

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**1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?**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

**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.**

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?**

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?:

**8 Are there 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?:

**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.**

No

If not, please explain why not.:

Should only apply to new cemeteries. There are many old cemeteries and churchyards where this minimum was breached a very long time ago. It would be iniquitous if such ( 200 yds) legislation were exploited by authorities keen to interfere with existing graves and memorials.

**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.:

Strictly, only for new cemeteries and churchyards. Otherwise it amounts to desecration and vandalism.

## **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?**

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.:

And they should keep strict records of why the lairs or memorials were deemed to be unsafe. 'Unsafe' should be the only criterion. Making them safe, if easy, should be the first port of call. They must be required to explain themselves.

**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.:

Guidance tends to be permissive and fuzzy. There is no room for 'fuzzy'.

**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?**

No

Should there be any exemptions?:

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?:

The originals should also be kept. Why on earth not? The electronic records can identify the location of the originals.

**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.:**

If someone bought a lair in perpetuity then it means that. The deal was not for 10, 20 or 100 years. To intrude on that is theft. To propose that because the incumbent is dead we can renege on the deal, is despicable. Of course they dead! People in lairs always are. This is expedient nonsense.

**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.:**

It is quite immoral to steal lairs from people who bought them 'in perpetuity' You can change the arrangement from now on- that is fair enough- but you cannot just appropriate the old ones. Stealing someone's death-right is no different from stealing their birth-right.

If the memorial collapses then then by all means remove it.

**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?**

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.:**

But lairs and blocks of lairs, already purchased, should be unaffected.

**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 own a lair which I bought 15 years ago. I view it as my property- and for ever.

**How could this be tested?:**

It doesn't need to be tested. They are refusing to sell because they 'believe' that it is not for imminent use. That belief might be unreasonable but that would not be a huge surprise to anyone familiar with local authorities.

**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.:**

Only in cases where the lair was not bought in perpetuity. I have one relative who was in a common grave ( around 1840) and that lair has been re-used with a memorial to someone else over the top of it.

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

No

**Please enter additional comments here.:**

I regular visit gravestones of ancestors. The oldest is 1709. I recently found my grandmother's grandmother's grandmother's grave in a churchyard in the South of Scotland. These are treasures.

I cannot believe we are having this discussion. Perhaps you will be planning to steal my house, in due course, because you are a bit short of housing.

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

No

**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?**

Yes

**Please enter additional comments here.:**

All the family history societies.

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

Not Answered

**Please enter any addition comments.:**

Not relevant.

**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?:**

I hope nothing at all.

**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? :**

Everyone who has any respect at all. Anyone who has any sense of propriety.

**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? :**

Not relevant

**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?**

Yes

**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?**

Yes

**Please enter additional comments here.:**

Only for family members. Indeed- a very good idea for expanding the use fro additional generations of the same family.

**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.:**

Again. Only for family members. It is a quite shocking proposal that strangers should be using the same memorial stone.

**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? :**

Records kept of any decipherable words. Records kept of precisely why it was unsafe, and could not be cheaply rendered safe. Only then could it be destroyed. But the lair should not be reusable if it was bought 'in perpetuity.'

**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?**

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.:**

100 years for unused.  
Never for partially used.

I bought a lair ( quite new- not a family plot) 15 years or more ago. I cannot believe that you are consulting on plans to steal it.

**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? :**

**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:**

Not relevant.

**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:**

But only if it was a common grave and not bought by the incumbent.

**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.:**

But why? It would seem that 'All dead men are equal but some are more equal than others. Respect for the dead should not be qualified.

## **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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If there is no more room for burial then it will all become more and more expensive- perhaps prohibitively so. Cremation has to be encouraged and may be the only option. Very small plots in cemeteries for ash urns should be the way forward for anyone who wants a memorial somewhere. But to steal the graves and gravestones of people who bought them in perpetuity, is nothing less than desecration and theft. Perhaps we could dig up the floor of Westminster Abbey- push a few Kings and Queens to the side. What the Hell. We're a bit short of space. They are dead aren't they? This is quite disgraceful. You you be ashamed even to discuss it.