



Archdiocese of St Andrews & Edinburgh, Charity Number SC008540

## **MOUNT VERNON CEMETERY, EDINBURGH**

Management of memorials / boundary walls / grounds\*

- a) Lair holders/successors are reminded have sole responsibility for the maintenance of their memorials and should have this carried out on a regular basis. A visual inspection by cemetery staff will take place on a five yearly cycle and any defects found will be notified to and be corrected by the lair holder or successor.
  - b) Lair holders/successors only have the right of burial in a piece of ground and that the ground will always remain in the ownership of the cemetery.
  - c) Cemetery management implemented an ongoing survey in 2017 of memorials, boundary walls/fences and, condition of existing kerbing and dug-out garden areas (strictly prohibited) as well as existing trees/shrubs (strictly prohibited).
  - d) A photographic memorial/condition of lair register is in place. This includes ground which has been disturbed by lair holders or family members forming a garden area (strictly prohibited) and planting trees or shrubs or placing pebbles/rockery or similar, again disturbing the ground, which is strictly prohibited.
1. The responsibility for the overall safety (duty of care) within the Cemetery lies with the Burial Authority (Archdiocese of St Andrews & Edinburgh) under the Health & Safety at Work Act 1974 and the Occupiers Liability Act 1957. Cemetery Management ensure, as far as reasonably practicable, to maintain in a safe condition which includes anyone who enters the Cemetery to carry out work i.e. memorial masons, that work is carried out in a safe manner in such a way that others using the site will not be put at risk. Entry to the Cemetery is by permit only.
  2. MAINTENANCE – Memorials deemed unstable, whether fallen over, or with inadequate foundations, will be converted to monolith type – setting memorials into the ground by one third of the height. This process will be undertaken immediately to make safe for the benefit of not only visitors to the Cemetery but for its ground staff.
  3. Memorials will be assessed via the following process:
    - Intact foundations, if visible.
    - Whether the memorial is leaning.
    - Whether memorial has fallen over.
    - Ground condition.
    - Intrusion of vegetation.
    - Does it have a garden area with kerbing which is breaking apart or sinking?
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- An urgent attempt will be made to contact the Lair Holder or next of kin providing the Cemetery has up-to-date contact details. Also, a notice will be posted at the memorial advising on proposed action.
  - If foundations are inadequate and causing lack of stability to the memorial giving cause for concern the memorial will be set into the ground by one third of its height or for very large memorials will be cordoned off and braced
  - If the memorial is leaning and causing lack of stability to the memorial, then the memorial will be braced.
  - If the memorial has fallen over thus causing a trip hazard this will be set into the ground by one third of its height.
  - If the ground has been disturbed by a Lair Holder or family member, i.e. digging a garden area or planting of shrubs / trees or erecting any kind of kerbing area causing instability to the memorial the aforementioned will be removed and the ground will be topped up and levelled. The Cemetery reserves the right to carry out this course of action.
  - All trees and shrubs plus overgrown plants unattended will be removed. The Cemetery reserves the right to carry out this course of action.
  - All kerbing found to be unattended, broken or sinking will be removed. The ground will be topped up and levelled. The Cemetery reserves the right to carry out this course of action.
4. Memorials up to 625mm will have a full visual inspection and hand test for stability and movement.

Memorials 625mm to 1.5 m will have a full visual inspection, a primary hand test for movement. Where movement is found but memorial appears safe it will be reinspected every 12 months.

Memorials over 1.5m in height will have a full visual inspection. Hand test. If any potential problems found the memorial will be cordoned off. Thereafter the Cemetery Manager, a member of staff and guidance from a Health & Safety officer will agree on action required.

Inspection Records digital are kept, and information recorded on data base records, i.e. Plot Number and Section.

5. UNSAFE MEMORIALS – Lair Holders will be advised, if up-to-date contact details are available, by letter to make good repairs. If no up-to-date contact details are available a notice will be placed on the memorial giving three months' notice. Should no lair holder or family member come forward the memorial will be set into the ground one third of its height for safety reasons.
6. Lair Holders will be advised where necessary if their memorial requires to be moved to allow for access either to excavate an adjoining grave for a burial or for necessary boundary wall repairs. These memorials will be moved to a safe area and reinstated once all work is complete at Cemetery expense.



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7. Lair Holders must keep their Tombs and Monuments in good order and repair, and should they fail to do so within 3 months after either written notice or notice on
8. Monument given by the Burial Authority, and if Tombs and Monuments are deemed unstable will be set into the ground one third of its height for safety reasons. Erection of the same, following renewal of foundation will be at the expense of the Lair Holder.
9. Tombs and Monuments affected by storm damage, any form of vandalism, dislodging of foundation due to creating a garden area to the front of existing Monument, all repairs will be at the expense of the Lair Holder.
10. The maximum width of an upright single headstone varies in different sections within the cemetery.

(24 inches including base width)

(28 inches including base width)

(29 Inches including base width)

No monument/headstone should be higher than 36 inches including base depth.

Double memorials will only be considered if small booktype depending on size.

No triple memorials allowed.

Wedge memorial /markers/permanent vases and similar require cemetery permissions. Only one allowed per grave. Size restrictions in force.

Permission to erect a replacement memorial will be subject to height and width restrictions immaterial if existing memorial is oversized.

Permission charges applicable to all of the above.

Planting of tree /shrubs is prohibited.

Digging any part of a grave to form a garden area is strictly prohibited.

11. A Lair Holder, on production of the Lair Certificate or in the case of the Lair Certificate being mislaid, a Form of Indemnity and proof of relationship which must be submitted to the Burial Ground Manager (fee to be notified), shall be entitled to have a monument erected, dimensions of which are notified on application for permission to erect. Such a monument shall be erected centrally, shall not protrude in any way over the part of the Lair to be opened for burial and shall not be out with the confines of the Lair. Any monument shall be erected in accordance with BS8415 (The British Standard for the memorial Masonry Industry). This Right will be granted only to the person in whom the right of burial in that lair is vested or the rightful successor. The



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right to erect a memorial is extinguished if the right of burial in respect of the lair is extinguished. This will apply to any extension period for the right of burial.

- a) Maximum width of the foundation will be no wider than 24 / 28 / 30 inches (single lair or plot) Width allowed will be notified on receipt of Application for Permission.
  - b) Maximum width of the headstone will be no wider than 24 / 28 / 30 inches including base width.
  - c) Maximum height of the headstone will be no taller than 36 inches including base depth.
12. Memorial applications will not be approved until all outstanding invoices issued by the Burial Authority in relation to a burial within it are settled.
13. Lair Holders shall not have a headstone erected immediately following a burial unless at least 6 to 8 months has passed since the actual burial has taken place. This period allows the ground to settle.
- a) If it is found that a headstone has not been erected centrally then this will be removed and laid flat. The Lair Holder will be advised by letter to arrange to have the headstone/monument re-sited centrally per Management Rules. If no Lair Holder or successor comes forward within a 3-month period, then Cemetery Management reserves the right to centrally site the memorial to its correct position and to charge the Lair Holder or Successor accordingly.

## GROUNDS

14. UNEVEN GROUND – The Cemetery has uneven ground and notices, and warning signs are posted within the Cemetery.
15. No person (member of the public) is allowed to excavate any part of a lair or ashes plot. This is strictly prohibited and causes additional disturbance to the ground.
16. No person (member of the public) is allowed to excavate any part of a lair or ashes plot to lay any additional foundation or to form a garden area. This is strictly prohibited. The excavation of any part of a grave or ashes plot can only be carried out by an employee of the said burial ground.
17. The planting of trees, bushes, shrubs or plants is strictly prohibited. Any tree, bush, shrub or plant deemed unsuitable will be removed on the authority of the Burial Ground Manager.
18. The Burial Authority does not accept any responsibility for any damage incurred should a memorial or its foundation be disturbed due to a member of the public excavating ground to form a garden area or erect any form of kerbing.
19. GARDEN AREAS – It is strictly prohibited for Lair Holders to dig any part of a grave including forming a garden area. This causes sinkage and weakens the Monument foundation causing movement. All repairs to the ground will be at Lair Holders expense.



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20. Lair Holders will be permitted to place such vases, and/or a number of suitable containers for flowers as the Burial Ground Manager may permit in front of the memorial area but not around the sides of the memorial. Any such vases or similar should not protrude any more than 12 inches in front of the base of the upright memorial. Any vase or container of a material considered to be unsuitable or damaged will be removed. Any vase or similar placed between or behind headstones will be removed. Any gardening tools or digging implements including scissors will be removed.
21. Lairs and ashes plots laid out in turf shall be maintained by the Burial Authority, grass will be cut to the front and aisles only. Grass cutting season will commence from March until October each year, weather permitting.
22. Weeding around the Tomb and Monument area is the responsibility of the Lair Holder. Monuments, globes, vases placed, or flowers planted to the front of the Monument shall continue to be the responsibility of the Lair Holder. Planting of flowers, shrubs, small trees to the side of any Monument is not allowed and will be removed once identified.
23. The Cemetery has a strict no kerbing policy in place since 2016 which includes that of railing, fence chain, marble or concrete kerbing or other erection of any kind whatsoever, shall not be allowed on any lair or plot.
24. Existing Kerbing pre-2016, was allowed but restricted to no more than 18 inches from the base at the front of the existing memorial and no wider than the actual width of the memorial itself and not wrapped around the sides. This includes for railing, fence, chain, or other erection of any kind whatsoever. Lair Holders are being advised to have all kerbing removed as it hinders ground maintenance, eventually sinks causing further disturbance to the ground and over time weakens the foundation of the Monument if in place.
25. The Cemetery has a strict No Kerbing Policy. Kerbing, chain, fence or similar which has been in place since 2016 and those prior to 2016 should be considered by the Lair Holder for removal. If an application is received for an additional marker to be placed on the grave and permission is granted, then this must be no wider than the headstone and should not extend any further than 18 inches in front of the memorial stone.
26. In the case of where an additional marker and existing kerbing is in place and whilst care will be taken when strimming or cutting of grass, the Burial Authority shall not accept responsibility for any damage which may occur to the kerbing as this hinders strimming and grass cutting. It is not permitted to have existing kerbing wrapped around the side of the foundation stone.
27. Lair Holders who have either an additional marker or existing kerbing or similar in place are totally responsible for the upkeep, trimming of grass and weeding.



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28. Lair Holders who have an existing upright memorial will only be allowed one additional wedge marker or similar placed directly in front of the base of the upright memorial. Restrictions on size notified on application.
29. Lair Holders who hold a Lair Certificate for a double plot will not automatically receive permission to erect a double headstone. However, a small book type memorial may be considered. An application must be made to the Burial Authority for consideration.
30. Triple and quadruple headstones are not permissible.
31. Memorial benches are not permissible without permission from the Burial Authority. If permission is granted then no memorial bench will be allowed to be placed in walkways, in front of or on top of the grave. Memorial benches will only be permissible on the perimeter of the Burial Ground if space permits.
32. This Right to erect a memorial will only be granted to the person in whom the right of burial in that lair is vested or the rightful successor. The Right to erect a memorial is extinguished if the right of burial in respect of the lair is extinguished. This will apply to any extension period for the right of burial.
33. No erection or inscription on any monument/headstone shall be permitted without the approval of the Burial Ground Manager, to whom a specific written statement of the inscription or the case of the erection of a new or replacement monument, a drawing of what is proposed showing dimensions is submitted. Monuments / headstones may be erected only on presentation of a Permit and at such times as are permitted by the Burial Ground Manager. (Fees to be notified)
34. The Lair Holder shall have the primary responsibility for keeping a headstone or monument on a Lair in a vertical and safe condition in relation to which the Burial Ground Manager shall be the sole judge. The Lair Holder shall have the primary responsibility to ensure existing foundations are in good order. Except in emergency where the safety of the public and employees of the Burial Authority is paramount, the Burial Ground Manager will take appropriate steps to make a particular headstone or monument safe on health and safety grounds. The Burial Authority will be entitled, on expiry of twenty-one days written notice to the Lair Holder at his/her/their last known address request that he/she/them to repair the headstone or monument in question or to have it removed. In either event the works done will be at the expense of the Lair Holder and the Burial Authority will invoice the Lair Holder for the cost of making the headstone safe and until the cost of such repairs or removal is paid, the right under the Lair Certificate shall be withdrawn.
35. Where, after enquiry, the current address of the Lair Holder remains unknown, the Burial Authority shall give Notice of their intentions in regard to the headstone or monument concerned by a Notice placed on the headstone, provided always that in relation to a headstone or monument which has fallen or assumed a dangerous position, it shall be possible for the Burial Ground Manager to have such monument propped and braced or set into the ground one third of its height on the Lair in question, the cost of which will be notified.



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36. The Lair Holder shall be liable for any damage to or by any monument or memorial on the Lair by unauthorised excavation work. Excavation work will only be carried out by employees of the Burial Authority. Rates to be fixed from time to time by the Burial Authority.
37. It is not permissible for Lair Holders to commission private individuals to erect memorials/headstones or added inscriptions. If it is found that a memorial has been erected in this way the memorial will be removed and stored safely in readiness for the Lair Holder to have this removed from Cemetery grounds.
38. The Burial Authority will not accept liability for loss or damage to any headstone, monuments, plants, bushes, trees, memorial wreath, vase, or container which they remove to facilitate making secure dangerous headstones or which are lost or damaged because of actions or omissions by an unauthorised third party.
39. The Burial Authority reserves the right from time to time to repair any subsidence in Lairs without prior notification to Lair Holders. This may include infilling of garden areas and removal of unkept kerbing which are strictly prohibited.
40. The Burial Authority will repair any ground damage inadvertently caused by cemetery machinery in adverse weather conditions. Repairs will only take place when the ground has settled.
41. The Cemetery has a no Herbicides Policy.
42. No plant, shrub, bush or tree will be permissible. No containers for water, plant pots or similar should be placed between or behind headstones. These will be removed.
43. Lair Holders and visitors to the Burial Ground must not leave plastic bottles/glass bottles/items which are broken and present a danger in the case of a slip or trip thus resulting in injury as well as general rubbish discarded within the Burial Ground. Watering containers are situated at the water tap. These should be replaced on exit.

#### **BOUNDARY WALLS / FENCE / RAILINGS**

44. A planned programme of repairs to boundary walls / fencing / railings have been ongoing since 2017. It will be necessary to remove memorials which are set along various sections of the boundary walls to make good repairs. Lair Holder / family members will be advised either by letter, providing up-to-date contact details are available, or by notice at each grave that will be affected.

Memorials will be placed in a safe area and reinstated once repairs are complete.

*\*Management reserves the right to amend these rules from time to time (Revised June 2024)*

Revised 11/06/2024