North Ayrshire Council

Burial and Cremation (Scotland) Bill

North Ayrshire Council welcomes the prospect of new legislation being introduced to repeal the existing outdated legislation and provide a modern framework for burial and cremation in Scotland.

Please find below our comments in response to the specific questions asked from each Committee and our comments in general.

Local Government and Regeneration Committee

1. The proposals for the restoration of lairs are appropriate (Sections 25-37).

2. The provisions on the reuse of headstones are appropriate, it should be possible to reinter the remains without having to move the headstone and NAC would only move the headstone if it were unsafe, where possible it would as a last resort be laid flat at the grave.

3. The roles by inspectors of burial, cremation and funeral directors (primarily Part 4) are appropriate. It would be helpful if there were some provision made for the regulation of stonemasons.

4. The extent of the proposed regulation of funeral directors (primarily Part 5) is welcomed and NAC agrees that a scheme should be in place for the licensing of funeral directors’ premises which are currently unregulated.

5. Funeral costs will be difficult to address when there are various parties involved such as burial/cremation authorities, funeral directors and stonemasons. Future burial fees will reflect the cost of new ground, it is becoming increasingly difficult to find suitable ground that meets SEPA requirements.

6. We have no issue with the removal of restrictions on the proximity of new crematoria to housing which is covered under planning legislation.

Health & Sport Committee

1. General Principles – As stated agreed, current legislation is outdated and not fit for purpose.

2. Applications for Burial – burial authorities are not all set up in the same manner and may require different information specific to how their processes operate, provision to include a supplementary form or to be able to add fields to the standard form.

3. Meaning of Cremation/Ashes (Section 36) – agree with the terminology used.

4. Applications for Cremation (Section 38) – agree.

5. Duty to maintain cremation register (Section 41) - agree.

6. Relatives’ decision on disposal of remains (Section 47) – agree.
7 Disposing of remains from pregnancy loss at or before twenty-fourth week (Sections 50-53) – agree.
8 Disposal of remains by Health Authorities (Section 54) – agree.
9 Register of disposal of remains (Section 55) – agree.

Additional Comments

1 Section 5 - Places to keep bodies before burial – this is not necessary and would result in considerable cost implications if included.
2 Section 6 - Management of burial grounds – provision should be included for authorities to implement their own Management Rules. This provision may also require additional financial investment within burial grounds to meet any regulation.
3 Section 10 - Burial Register – (1) should be made clear that registers are acceptable in electronic format. (4) (a) As most burial authorities now hold their registers electronically, public access to an electronic search facility would be more appropriate.
4 Section 12 - Right of Burial – (1) (a) some burial authorities do not offer pre-purchase of lairs and only sell lairs for immediate use. This infers that lairs must be available for purchase at any time which will result in available lairs being greatly reduced, contrary to the purpose of the introduction of the re-use of graves policy within the Bill where we are trying to maximise the ground available for burials.
5 Section 13 - Duration and extension of right of burial – It would be helpful for guidance on how rights should be transferred, currently NAC does this in accordance with the Succession Act and by method of Statutory Declaration.
6 Section 16 - Private burial – should be recorded on the title deeds for the property/ground as well as within a register held by the local authority.
7 Section 17 - Register of private burials – agree a register of private burials should be kept within the local authority.
8 Section 22 - Exhumation of human remains – NAC welcomes regulations to speed up the exhumation process and make it less onerous for families.
9 Section 23 - Appeal to Sheriff – (4) does this mean that the authority cannot carry out a disinterment until expiry of the 21 day appeal period?

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