

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

No

Please enter any additional comments here:

Changes should only be made if presently owned family lairs historically retained within the family continue to be so.

One use can be made of the lairs by having the turf removed by an official ashes scattered and turf immediately replaced.

We have done this with the cooperation of Hamilton council and combined with a short ceremony was very rewarding.

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

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Do not know

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.

Yes

If not, please set out reasons why not.:

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?

Yes

Please enter any additional comments here.:

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

Don't know

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?:
Don't know

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

Don't Know

Please enter additional comments here:

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

Not Answered

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?:

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.

Don't Know

If not, please explain why not.:

At least

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.:

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?

Yes

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?

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?:

Nearest Relative to both

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

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?

No

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?:

Possible burial of urn of ashes

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?:

Paper copies should always be retained along with electronic copies

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.:

We have a family lair and although full regarding coffins with the support and permission of the local council (Hamilton) have scattered ashes after the turf was raised by an official and then replaced. With a small ceremony this was a fitting way to dispose of ashes and might be worth considering to alleviate the problem of lack of space

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?

Don't Know

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? :

Do not agree with the recommendation.

Some families wish to buy plots near relatives who are already deceased.

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?

Don't Know

Please enter any additional comments here.:

Suspect No

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.:

This presumes a decision has already been made for reuse.

Certainly do NOT agree

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

Yes

Please enter any addition comments.:

This proposal negates any idea that this is a consultaion process but rather a faite accompli.

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?:

Scrap the idea

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?

Don't Know

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

Don't Know

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.:

To disturb the remains of deceased relatives is very distressing.

Who on earth even thought of such a proposal??

This proposal should be more widely advertised as I am sure that the majority of people will be HORRIFIED and should NOT be implemented through some back door decisions.

36 Are any other techniques available that should be considered?

Don't Know

Please enter additional comments here:

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

No

Please enter additional comments here.:

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? :

If proper care of the cemetery occurs owners of the lairs should be notified

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?

Don't Know

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?

Don't Know

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

To the family and in the local press of all parties/relatives recorded in relation to the use of the 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?

Yes

Please enter additional comments:

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:

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.: