



### 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:**
  - a. **The requirement to prepare and maintain a publicly accessible burial management plan;** the requirement to develop and maintain publicly accessible burial management plan is addressed within our recently approved Burial Ground Management Policy by Council in 2024.
  - b. **Maintenance and repair of burial grounds;** what constitutes maintenance, and what actions or omissions would be considered non-compliance with maintenance requirements? Also without funding, we can only focus on making structures safe and managing the gradual decline of features such as kirk ruins.
  - c. **Safety of headstones and other memorials;** the safety of memorials is actively managed through our established inspection programme, with processes audited by Glasgow City council in 2022-23
  - d. **Removal of unauthorised headstones or other memorials;** the removal of unauthorised memorials is covered by a draft process, although this has not been a significant issue in our area.
  - e. **Training;** ongoing training is provided with systems for recording and process management already in place.
  - f. **Designation for use by faith, religious or belief groups;** designation of areas for specific faiths, religions, or belief groups has not been requested in Shetland, apart from a designated Muslim area set aside in the 1990s, which has yet to receive any interment requests.
  
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?**

Considering our remote location and the fact that Shetland has only had one funeral director operating for many years, even a temporary suspension of their license could have catastrophic consequences. Could an improvement notice be issued instead?, allowing the service to continue while ensuring the necessary improvements are implemented. This would be particularly crucial in situations where there is only one funeral director available on each island.

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

Please see above.

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

The requirements of new legislation, along with heightened inspection and scrutiny, are expected to result in rising costs for activities such as surveying, evidence recording, and maintenance.

**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?**

From 1<sup>st</sup> March 2025, during the initial transition from a simple one-page, single-signature Interment Application to the new, more detailed approximately ten-page, three-signature application, there may be slight delays in services. This could be managed or mitigated through prior clear communication with stakeholders, providing clear timelines and guidance; training staff on the new application requirements to reduce errors and inefficiencies.