The Association of Private Crematoria & Cemeteries (APCC) is grateful for the opportunity to submit comments on the particular aspects specified in the Burial and Cremation (Scotland) Bill to the Health and Sport Committee. We therefore set out our comments below.

1. General Principles:

In overall terms, APCC believes the Bill has the potential to strengthen the current legislative position. However, as set out in our response to the Regeneration Committee, APCC, while recognising that the legal context and wording of the 200 yard rule might need revision, is strongly opposed to its removal and reliance being placed wholly on planning authorities.

2. Application for burial (Section 8):

APCC is thoroughly supportive of a consistent approach to burial, including home burial, across Scotland which will be aided by the standardisation of the application forms.

3. Meaning of cremation/ashes (Section 36):

APCC believes that the prime definition of ashes should be as set out in Section 2 – Recommendations – Clause 2.3 – of Lord Bonomy’s report. However, reference to Part 2 of the Bill – Clause 36 – refers to ‘grinding’ of burnt human remains. The sector uses the term ‘cremulating’ which is regarded as preferable to ‘grinding’. There also needs to be recognition, either in the Bill itself or within supporting regulations, that certain faith groups and nationalities, for example Sikhs and the Japanese, do not wish burnt human remains to be cremulated.

4. Applications for cremation (Section 38):

While APCC supports the principle of simplification of cremation application forms, it is not thought that a single form would be able to encompass all categories of cremation. There does not appear to be any mention of the cremation of body parts within the Bill, for which it is believed that a separate form is required and it is also thought that a separate form will be required for the cremation of stillborn babies.

5. Duty to maintain cremation register (Section 41):

APCC supports the principle of a single cremation register, but this should encompass all categories of cremation, as set out in 4 above.

6. Relatives’ decision on disposal of remains (Section 47):

APCC supports the objective of greater clarity in relation to the arrangements of the death of a child, as set out in Section 47 of the Bill.
7. Disposing of remains from pregnancy loss at or before twenty-fourth week (Sections 50-53):

APCC is in broad agreement with Sections 50-53 of the Bill. However, it recommends that, in relation to the reference to the ‘initial period’ Section 50 – sub-section (2), that there be a cross reference to sub-section (6) where there is a definition of ‘initial period’.

8. Disposal of remains by Health Authorities:

While APCC appreciate that incineration of remains has been banned in Scotland, so cremation is now the default method of disposal, it is thought this should be made clearer because authorities and individuals outside Scotland may not be fully aware of the full requirements in this regard.

9. Register of disposal of remains (Section 55):

APCC supports the principle of a register of the disposal of foetal remains.

Hopefully, the above comments will contribute to the refinement and operation of the legislation but please do contact the undersigned via any of the contact methods shown below.

Association of Private Crematoria and Cemeteries