

Burial Law in Scotland

1. Response from Perth and Kinross Council

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;
Agree to the proposals but...
Fully agreeable to a the preparation and maintenance of a burial Management plan, but the full plan should be limited to some of the detail released to the public domain. But be able to be scrutinised by the Scottish Government Burial inspector, internal audit and emergency contingency groups/committees.
- Maintenance and repair of burial grounds;
Agree to the proposals but....
A national standard of the expectation regarding the level and standard of maintenance requires to be firmed up, and budgets, staff resource and the size of the task must be investigated and costed due to the variables within burial authorities. Some burial authorities have a very large estate and firefight the level of maintenance and repairs they can maintain to the levels now expected.
- Safety of headstones and other memorials;
Agree to the proposals but..
A rolling programme has been established and timescales set but due to the size of the problem in the cemetery estate, the timescale guidelines previously given by the SG have proven to be impossible to meet. An inhouse team memorial inspection and repair team and supported by external contractors has incurred costs of over 190k per annum. No external funding has been contributed to this cost, and the priority and burden of the required repairs weighs heavily on burial authorities resources and budgets.
- Removal of unauthorised headstones or other memorials.
Agree to the proposals but...
A national campaign requires to be instigated to deal with this increasing problem, no burial authority or politically led council would be able to sustain a removal policy. Dealing with single instances can be carried out, mass control requires further consultation.
- Training;
Agree to the proposals.
- Designation for use by faith, religious or belief groups.
Agree to the proposals..
Burial authorities again must meet these requirements within a limited committed budget, and limits progress and timescales.

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?

Agree to proposals

Any inspections (Crematorium, Burial/cemetery and funeral directors inspection regimes should be carried out at the same frequency and should be consulted and shared within each LA area, and service users and stakeholders within each LA area should be aware of all reports and be placed in to the public domain.

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

As detailed above.

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

Burial authorities budgets are already under pressure to meet the standards and to bring health and safety (Headstone stabilisation) standards up to a level in the current Scottish Government standards. Additional burden will impact on the current standards across cemetery estate.

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?

We don't envisage any further requirement to carry out additional training for the administration aspect, the proposed changes are all manageable within current levels.