

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?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

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?:

Promession

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?

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.:

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?

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

Don't Know

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.:

Some of our cemeteries have more dangerous headstones than safe ones. Visiting a relative's grave surrounded by these neglected stones is quite upsetting and they stay in that state festooned with warning signs and yellow tape for year after year. However I do think some efforts should be made to trace relatives before taking action.

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 can be too easily ignored in the face of financial constraints

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?

Don't Know

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?:

No

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?

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?

No

24b Should this be restricted to family members?

No

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? :

I think the lair should be expected to be required within ten years

How could this be tested?:

If it is not used within ten years it should be taken back into the ownership of the cemetery

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.:

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

No

Please enter additional comments here.:

I think 100 years would be preferable as it would ensure that there are not likely to be living children or siblings of the deceased person. In my own family, an aunt whose father died when she was very young, is now erecting a headstone in his memory, 74 years after his death. In that interval I don't think the Council could have traced my aunt nor would she have been aware of notices about re-use of the lair as she is living hundreds of miles away. I think 100 years would be a safer limit.

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

Yes

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?

Yes

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? :

Anyone with a reasonable case to make

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? :

The person should either have been close to the deceased person when they were alive or they should be making the objection in the public interest i.e. on the basis that there could be public interest in the grave

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?

No

Please enter additional comments here.:

I don't like the idea of finding an inscription to another person on a relative's gravestone however long ago they died

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? :

The inscriptions should be recorded and photographed and then they should be recycled or disposed of.

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?

No

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.:

Yes for an unused lair, but not for a partially used one. What is the definition of partially used? My mother has just died 24 years after my father and is now buried with him. In theory there is room for one more burial but I hope that that would not be considered for at least 75 years or as I would prefer 100 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? :

In addition to the suggested places, would there be any mileage in asking Family History Societies to carry notices in their journals?

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.:

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?

Yes

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?

Yes

Please enter additional comments here:

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

Yes

Please enter additional comments here:

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

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? :

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:

Pregnancy Loss

64 Is a comparable process for the burial of a pregnancy loss of less than 24 weeks gestation required?

Not Answered

Please enter additional comments here.:

65 Is an alternative process required before the cremation of a pregnancy loss where there is no medical certificate?

Not Answered

Please enter additional comments here:

66 Do you agree with these proposals for the form used to seek the mother's agreement to the hospital organising the cremation of a pregnancy loss of less than 24 weeks' notice?

Not Answered

Please enter additional comments here:

67a Do you agree with the proposal for who should have the right to instruct the disposal of the remains in the event of a pregnancy loss of less than 24 weeks gestation?

Not Answered

67b If not, in whom should this right be vested?

If not, in whom should this right be vested?:

Please enter additional comments here:

68a Do you agree with the proposal to provide a list of people who have the right to instruct the disposal of the remains in the event that the woman is unable to do so?

Not Answered

68b If so, who should be included in this list.

If so, who should be included in this list.:

Please enter any additional comments here:

69a Should there be a maximum time for which a pregnancy loss can be stored by a hospital before it is cremated as part of a shared cremation?

69b How long should this be?

How long should this be?:

70 Should the forms for the cremation of a pregnancy loss of less than 24 weeks gestation be statutory?

Not Answered

if not, why not?:

71 Should the form used by the hospital to release a pregnancy loss to the mother be statutory?

Not Answered

Please enter additional comments here:

72 Should there be a prescribed form for the application for cremation of a pregnancy loss of less than 24 weeks gestation where the cremation is organised by the mother?

Not Answered

Please enter additional comments here:

73a Do you agree that the application should be countersigned by someone who is not a member of the applicant's family and who is not involved in the arrangements for the cremation?

Not Answered

73b Will this prove impractical?

Not Answered

73c Should the legislation specify categories of people who may countersign cremation application forms?

Not Answered

Please enter additional comments here: