

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?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

The only part I am concerned about is the idea that you might dig people up after a certain length of time, dig deeper, then put them back, so others can be added above.

regarding record retention (I am a qualified archivist), I feel with the interest people have (and the money created through family history for scotland) we should be keeping records for at least 50 years, and digitising them for the next 50, so 100 years. Then ask the question again, maybe people wont care as much in that time. these records create money. just look at deceased online.

a period of 25 years is not sufficient before the use of a partially-full or unused lair can be considered. unless it is for family, or agreed friends etc agreed beforehand.

war graves should be treated the same - but surely only other war dead should be placed there - or family of said war dead.

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.:

if you are thinking about 70/75 years before reusing layers, I don't agree. I'm not even 35 and you could be reusing my grandparents layers within my lifetime.

at least 100 years before things like this should occur. Also why can't families be the ones to be placed on top? that way there would be less issues with the layering? Also what are you going to do about headstones? is one families one going to take president over the other? are you going to reuse someone elses whose is already there? doesn't that mean you should give some money back to the family there before? or are you going to pay for the headstones now?

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?

Don't Know

Please enter any additional comments here.:

I feel if we are going to go more chemical, another public consultation should be required

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

Yes

Please enter any additional comments here.:

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

Don't know

Please enter additional comments here:

not something i've ever thought of and therefore not something I would make an opinion on. each to their own.

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?:

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?

Yes

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

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

what can save us money, but not overly use chemicals is good in my book. what do you intend to do with the chemical bath once it's been used? where will this end up? are you going to reuse the chemicals so we are all in a vat together? this sounds a little weird to be honest. freezer dried sounds like a better option, I'm sure reusable energies can be used creating jobs for the country.

just because it is tradition in this country, doesn't mean it is the right way.

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.

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.:

surely this should be caught at planning stage? else they need to move it. no excuse, if you are building the houses or crematoria then you should know not to build within the distance allowed.

why should those in the housing be penalised?

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?:

It should be whatever they asked for in their will - so maybe they had a partner or friend who had written list of how they wanted it done. it would need to state in the will that they didn't want relatives if they wanted someone else to do it. I feel people maybe need educated on the option more. as to be honest, apart from power of attorney and wills, the younger population don't have much of an idea about it. Also is nearest relative mean husband or wife rather than sister of mother? I would prefer the choice.

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?:

I feel if they are between say 11 and 16, they might want to chose what they want - if they knew beforehand it would happen.

otherwise the person in charge of them at that point, taking into consideration the parents wishes (if they were in contact happily with the child)

this is all very 'if everyone was nice' idealism, but I feel this is a difficult grey area and there will need to be a case by case basis, if possible.

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?:

surely it should be the decision of the mother and father and no one else.

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?:

after an acceptable time in case they just need time to deal with this happening I feel the best option agreed for by the authority, as there isn't much choice in this matter.

How should this right be defined in legislation? :

I'm sure you can find the right words for it!

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?

Not Answered

Not Answered

Please enter any additional comments here.:

^ why are there two sets of options for this question? it doesn't make sense.

It should be the parents choice.If anything has happened to the mother then it is the fathers choice.

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.:

but everything should be done possible to contact family members.

for example online, in the papers, something like that so everyone has a few months to check before. while that is happening it should be out of bounds that area for H&S reasons.

What do you mean by addressing it though? as in getting rid of it? or fixing? I feel fixing would be a nice thing. unless you intend to shove more people on the plot?

more info with the question like the drop down info before would be helpful for this question.

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.:

see above

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?

Not Answered

Should there be any exemptions?:

surely it should be on the information of the gravediggers. Will it sink or something? I have no opinion on this. whatever is deep enough to not have bits of people coming out if the soil moves? who knows. It's not my place to comment on depth.

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?

Yes

Should any exclusions apply?:

as long as you have backups and the file types are kept up to date to access in the future isn't an issue.

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

there should be a cut off date so you do not destroy records unnecessarily. say from today onwards. or from 1970 or if there is a good option for it.

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

Other period

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

see my comments in a previous section about this. 100 years rule I think - for keeping

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.:

again each to their own, should be able to buy outright for a good price if wanted, which allows the buying of land for others in the future.

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?

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?

Don't Know

Please enter additional comments here.:

there should be an upper limit.

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? :

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?

Yes

Please enter any additional comments here.:

only if the safeguards are accepted by the public beforehand.

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

No

Please enter additional comments here.:

because we live longer, I feel that at least 100 years, and you should contact the family beforehand. I still visit family member graves who died turn of the century.

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

No

Please enter any additional comments here.:

I don't know many people who aren't records related who actually know about this at all.

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

Yes

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

Don't Know

Please enter additional comments here.:

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

Don't Know

Please enter any addition comments.:

every available option should be used. even the press.

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?:

there shouldn't be. this needs to be put into the law. don't pressure people to agree to it. when the people were burried they didn't know about the changes in law.

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? :

friends, or if the person is famous, surely their fan base.

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? :

if in doubt. an interview with that person. and asking about the relationship to the deceased.

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?

No

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.:

see previous comments / questions regarding this

36 Are any other techniques available that should be considered?

Don't Know

Please enter additional comments here:

surely we need to look into this more if this question is being asked here?

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

No

Please enter additional comments here.:

No. I do not.

see previous answers about this one.

Are you going to pay for the headstones? you can only do this to future graves if the person who is dead has agreed to this happening before hand. else it is unacceptable and will be upsetting to the community in the future. why should we pay for things which others are going to reuse? should it be part of our taxes (more taxes i'd be happy with) and that way you wouldn't have this issue about headstones. maybe?

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? :

a plaque near to allow people to read it, so they dont go too near?

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? :

5 years maybe, depends how much you are bothering to advertise all this

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?

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.:

why are they more important than anyone else?

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?

Yes

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:

if the need arises, but only if a large number at once die. ie 5000 - making it a risk to public health

Pregnancy Loss

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

Not Answered

Please enter additional comments here.:

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

Not Answered

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?

Not Answered

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?

Don't Know

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

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

it should be the mother / and father, or just the mother.

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.:

members from both sides of the family.

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?:

3 - 6 months

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?

Not Answered

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?

No

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

Not Answered

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?:

reference of what the death cert number etc would be handy for future use

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?

No

If yes, please enter additional comments here.:

should be in the case of pregnancies - 100 years closed. While burial should be 50 years.

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?:

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

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

every 5 years or so

Regulation of the Funeral Industry

83a Would regulation of the funeral industry be beneficial?

Yes

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

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

it would make sure that things are being done as they should, surely?

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

What are the disadvantages of regulating the funeral industry?:

probably a cost implication. but people shouldn't be overcharged for something that happens to everyone.

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?:

claw back costs if they are found to do something against the regulations. What do other European countries do?

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

Don't Know

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

Don't Know

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:

why is this a question? isn't this obvious?

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

Yes

Please enter additional comments here:

certainly not for profit. but it should cover the basic things, maybe not workers time, but materials, yes.

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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