

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.:

I consider that paragraph 51 of the consultation paper misunderstands the views of the Burial and Cremation Review Group (the Burial Group) as stated in par 50 of its report. the Burial Group considered that regulations should be enacted covering all the matters mentioned in paragraph 50 of its report with the exception of the recommendation regarding the problem of unsafe or abandoned memorials/headstones. It was the potential financial implications of that particular recommendation that the Burial Group that persuaded the Group to refrain from recommending that it also be implemented. My own view is that regulations should be enacted giving the cemetery manager power to take such action as necessary including the power to seek reimbursement from the owner of the unsafe or abandoned memorial/headstone.

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?

Not Answered

Should there be any exemptions?:

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?

Not Answered

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?

Not Answered

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?

Not Answered

24b Should this be restricted to family members?

Not Answered

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

Not Answered

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? :

I do not retain any papers regarding the consideration of this matter by the Group. My very vague recollection is that the Group was attempting to address the situation where one family member has died and is buried leaving a near relative of such an age that it was likely that that relative would die within, say, 5 to 10 years and that relative would wish to be buried alongside the recently buried relative.

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?

Not Answered

Please enter any additional comments here.:

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

Not Answered

Please enter additional comments here.:

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

Not Answered

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?:

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?

Not Answered

Please enter additional comments here.:

36 Are any other techniques available that should be considered?

Not Answered

Please enter additional comments here:

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

Not Answered

Please enter additional comments here.:

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

Not Answered

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?

Not Answered

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

Not Answered

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

Not Answered

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?

Not Answered

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

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:

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

Not Answered

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?

Not Answered

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.:

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?

Yes

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?

Yes

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?

Yes

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?

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?

Not Answered

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?

Not Answered

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?

Not Answered

if not, why not?:

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

Not Answered

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?

Not Answered

73b Will this prove impractical?

Not Answered

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

Not Answered

Please enter additional comments here: