safe and accessible, and any work therein is undertaken to appropriate standards.

Ensuring that prescribed inspections are undertaken and any subsequent necessary action taken to ensure public safety.

Ensuring where possible, lair owners are contacted in advance of any required maintenance work.

Ensuring the process of undertaking a burial is done in accordance with Council guidelines and in line with prevailing legislation, regulation or guidance.

These functions are fulfilled by several parties, as listed below.

6.1. Infrastructure Services - Burial Grounds Team

6.1.1. Asset Management – lair provision, major and general maintenance, associated operational management policy and strategies.

6.1.2. Compliance with legislation, regulation, statutory guidance or advisory best practice.

6.1.3. Fees and Charges – pricing for purchase of right of burial and any other interment cost issues.

6.1.4. Manage queries from the public through the Burial Grounds Officer.

6.1.5. Ensure the ongoing inspections of burial grounds and memorials to address public safety and coordination of all associated maintenance works.

6.1.6. Ensure Historic Environment Scotland is contacted in relation to any works required to memorials in line with Class V of the Class Consent Order 1996 (relating to urgent works on historic monuments).

6.1.7. Communication and engagement with Council services, Community Councils and other organisations wishing to work within the burial grounds.

6.1.8. Setting the terms and conditions for sale of Rights of Burial.

6.1.9. Ensure any mason commissioned to erect or repair a memorial is appropriately qualified, trained and approved to do so.

6.2. Environmental Services – Operational Services (Forepersons)

6.2.1. Liaise with the Registrars and Funeral Directors on grave digging, filling requirements and associated burial arrangements.

6.2.2. Provide maintenance services as directed by the Burial Grounds Officer.

6.3. Registrars and Burial Ground Clerks – Corporate Governance

6.3.1. Registrars perform two roles, firstly, Death Registration, ensuring that deaths are correctly registered within the National Records of Scotland systems and second, as Burial Ground Clerk for a number of burial grounds. The two functions are linked but separate.

6.3.2. The administrative process of getting approval to carry out a burial, including close liaison with Funeral Directors to achieve this in a timely manner.

6.3.3. The administrative processes in managing lair ownership including keeping accurate records, amendments, cancellations and renewals of certificates.

6.3.4. Keeping accurate records of all purchases and any subsequent amendments of Right of Burial Certificates and burials including updating burial grounds plans.

6.4. Education, Communities and Housing – Performance and Business Support

6.4.1. The administration of appropriate community-based works.

Section 7 - Policy Drivers and Operational Procedures

7.1. The Infrastructure and Organisational Development Directorate holds responsibility for the provision of lairs, major and minor improvements. The service is the custodian of the policies, strategies and procedures relating to the general provision and upkeep of the burial grounds. This is discharged by the Infrastructure Services Team, principally through the Burial Grounds Officer.

7.2. Our approach ensures that we comply with current legislation, regulation and relevant guidance. In addition, our associated delivery of policies, strategies and operational procedures address all aspects of compliance. This Management Plan and associated documents are available for reference on the Council's website and clearly set out our approach across several function areas, including but not limited to:

7.2.1. Regular inspections of burial grounds, including memorials, adopting a rolling 5-year programme.

7.2.2. Follow-on processes to address a memorial risk (e.g. marking up, cordoning, laying flat, possible repair, communication etc).

7.2.3. Set standards for placement, maintenance and repair of memorials.

7.2.4. Setting lair owner's rights and responsibilities (e.g. their need to act on notification of an issue) or, if being unable to make contact, noting the action has needed to be taken in accordance with current Scottish Government guidance.

7.2.5. The Customer Charter – the conditions of sale requirements for the owner of the Right of Burial, but also the service they can expect from the Council in their management of the burial grounds.

7.2.6. Pricing schedule to reserve or purchase a Right of Burial for a lair.

7.2.7. Setting maintenance standards, subject to available funding, for contracted works such as grass cutting (cuts per year, height etc). This includes supporting Community Councils that may manage and set their own maintenance standards for a specified burial ground.

7.2.8. Managing and facilitating reporting processes for damages, deterioration and other issues that may need investigation, including remedial works.

7.2.9. Access and egress requirements for vehicles entering a burial ground (i.e. normally restricted to hearses, maintenance vehicles and in special circumstances vehicles for disabled persons).

7.2.10. Access and egress requirements for pedestrians entering a burial ground.

7.3. The day-to-day administration of these policies and operational procedures are managed by the Burial Grounds Officer, in close liaison with others noted in Section 6 above.

7.4. The Burial Ground Clerk is the first point of contact for the reservation and/or allocation of lairs. They record reservation and burial details on the burial ground register and plan, ensuring that records are up to date and accessible. They liaise closely with the Burial Grounds Officer to make the records available.

7.5. The Council is responsible for the provision of burial grounds and for the maintenance of the assets within, excluding memorials which remain the property and responsibility of the burial rights owner. This is a maintenance function to ensure that such assets are safe and fit for purpose. This does not include replacement unless beyond economical repair and does not necessarily include any betterment (upgrade). If replaced that will be on a “like for like” basis. Maintenance may include, but is not limited to:

- Grass Cutting.
- Access Paths.
- Boundary Walls and Fences.
- Access Gates.
- Car Parks.
- Any buildings (unless formally taken over by other parties).
- Digging and refilling of graves.
- Settlement (depressions or hollows forming).
- Signage (including warnings or other advice on access).
- Pest Control.
- Drainage Systems.

Section 8 - Exclusive Right of Burial

8.1. Reservation of lairs is made by application to the Burial Ground Clerk responsible for the preferred burial ground. Reservation of a lair can be made in person with the Burial Ground Clerk, or by telephone. When the reservation has been made and the relevant fee paid, the Burial Ground Clerk shall issue a certificate giving the named person and their heirs the Exclusive Right of Burial in the reserved lair. The fees are published on the Council's website and reviewed annually.

8.2. From 1 March 2026 the Exclusive Right of Burial applies for 25 years after which families and individuals can apply to renew the rights in 10 year extension periods. Where a lair has never been used and the 25 year period is close to expiry, the authority will make contact with the lair holder to ask if they wish to extend the right to burial. If the holder cannot be contacted and a 10 year extension is not applied for, then the authority can sell the lair to someone else. Burial rights purchased before 1 March 2026 are not affected as rights to burial in such lairs are held in perpetuity by the person who purchased the lair and their heirs and successors.

8.3. Registry Certificates for lairs will be issued by the Burial Ground Clerk for the burial ground, in full consideration of the available capacity remaining. Requests for lairs will be accommodated within the sections of the burial grounds currently being used for burials.

8.4. Joint ownership of the Right of Burial in any lair is prohibited, only one person shall be registered as the owner of any one lair. The owner is not entitled to sell any Right of Burial, though the lair can be relinquished to the Council through the appropriate Burial Ground Clerk, who will update the relevant records. Where a lair is relinquished, the Council will refund the fee paid at the time of purchase of the lair.

8.5. Owners shall not allow any person, other than members of their family, to be interred in the lair, except with the consent of the Council.

8.6. The owner is permitted to request a change to the lair for which a certificate has been issued by applying to the appropriate Burial Ground Clerk.

8.7. The Burial Ground Clerk will provide records of all burials, including the interment of ashes and the scattering of ashes, together with a list of any lairs which have been reserved, to the Burial Grounds Officer who will ensure records are maintained appropriately.

8.8. To ensure lairs are available for immediate burials it may be necessary for the Council to retain capacity in cemeteries with insufficient long-term lair space. In this situation, advice will be given on alternative locations with space.

8.9. Enquiries regarding the interment of a cremation urn or casket, or the scattering of ashes must be made to the Burial Ground Clerk for that burial ground. A lair is required for the burial of a cremation casket or ashes. These remains can be interred in an existing family lair or through the purchase of a new lair. Scattering of ashes within a burial ground can only be carried out on an existing family lair with the prior

approval of the Burial Ground Clerk, they cannot be scattered indiscriminately within a burial ground.

8.10. Owners of the Right of Burial are responsible for any memorial erected on the lair and are therefore responsible for the maintenance of that memorial. The Council undertakes periodic inspections of burial memorials, and an owner must act within three months once a risk has been identified by either themselves or through the Council inspection programme. The owner must appoint a suitably qualified and insured specialist to undertake any repairs deemed necessary, who has the required permit to work on the memorial within our burial grounds. The approved stonemasons are listed on the Burial Ground Memorials page on the Council website. Please see Sections 12 and 13 for further information about memorial inspections and safety.

Section 9 - Burial Record Procedure

9.1. A Funeral Director is usually engaged for individual burial arrangements. The Burial Ground Clerk will liaise with the Funeral Director to ensure all burial details are communicated and recorded. In some circumstances, a relative or friend of the deceased may assume this responsibility, in which case some of the obligations of the Funeral Director, will apply to that person.

9.2. A burial can be recorded by the Burial Ground Clerk once a Right of Burial has been established for the required lair. This may have been purchased in advance or will be purchased at the time of arranging the burial.

9.3. Requests for burials will be processed Mondays to Fridays between 08:00 and 17:00. Requests can be sent via email at weekends and will be picked up by the Environmental Services foreperson on Monday. However, urgent requests can be accommodated if necessary.

9.4. Burials can normally take place Mondays to Saturdays (excluding some public holidays) with dates and/or times agreed depending on availability of resources. Burials requested out of hours will be subject to a surcharge of 25%.

9.5. A burial can be recorded by the Burial Ground Clerk once a Right of Burial has been established for the required lair. This may have been purchased in advance or will be purchased at the time of arranging the burial.

9.6. Final requests for burials must be submitted on the correct Scottish Government standard statutory burial form and include all relevant information. Funeral dates will not be agreed until all required information is supplied.

9.7. A Certificate of Registration of Death (Form 14) or a Certificate of Registration of Stillbirth (Form 8) is issued by the Registrar to the Funeral Director, or person acting in this role, after the Death Registration. At the time of burial, the Funeral Director, or person acting in this role, should give a Certificate of Registration of Death (Form 14) or, in the case of stillborn child, a Certificate of Registration of Stillbirth (Form 8) to the gravedigger. In the case of interment of a cremation urn or casket, the original Certificate of Cremation should be submitted to the gravedigger as soon as possible.

9.8. It is the responsibility of the Burials Service to ensure that the Certificate of Registration of Death (Form 8 or 14) and the Notice to Keeper are kept for retention by the Council as a complete record of the burial.

Section 10 - Lairs and Burials Procedures

10.1. Each burial ground is divided into sections and further sub-divided into lairs which can accommodate one or more burials. Details of these sections are recorded in a Burial Ground Plan. Currently, lairs measure nine feet by four feet (2750mm by 1200mm), in older burial grounds dimensions of lairs will vary. Some lairs can be identified by concrete plinths on the ground, but plinths will generally not be provided for new lairs in the future.

10.2. Owners of a Right of Burial have the exclusive right of burial in the specified lair.

10.3. The first burial in a lair confers the right of a subsequent burial in the lair, subject to ground conditions and the specifications relating to the minimum depth of burial. The right of consequent burial is not subject to further charges other than those relating to the re-excavation of the grave. The details of such charges are published on the Council's website and reviewed annually.

10.4. The grave must be identified and marked out in accordance with the location specified on the certificate.

10.5. Graves will be excavated in accordance with Council health and safety requirements. Further details regarding lair preparation, excavation, shoring, dressing and backfilling are held by the Burial Grounds Officer and the Burials Foreperson.

10.6. All Council owned equipment used in the burial process, or for maintenance of burial grounds, is serviced and maintained according to manufacturer instructions, records are kept by Fleet, Orkney Islands Council Depot, Sparrowhawk Road, Hatston Industrial Estate, Kirkwall, KW15 1GE.

10.7. Personnel attending a burial for the purpose of re-filling the grave shall wear suitable clean attire and while waiting to complete the burial, staff and their equipment shall remain as unobtrusive as practicable in terms of their physical presence and that of tools, equipment and/or vehicles from the proximity of the graveside.

10.8. In some circumstances, technical requirements may restrict access, and an alternative may be considered. In the rare situation this arises, the owner of the Right of Burial should discuss with the Burial Ground Clerk for an alternative at no additional cost.

10.9. Burial of a deceased person must include the use of a suitable coffin.

10.10. No coffin shall be laid nearer to the surface than three feet (900mm). When two interments are intended in the same grave, the first coffin shall be at a depth of six feet (1800mm). A second burial can then be made at a depth of four feet six inches (1400mm). No coffin shall be removed from any grave with a view to making room for an additional interment.

10.11. Before a lair is full, ashes caskets will be buried two feet deep at a bottom corner of the lair. Once the maximum number of burials has been reached for the lair, caskets can be buried elsewhere in the lair, top, middle or bottom, left or right.

10.12. For ease of maintenance and grass cutting, tributes should be placed on the concrete plinth, where available, or as near to the memorial base as possible. 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.

10.13. To maintain the appearance of the burial ground, all tributes shall be removed from lairs after a one-month period and withered tributes may be removed from lairs earlier. This includes natural and artificial Christmas wreaths and tributes which 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.

10.14. Requests for any variation from the normal grass/turf finish are generally not permitted, such as fences, railings, kerbs/copes, gravel, corner stones, trees and shrubs, noting that these additions pose substantial operational risks. Maintenance of any variations installed prior to the introduction of this plan remain the full responsibility of the Burial Rights owner. In addition, the owner may be asked to absolve the Council of any liability regarding accidental damage. Any unauthorised memorials, artefacts, vases or planting are liable to be removed by the Council and the costs recovered from the lair owner.

10.15. Trees, shrubs or flowers planted prior to the introduction of this plan will not be allowed to encroach on neighbouring ground and the Council reserves the right to cut back all such plants or to remove them permanently.

10.16. Any memorials which are erected on a lair must be done in accordance with the requirements set out in this plan. All memorials remain the responsibility of the lair owner.

Section 11 - Burial Grounds Maintenance Standard

11.1. The Council is responsible for maintaining burial grounds in a fit and proper condition. This responsibility may be discharged in whole or in part to other groups. War graves are managed through the Commonwealth War Graves Commission.

11.2. With mutual agreement, a Community Council may, on behalf of the Council, undertake the tendering process, award contracts and supervise burial grounds maintenance works such as grass cutting. The agreed scope of works will be invoiced and paid from the fixed annual budget, noting that such tenders would need to be accommodated within the agreed revenue budget with any shortfall being met by the Community Council, or the specification changed to meet available funding.

11.3. Where other routine maintenance is requested and is not within the scope of works agreed for the Community Council to fund and undertake, this will be reported to the Burial Grounds Officer and scheduled for action, subject to its priority and availability of funding.

11.4. The Council will use contractors for specific works on the basis that those contractors are trained and qualified to undertake the work and have appropriate equipment, risk assessments and safe ways of working documentation in place. Qualified contractors will be advised of any Listed Structures or Scheduled Monuments, to ensure they are maintained on a ‘like for like’ basis using appropriate materials.

11.5. The standard of maintenance in a burial ground is dependent upon the frequency of visitors, the general use of the burial ground and the available budget. Should sufficient budget not be available, operational decisions will be taken to deliver a reduced service within the available budget.

11.6. Maintenance may include grass cutting, weed control, trimming of established trees and shrubs and leaf clearance. Grass cutting is conducted by contractors; specifications vary and are detailed in the maintenance contract for each burial ground.

11.7. Maintenance work to walls, fences and gates will be programmed and implemented as resources permit. Boundary walls or fences will be kept intact and in good order to reduce entry to the burial ground by livestock or wildlife. Gates will be painted or treated as required, hinges and catches will be oiled to ensure ease of use and wire mesh will be provided to prevent access by rabbits where necessary.

11.8. Bins, water taps, Council-owned benches, pathways and signage will be maintained as resources permit.

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

11.10. 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, as long as they drive slowly, only drive and park on the paths suitable for vehicles and take extreme care manoeuvring near memorials.

They should report any accidental damage to the burial ground or memorials to the Council. 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 visitors researching their genealogy and local history. The use of Burial Ground car parks and nearby Council ground for overnight parking, camping and motor homing is not permitted.

11.11. Levelling of graves will be carried out as required.

11.12. Substantial items of plant and equipment may be required at burial ground sites for ongoing maintenance such as repairs, drainage, and excavation of lairs. Works will be undertaken carefully and sympathetically by the Council and contractors, particularly in relation to protecting adjacent lairs.

11.13. If damage arises, unintentionally, through the actions of the Council, the lair owner can contact the Burial Grounds Officer, and all attempts will be made to remedy the damage at no cost to the lair owner.

Section 12 - Burial Grounds and Memorial Inspection Procedure

12.1. Each of the Orkney Islands Council managed Burial Grounds are formally inspected in accordance with the requirements laid out in the Burial Grounds Inspection Checklist. The inspection considers public safety risks associated with the condition of the general features of the Burial Ground, for example, walls, access gates, paths, Council-owned buildings and structures, vegetation and memorials. The Memorial Safety Procedure is detailed in the next section of this document.

12.2. Inspections are driven by risks reported to the Council and risks identified at previous inspections, otherwise inspections are conducted at least once every five years.

12.3. The record system will note all inspections and subsequent actions for each location. These records will include full details of the work completed by the qualified team, including before and after photographs.

Section 13 - Memorial Safety Procedure

13.1. A memorial is defined as any form of headstone or grave marker, of any size or type, within a burial ground, excluding mausoleums. The design, construction and materials used for memorials across Orkney over time is diverse.

13.2. The erection of a memorial shall only be permitted on purchased lairs, and lair owners must have a Memorial Permit from the Council. No artefacts, painting or other installations of any kind will be permitted.

13.3. Memorials should be constructed in accordance with BS 8415:2018. Those undertaking the work should be suitably trained, qualified and certified to the COSVR 194 SQA Unit HA1J-04 Fix and Secure Memorial Masonry Award, or equivalent. In addition, they should have appropriate public liability insurance and have obtained a Memorial Permit from the Council.

13.4. Any memorial should have the relevant section and lair number cut plainly on the left side of the memorial at the expense of the person erecting the memorial. No other method of marking e.g. painting is allowed.

13.5. The owner of the Right of Burial for a lair is the owner of any memorial on that lair and must maintain the memorial in a safe and proper condition, of which the Council will be sole judge. The owner is responsible for the upkeep and maintenance of the memorial. They 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.

13.6. All memorials are inspected and tested at least once every five years, in accordance with national guidance. Memorials identified as medium risk (i.e. at a height over 1.5m or require more frequent monitoring) are inspected at least once every two and a half years.

13.7. Memorials will be inspected by a Council employee trained, qualified and certified in the SQA Unit J1N8 45 Manage and Maintain Cemetery and Burial Ground Memorials, or equivalent.

13.8. Prior to carrying out a scheduled inspection, the Council will liaise with the Communications Team to notify the public:

13.8.1. Of the likely date range of the inspection, weather dependent, via online notices and signs at the Burial Ground.

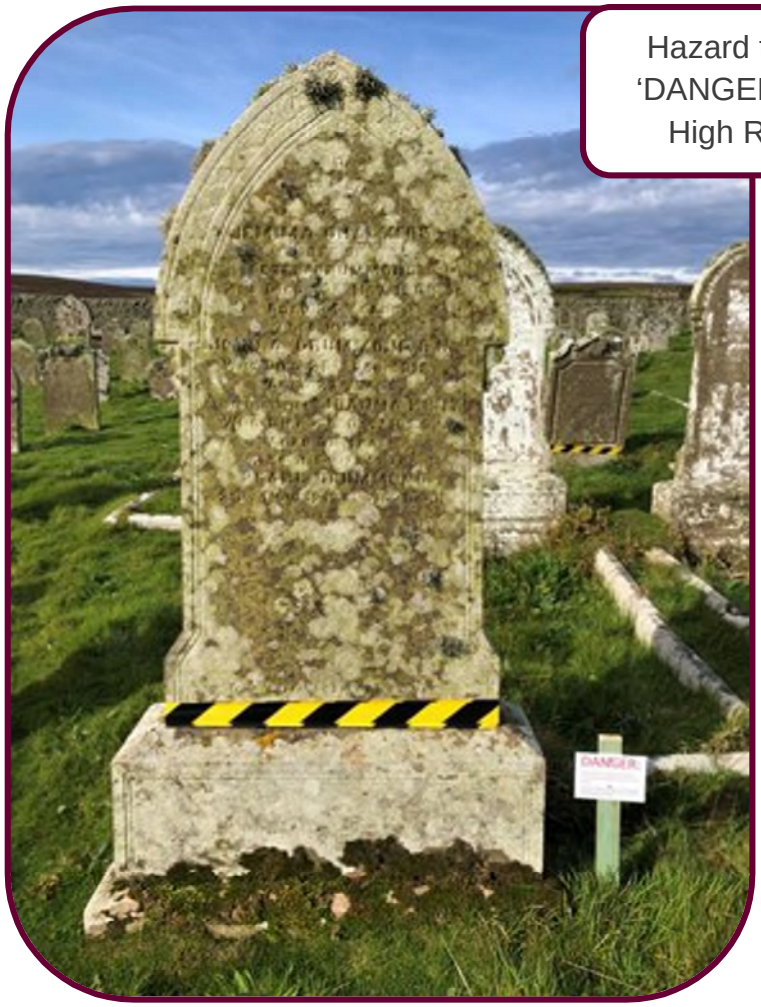
13.8.2. That, as a result of the inspection, the Council will take steps in the table in Section 13.10 below, to make safe any memorial that the inspector considers to be a safety risk.

13.9. 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. 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.

13.10. Memorial risk will be categorised in terms of public safety, with categories and interventions listed in the table below:

Risk	Risk Definition	Intervention
High	Memorial is dangerous e.g. very unstable or major deterioration.	The memorial will be made safe in the first instance (e.g. with barriers or hazard tape and a sign) and an attempt will be made to contact the family. If the family cannot be found, the stone will be repaired or laid flat.
Medium	Memorial is not dangerous but requires monitoring e.g. some movement, cracking.	An attempt will be made to contact the family. The memorial is inspected more regularly, every two and a half years.
Medium (Tall Memorial)	Memorial is over 1.5m tall.	Memorial is inspected more regularly, every two and a half years.
Low	Very minor or no defect identified, memorial is stable and not likely to become dangerous in the next five years.	Routine reinspection in five years.



Hazard tape and small 'DANGER' sign marking High Risk memorial

13.11. If the Council considers, in their judgement, that a memorial is in a dangerous condition, the Council will be entitled to, without notice, take any action deemed necessary to make it safe. The owner of the memorial will be liable for any costs incurred by the Council. If the Council, after due and diligent enquiry, cannot ascertain the contact address of the owner, the Council can, without prejudice to its right to recover any costs associated with safety works undertaken, repair, remove or lay flat the memorial.

13.12. Any works undertaken by the Council must be appropriately recorded including before and after photographs.

13.13. The owner shall not remove a memorial or part thereof from the cemetery without notification to the Council, and the appointment of an authorised and trained specialist who has the required Memorial Permit from the Council. This protects all parties from challenge of theft or risk of injury.

Section 14 - Resilience Planning

14.1. If, in exceptional circumstances, all the local Registrars are unavailable, any death in Scotland can be registered anywhere in Scotland, so help would be sought from other Local Authorities in Scotland.

14.2. If the Burials Foreperson and Chargehand are both unable to work, a Burials Operative would act up, or the Burial Grounds Officer could cover their duties.

14.3. If one or more Burials Operatives are unable to work, trained staff could be deployed from another service, agency staff or a contractor hired.

14.4. The intention will always be to meet the wishes of the deceased and their family with regards to place and location of burial, but if an event causes sustained inability to carry out burials in a burial ground, for example due to major flooding, coastal erosion, police incidents or falling masonry, burials may need to take place in an alternative Burial Ground until the issue is resolved. The distress that this could cause families is recognised and is a decision that would not be undertaken lightly.

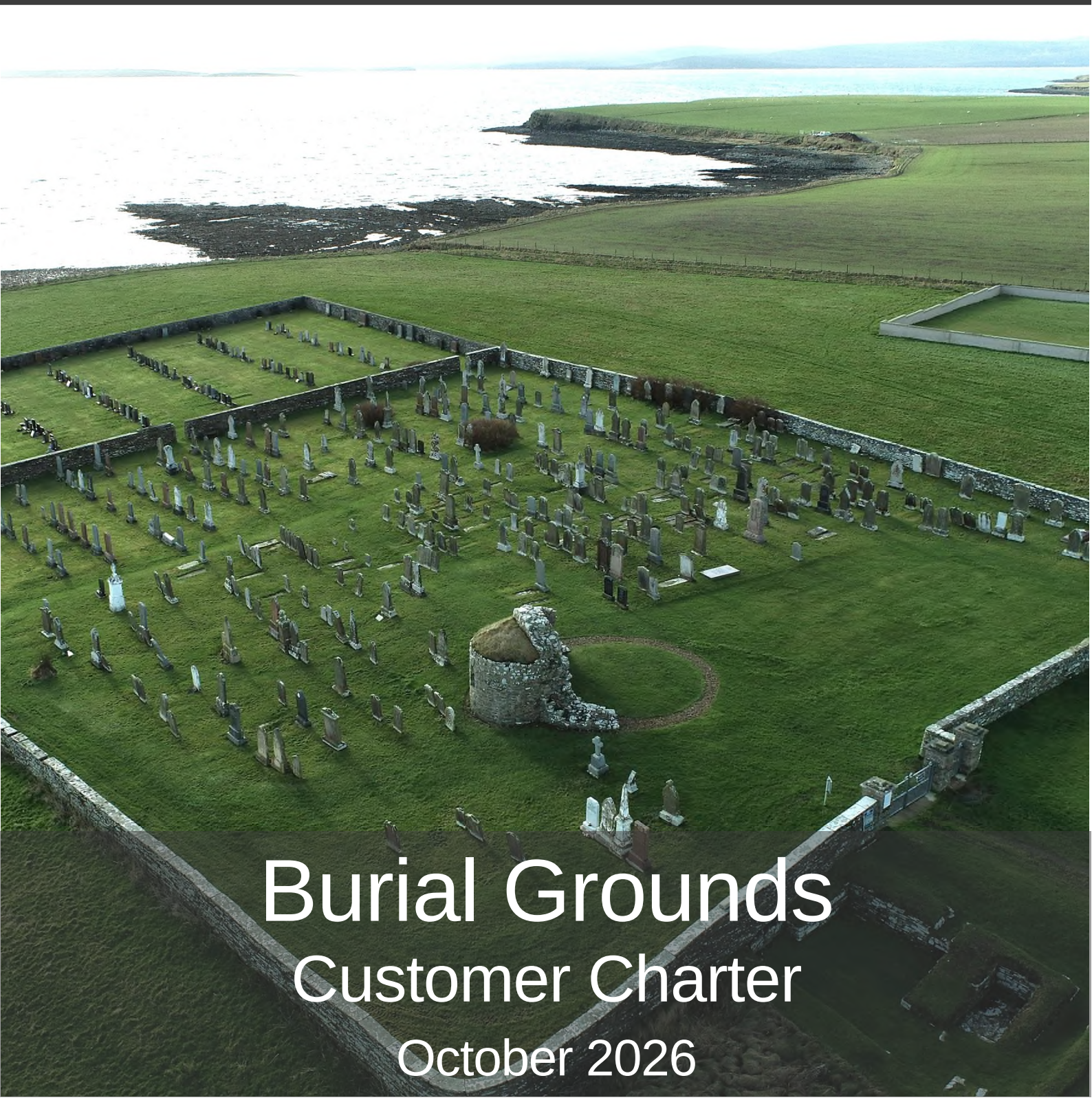
Section 15 - Contingency Planning

15.1. In the event of a sudden rise in burials, such as during a pandemic or other mass fatality event, contingency measures ensure burials are carried out respectfully and lawfully. These may include prioritising lairs, extending operating hours, redeploying trained staff, and coordinating with the Scottish Government, NHS Orkney, and resilience partners to secure additional capacity if required. contingency plans support continuity of the service during public health emergencies.

15.2. Please refer to the ‘Intensive Excess Deaths Plan (Mass Fatalities)’ document held by Environmental Health and Safety and Resilience, for arrangements for an emergency event causing mass fatalities on Orkney. Please also see that document for details of other agencies likely to be involved.

Appendix 1

ORKNEY
ISLANDS COUNCIL



Burial Grounds
Customer Charter
October 2026

www.orkney.gov.uk

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Section 1 - Document Control and Council Approval

Version Number / Date	V1 / 5 October 2026
Approved by Council	Enterprise and Infrastructure Committee XX XXX 2026 (TBC)
Next Update Due	October 2027
Summary of Changes 05/10/2026	1. General update. • To reflect changes to 'Certificate of Right of Burial' duration. From 1 March 2026 this period was changed from in perpetuity, to 25 years with the option to apply for 10-year extensions at the end of that period. (Section 6).

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 Orkney Islands Council's website.

Lairs bought prior to 1 March 2026 granted the Right of Burial to the Certificate holder in perpetuity. From 1 March 2026 the holder of a Certificate of Right of Burial owns the rights to burial within the lair for 25 years after which the Right of Burial owner can apply for 10 year extensions to that right.

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 suitable for a vehicle 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 motor homing 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 for 25 years 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, maintenance vehicles, and for funeral vehicles such as the hearse and cortege.

Appendix 3

Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a proposal or changes by anticipating the consequences and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

Should you have any questions or wish for your draft EqIA to be reviewed by our Equality, Diversity and Inclusion Adviser, please contact OD@orkney.gov.uk.

1. Identification of the Proposal or Change	
Name of proposal or change being assessed.	Burial Grounds Management Plan.
Responsible Service and Directorate.	Infrastructure Services, Infrastructure and Organisational Development
Date of assessment.	25/09/26.
Is the proposal or change existing? (Please indicate if the service is to be deleted, reduced or changed significantly).	Amendment to existing policies.

2. Primary Information	
What are the intended outcomes of the proposal or change?	To ensure continued management and maintenance of Orkney's Burial Grounds, in accordance with the updated Code of Practice.
Is the proposal or change strategically important?	Yes.
State who is or may be affected by this proposal or change, and how?	Minimal change from existing policies,but would affect all Orkney residents.

How have stakeholders been involved in the development of this proposal or change?	No consultation undertaken.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking.	No.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	No.
Could the proposal or change have a differential impact on any of the following equality areas?	Please provide any evidence – positive impacts / benefits, negative impacts and reasons:
1. Race: this includes ethnic or national groups, colour and nationality.	No.
2. Sex: a man or a woman.	No.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No.
4. Gender Reassignment: the process of transitioning from one gender to another.	No.
5. Pregnancy and maternity.	No.
6. Age: people of different ages.	No.
7. Religion or beliefs or none (atheists).	No.

8. Disability: people with disabilities (whether registered or not).	No.
9. Marriage and Civil Partnerships.	No.
10. Caring responsibilities	No.
11. Socio-economic disadvantage.	No.
12. Care experienced.	No.

3. Impact Assessment	
Does the analysis above identify any differential impacts which need to be addressed?	No.
Does the analysis above identify any potential negative impacts?	No.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Equality Impact Assessment Action Plan

Please complete the following action plan where you have identified any differential impacts or potential negative impacts in Section 3 of the Equality Impact Assessment.

Impact Identified	Action to be taken	Owner	How will it be monitored	Date Action to be completed

5. Sign and Date	
Signature:	
Name:	John Coyle
Date:	25/09/2026

Island Communities Impact Assessment

[Burial Grounds Management Plan]

Preliminary Considerations	Response
Please provide a brief description or summary of the policy, strategy or service under review for the purposes of this assessment.	Burial Grounds Management Plan
Step 1 – Develop a clear understanding of your objectives	Response
What are the objectives of the policy, strategy or service?	To ensure continued management and maintenance of Orkney's Burial Grounds, in accordance with the updated code of practice.
Do you need to consult?	No consultation has been undertaken.
How are islands identified for the purpose of the policy, strategy or service?	All inhabited islands within Orkney.
What are the intended impacts/outcomes and how do these potentially differ in the islands?	To ensure continued management and maintenance of Orkney's Burial Grounds, in accordance with the updated code of practice. Applies to all Islands equally.
Is the policy, strategy or service new?	Review of existing policies.
Step 2 – Gather your data and identify your stakeholders	Response
What data is available about the current situation in the islands?	Some areas have difficulty in recruiting grass cutting contractors. This is not unique to the Isles but is quite often more difficult in smaller islands.
Do you need to consult?	N/A
How does any existing data differ between islands?	N/A
Are there any existing design features or mitigations in place?	N/A
Step 3 – Consultation	Response

Who do you need to consult with?	N/A
How will you carry out your consultation and in what timescales?	N/A
What questions will you ask when considering how to address island realities?	N/A
What information has already been gathered through consultations and what concerns have been raised previously by island communities?	N/A
Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?	N/A
Step 4 – Assessment	Response
Does your assessment identify any unique impacts on island communities?	The plan applies to all of Orkney equally. Therefore, isles are not anticipated to be disproportionately affected.
Does your assessment identify any potential barriers or wider impacts?	No
How will you address these?	N/A

You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community, which is significantly different from its effect on other communities (including other island communities).

If your answer is **No** to the above question, a full ICIA will NOT be required and **you can process to Step 6**.
If the answer is **Yes**, an ICIA must be prepared and y**ou should proceed to Step 5**.

To form your opinion, the following questions should be considered:

- Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?
- Are these different effects likely?
- Are these effects significantly different?

• Could the effect amount to a disadvantage for an island community compared to the Scottish mainland or between island groups?	
Step 5 – Preparing your ICIA	Response
In Step 5, you should describe the likely significantly different effect of the policy, strategy or service:	
Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.	
Consider alternative delivery mechanisms and whether further consultation is required.	
Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities.	
Identify resources required to improve or mitigate outcomes for island communities.	
Stage 6 – Making adjustments to your work	Response
Should delivery mechanisms/mitigations vary in different communities?	No.
Do you need to consult with island communities in respect of mechanisms or mitigations?	No.
Have island circumstances been factored into the evaluation process?	No.
Have any island-specific indicators/targets been identified that require monitoring?	No.
How will outcomes be measured on the islands?	N/A.
How has the policy, strategy or service affected island communities?	N/A.

How will lessons learned in this ICIA inform future policy making and service delivery?	No change.
Step 7 – Publishing your ICIA	Response
Have you presented your ICIA in an Easy Read format?	Yes.
Does it need to be presented in Gaelic or any other language?	No.
Where will you publish your ICIA and will relevant stakeholders be able to easily access it?	OIC Website.
Who will signoff your final ICIA and why?	Lorna Richardson, Director of Infrastructure and Organisational Development. It is Council policy that a Director or Head of Service must sign of an ICIA.

ICIA completed by:	John Coyle
Position:	Team Manager Roads Support
Signature:	
Date complete:	24/09/26

ICIA approved by:	Lorna Richardson
Position:	Director of Infrastructure and Organisational Development
Signature:	
Date complete:	07/10/26