



The Scottish Parliament
Pàrlamaid na h-Alba

Health, Social Care and Sport Committee

Local Authorities in Scotland

19 November 2024

Good afternoon

Burial Law in Scotland

On 14 November 2024, the Scottish Government laid the following subordinate legislation in relation 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](#)

To aid the Committee's scrutiny of these instruments, we are writing to seek your views on the above instruments, in particular:

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 requirement to prepare and maintain a publicly accessible burial management plan; *Having 250+ burial grounds, drafting management plan will initially take time but should be manageable to keep updated and maintained. How many burial grounds to be covered in each management plan will need to be considered.*
- Maintenance and repair of burial grounds; *This presently is ongoing, budget constraints are an issue when prioritising repairs.*
- Safety of headstones and other memorials; *Ongoing inspection programme is in place, resource is challenging to inspect every headstone and carryout temporary repairs. Trying to contact lair holders is also an issue*
- Removal of unauthorised headstones or other memorials; *The removal of unauthorised memorials is very difficult to manage. Contacting lair holders can be difficult.*
- Training; *There are limited training providers for burial ground operatives. Training on machinery and plant is not an issue.*

Contact: Health, Social Care and Sport Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email HSCS.Committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

- Designation for use by faith, religious or belief groups. *Majority of our burials grounds do not have capacity for designated areas for faith, religious or belief groups.*
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? *Having documented inspections will be beneficial to the bereavement sector, this will show that we adhere to high standards.*
 3. Do you have any specific concerns about any of the instruments outlined above?
No
 4. In your view, what financial impact could this legislation have on the delivery of burial services? *As mentioned, resource to fulfil memorial safety programme is challenging. The initial implementation of the regulations will be time consuming and we will need to update software packages to manage certain areas of the regulations, e.g. lairs no longer being sold in perpetuity.*
 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? *These should not substantially impact on the delivery of service, it generally is the way we do things now but with some minor changes. Training will take some time.*

The Committee would be grateful if you could please provide your views in Word format by no later than **midday on Monday 2 December 2024**.

I look forward to hearing from you.

Yours sincerely,



Clare Haughey MSP
Convener, Health, Social Care and Sport Committee