

Clerk to the Local Government and Regeneration
Committee
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BEREAVEMENT SERVICES

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Your Ref:
Our Ref: EM/BCB-1

Date: 03/12/2015

Dear Sirs

Call for Written Evidence
Submission to the Local Government and Regeneration Committee

I write on behalf of Fife Council in response to the call for written evidence relating to the proposed Burial and Cremation (Scotland) Bill and thank you for giving the Council this opportunity to comment.

Overall the updating and revising of the legislation currently in place for burial and cremations is welcomed and should be developed in such a way to ensure supportive and definitive guidance for all operators of burial and cremation facilities.

In relation to the specific points to be considered for the call for written evidence, Fife Council would respond as follows:

1. Proposals for the restoration of lairs are appropriate, it is important that specific guidance is provided on what any public consultation exercise should consist of;
2. The reuse of headstones requires more direct guidance. If the right to the lair has been extinguished that relates to the space that the headstone rests on. The headstone technically belongs to the original lair holder or successor therefore if they cannot be identified for any reason it should be clear that the authority should remove and deal with the memorial in a prescribed manner. More power should be detailed on responsibility of lair holder to maintain lair and headstone during term of lease failing which what action the burial authority can take;
3. Agree with the appropriateness and extent of the roles which should be undertaken by inspectors of burial, crematoria and funeral directors;
4. Agree with the appropriateness and extent of the proposed regulation of funeral directors;

5. As with other respondents to this call for evidence I am not sure how the Bill can address funeral costs given the many stakeholders and ancillary costs which make up a total funeral cost;
6. Similarly and for the same reasons as other respondents we strongly disagree with the removal of the existing provision restricting the proximity of crematoria to housing. There is a clear need for crematorium grounds to have a substantial distance between any adjoining developments to ensure the peaceful and respectful environment that mourners and visitors to such facilities require and expect.

Additionally we would comment for the following parts although we understand that some items may be amended further during the Stage 2 process for the Bill:

Part 1: Burial

- As indicated by the Federation of Burial and Cremation Authorities (FBCA), the word 'primarily' should be removed.
- Use of the word 'person' seems inappropriate to describe a 'burial authority' be it local authority or private enterprise.
- Requirement for storage space at a burial ground will place excessive financial burdens on burial authorities for a provision that is not required.
- Registers of rights of burial: Would be beneficial for more clear guidance on what formats are acceptable for the keeping of records i.e., if electronic records are kept would hard copies still be necessary.
- Clear guidance required on responsibility for any headstone in situ once Right of Burial extinguished, i.e., what rights / responsibilities fall on the burial authority to remove and appropriate methods of disposal.
- Any regulations developed in relation to sections on Private Burial should consider SEPA requirements. The requirement that burial should be recorded on the title deeds of the property where any private burial takes place should be included in any regulations.
- Further clear guidance relating to cremated remains is required particularly in reference to exhumation.

Part 2: Cremation

- Agree with the comments raised by the FBCA in relation to sections 40 and 41 concerning the terms used to describe 'owners' of crematoria and also that consideration be given to guidance on permitting electronic formats of the statutory Cremation Register to be kept.

Part 3: Arrangements

- Should consideration be given to including reference to a legal executor (solicitor) being able to make application should no other 'nearest relatives' be able to make application.

The remaining Parts of the Bill are supported by Fife Council.

I hope that these comments are found to be constructive and of use.

Yours sincerely

A handwritten signature in black ink that reads "Elizabeth H.S. Murphy." The signature is written in a cursive, flowing style.

Elizabeth Murphy
Bereavement Services Manager