



Our Ref: DC / TR
Direct Line: 01620 820 658

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827

29th November 2024

Dear Ms Haughey MSP

Re: Burial Law in Scotland: Correspondence from the Health, Social Care and Sport Committee

I am writing on behalf of East Lothian Council in response to the correspondence dated 19th November 2024 requesting feedback on the instruments set out in the updated Burial Law in Scotland Legislation. Please see below the Council's feedback on the points raised.

- 1. What are your views on all or some of the provisions covered in the Burial (Management) (Scotland) Regulations 2025 in relation to the management and maintenance of burial grounds in Scotland, including:*

The Council will prepare a burial management plan for public access and would welcome Scottish Government to provide a standardised template. This would help ensure consistency across all local authorities and support the sharing of best practice.

With regards to the maintenance and repair of burial grounds, it should be noted that "good order" is subjective, and interpretations may vary depending on individual local authority perspectives and circumstances. Clearer guidance or criteria will ensure a consistent understanding. Consideration should be given to guidance supporting nature and biodiversity in burial grounds following the release of the Scottish Biodiversity Strategy and Delivery Plan.

To ensure the safety of headstones and memorials (section 3a), the term "make safe" should replace "repair" as resource will not always allow for repairs to the number of headstones and memorials that will require attention. We would welcome clear guidance on how the public should be notified and confirmation of whether this would be a decision for the local authority. It should also be clearly stated that the responsibility for the headstones and memorials lies with the lair holder.

- 2. What are your views on all or some of the provisions covered in the Burial and Cremation (Inspection) (Scotland) Regulations 2025, in relation to inspection, enforcement and appeals for burial authorities, cremation authorities and funeral directors?*

East Lothian Council have no concerns with the proposed inspection regulations and are supportive of their implementation.

3. *Do you have any specific concerns about any of the instruments outlined above?*

The Council have no specific concerns relating to the above.

4. *In your view, what financial impact could this legislation have on the delivery of burial services?*

The Council understands the Statutory responsibility to undertake a burial service and has allocated resource to deliver against the local burial strategy. Whilst the updated legislation is welcomed to aid continuous improvement, the Council will have to assess any additional pressures on Services as a result of the implementation. The provision of additional local resource is extremely challenging within the current backdrop of public sector finance, and it is therefore likely that all changes will be required to be managed within existing resource.

As a local authority experiencing significant housing and population growth set in National Planning Frameworks, we expect the demand for the provision of burials to grow. This will impact our infrastructure and requirement for additional burial ground to achieve the required lair space. In addition, growth will impact the capacity required to resource the administration and delivery of burials as well as the maintenance / repair of sites to the standards identified.

We would welcome additional resource support from the Scottish Government to aid both the implementation of the legislation and growth pressures.

5. *The Scottish Government's business and regulatory impact assessment states that burial authorities and funeral directors may experience minor training and administrative impacts associated with the legislation. How might the additional training and administrative requirements laid out under these instruments affect the delivery of these services in practice, and how could these impacts be managed or mitigated?*

The introduction of a Management Plan will result in additional administrative pressures. A standardised template along with clear guidelines should be provided to reduce the process, streamline the approach and ensure consistency across local authorities.

I trust that the information contained within this letter will support the Committee's review of the legislation. Should you require any further information, please contact Wendy Hood, Operational Manager – whood1@eastlothian.gov.uk.

Yours Faithfully

Thomas Reid



Head of Infrastructure