

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

No

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.

No

If not, please set out reasons why not.:

PRIVATE CEMETERIES ARE ALREADY WELL RUN.

LET THEM DECIDE WHETHER TO FOLLOW ANY NEW LEGISLATION IF THEY SO WISH.

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?

Don't know

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?:

Environment, safety.

8 Are there any reasons why private cremation should not remain illegal?

Yes

Please enter additional comments here:

In case of crime (murder, torture, etc) not being discovered

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?:

No

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

Yes

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.:

Make it illegal to build crematoria so close to housing.

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?

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?

Don't Know

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?

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?

No

Should any exclusions apply?:

Records could be lost - you need paper back-up.
Technology changes so fast.

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?

No

Please enter additional comments here.:

PEOPLE SHOULD HAVE A CHOICE.

LAIRS IN PERPETUITY WOULD HAVE TO COST MORE? BUT CHOICE IS ESSENTIAL.

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.:

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?

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? :

TEN 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.:

NOT IF THE FAMILY/DESCENDANTS DO NOT AGREE

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?

Yes

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.:

IN FRANCE NOTICE IS GIVEN 2 YEARS AHEAD.

ONE YEAR IS NOT ENOUGH.

SOME FAMILY MEMBERS LIVE ABROAD

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? :

LAWYER

HISTORICAL ASSOCIATIONS

33 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?

Yes

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?

Not Answered

Please enter additional comments here:

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

No

Please enter additional comments here.:

THEY MAY BE OF HISTORIC INTEREST.

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? :

THEY SHOULD BE REPAIRED

MY FAMILY HAVE PAID FOR THIS TO BE DONE IN JOHNSTONE

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?

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.:

FAR TOO SHORT

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? :

FAR TOO SHORT

AT LEAST 2 YEARS

SOME FAMILIES LIVE FAR AWAY

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?

Don't Know

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.:

AND ONES OVER 100 YEARS OLD

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? :

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:

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?:

LOWER COSTS FOR FAMILIES

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

What are the disadvantages of regulating the funeral industry?:

THEY WOULD MAKE LESS PROFIT - a good thing. It is immoral to profit from death and grief.

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?:

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

Don't Know

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:

Funeral Poverty

86 Do you agree with the proposal that Local Authorities should have a legal duty to ensure that their up-to-date burial and cremation costs are published on their website in clear and accessible way?

Yes

Please enter any additional comments:

87 Should Local Authorities be required by law to charge funeral costs on a cost-recovery basis only?

Yes

Please enter additional comments here: