

# Scottish Government submission of 19 October 2022

## PE1941/B: Stop the destruction of headstones within community cemeteries.

Thank you for your correspondence of 30 September 2022 to the Chair of the Burial Regulations Working Group, seeking views on Petition PE1941. I am responding as Deputy Director for the Health Protection Division, with responsibility for the legislation and overarching policy governing the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act').

I am sorry that the upkeep of the cemetery did not meet the expectations of the families who contacted Councillor Wood and that this has been distressing for them.

I understand that the Citizen Participation and Public Petitions Committee has asked the Burial Regulations Working Group to consider the Petition PE1941. The Working Group meetings have concluded and the minutes of meetings are [published](#) on the Scottish Government website. The Group [discussed](#) the maintenance and management of burial grounds as part of the wider considerations in developing regulations for burial. The work by officials in the Burial and Cremation Team to develop the content of the regulations is ongoing.

In my [letter](#) of July 2022, I addressed the responsibilities of burial authorities for maintenance, safety and management; the statutory duty of burial authorities, as employers for the health, safety and welfare of staff and visitors to burial grounds; the guidance produced in 2019 on burial ground memorial safety; codes of practice and guidance; and the set-up of the funeral industry inspectorate.

As you are aware the cost of maintaining and repairing headstones is the responsibility of the headstone owner. Funding from the Scottish Government for maintenance and repair of headstones is not being considered.

The legislation, guidance and code of practice will set out standards for all burial authorities on Scotland, ensuring consistent, national minimum standards. There will be a public consultation on the draft regulations,

which will include sections on maintenance and management of burial grounds. We would encourage the Petitioner and affected families to respond to the consultation when it is published.

Officials in the Burial and Cremation Team welcome views from all interested parties on the development of regulations and the implementation of the 2016 Act. The team can be contacted at [BurialandCremation@gov.scot](mailto:BurialandCremation@gov.scot).