

## **The Right to Instruct the Disposal of Human Remains**

**13 Do you agree that the right to instruct the disposal of a body on death in the case of an adult should be vested in the nearest relative using the definition at Section 50 of the Human Tissue (Scotland) Act 2006? If not, why not?**

No

**If not, why not?:**

i think it should be up to the individuals wishes before death perhaps written as part of their will. where there are no written instructions from the deceased prior to their death, then it should rest with the nearest relative.

**In whom should this power be vested instead?:**

**14 In the case of the death of a person under the age of 16 years , do you agree that the right to instruct the disposal of the body should follow the proposal at paragraph 43? If not, why not? In whom should this power be vested instead? How should this be defined in**

**legislation?**

No

**In whom should this power be vested instead?:**

as above - if the young person has not stated their wishes in life, then it should be up to the nearest living relative.

**How should this be defined in legislation?:**

it should be that people's living wills override the wishes of the relatives.

**15 Do you agree with the proposal for who should have the right to instruct the disposal of the body in the event of a stillbirth?**

Yes

**If not, why not?:**

**Who should have the right to instruct the disposal of the body in the event that the mother or father are unable to do so?:**

the nearest living relative

**How should this right be defined in legislation? :**

**16 Do you agree with the proposal of allowing someone not listed to instruct the disposal of human remains in the case of a stillborn baby, pregnancy loss and the death of a child only on cause shown?**

Yes

Not Answered

**Please enter any additional comments here.:**

## **The Management of Cemeteries**

**17 Do you agree that Scottish Ministers should have the power to make regulations pertaining to the general management of cemeteries, including giving Burial Authorities the right to take action to address unsafe, damaged and abandoned lairs and memorials?**

Yes

**Please enter any additional comments here.:**

**18 Alternatively, would the introduction of non-statutory guidance provide a useful option between the current situation where no guidance exists and the introduction of regulations?**

Not Answered

**Please enter additional comments here.:**

**19 Are there any reasons why a minimum burial depth of 3 feet from the surface to the top of the coffin should not be implemented?**

Yes

**Should there be any exemptions?:**

i am concerned about the polluting effects of deep burial. Promession is a shallow burial method which causes no groundwater pollution and i think this should be exempt.

**Please enter any additional comments here.:**

## **Alleviating pressure on burial grounds**

**22 Do you agree that the sale of lairs in perpetuity should be ended?**

Yes

**Please enter additional comments here.:**

**23 Does the proposed alternative approach provide a suitable balance between enabling people to buy lairs and safeguarding lairs for the future?**

Yes

**Please enter additional comments here.:**

**24a Should there be any restrictions about to whom the owner of a lair can transfer his or her interest?**

No

**24b Should this be restricted to family members?**

No

**25 Do you agree that Burial Authorities should no longer be able to sell multiple lairs or blocks of lairs to an individual?**

Yes

Please enter additional comments here.:

**26 The Burial and Cremation Review Group recommended that Burial Authorities may refuse to sell a lair if it believes that it is not for imminent use. How long should constitute 'imminent' in this situation?**

**How long should constitute 'imminent' in this situation? :**

perhaps if there is a terminally ill person wanting to tidy up their affairs or a member of the family wanting to make preparations.

**How could this be tested?:**

perhaps by drs note.

**27 Do you agree with the proposal that full lairs and partially-full and unused lairs should be considered for reuse in certain circumstances with appropriate safeguards in place?**

Yes

Please enter any additional comments here.:

**28 Is a period of 75 years sufficient before reuse of a full lair can be considered?**

Yes

Please enter additional comments here.:

If promession is used, the body will turn to soil in a few years at most. The lair can then be reused.

**29a Does the initial consultation provide sufficient assurance that relevant specialist interests have been consulted?**

Yes

Please enter any additional comments here.:

**29b Should any other specific organisations or groups be consulted at this stage?**

Not Answered

**30a Does the process set out allow for sufficient notice to be given that a lair is being proposed for reuse?**

Not Answered

Please enter additional comments here.:

**30b Should any particular methods of notification be used in addition to those noted?**

Not Answered

Please enter any addition comments.:

**31 What can be done to make sure that there are no financial disincentives to opposing to the reuse of a grave?**

**What can be done to make sure that there are no financial disincentives to opposing to the reuse of a grave?:**

don't let people buy any more lairs - provide communal parks where people can lay their promessed loved ones to rest.

**32 Other than family members, who should be able to object to the proposed reuse of a lair?**

**What considerations should be made to determine whether an objection from a non-family member is legitimate? :**

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**34a If the Burial Authority decides not to reuse a lair on the basis of an objection from a non-family member, should that person become liable for the maintenance of the lair?**

Not Answered

**34b If not, should the Burial Authority remain responsible?**

Not Answered

**35 Do you agree that the 'dig and deepen' method should be used to allow the reuse of full lairs?**

No

**Please enter additional comments here.:**

burying bodies in the ground and allowing them to rot pollutes our aquifers.

**36 Are any other techniques available that should be considered?**

Yes

**Please enter additional comments here:**

We should be using promession which does not pollute our environment in either the processing of the bodies initially or once the remains are laid to rest in the ground.

**37 Do you agree that headstones and memorials may be reused if appropriate?**

Yes

**Please enter additional comments here.:**

providing the family who have paid for them have been consulted or a long enough time has passed so that no family members are still living.

**38 Do you agree that headstones and memorials should be removed from lairs if they cannot be made safe?**

Yes

**In this instance, what should happen to headstones and memorials that are removed? :**

**39a Are any other approaches for easing the pressure on burial land suitable for use in Scotland?**

Yes

**39b For example, should above ground mausoleums, similar to those found in Europe, be considered?**

No

**40 Is a period of 25 years sufficient before the use of a partially-full or unused lair can be considered?**

Yes

**Please enter additional comments here.:**

**41 Is 12 months long enough to advertise the intended reuse of a full lair or use of a partially-full or unused lair?**

Yes

**Where should the Burial Authority's intention be advertised? :**

on the internet on a special site, in the local paper

**42 Where a Burial Authority intends to reuse a lair having undertaken all appropriate consultations, should it be required to make clear to prospective purchasers that the lair is being reused or is part of a lair that is partly full?**

No

**Please enter additional comments:**

**43a Do the safeguards described provide sufficient reassurance to ensure that lairs are not reused inappropriately?**

Yes

**Please enter additional comments here:**

**43b Are any other safeguards required – for example, should the Burial Authority be required to seek a court order to reuse a lair?**

No

Please enter additional comments here:

Please enter additional comments here.:

**44 Should certain categories of grave – such as Commonwealth War Graves – be automatically excluded from consideration for reuse?**

No

Please enter additional comments here.:

### **Cremation forms and procedures**

**51 Do you agree with the principle that a single form should be prescribed for applying for cremations or is it preferable that separate forms should be provided for applying for different categories of cremation?**

Yes

Please set out your reasons for your view. :

single forms make the administration easier for all concerned.

**52 Do you agree that each of these categories should be provided for in cremation application forms?**

Yes

Please enter additional comments here.:

**53 Do you agree that Form A should contain these options for any ashes which are recovered?**

Not Answered

Please enter additional comments here:

**54a Do you agree that no cremation which is applied for using Form A should be able to proceed unless the applicant has specified what should happen to the ashes?**

Yes

Please enter additional comments here.:

**54b Do the categories above cover all relevant options or should other options be offered?**

No, other options should be offered.

Please enter additional comments here:

there should be an option for the relatives to take the remains, after promession, away with them to a promession garden where they can be turned back into soil and used to grow new life. this can't be on ground where ashes from existing cremation practices are scattered because it kills the plants.

**55 Do you agree that Form A should state that it may not be possible to recover ashes after the cremation of a very young child?**

No

Please enter additional comments here.:

if a child is promessed, then the remains are recovered as a matter of course. I think it's important for relatives to have these.

**56a Is the process for enabling a person other than the applicant to collect any ashes recovered appropriate?**

Yes

Please enter additional comments here.:

**56b Are the timings proposed suitable?**

Not Answered

Please enter additional comments here:

**57 If ashes are left at the crematorium, how long should be required to elapse before the crematorium can make arrangements to dispose of the ashes?**

If ashes are left at the crematorium, how long should be required to elapse before the crematorium can make arrangements to dispose of the ashes?:

**58a Do you agree that the application should be countersigned by someone who is not a member of the applicant's family and who is not involved in the arrangements for the cremation?**

Yes

**58b Will this prove impractical?**

No

Please enter additional comments:

**58c Should the legislation specify categories of people who may countersign cremation application forms?**

Yes

Please enter additional comments.:

**59 Should application for other categories of cremation require a countersignature?**

Yes

Please enter additional comments here:

**60a Given the similarities between the proposed forms, would a single application form applying to the cremation of people born alive and stillborn babies be appropriate, allowing for specific sections of the form to be completed depending on the kind of cremation?**

Not Answered

**60b Would separate forms for each category be more appropriate?**

Not Answered

Please enter additional comments here.:

**61 What information should be considered essential for the cremation application?**

What information should be considered essential for the cremation application?:

**62a What is the best way to enable Cremation Authorities to undertake this scrutiny?**

What is the best way to enable Cremation Authorities to undertake this scrutiny?:

**62b What level of seniority is appropriate for this role?**

What level of seniority is appropriate for this role? :

**62c Should the crematorium manager be legally responsible for this scrutiny, even if the actual scrutiny is delegated to a suitably senior member of staff?**

Not Answered

**62d Should a senior Cremation Authority staff member be required to countersign the form to confirm that all legal requirements have been met?**

Not Answered

Please enter additional comments here.:

**63 Is there any need for the introduction of statutory forms for applying for a burial?**

Not Answered

Please enter additional comments here:

## **Regulation of the Funeral Industry**

**83a Would regulation of the funeral industry be beneficial?**

Not Answered

**83b What would regulating the industry achieve that cannot be achieved already?**

What would regulating the industry achieve that cannot be achieved already?:

**83c What are the disadvantages of regulating the funeral industry?**

What are the disadvantages of regulating the funeral industry?:

**84a If the funeral industry were to be regulated, what approach would be most useful for Scotland?**

If the funeral industry were to be regulated, what approach would be most useful for Scotland?:

**84b Do the examples given from other jurisdictions provide useful models, ranging from a fully licensed system to a process of self-regulation?**

Not Answered

**85 Do you agree that an additional inspector role, separate from the Inspector of Crematoria, would be required to support a regulatory regime?**

Not Answered

Please enter additional comments here:

### **Funeral Poverty**

**86 Do you agree with the proposal that Local Authorities should have a legal duty to ensure that their up-to-date burial and cremation costs are published on their website in clear and accessible way?**

Yes

Please enter any additional comments:

**87 Should Local Authorities be required by law to charge funeral costs on a cost-recovery basis only?**

Yes

Please enter additional comments here: