

## **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?:**

**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?**

Yes

Not Answered

**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?**

Don't Know

**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? :**

50 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?**

Don't Know

**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?**

Don't Know

**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?**

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?**

Yes

**Please enter additional comments here:**

I believe that using the Promession process for burial of remains should replace the use of land for this purpose.

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

Yes

**Please enter additional comments here.:**

**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? :**

All such memorials and headstones should be have original locations mapped, listed and stored on site so that family members can always locate them.

**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?**

No

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

Serious attempts should be made to contact immediate family members, but if they cannot be traced monthly local paper ads for a period of 18 months should be employed.

**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?**

Don't Know

**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:**

As mentioned earlier, that the Promession process is now available for future burial of human remains, it should be speedily be adopted by the Scottish Government so that those wishing to take advantage of using this option can advise their families of their wishes. This will ease the pressure on the resources we have to provide land, or re-use graves which many find distasteful and disrespectful.

**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.:**

## **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? :**

It should be taken into account that exhumations do carry risks of the release of pathogens. e.g. Anthrax spores. Therefore any such authorisations should carry an obligation to prove that the remains being exhumed are not going to pose any risk to those carry out the exhumation or the general public.

**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:

### **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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I have sought to bring the matter of an alternative option to land use for the burial of human remains. This is provided by adopting the Promession process for which the Scottish Government has already been in discussion. The sooner this option is available to all, the less pressure there will be upon resources.