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Health, Social Care and Sport Committee

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### **Enterprise & Communities**

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## **Health, Social Care and Sport Committee: Consultation on Burial Law in Scotland**

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;

North Lanarkshire Council consider that:

### **12-Month Review Period:**

The requirement for a recurring 12-month review of management plans appears onerous for burial authorities. In practice, there is unlikely to be significant change within such a short timeframe. A review period of three years may be more practical and better received by those responsible for implementation.

- Maintenance and repair of burial grounds;

North Lanarkshire Council notes the following:

### **Public Expectations Around Maintenance and Improvement:**

The new requirement for burial authorities to maintain and improve burial grounds is an important step. However, there is a concern that this may inadvertently raise public expectations of additional funding or large-scale enhancements. It is crucial to communicate this in a way that manages expectations, ensuring the public understands that the focus will be on achievable improvements within existing resources.

- Safety of headstones and other memorials;
- Removal of unauthorised headstones or other memorials;
- Training;



- Designation for use by 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?
  3. Do you have any specific concerns about any of the instruments outlined above?

North Lanarkshire has some concerns about the contents of [The Burial \(Applications and Register\) \(Scotland\) Regulations 2024](#)

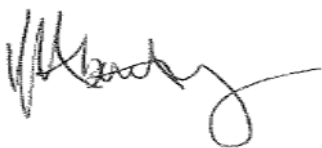
**Transfer of Exclusive Right of Burial (EROB):**

- a. The transfer process has not been clarified or tied to a formalised strategy, which many burial authorities had hoped would be addressed. There was an expectation that the legislation would help standardise this process across all burial authorities.
  - b. Currently, challenges to the transfer of EROB are increasing, and the existing indemnity forms do not adequately protect either the family or the council. This is a shared concern among burial authorities, as some continue to use outdated declaration forms or inconsistent practices. A more strategic and uniform approach would provide greater legal security and consistency.
4. In your view, what financial impact could this legislation have on the delivery of burial services?

North Lanarkshire Council do not consider there is a significant financial impact, although there will be increased management and administration burden particularly in creating and maintaining management plans.

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?

**Yours sincerely**



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**Greenspace and Country Parks Manager**