

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

Yes

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?

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No view

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?

Yes

Please enter any additional comments here.:

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

No

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?:

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?

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?:

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

Don't Know

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.:

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?

Not Answered

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?

Not Answered

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?

Not Answered

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?:

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?

Not Answered

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?

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?

Yes

Should there be any exemptions?:

Whilst this provision may be appropriate and desirable in formal cemeteries, those where wild life, informal planting and biodiversity are or should be encouraged or are of the "garden cemetery" character may need to have a greater minimum depth. In these circumstances burial authorities should be able to have local rules which stipulate a greater minimum depth where necessary in a particular cemetery.

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?:

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

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?

Yes

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?

Yes

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? :

No view

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.:

Clear safeguards and procedures need to be in place to demonstrate that where additional capacity can be created by re-use that the owner no longer has an interest in the lair. There needs to be a timeline which takes account of the other proposals relating to the 75 year time window. Where other organisations exist which have taken an interest in the cemetery, such as "Friends" Groups, wildlife groups or Community Councils, their views should be taken into account in proposals for re-use of lairs, so that other factors such as bio-diversity, natural and building heritage and conservation issues can be given due consideration. In cases where headstone restoration work has been carried out this should be a material consideration in any proposal for lair re-use.

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

Yes

Please enter additional comments here.:

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

Yes

Please enter any additional comments here.:

See the response to 27and it must be clear that religious and other faith groups which may have an interest have been consulted.

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?

Yes

Please enter additional comments here.:

Community Councils, "Friends" Groups and religious organisations must also be notified and where appropriate also SNH and Historic Scotland.

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

Yes

Please enter any addition comments.:

Direct contact with the organisations referred to in 30a above.

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?:

Where lairs are to be re-used in an older cemetery especially one laid out on the the 19th century "Garden Cemetery" principles, there may well be enhanced demand for re-used lairs compared with lairs in a more formal or modern cemetery.

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? :

See the response to 30a and also possibly local residents.

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Individuals and organisations must be able to show that an objection is based on a specific connection to the lair or that there are historical or natural heritage concerns specific to the lair location.

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?

Yes

Please enter additional comments here.:

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?

Yes

Please enter additional comments here.:

Re-use of headstones and memorials can contribute to sustainability, but before this is done existing inscriptions and information must be recorded, including photographically, by the burial authority and made available to anyone with an interest in the lair or its history or that of the cemetery in which it is situated.

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

Yes

In this instance, what should happen to headstones and memorials that are removed? :

Where unsafe, headstones should be laid flat at the lair, face up to facilitate reading the inscription and where practicable slightly inclined to limit damage from run-off and frost. However proposals to restore headstones safely such as through Community Payback Schemes should be facilitated and actively encouraged by burial authorities.

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?

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.:

The period should be 75 years.

41 Is 12 months long enough to advertise the intended reuse of a full lair or use of a partially-full or unused lair?

Yes

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

As well as press and TV and community websites and notice boards, the relevant organisations referred to in 30a should be contacted direct.

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?

Yes

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?

Yes

Please enter additional comments here.: