



264572

Cemeteries and Burial Grounds

Information



This leaflet provides a summary of key information from our Management Rules for all Cemeteries and Burial Grounds managed by **Moray Council**.

A full version of the Rules is available on our website:

www.moray.gov.uk





Legal Obligations

The Management Rules for all Cemeteries and Burial Grounds are made under the Civic Government (Scotland) Act 1982, and all burials and burial administration must be carried out in accordance with the Burial and Cremation (Scotland) Act 2016 and its associated Burial Regulations.

Purchasing a Lair

Applications to purchase a lair can be made only at the time of applying for a burial to take place. Lairs are not available to be purchased at any other time and are allocated by Council burial staff only. There can be only one named person registered as the lair holder.

Exclusive Right of Burial

When a lair is purchased, we will provide the Lair holder with a lair certificate after the first interment which describes the lair number and cemetery location.

The lair holder has the exclusive right of burial for the lair and the right to have or permit the lair registered to them to be opened. Please ensure that the lair certificate is kept in a safe place as this document will be required for any future burial or headstone applications, or if you need to apply to transfer the exclusive rights of burial to another person in the future.

In accordance with the Burial and Cremation (Scotland) Act 2016, from 1 March 2026, the exclusive right of burial is only for a period of 25 years, though an application to extend the exclusive right for a further 10 years can be made at the end of 25 years period. If no application is made, or the application is not granted, the exclusive right will refer back to the Council as the burial authority.



Lair transfer

On the death of a lair holder the right of succession to the lair will be governed by the Law of Scotland. A lair is capable of bequest but if there is more than one beneficiary to claim it under the Will, the Executor or beneficiary must nominate one of the beneficiaries to be lair holder. If a lair holder dies without a will, the lair will form part of their estate and will fall to the beneficiary entitled to it under the Succession (Scotland) Act 1964. Further information on the order of succession can be found in the full version of the Management Rules for all Cemeteries and Burial Grounds.

Other than the death of the lair holder, a transfer of a lair can be made at any time by an application from the lair holder to the Council.

Lair Capacity

Each coffin lair is designed to accommodate **two standard-sized coffins**, with a maximum of three coffins where ground conditions and the space used for previous interments in that lair allows. **The Council will only ever guarantee space for two coffin interments in a lair.** When an application is made for a third coffin interment in a lair, we request that a completed burial form is submitted to the Burials Clerk for review at the earliest opportunity. This is to ensure that we can check and advise you of the available space in the lair for a third interment **before the funeral arrangements are finalised.** In some circumstances burial space for a third coffin interment may not be available in the lair and this may require the applicant to consider alternative interment arrangements, for example purchasing a new lair or using a lair for the interment of cremation (ashes) caskets.



Notice of Burial

Arrangements for burials can be made via the relevant statutory Burial Form. Please note that no burial application booking time is accepted until the completed Burial Form has been received and approved by our Burials Administrator. We strongly recommend that no funeral arrangements are finalised or publicly announced until the burial application has been authorised. The Council shall have no responsibility or costs incurred as a result of any changes having to be made.

Please note that we require a certificate of registration of death (Form 14), for a burial to take place. A death must be registered to get this form. You can find information on how to register a death on the Council's website.

Our Burials Admin team can provide you or your funeral director with the relevant statutory forms and related guidance which must be used when applying for a burial. The statutory application forms are a requirement of The Burial (Applications and Register) (Scotland) Regulations 2024. For the interment of ashes, please include a certificate of cremation where this is available.

Burials

A maximum of three coffin burials (in some cases only two where ground conditions may limit capacity) will be permitted in any Lair. A full-sized coffin lair can usually accommodate up to 6 cremation (ashes) caskets. Usually the interment of ashes in a lair will take place following the final coffin interment.

There are times when we will need to excavate an adjacent lair. Boards and soil will be placed over the grave at these times and it may be difficult to visit the lair for a short period. Please be prepared for this and be assured that the lair will be cleared and left tidy after the funeral. Care will be taken to protect any flowers or tributes that may be on the adjacent Lair and returned to the lair afterwards should these need to be temporarily removed or placed behind the headstone.

Memorial floral tributes/ wreaths

Memorial wreaths shall be removed from a Lair whenever the Council in its discretion considers appropriate (normally 14 days after the burial). Where wreaths are placed on lairs at Christmas and the Lair holder wishes to retain them, arrangements should be made to remove these from lairs by the end of January as these will normally be removed by the Council from the first day in February.

Memorials

Lair holders are entitled to apply for permission to have a memorial headstone erected.

No erection or inscription on any monument is permitted without the approval of our Burials Administrator, to whom a specific application with a drawing of what is proposed is submitted. Kerbs, copes, corner stones, fences or railings must be confined to the headstone area and only with the prior written consent of the Council.

Once an application has been approved, headstones must be erected centrally and should not protrude in any way over the lair. The maximum width of a headstone and its base shall be at least 150mm (6") less than the width of the lair and shall not exceed 1200mm (4ft) in total height above ground when erected, including the exposed base. The maximum thickness of the headstone shall not exceed 300mm (1ft). Owing to limited space available within Garden of Remembrance (ashes casket) lairs, the maximum dimensions for headstones on these plots should not exceed 600mm in height x 600mm in width and 300mm in depth.

The Lair Holder has the primary responsibility for keeping a headstone or monument on a lair in a vertical and safe condition.

In accordance with the Burial & Cremation (Scotland) Act 2016, from 1 March 2026 the right to erect a headstone is only for a period of 25 years, though an application to extend the right for a further 10 years can be made at the end of 25 years period. If no application is made, or the application is not granted, the right will refer back to the Council as the burial authority.

Sunken Lairs

Settlement of ground is normal at any time after a burial has taken place. The Council will check Lairs within 4 weeks following an interment and arrange to fix any sunken ground where required. After this time the Council may repair sunken lairs at its discretion and when resources allow.

To report an issue with a sunken lair please contact us: burialsadmin@moray.gov.uk.

Cemetery Visitors

Vehicle access in cemeteries is restricted to undertakers, memorial masons, officials, and disabled persons. Visitors to cemeteries are asked to use car parks where these are available and to keep to paths and avoid disturbing memorials or plants.

Dogs on short leashes and under close control are allowed in cemeteries. Please note it is an offence under the Dog Fouling (Scotland) Action 2003 for any person responsible for a dog, not to remove immediately and dispose of appropriately, any dog fouling.

Cemetery Maintenance

The Council endeavours to cut the grass in cemeteries every 2 weeks between April and October. Strimming around headstones is done on a 4-weekly cycle. An application of herbicide around the headstones is undertaken twice a year.



Further Information

For further information please contact our Burials Admin team:

Burials Admin
Council Offices
High Street
Elgin
IV30 1BX

burialsadmin@moray.gov.uk

01343 563041