

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1 Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

Not Answered

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?

Not Answered

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?

Not Answered

Please enter any additional comments here.:

6 Should the Burial and Cremation (Scotland) Bill contain provisions pertaining to home burial?

Not Answered

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?

Not Answered

Please enter additional comments here:

9a Do you agree that alternative methods of disposing of the dead should be regulated for in this way?

Not Answered

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?

Not Answered

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.:

We wholly agree that a minimum distance of 200 yards should be required between crematoria and housing. The Ministerial forward contained within this consultation states "We should expect to be able to bid farewell in a dignified way that provides comfort to those left behind,...". This distance remains as relevant today as it has ever done in order to ensure these rights are maintained.

It would be entirely inappropriate for the distance to be reduced, as the impact upon both householders and mourners would cut across the expectation of a dignified farewell noted above. Householders should not be expected to limit noise from their house (children, lawnmowers, chainsaws, smoke from bonfires, noise from parties, DIY, noise from musical instruments, dogs barking or householders generally having fun in their gardens), if a crematorium were sited less than 200 yards away. Mourners should not be subjected to general household noise in such close proximity to their grieving.

We are aware that one commercial operator has already developed a crematorium that contravenes the existing law, and is trying to change the law to mitigate their error. In addition, they are seeking to develop another building where 3 households lie within the current minimum distance. We see no valid justification to reduce this necessary minimum distance of 200 yards, particularly at the whim of one commercial crematoria operator.

We would also like the bill to be amended to include places of work, rather than being limited to the existing 'dwelling house' definition. The impact upon employees is no different to that of householders. Indeed, it can be argued there is also a significant impact on businesses, as their workforce is present during the daytime when cremations are taking place. Naturally, crematoria and related services would need to be excluded from the definition of 'places of work'.

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.:

There is little point in writing such laws into statute if there is no avenue by which the law can be enforced. The most obvious way to enforce the law for new crematoria is to incorporate it within planning requirements, so planning cannot be granted if the proposed crematorium lies within the minimum distance. It is somewhat extraordinary that this isn't already the case.

Where crematoria exist (and aren't already in operation as they contravene the existing law), then the only satisfactory penalty power is to ensure that any operator of crematoria who is not abiding by the law, is simply not allowed to operate.

Any attempt to apply the law through financial penalty would result in crematoria operators forming a commercial judgement over whether it would be worth continuing to operate. If it were still commercially viable to operate despite fines, then crematoria operators would operate as they wish, contravening the laws enshrined within the Bill. A financial penalty would surely not alleviate, in any way, the reduction in dignity to either mourners, householders or employees.

If there is a law restricting the operation of crematoria, it must be enforced to stop illegal operations before they commence, not impose immaterial financial penalties after the event.

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: