

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?

No

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?

Yes

Should there be any exemptions?:

Yes for all lairs already purchased. See below for further details.

Please enter any additional comments here.:

Within Midlothian we dig a deep lair (7 ft) with the express aim of ensuring three internments are possible in most lairs though we only guarantee that two will be possible. It has been working practice for decades to ensure there is 2 foot from the surface to the top of the coffin in sandy soils and 3 foot from the surface to the top of the coffin in heavy soils. This working practice has not caused us any concerns or led to any incidents.

Following an ombudsman ruling several years ago we have written to lair holders after each internment advising of the remaining depth and therefore if further internments will be possible and how many internments will be possible, so that they can plan ahead.

If legislation was put in place that led to 3 foot from the surface to the top of the coffin at all locations we would have a lot of upset aggrieved, anguished customers bearing letters stating further internments were possible where this was no longer the case.

We will also have the issue where residents have an expectation that three internments will be possible in lairs they have purchased and at a stroke of a pen this will no longer be possible.

As customers and coffins are getting larger (higher) the space taken up by three internments is increasing. As Midlothian is not a wealthy area we try to provide value for money. These changes would considerably add to the costs for resident as only two internments would be possible in most lairs.

We would therefore urge you not to make this change.

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: