Aberdeen City Council

Burial and Cremation (Scotland) Bill

Aberdeen City Council welcomes the provisions included within the draft Bill.

Since Lord Bonomy’s visit to Aberdeen Crematorium in November 2013, and the subsequent publication of the Infant Cremation Commission (ICC) Report and Recommendations, Aberdeen City Council has approved a new policy statement relating to the cremation of babies and infants; and undertaken a review covering all procedures, paperwork, processes and software applications to ensure compliance with the ICC recommendations.

Having participated fully in pre-Bill consultation and engagement carried out by the Scottish Government, Aberdeen City Council believes that the Burial and Cremation (Scotland) Bill is an appropriate modernization of the legislative framework for burial and cremation and gives effect to the report of the Infant Cremation Commission.

On the drafting of the Bill, we would offer the following comments:-

6(2)(g) – should this refer to memorials, buildings and other structures in the plural as at 6(2)(d)?

11(1) and 42(1) – is there a need to clarify what would amount to a failure to “maintain” a burial or cremation register?

41(4) - the requirement is to keep a cremation register. At present, our register records the name of the deceased (obviously not personal data under the Data Protection Act 1998) and the name and address of the person making application for cremation. It could be argued, for FOI requests, that the latter is personal data which should not be released, and we would make the comment that personal data should be either not included on the intended register, or should be declared exempt from public access. The SPICe Briefing (p11) says the intention is not to identify the woman who experienced a pregnancy loss – but we think this should extend to other applicants (e.g. the father) who the woman may have authorised to make the arrangements (new s50(2)(b)). These comments apply also to the registers mentioned in sections 10, 14, 17 and 55.

44 – this deals with “closure” of a crematorium but does not make clear if this is only applicable to permanent closures or also to temporary closures. For example, we have previously had to “close” our crematorium (i.e. stop taking bookings) where the burners have failed. That is an operational decision, and we would hope that section 44 (involving the Ministers and a procedure set out in regulations) would only apply to permanent closures.

46 and 50(3) - there is reference to “reasonably practicable” but no definition of what factors are to be considered. Does this include costs, or bonos mores, or really just technical feasibility?

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