

Burial and Cremation Consultation
Scottish Government
3E St Andrews House
Edinburgh
EH6 6QQ

burialandcremationbill@scotland.gsi.gov.uk

23 April 2015

Dear Sir / Madam,

Consultation on a proposed Bill relating to burial and cremation and other related matters in Scotland

Thank you for the opportunity to comment on this consultation.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves. The Institute was granted a Royal Charter of Incorporation on 03 June 2014.

CIfA has over 3,250 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

CIfA's Scottish Group has over 250 members practising in the public, private and voluntary sector in Scotland. Furthermore, CIfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

A proposed Bill relating to burial and cremation and other related matters in Scotland

General

CIfA's interest in the legal provisions relating to burial and cremation in Scotland relates primarily to the requirements for, and guidance in respect of, exhumation for archaeological purposes and the treatment of human remains in the archaeological process.

The Institute responded to Scottish Government's consultation on Death Certification, Burial and Cremation in April, 2010 and contributed to proposals for the reform of burial law elsewhere in the United Kingdom

Specific Questions

Given ClfA's quite specific interest in this consultation, it is only intended to respond to the consultation question relating to Exhumation for archaeological purposes.

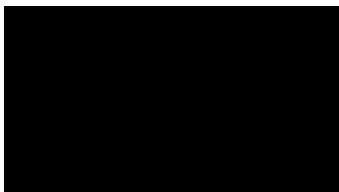
Question 49: Do you agree that the Bill should set out the process for applying for and authorising an exhumation for archaeological purposes? Should any particular issues be taken into account or conditions applied?

49.1 Any process for applying for and authorising an exhumation should recognise the importance of archaeological research to the public interest and its immense contribution to archaeological, social and medical understanding (see the attached article and case studies submitted to Museums and Heritage magazine in 2010 in relation to burial law in England).

49.2 Any requirement for licence or consent to exhume human remains should exempt the exhumation and study of human remains over a given age (a reasonable anticipation that remains are over 200 years old has been suggested as the criterion) if undertaken by organisations recognised by appropriate self-regulating professional bodies (ClfA maintains a register of organisations that meets this requirement: see www.archaeologists.net/regulation/organisations). Such a provision has been mooted in England in the past, but is not currently a Government proposal (see the attached article in ClfA's magazine, The Archaeologist, TA72, 2009 by Andrew Tucker of the Ministry of Justice).

ClfA would be happy further to contribute to the burial law and practice insofar as it relates to archaeology. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor