The Legislative Framework

1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

Don't Know

Please enter any additional comments here:

2 Are there any particular powers that are required by Burial Authorities or Cremation Authorities that are not provided for by current legislation?

Are there any particular powers that are required by Burial Authorities or Cremation Authorities that are not provided for by current legislation?:

3 Do you agree that the proposed Burial and Cremation (Scotland) Bill should apply to all cemeteries and crematoria in Scotland, regardless of whether they are publically or privately operated? If not, please set out reasons why not.

No

If not, please set out reasons why not.:
I do not believe that the Bill will cover every possible situation.

4 Do you agree that the Bill should contain provisions which apply to all facilities where any new method of disposal which might be introduced in Scotland are carried out?

No

Please enter any additional comments here.:
The Bill can not have considered methods which have not been discovered or invented.

5 Do you agree that the Bill should contain provisions to regulate environmentally friendly methods of disposal that are already available in Scotland?

No

Please enter any additional comments here.:

6 Should the Burial and Cremation (Scotland) Bill contain provisions pertaining to home burial?

Yes

Please enter additional comments here:

7 In making legal provision for home burial, what factors should be considered?

In making legal provision for home burial, what factors should be considered?:
Family requirements, near neighbourhood feelings and environmental consideration.

8 Are there are any reasons why private cremation should not remain illegal?

No

Please enter additional comments here:

9a Do you agree that alternative methods of disposing of the dead should be regulated for in this way?

Don't Know

9b Are there any particular alternative methods that should be considered?

Are there any particular alternative methods that should be considered?:

9c Are there any particular methods which should be prevented from being used in Scotland?

Are there any particular methods which should be prevented from being used in Scotland?:
Yes

10 Do you agree with this definition of ashes? If not, how should ashes be defined?

Yes

If not, how should ashes be defined?:

11 Do you agree that a minimum distance of 200 yards (182.9 metres) should be required between crematoria and housing? If not, please explain why not.

Yes

If not, please explain why not.:

12 What are your views on the use of enforcement powers or penalty powers in response to such a minimum distance being breached?

Please enter your comments here.:
Removal in toto of the second and later of the buildings in consideration viz.the crematorium or housing.If planning permission has been clearly given in contravention of the law,the relevant Planning Authority should bear the total cost.

If no planning permission has been given,then the owner of the offending building should bear all costs.

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?

Yes

If not, why not?:

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?

Don't Know

In whom should this power be vested instead?:

How should this be defined in legislation?:

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?

Don't Know

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?:
Nearest family member

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?

No

No

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?

No

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?

Yes

Please enter additional comments here.:
Provided that a guarantee of the non-statutory status is legally confirmed.

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?

No

Should there be any exemptions?:
No.

Please enter any additional comments here.:

Burial and Cremation Records

20 Do you agree that records and forms relating to burial and cremation in Scotland should be stored and transferred electronically wherever possible?

No

Should any exclusions apply?:
All such records.
There cannot be an electronic system which will be accessible in perpetuity.
Compare with eg. paper tape records,magnetic tape records of various band
numbers (5 band,7 band etc)

Should this be applied to all forms of disposing of human remains in Scotland?:
Yes.

21 Should records and forms relating to burial and cremation be kept for 50 years or is it better that they are kept indefinitely?

Indefinitely

If you specified 'other', please enter your comments below.:

Alleviating pressure on burial grounds

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

No

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?

No

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?

Yes

24b Should this be restricted to family members?

Yes

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? :
100 years

How could this be tested?:

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?

No

Please enter any additional comments here.:

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

No

Please enter additional comments here.:

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

No

Please enter any additional comments here.:

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

Don't Know

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

No

Please enter additional comments here.:

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

Yes

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?:
Nothing. Simply do NOT reuse graves.

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? :
Nobody.

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

What considerations should be made to determine whether an objection from a non-family member is legitimate? :
Do not accept the objection.;

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?

No

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

Yes

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.:

36 Are any other techniques available that should be considered?

No

Please enter additional comments here:

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

No

Please enter additional comments here.:
Families have paid for these.
It should never be appropriate.

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

No

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?

Don't know

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

Yes

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

No

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?

No

Where should the Burial Authority's intention be advertised? :
The Burial Authority should not be allowed to reuse a full or partially full lair.

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?

Not Answered

Please enter additional comments:
Should not happen.

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

No

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?

Yes

Please enter additional comments here:
but they should NOT be considering reuse.

Please enter additional comments here.:

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

Yes

Please enter additional comments here.:

Exhumation

45 Do you agree with the proposals to streamline the process for authorising exhumations, including an additionally streamlined process for particular categories of exhumation?

No

Please enter additional comments here.:

46 Do you agree with the proposal to provide an alternative process where the purpose of the exhumation is to allow the reuse of a full lair, including that the Burial Authority need not seek specific authorisation once it has carried out specified notifications that it intends to reuse the grave?

No

Please enter additional comments here:

47 Do you agree that authorisation for exhumations should be carried out by the inspector, rather than the Scottish Government?

Yes

Please enter additional comments here:

48 Do you agree with the proposed approach for the exhumation of cremated remains?

Don't Know

Please enter additional comments here.:

Pandemics and Mass-Fatality Events

49a Do you agree that the Bill should set out the process for applying for and authorising an exhumation for archaeological purposes?

No

49b Should any particular issues be taken into account or conditions applied?

Should any particular issues be taken into account or conditions applied? :

50 Do you agree that the same power to suspend regulations relating to cremation in response to pandemics or other similar incidents should be extended to any relevant burial regulations?

Yes

Please enter any additional comments:

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?

No

Please set out your reasons for your view. :

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?

Yes

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?

Yes

Please enter additional comments here:

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?

Yes

Please enter additional comments here.:

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?

Don't Know

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?

No

58b Will this prove impractical?

Don't Know

Please enter addtional 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?

No

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

Yes

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?

Yes

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

Yes

Please enter additional comments here.:

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

No

Please enter additional comments here:

Pregnancy Loss

64 Is a comparable process for the burial of a pregnancy loss of less than 24 weeks gestation required?

Yes

Please enter additional comments here.:

65 Is an alternative process required before the cremation of a pregnancy loss where there is no medical certificate?

Yes

Please enter additional comments here:

66 Do you agree with these proposals for the form used to seek the mother's agreement to the hospital organising the cremation of a pregnancy loss of less than 24 weeks' notice?

Yes

Please enter additional comments here:

67a Do you agree with the proposal for who should have the right to instruct the disposal of the remains in the event of a pregnancy loss of less than 24 weeks gestation?

Yes

67b If not, in whom should this right be vested?

If not, in whom should this right be vested?:

Please enter additional comments here:

68a Do you agree with the proposal to provide a list of people who have the right to instruct the disposal of the remains in the event that the woman is unable to do so?

Yes

68b If so, who should be included in this list.

If so, who should be included in this list.:

Please enter any additional comments here:

69a Should there be a maximum time for which a pregnancy loss can be stored by a hospital before it is cremated as part of a shared cremation?

69b How long should this be?

How long should this be?:

70 Should the forms for the cremation of a pregnancy loss of less than 24 weeks gestation be statutory?

Yes

if not, why not?:

71 Should the form used by the hospital to release a pregnancy loss to the mother be statutory?

Yes

Please enter additional comments here:

72 Should there be a prescribed form for the application for cremation of a pregnancy loss of less than 24 weeks gestation where the cremation is organised by the mother?

Yes

Please enter additional comments here:

73a 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

73b Will this prove impractical?

Yes

73c Should the legislation specify categories of people who may countersign cremation application forms?

Yes

Please enter additional comments here:

Cremation Register

74a Is this list comprehensive?

Yes

74b Should any other information be required to be recorded in the Cremation Register?

Should any other information be required to be recorded in the Cremation Register?:

75 Does this proposal provide sufficient confidentiality in the case of the cremation of a pregnancy loss?

Don't Know

76 Are there any reasons why the Cremation Register should not be a public document, assuming that appropriate data protection and confidentiality considerations are in place?

Don't Know

If yes, please enter additional comments here.:

77 Do you agree that the Cremation Register should be retained indefinitely?

Yes

Please enter additional comments here:

Accreditation of Cremation Authority staff

78 Should the accreditation requirements described in paragraph 176 be set out in a Code of Practice or in legislation?

Yes

Please enter additional comments here:

79a How should a person's accreditation be checked?

How should a person's accreditation be checked?:
Not known

79b How often should a person's accreditation be checked or renewed?

How often should a person's accreditation be checked or renewed?:
Yearly

Inspector of Crematoria

80 Do you agree that the role of Inspector should be responsible for crematoria and cemeteries?

Yes

Please enter additional comments here:

81a Do you agree that the Inspector should be responsible for particular additional functions, as described?

Yes

81b Are there any other functions that the inspector should carry out?

Not Answered

Please enter additional comments here.:

82 Should there be a formal schedule of inspection to ensure that every Cremation Authority and Burial Authority is inspected at least once during a given period?

Yes

Regulation of the Funeral Industry

83a Would regulation of the funeral industry be beneficial?

No

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?

Yes

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

Yes

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 additonal 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:

Any Other Relevant Issues

89 Please use this space to provide information about relevant issues which are not covered in the consultation paper or any topic which you think should be considered:

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