

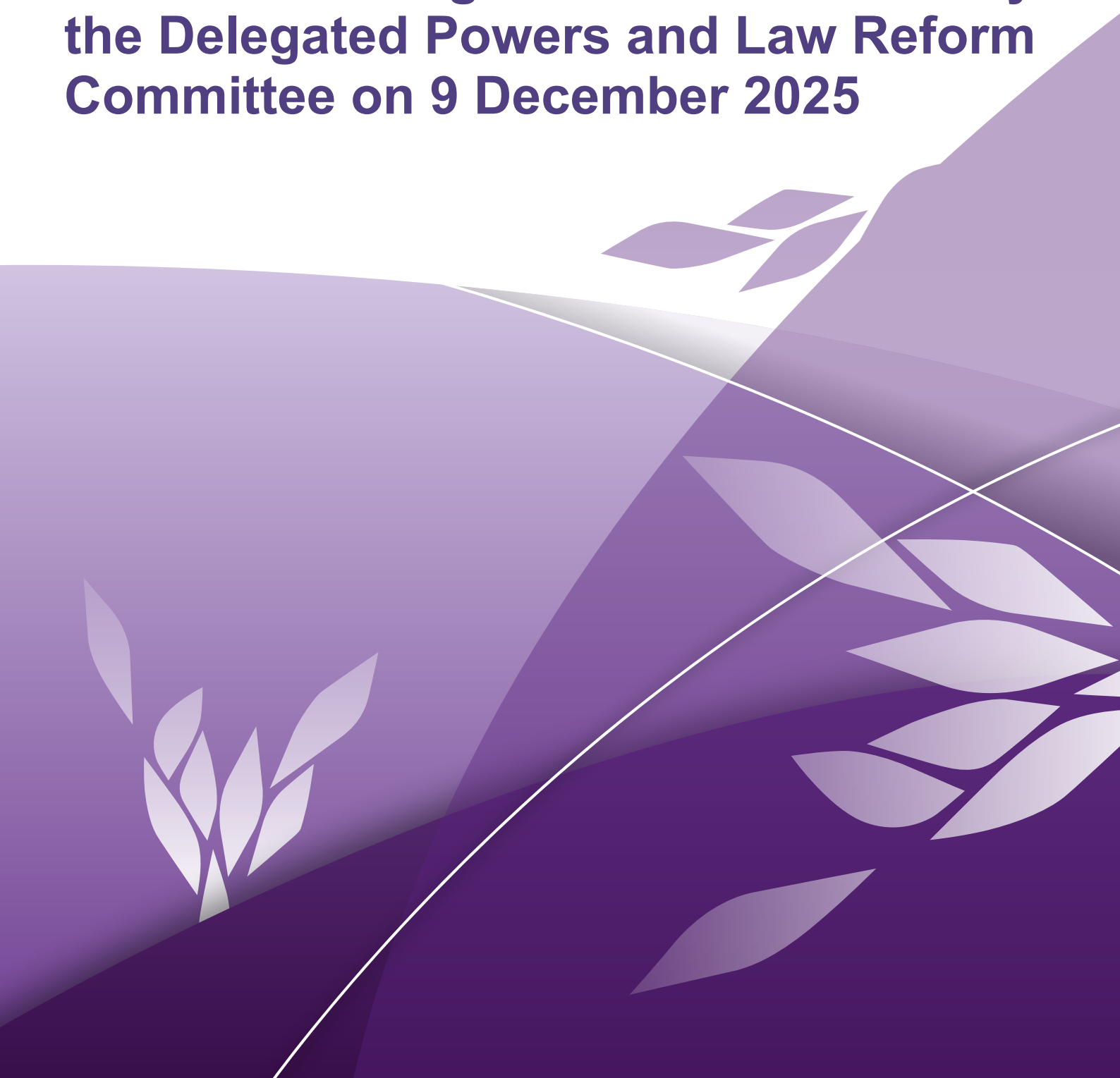


The Scottish Parliament
Pàrlamaid na h-Alba

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Delegated Powers and Law Reform Committee

Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 9 December 2025



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Delegated Powers and Law Reform Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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Committee Membership



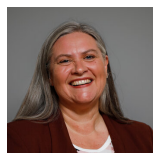
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Introduction

1. At its meeting on 9 December 2025, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
 - Burial and Cremation (Applications and Registers) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/360)
2. The Committee's recommendations in relation to this instrument are set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments at the end of the report.

Scrutiny of instruments and documents under the Committee's remit: instrument drawn to the attention of the Parliament

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

4. This instrument has been made under powers in the [Burial and Cremation \(Scotland\) Act 2016](#). It is subject to the negative procedure and comes into force on 2 March 2026.
5. The purpose of the instrument is:
 - to update the burial and cremation application forms (including by making reference to disposal of human remains by hydrolysis) and to improve the useability of the forms, and
 - to amend the list of the information that cremation authorities must include in their registers.
6. The instrument does this by amending:
 - [the Burial \(Applications and Register\) \(Scotland\) Regulations 2024](#) (SSI 2024/334), and
 - [the Cremation \(Scotland\) Regulations 2019](#) (SSI 2019/36)
7. The Committee asked the Scottish Government a number of questions about this instrument, which are available, along with the Scottish Government's response, in the instrument [responses paper for the meeting](#). The Committee is content with the answers provided to questions 1, 3 and 5. The Committee's consideration of the other answers is set out below.
8. The Committee's question 4 was in relation to new [Form BF4](#) (Application for burial of the remains of a pregnancy loss by health authority or body (shared or individual)). The Committee noted that this form did not contain an "authorisation for burial" section. This contrasts with [current Form BF4](#)ⁱ, which contains an "authorisation for burial" section, and all the other new forms, which also contain this section.
9. The Scottish Government responded that it was not intentional to remove section 4, but that the relevant Regulations do not require that particular section to be completed, and it therefore has no operative legal effect. It also advised that section 4 is currently completed by burial authorities as an administrative step, and such authorities will still need to take that step in the absence of section 4 on the application form. The Scottish Government will set this out in guidance for the avoidance of any doubt.

ⁱ In schedule 4 of the Burial (Applications and Register) (Scotland) Regulations 2024.

10. The Committee considers that, in the interests of consistency of the legislation, the authorisation section should have been included in this form.

11. The Committee reports this point on the general reporting ground.

12. Questions 2 and 6 relate to formatting issues. The Committee does not consider that these points should be reported under the reporting grounds, but makes the following observations for the interest of the lead committee.

13. In question 2, the Committee asked whether section 2a of [new Form A3](#) could be clearer, as regards the tick box and text alongside it:

New Form A3

Name of baby/ family name

(The midwife, registered nurse or medical professional has issued a letter or certificate to confirm that a pregnancy loss has taken place).

14. This differs from the equivalent part of [new burial form BF3](#), which has the same text but in its own line, without the brackets, and is prefaced with "Please tick to confirm that...":

New Form B3

Please tick to confirm that the midwife, registered nurse or medical professional has issued a letter or certificate to confirm that a pregnancy loss has taken place.

15. The Scottish Government responded that the text on new Form A3 is the same as on the equivalent form for cremation ([Form A3](#)); that, to date, the Scottish Government is not aware of users having any difficulty in understanding or completing that section of the form; and that it is satisfied that the form is sufficiently clear.
16. The Committee considers that, given the purpose of the instrument includes improving the usability of the forms, and that forms will often be completed by bereaved individuals, the opportunity could have been taken to make this improvement, to make the form as clear as possible as regards what the applicant is certifying.

17. The Committee highlights its correspondence to the lead committee, for its information.

18. The Committee's question 6 was in relation to an inconsistency in the formatting of the boxes for filling in significant dates in Forms [A1](#), [A2](#), [A3](#), [A5](#) and [A6](#), for example, of birth/death of the deceased. Some of the boxes are formatted as:

Date on which pregnancy loss occurred (DD/MM/YYYY)

--	--	--	--	--	--	--	--

19. This contrasts with other similar entries on the form which are formatted as:

Date (DD/MM/YYYY)

--	--	--	--	--	--	--	--

20. The Committee noted that forms A1, A2 and A3 are likely to be completed by a bereaved individual rather than an official, and asked whether, for these forms in particular, it would be clearer, and reduce the chance of mistakes, if the boxes were formatted in the conventional way.
21. The Scottish Government responded that there are a number of places where the date is requested in the form of four boxes followed by four more boxes, each time with the instruction to complete it as “DD/MM/YYYY”, and that this reflects the current drafting of the forms in the Cremation (Scotland) Regulations 2019. The Scottish Government advised that, to date, it is not aware of any issues with those boxes being completed incorrectly. The Scottish Government does not consider that the inconsistency will present any difficulties for users of the forms.
22. The Committee considers that the conventional formatting is more user-friendly, and is to be preferred.

23. The Committee highlights its correspondence to the lead committee, for its information.

24. Additionally, the opportunity has been taken in this instrument to address an issue identified by the Committee in the Burial (Applications and Register) (Scotland) Regulations 2024 (SSI 2024/334), and reported in its [Report on Subordinate Legislation considered by the DPLRC on 3 December 2024](#) (paragraphs 4 to 11). The issue identified was in regulation 3(2)(a)(v) of the SSI, as set out in the report. The Scottish Government had undertaken to amend the instrument to improve the drafting of that provision at the next available opportunity.

25. The Committee welcomes that the present instrument fulfils this commitment.

26. The lead committee for this instrument is the Health, Social Care and Sport Committee.

No points raised

27. At its meeting on 9 December 2025, the Committee considered the following instruments under its remit and agreed not to draw them to the attention of the Parliament.

Education, Children and Young People Committee

Cross-border Placement of Children (Requirements, Effect and Enforcement) (Scotland) Regulations 2026 (SSI 2026/Draft)

Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 3) Regulations 2025 (SSI 2025/379 (C.29))

Health, Social Care and Sport Committee

National Health Service (General Dental Services) (Scotland) Amendment Regulations 2025 (SSI 2025/380)

Social Justice and Social Security Committee

Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 2) Regulations 2025 (SSI 2025/377 (C.28))

