

Burial and Cremation (Scotland) Bill - Call for written evidence – Angus Council response

Angus Council fully supports the introduction of legislation governing the regulation of burial grounds and crematoria in Scotland. We agree that current legislation is outdated and particularly welcome the proposals to re-claim and re-use existing lairs to maximise grave space provision in cemeteries.

Purpose of the Bill

In response to specific questions in relation to the bill our comments are:-

1/ the proposals for the restoration of lairs are comprehensive, well considered and fully supported by this authority.

2/ our view are that the re-use of headstones is impractical and that to effectively re-use a lair any existing headstone(s) must be removed.

3/ we support the introduction of inspectors and are of the opinion this will improve the delivery of funeral services to the public.

4/ we support the regulation of funeral directors but only as a national scheme licensed by The Scottish Government.

5/ the extent to which the bill will address funeral costs are unclear at this time.

6/ we disagree with the proposal to remove existing provisions restricting the proximity of crematorium to housing. We believe that existing legislation is entirely appropriate on this type of development.

In response to the overall bill our comments are:-

Places to keep bodies before burial

5 This authority does not currently provide these facilities at all burial grounds and to do so would place a significant burden on resources. It is understood this requirement may be removed at a later stage of the bill.

6 Management of burial grounds

Regulations (2a) & (2b) should not place excessive burdens on authorities to provide unnecessary infrastructure or facilities in the laying out or embellishment of new burial grounds especially in rural locations.

2(c) where access to burial grounds is out with burial authority control provision would be welcomed in the regulations that clear access to burial grounds is maintained at all times.

2(e) the setting of fees should be at the discretion of the authority.

2(f) guidance would be welcomed on minimum levels of training and qualifications such as a certificated scheme that recognises the current skills and experience within burial and cremation authorities.

2(i) this authority requests a defined minimum cover depth on human remains (not including ashes) of 3'.

8 Application to carry out burial

The standardisation of burial forms would be welcomed with authorities being consulted.

10 Burial register

4(a) Public access to our burial registers is not a service we currently provide free of charge due to the staff time involved. The information is available on-line via a partner agency (Deceased on line) which provides a more accessible point of access and small source of income. Introducing this facility FOC will place a significant burden on our service to provide.

13 Duration and extension of burial

This regulation will have considerable resource implications on authorities in recording and maintaining accurate records of lair holders and transferring ownership. The benefits however in maximising use of ground and burial capacity more than compensate and are welcomed.

16 Private burial

Whilst it is recognised that authorities are best placed to regulate private burials, administration could be extremely onerous in establishing compliance with the regulations as introduced and keeping accurate records. Further consultation with authorities on this regulation is requested.

22 Exhumation of human remains

Further consultation is welcomed on the authority delegated to burial authorities and definition of conditions under which exhumations can take place.

24 Restoration to use of lair

These regulations are welcomed as a means of preserving burial provision and enabling the re-use of existing lairs. This authority currently operates a 'buy-back' scheme, will compensation be offered where appropriate?

33 Headstones

This authority's preference is for original headstones on restored lairs to be removed. The ongoing cost of inspection and repairs including stabilisation of old headstones is an ongoing burden on burial authorities. The regulations could make provision to protect those of historic significance or particular importance to a community.

The re-use of lairs will be unpopular if a new lair holder is unable to erect a suitable memorial.

A small marker could be installed when a lair is re-used with original interment details, this would identify a re-used lair, be easily accommodated and allow the new lair holder to erect a new memorial.

59 - 64 Appointment of inspectors / Inspections / Reports

This is a positive step and in conjunction with the funeral director's licensing scheme improve service delivery to the general public. Further consultation is requested on the roles and responsibilities of inspectors.

65 – 66 Funeral Directors licensing scheme

This proposal is long overdue and a role which should be undertaken on a national basis by Scottish Government. The scheme should also be extended to cover monumental masons.

71 Acquisition of land

This clarification of the Local government (Scotland) Act 1973 is welcomed.

Angus Council supports all other sections of the bill not specifically referred to above.