

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**1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?**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

The legislation should be strengthened to specifically forbid reuse of existing graves or lairs

**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.:**

Not convinced that a new Bill is needed. Susoicious of motives of those promoting it.

**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 are any reasons why private cremation should not remain illegal?**

No

**Please enter additional comments here:**

process needs to be controlled ro avoid abuse.

**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.**

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.:**

Strong enforcement needed in regulations and in practice. Prosecute those in breach without messing.

## 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?:**

The wishes of the deceased where expressed should take precedence over those of the nearest living relative, For example the latter might wish for or allow the removal of a headstone; the deceased and his /her then living relatives who presumably erected the stone as a memorial would not agree. Otherwise a stone would not have been erected. Too many headstones and MIs have been destroyed in the past through ignoring the deceased 's wishes.

**In whom should this power be vested instead?:**

See above.

**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?**

Don't Know

**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?**

Don't Know

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?**

No

**Please enter any additional comments here.:**

This should rest with the local authority in which the grave or lair is situated . These matters are best dealt with on the orinciple of subsidiarity and central government should NOT have overriding powers

**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?**

Don't Know

**Please enter additional comments here.:**

Dont want to encourage central government busybody activity and standardisation in this area. You should have other more urgent priorities.

**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?:**

Existing graves/lairs should not be disturbed on any account.

**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?:**

But existing manual records should in all cases be carefully preserved.

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

Probably.

**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.:**

Not "better" - essential

## 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.:**

This has been one of the glories of Scots law and shows a proper respect for the dead. You only have to visit a continental cemetery ( esp a Swiss one , assuming you can find it) to see the paucity and mean spirited nature of the alternatives.

**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.:**

Firmly against an alternative approach.

**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?**

Don't Know

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

No

**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? :**

If someone wants to buy a lair for their or a relative's later use this should be allowed , I dont favour buying lairs to speculate in them . When travelling the world it has given me much comfort to know that I have had a lair waiting for my family and myself - this was purchased over 50 years ago.

**How could this be tested?:**

You could ask for a signed declaration that it is for a relative's use with an upfront bond to be forfeited if conditions breached etc.

**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.:**

An absolute no no for me. I can see what the whole thrust of these proposals is ie reuse of lairs and saving space. But why are you so worried ? Scotland is a big country and more people now use cremation anyway . The continental precedents are seriously depressing - respect for one's ancestors is common to many religions and can even apply to the irreligious. Scotland can do better than these narrow minded and meretricious proposals.

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

No

**Please enter additional comments here.:**

A lair is a lair in perpetuity and graves should never be disturbed.

**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?**

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.:**

Lairs should not be reused in any circumstances.

**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?:**

Graves should NEVER be reused.

**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? :**

Any party with a non financial interest

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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?**

Don't Know

**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.:**

I storngly object to any such proposals

**36 Are any other techniques available that should be considered?**

No

**Please enter additional comments here:**

see answer to 35 above.

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

No

**Please enter additional comments here.:**

Never appropriate . These are memorials to the dead and their sanctity and preservation is one method by which a society may be judged.

**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? :**

This is an obsession with health and safety so often used an excuse for wilful vandalism of existing churchyards by local authorities and others

**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.:**

Absolutely not . A ridiculous proposal prima facie requiring a death every 25 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?**

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?**

Yes

**Please enter additional comments:**

But as noted above I am against ANY reuse of lairs.

**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:**

**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?**

No

**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?**

No

**Please enter additional comments here:**

I am tially opposed to reuse of ANY existing grave so am against any procedure to facilitate this .

**47 Do you agree that authorisation for exhumations should be carried out by the inspector, rather than the Scottish Government?**

No

**Please enter additional comments here:**

**48 Do you agree with the proposed approach for the exhumation of cremated remains?**

No

**Please enter additional comments here.:**

I am against exhumation esp if it is used to faciliate reuse of graves.

## **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?:**

Control of excessive charges and exploitation of poor people at a vulnerable time.

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

**What are the disadvantages of regulating the funeral industry?:**

**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?:**

look at best practice in other countries

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

Yes

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

Yes

**Please enter additional comments here:**