

THE FEDERATION OF BURIAL AND CREMATION AUTHORITIES

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CEO: Mr Mike Birkinshaw



Clare Haughey MSP

Convener

Health, Social Care, and Sports Committee

Date: 1st December 2024

Dear Ms Haughey,

Further to your letter dated the 19th of November 2024 regarding the subordinate legislation relating to burial law in Scotland.

- [The Burial and Cremation \(Scotland\) Act 2016 \(Commencement No. 6 and Transitional Provisions\) Regulations 2024](#)
- [The Burial \(Applications and Register\) \(Scotland\) Regulations 2024](#)
- [The Burial \(Management\) \(Scotland\) Regulations 2025](#)
- [The Burial and Cremation \(Inspection\) \(Scotland\) Regulations 2025](#)

Below are the FBCA's responses to the questions raised.

1.

- The requirement to prepare and maintain a publicly accessible burial management plan;
- Maintenance and repair of burial grounds;
- Safety of headstones and other memorials;
- Removal of unauthorised headstones or other memorials;
- Training;
- Designation for use by faith, religious or belief groups.

The FBCA is supportive of all the items listed above, in particular the need for consistency between crematoria and burial grounds in terms of management plans and standards of maintenance. Better training within the burial providers in Scotland is also something we have suggested for a number of years. Finally the wider safety within burial grounds is critical and safety of headstones within the proposed legislation will be improved if the legislation is passed.

2.

The FBCA supports the inspection of both Crematoria and Burial providers on a statutory basis. As the UK's only in person, on site, inspector of crematoria & burial grounds (none statutory) we see the introduction of this on a statutory footing will improve standards across the sector. It will also help to provide consumer confidence that the providers within the sector are regulated and tested against a given framework.

3.

The FCBA has no concerns regarding the legislation as listed above.

4.

The suite of legislation proposed will increase the financial burden on burial providers and in particular the smaller northerly and island providers will be most disadvantaged. It is difficult to assess the actual costs as these will be individualised for each provider however the FBCA sees the impact to be worthwhile as it will raise standards, support consumer confidence, and ultimately give the residents of Scotland a better more robust bereavement service in the long run.

5.

As a training provider that has worked with Scottish Government historically to implement new products we are already producing a burial suit of products that will meet the needs of the new legislation and envisage this could be delivered via in person or on line to allow swift implementation. The FBCA doesn't feel that substantial time will be lost by burial providers during the process of meeting the new training needs.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Birkinshaw', with a long horizontal flourish extending to the right.

Mike Birkinshaw
Chief Executive Officer & Secretary