



OFFICIAL REPORT
AITHISG OIFIGEIL

Health, Social Care and Sport Committee

Tuesday 6 January 2026

Session 6



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HEALTH, SOCIAL CARE AND SPORT COMMITTEE

1st Meeting 2026, Session 6

CONVENER

*Clare Haughey (Rutherglen) (SNP)

DEPUTY CONVENER

*Paul Sweeney (Glasgow) (Lab)

COMMITTEE MEMBERS

*Joe FitzPatrick (Dundee City West) (SNP)

*Sandesh Gulhane (Glasgow) (Con)

*Emma Harper (South Scotland) (SNP)

*Gillian Mackay (Central Scotland) (Green)

*Carol Mochan (South Scotland) (Lab)

*David Torrance (Kirkcaldy) (SNP)

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Katrina McNeill (Scottish Government)

Jenni Minto (Minister for Public Health and Women's Health)

CLERK TO THE COMMITTEE

Alex Bruce

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Health, Social Care and Sport Committee

Tuesday 6 January 2026

[The Convener opened the meeting at 11:00]

Decision on Taking Business in Private

The Convener (Clare Haughey): Good morning, and welcome to the first meeting in 2026 of the Health, Social Care and Sport Committee. I have received apologies from Elena Whitham. Carol Mochan and Paul Sweeney will join us remotely.

The first item on our agenda is a decision on whether to take item 5 in private. Do members agree to take that item in private?

Members indicated agreement.

Subordinate Legislation

Hydrolysis (Scotland) (No 1) Regulations 2026 [Draft]

Hydrolysis (Scotland) (No 2) Regulations 2026 [Draft]

11:00

The Convener: The second item is consideration of two affirmative instruments. The instruments will enable hydrolysis to be available as an option for the disposal of human remains in Scotland and to establish a regulatory framework for hydrolysis facilities and their operators. The Delegated Powers and Law Reform Committee considered the instruments at its meeting on 16 December 2025 and made no recommendations in relation to them.

We will have an evidence session with the Minister for Public Health and Women's Health and supporting officials on the instruments, and, once we have had any questions answered, we will proceed to a formal debate on the two motions.

I welcome to the committee Jenni Minto, the Minister for Public Health and Women's Health; Katrina McNeill, team leader of the burial and cremation team; and Marie Penman, from the Scottish Government's legal directorate. I invite the minister to make a brief opening statement.

The Minister for Public Health and Women's Health (Jenni Minto): I am pleased to join the committee to discuss two sets of regulations on hydrolysis, which are being made under the Burial and Cremation (Scotland) Act 2016. If you are content to pass the regulations, Scotland will be the first country in the United Kingdom to be able to offer hydrolysis as an alternative to burial or cremation.

Hydrolysis has been gaining popularity and has become more widely available in other countries. In Scotland, our intention is not to replace burial or cremation; rather, hydrolysis will be offered as an additional choice for those who wish to consider it.

The two sets of regulations are linked. The Hydrolysis (Scotland) (No 1) Regulations 2026 will apply to hydrolysis the provisions of the 2016 act that relate to cremation, subject to some changes to key terms. They will also make textual amendments to the 2016 act so that it will reflect three options for the disposal of human remains. Those regulations build on the legislative framework that is set out in the 2016 act.

The Hydrolysis (Scotland) (No 2) Regulations 2026 are similar to the Cremation (Scotland)

Regulations 2019. They set out the statutory framework for the management and operation of hydrolysis facilities, the application forms to be used for hydrolysis and the information to be recorded in registers of hydrolysis. They also set out clear requirements and procedures for the recovery, handling and return of hydrolysis powder, which will be the same as the ashes-handling procedures following cremation that are set out in the Cremation (Scotland) Regulations 2019. The statutory requirements for the handling of powder will apply to hydrolysis authorities and funeral directors in line with instructions from the applicant.

As is the case with cremation, the regulations will form one part of the wider regulatory oversight by a number of bodies. Those that wish to set up as a hydrolysis authority will need to obtain various consents in advance and will be subject to on-going legislative requirements. First, Scottish Water will need to grant trade effluent consent as well as having an on-going role in overseeing and monitoring the liquid from hydrolysis facilities. Where the location of the facility means that there is no access to a public drain, the Scottish Environment Protection Agency, rather than Scottish Water, will need to give consent and regulate the discharge of the liquid into the environment.

Secondly, a planning application will need to be submitted to the planning authority to adapt existing premises or to open a new facility. The planning application process will consider the location, visual impact and impact on local infrastructure such as access and transport links.

In addition, Scottish Government-appointed inspectors of hydrolysis will have to approve a hydrolysis facility before the hydrolysis authority will be able to accept applications.

That network of oversight will ensure that the high standards that the public can expect in cremation will apply to hydrolysis. I look forward to answering any questions that the committee may have.

The Convener: Thank you, minister. A number of members have questions. We will begin with Brian Whittle.

Brian Whittle (South Scotland) (Con): Good morning, minister. My questions are about the use of sodium hydroxide and potassium hydroxide, which are incredibly corrosive materials. That is obviously why they are being utilised, but there is a concern about preventing them getting into the watercourse. From time to time, we have issues with materials getting into the watercourse, and those materials would be particularly dangerous were they to do so. What safeguards will be put in

place to ensure that those liquids do not make it into our watercourse?

Jenni Minto: That is an important question. We must be absolutely clear that the process is safe. Once hydrolysis has taken place, the liquid is removed, cooled and treated, and there is a full heat and rinse of the chamber. The liquid is then safely discharged into the water treatment network. The liquid contains no solids, only natural compounds such as proteins, peptides, sugars and salts, and it is sterile, with no DNA going into the water system. That explains why we must ensure that Scottish Water and SEPA are content with the process, and it ensures that only sterile water goes into the water system.

Brian Whittle: I had not thought about that, so thank you for mentioning it. My main concern is about the fluid itself, because, as I said, sodium hydroxide and potassium hydroxide are incredibly corrosive.

Jenni Minto: Those liquids are stored within the facilities alongside acids that can be used to neutralise them.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising general practitioner in the national health service.

I have received an email from a constituent called Chris, who raised a particular concern about prions. As you know, mad cow disease and Creutzfeldt-Jakob disease occur due to prions, and there is growing evidence of the connection between prions and Parkinson's disease. Given that prions are incredibly tough and that material is being released into the water supply rather than being placed in the ground or burned, what confidence do you have that the method will destroy prions?

Jenni Minto: As I said to Mr Whittle, there is a sterilisation process once the water cremation or hydrolysis has taken place. The remaining liquid that is then released into the system is free of toxins, DNA and proteins.

Sandesh Gulhane: Is it clear that prions would be destroyed in that scenario?

Jenni Minto: The evidence that I have is that they would be.

Gillian Mackay (Central Scotland) (Green): Happy new year, minister. What is the Scottish Government's estimate of the level of uptake of hydrolysis, and what on-going monitoring will SEPA do of the proteins, sugars and other things that are released into the watercourse?

Jenni Minto: Happy new year to you, too, Ms Mackay. Your question about uptake is a really good and interesting one. The conversations that I have had have ranged from some people being

really interested in the process to others being less so, which I suppose is human nature. That is why it is important to underline that hydrolysis will not replace either burial or cremation but is another option.

I understand from conversations that I have had, through the Parliament's cross-party group on funerals and bereavement, that a number of funeral directors are interested in hydrolysis. If there is that interest, and given that the method is being used across the world, including in South Africa, in Australia and, more recently, in Ireland, I imagine that there will be a demand for it.

Gillian Mackay: On the issue of on-going monitoring, if the uptake is very high, there will be quite a lot of proteins, sugars and salt going into the watercourse. How will SEPA monitor that, including the particular watercourses that the liquid is going into, and how involved will ministers be in checking that?

Jenni Minto: These regulations have not required an environmental impact assessment. It would be for Scottish Water, local authorities and SEPA to determine how regularly they require that regulation, from their perspective.

Emma Harper (South Scotland) (SNP): Good morning, minister. I was reading about alkaline hydrolysis over the weekend, and a number of countries, such as America and Canada, are already using that process. I think that more than half of the states in America have established a process for using that method to dispose of human remains. What level of interest has there been from local authorities or private businesses in establishing that method in Scotland? What appetite is there for it?

Jenni Minto: As I indicated to Gillian Mackay, based on conversations that I have had through the cross-party group, there is a lot of positivity around it from an industry perspective.

To date, I have not had any indication from local authorities that run crematoria that they may want to go down that route. However, I think that it is one of those things that, when it is introduced, people will opt to use. In our consultation prior to producing the regulations, 84 per cent of respondents felt that that additional option should be given to people.

The Convener: The National Society of Allied and Independent Funeral Directors in Scotland—SAIF—raised a couple of issues in its submission to the committee. One question that it asked was whether there had been discussion with coroners about form 104 mentioning hydrolysis. It has also asked whether form 6, which authorises cremation, will be accepted for hydrolysis in Scotland.

Jenni Minto: In Scotland, we require a certificate of death, as is the case in the other United Kingdom nations. We have been in conversation with the UK nations and the UK Government about how we move forward. The UK Government is looking at introducing similar regulations to those that we have on burials and cremations.

As I said, Scotland would be the first of the UK nations to offer hydrolysis as an option. The Scottish Government's position is that, when remains are repatriated to Scotland from other parts of the UK, and when hydrolysis is the disposal method that is used in Scotland, consent from a coroner to cremate would be sufficient for the hydrolysis authority to be able to proceed with hydrolysis, because both are final forms of disposal.

The Convener: Thank you for that clarification.

The other issue that SAIF raised is the description of hydrolysis products as "powder" in the event of sending remains abroad, which will require consular permission from most countries, given that consular documents and requirements will refer only to cremation. As there are other legal substances with similar composition, has there been any consultation on, or has consideration been given to, the description of those remains as "powder"? Has the possibility of those substances being stopped at customs been considered?

11:15

Jenni Minto: Again, that is a very fair question. The evidence that countries outwith Scotland require on what is taken from Scotland into another country, whether that is ashes or hydrolysis powder, is a question for them.

The Convener: I understand that it is for other countries to decide what they allow to come across their borders, but I suppose that my question is about the consideration of that issue. You spoke earlier about hydrolysis being used in other countries. Has there been any consultation or evidence gathering on whether relatives or friends have faced difficulties in taking remains, following hydrolysis, to another part of the world?

Jenni Minto: I will bring in Katrina McNeill. It is quite interesting that exactly that issue was part of our conversation prior to coming to the committee. We were saying that very rarely have questions been asked about that.

Katrina McNeill (Scottish Government): That point was not raised with us as a concern. I would add that the process has become more widely available in other countries and the issue did not come up come up in the research that we did for

the consultation paper and for these regulations. We can certainly engage on the issue further to see whether it is expected to be a problem, but that is not something that we are aware of at this time.

Jenni Minto: As Katrina says, it is something that we will engage on. We have talked about the importance of guidelines, and the issue might be incorporated into those.

The Convener: It is helpful for the committee to know that that is on your radar.

Jenni Minto: It is on our radar.

The Convener: Given the circumstances in which someone would be taking the remains of a friend or relative overseas, you would want that to be done as sensitively as possible.

Thank you very much, minister. We have reached the end of our questions.

We will now move to agenda item 3, which is the formal debate on the instruments on which we have just taken evidence. I remind the committee that officials may not speak in the debate. Minister, I ask you to speak to and move motions S6M-20005 and S6M-20006.

Jenni Minto: Thank you, convener and committee members, for your consideration of the regulations. The regulations will enable hydrolysis to become available as an additional option for the people of Scotland while ensuring that hydrolysis is subject to the similar regulatory requirements that apply to cremation. The powers under the 2016 act, along with the regulatory oversight from other organisations, will reassure the public that the deceased will be cared for with respect and dignity. In conclusion, I invite the committee to approve the Scottish statutory instruments.

I move,

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No 1) Regulations 2026 be approved.

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No 2) Regulations 2026 be approved.

The Convener: Sandesh Gulhane wishes to speak.

Sandesh Gulhane: I feel that the most important thing here is that we have tie-up with other nations and that we have very clear boundaries, because the minister said that we would be the first country in the UK to offer this option. As long as we have a very smooth process across the UK, I do not have any objections.

The Convener: Thank you, Mr Gulhane. Minister, would like to say anything in conclusion?

Jenni Minto: I have nothing to add.

Motions agreed to,

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No 1) Regulations 2026 be approved.

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No 2) Regulations 2026 be approved.

The Convener: That concludes consideration of the instruments. Minister, you and your officials are welcome to stay, but you are also welcome to leave at this point.

Burial and Cremation (Applications and Registers) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/360)

11:19

The Convener: Item 4 is consideration of two negative instruments. The first is the Burial and Cremation (Applications and Registers) (Miscellaneous Amendment) (Scotland) Regulations 2025. The purpose of the regulations is to amend the Burial (Applications and Register) (Scotland) Regulations 2024 and the Cremation (Scotland) Regulations 2019 in order to update the burial and cremation application forms and amend requirements of the cremation register. The instrument also updates wording in the burial applications regulations, to make it clearer.

The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 9 December and drew Parliament's attention to inconsistencies related to forms that are associated with the regulations, specifically BF4—burial form 4—which did not contain an authorisation for burial section, in contrast to the current BF4.

The Scottish Government responded by stating that removing section 4 was not intentional but that the relevant regulations do not require that that section be completed, so it has no operative legal effect. It also advised that section 4 is currently completed by burial authorities as an administrative step and that such authorities will still need to take that step in the absence of section 4 on the application form. The Scottish Government also indicated that it will set that out in guidance for the avoidance of any doubt.

No motion to annul the regulations has been received so far. As no member wishes to comment, I propose that the committee does not make any recommendations in relation to this negative instrument. Are we agreed not to do so?

Members indicated agreement.

Common Services Agency (Membership and Procedure) Amendment (Scotland) Regulations 2025 (SSI 2025/387)

11:21

The Convener: The purpose of the regulations is to bring the Common Services Agency governance framework into line with the provisions that are applied to other health boards and special health boards by inserting updated provisions on resignation, suspension, and disqualification into the Common Services Agency (Membership and Procedure) Regulations 1991 and to modernise the wording of those regulations.

The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 16 December 2025 and made no recommendations.

No motion to annul the regulations has been received so far. As members have no comments, I propose that the committee does not make any recommendations in relation to this negative instrument. Are we agreed not to do so?

Members *indicated agreement.*

The Convener: At our next meeting, on 13 January, the committee will undertake scrutiny of the Scottish Government's draft climate change plan, taking oral evidence from a panel of witnesses.

That concludes the public part of our meeting today.

11:22

Meeting continued in private until 11:26.

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