

## **Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1941](#): stop the destruction of headstones within community cemeteries, lodged by Councillor Andrew Stuart Wood**

### **Brief overview of issues raised by the petition**

The petitioner is a councillor who is concerned about the treatment of headstones in local burial grounds. He is calling on the Scottish Government to ensure a “properly funded maintenance and repair programme” is in place.

The issue of the treatment of memorials in burial grounds is contentious. Local authorities have general duties to address hazards at sites they manage, but bereaved relatives can find steps taken in relation to unstable headstones distressing.

- Burial grounds can host a whole range of headstones and memorials, of different sizes, ages, construction and state of repair.
- The maintenance of headstones and other memorials is the responsibility of the owner of the “lair” (the area of ground in which they are entitled to have burials).
- It can be difficult to identify lair owners – records for older lairs may have been lost and, even for more recently purchased lairs, contact details may not be up to date.
- Local authorities are responsible for most burial grounds in Scotland (although some are in private ownership). They have responsibilities under health and safety legislation and the Occupiers’ Liability (Scotland) Act 1960 to address hazards to those visiting burial grounds.
- In 2015, an eight year old boy was killed when an unstable memorial fell on him. The Fatal Accident Inquiry which followed recommended that the Scottish Government produced national guidance on memorial inspection and safety.
- The guidance – [Burial ground memorial safety – local authority guidance](#) (2019) – is not binding on local authorities. Instead, it brings together good practice.

- The petitioner criticises the use of two particular options for making unstable memorials safe: digging in/trenching (where a memorial is replaced in a deeper hole) and laying flat (where the memorial is laid across the area of the grave). These are highlighted in the Scottish Government guidance, along with other options.
- The guidance discusses repair as often the most appropriate, long-term option. However, it notes that costs, and difficulties in establishing lair ownership, may mean this is not possible.
- Some burial grounds or individual memorials may be listed or scheduled (protected by Historic Environment Scotland). In these cases, local authorities may need to go through additional processes before making any alterations to memorials.
- The guidance (paragraph 9) estimates that there are at least 2,240 burial grounds in local authority control. The number of actual memorials is put in the hundreds of thousands. Thus, the costs associated with ongoing maintenance and repair would be significant.

**Abigail Bremner**  
**Senior Researcher**  
11 July 2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP