

PE2087/B: Pass a law making exercising a dog in a cemetery an offence

Scottish Government submission of 24 June 2024

Thank you for your letter of 7 June 2024 requesting an update on the implementation of the Burial and Cremation (Scotland) Act 2016.

I am responding as Deputy Director for the Public Health Capabilities Division, with responsibility for the overarching policy governing the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act').

The Scottish Government is currently in the process of implementing [the 2016 Act](#). This Act updates legislation for all burial grounds and burial authorities across Scotland. Section 6 of the 2016 Act gives Scottish Ministers the power to make regulations for, or in connection with, the management, regulation and control of a burial ground by a burial authority.

A [public consultation](#) on management of burial grounds, application for burial, exhumation, private burial and restoration of lairs launched on the 25 August 2023 and ran until 17 November 2023. The consultation analysis report can be found [here](#).

Burial management regulations aim to clarify the powers that burial authorities have to manage their burial grounds, with particular regard given to safety and maintenance of headstones and memorials.

Amongst other things, the Scottish Government proposes to require each burial authority in Scotland to prepare and maintain a management plan which will apply to all the burial grounds for which the burial authority has responsibility. The aim of a management plan is to provide an overview of how a burial authority's burial grounds are to be managed. The intention is for regulations to prescribe the minimum content required of the management plan, but each burial authority will have the option to add additional information.

Burial authorities will not be required to record their decision on dog access within the management plan, but they could choose to set out their position in the plan if they wish.

Burial regulations will not create any new rules in relation to dogs. The decision on whether to permit dogs in burial grounds will remain at the discretion of each individual burial authority based on local factors. Local authorities already have the powers to set and enforce appropriate management rules under The Civic Government (Scotland) Act 1982. The Scottish Government does not hold copies of these but many are available online (for example, see Edinburgh Council's [here](#)) or they can be requested directly from the burial authority.

I hope this information is helpful.

Population Health Directorate