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Document Title	Burial and Cremation Bill - Consultation Response

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East Lothian Council

Additional information:

This is a response at official level to the Scottish Government's proposals for a burial and cremation bill. The consultation paper can be found via the following web address: <http://www.gov.scot/Publications/2015/01/2869>

Authorised By	Angela Leitch
Designation	Chief Executive
Date	1 May 2015

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ANNEX C

Consultation on a proposed Bill relating to burial and cremation and other related matters in Scotland



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation

East Lothian Council

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

Leitch

Forename

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2. Postal Address

John Muir House

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

Annex D

List of consultation questions and consultation response form

How to complete this response form

1 Each question in the consultation paper is listed below. Respondents are invited to answer as many questions as they wish to, and there is no requirement to answer every question. Completing this form as a Word document allows responses to be provided directly on to the form, although respondents may choose to respond in other ways.

2 Some questions provide a check box to provide a response - to mark a box, double-click it and then select 'Checked' from the menu. Where several questions are asked under the same number, the initial question is the one that should be answered using the check box. Further information can be provided by inserting free text under the heading 'Additional information'.

3 Where no check box is provided, responses are sought in the form of free text, which can be inserted under the heading 'Response'.

4 At the end of the questions consultees are invited to provide any other information which they feel is relevant.

5 Once completed this form can be emailed to burialandcremationbill@scotland.gsi.gov.uk or posted to:

Burial and Cremation Consultation
Scottish Government
3E St Andrew's House
Edinburgh
EH1 3DG

6 When returning responses please also complete and return the Respondent Information Form at Annex C. **The closing date for responses is Friday 24 April 2015.**

The legislative framework

Q1 – Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?

Yes No Don't Know

Additional information: Some elements of the current legislative framework are now many years old and it is appropriate to revisit these aspects in light of current technological and economic circumstances.

Q2 – Are there any particular powers that are required by Burial Authorities or Cremation Authorities that are not provided for by current legislation?

Response: Not aware of any at present.

Q3 - Do you agree that the proposed Burial and Cremation (Scotland) Bill should apply to all cemeteries and crematoria in Scotland, regardless of whether they are publically or privately operated? If not, please set out reasons why not.

Yes No Don't Know

Additional information:

Q4 - Do you agree that the Bill should contain provisions which apply to all facilities where any new method of disposal which might be introduced in Scotland are carried out?

Yes No Don't Know

Additional information:

Q5 - Do you agree that the Bill should contain provisions to regulate environmentally friendly methods of disposal that are already available in Scotland?

Yes No Don't Know

Additional information: The key issue here would seem to be a lack of formal recording of places of burial within woodland and meadowland environments

Q6 – Should the Burial and Cremation (Scotland) Bill contain provisions pertaining to home burial?

Yes No Don't Know

Additional information:

Q7 - In making legal provision for home burial, what factors should be considered?

Response: A requirement to meet groundwater regulations, obligations in respect of provision of information to subsequent owners of the property, and the regulation of the subsequent exhumation and relocation of remains at the wish of the householder or of subsequent owners of the property.

Q8 - Are there any reasons why private cremation should not remain illegal?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q9 - Do you agree that alternative methods of disposing of the dead should be regulated for in this way? Are there any particular alternative methods that should be considered? Are there any particular methods which should be prevented from being used in Scotland?

Yes No Don't Know

Additional information: Promession and Resomation technology is likely to offer a viable and sustainable alternative to burial and cremation in the near future and other technologies may emerge in due course. Accordingly the ability to regulate and control alternative methods of disposal needs to be built into the legislation

Q10 - Do you agree with this definition of ashes? If not, how should ashes be defined?

Yes No Don't Know

Additional information:

Q11 - Do you agree that a minimum distance of 200 yards (182.9 metres) should be required between crematoria and housing? If not, please explain why not.

Yes No Don't Know

Additional information: The emphasis should be on adequate provision of seclusion, privacy and peace for mourners and for householders and this can be delivered in many cases by a considered approach to the design of landscape setting. Since the 200 yd distance can currently be waived by the agreement of the owner, lessee and occupier of a house, it is not clear whether it relates to potential fears over emissions from the cremation process which, with improved emissions control, should be of less importance.

Q12 - What are your views on the use of enforcement powers or penalty powers in response to such a minimum distance being breached?

Response: We have no view to offer on this question.

The right to instruct the disposal of human remains

Q13 - Do you agree that the right to instruct the disposal of a body on death in the case of an adult should be vested in the nearest relative using the definition at Section 50 of the Human Tissue (Scotland) Act 2006? If not, why not? In whom should this power be vested instead?

Yes No Don't Know

Additional information: The issue of an estranged spouse or civil partner having rights ahead of a blood relative may need to be considered in this regard. Would the next of kin list suggested in a) – k) work on a sliding scale where, for example a) would have first right ahead of b)?

Q14 - In the case of the death of a person under the age of 16 years, do you agree that the right to instruct the disposal of the body should follow the proposal at paragraph 43? If not, why not? In whom should this power be vested instead? How should this be defined in legislation?

Yes No Don't Know

Additional information:

Q15 - Do you agree with the proposal for who should have the right to instruct the disposal of the body in the event of a stillbirth? If not, why not? Who should have the right to instruct the disposal of the body in the event that the mother or father are unable to do so? How should this right be defined in legislation?

Yes No Don't Know

Additional information: Is there a requirement to include a Medical / Adult Social Care professional within the defined list? It is unclear from the consultation document if this is allowed for or alluded to in Paragraph 46/47

Q16 - Do you agree with the proposal of allowing someone not listed to instruct the disposal of human remains in the case of a stillborn baby, pregnancy loss and the death of a child only on cause shown? Is it appropriate that no similar provision is proposed for the death of an adult?

Yes No Don't Know

Additional information: Clarity of the persons covered by Paragraph 46/47 is required.

The management of cemeteries

Q17 - Do you agree that Scottish Ministers should have the power to make regulations pertaining to the general management of cemeteries, including giving Burial Authorities the right to take action to address unsafe, damaged and abandoned lairs and memorials?

Yes No Don't Know

Additional information: Most Burial Authorities are already applying local regulation to the management of their respective cemeteries and a significant amount of work has been undertaken through the Scottish Bereavement Benchmarking Group to develop and promote best practice across its member authorities. There already exists a duty of care on Burial Authorities to maintain a safe environment for visitors and staff through health and safety legislation however it should be for each authority to determine how best to meet this duty of care according to the discrete needs of each area, the ability of the authority to meet the financial burden and to plan its approach accordingly. Therefore any legislation should be developed in close consultation with the Burial Authorities and should be developed to support and underpin the best practice already applied rather than generate undue additional burden.

Q18 - Alternatively, would the introduction of non-statutory guidance provide a useful option between the current situation where no guidance exists and the introduction of regulations?

Yes No Don't Know

Additional information: As suggested at Q17, legislation should support and underpin existing best practice. Non-statutory guidance would seem to be a duplication of that Best Practice

Q19 - Are there any reasons why a minimum burial depth of 3 feet from the surface to the top of the coffin should not be implemented? Should there be any exemptions?

Yes No Don't Know

Additional information: Given the increased occurrence of post-interment settlement of soil, which is often in excess of 12", any less cover than 3' would present an increased risk of the coffin being exposed by vermin. Interment of cremated remains should though be allowed at a minimum depth of 1' .

Burial and cremation records

Q20 – Do you agree that records and forms relating to burial and cremation in Scotland should be stored and transferred electronically wherever possible? Should any exclusions apply? Should this be applied to all forms of disposing of human remains in Scotland?

Yes No Don't Know

Additional information: A single software package that meets all the needs of burial service administration, management and record keeping is not seemingly available at present although a number of packages exist that deliver some elements of the need. There is an increasing demand on Burial Authorities to make records available for family history projects and an electronic system would best meet this need while ensuring compliance with Data Protection.

Q21 – Should records and forms relating to burial and cremation be kept for 50 years or is it better that they are kept indefinitely?

50 years Indefinitely Other period

Additional information: Many existing records are of significant historical value, dating back to 1700's and beyond and the records made today will develop that similar historical value in time. From a service user perspective, the parents of a deceased child are likely to live well beyond a 50 year period so the record of the child's interment will require to be referenced on the death of the parents. A generational time period may be appropriate for operational need but this still wouldn't secure the historical value of the records.

Alleviating pressure on burial grounds

Q22 - Do you agree that the sale of lairs in perpetuity should be ended?

Yes No Don't Know

Additional information: While recognising that land supply for burial is reaching a critical stage and there will come a point when burial is no longer possible, in the absence of alternatives for those opposed to cremation the focus should certainly be on maximising the efficiency of the remaining resource. However, most Burial Authorities are not structured or resourced to facilitate re-use of existing lairs so the priority should be concentrating on development of the available remaining new resource and maximising the capacity of that. The time that the remaining resource generates can then be used to develop alternative means of disposal of the dead and promote community acceptance of those alternatives. Currently, service users express a strong desire to have the certainty of knowledge that their needs will be met in perpetuity. There also exists the significant costs a Burial Authority would incur in operating, for example, a dig and deepen method of reuse and this may be in excess of the cost of establishing new sites. Within East Lothian it is proposed to offer a dig and deepen option to direct descendants of the

lair holder but this would only be with availability of adequate resource, suitable legal safeguards and full recovery of cost from the client.

Q23 - Does the proposed alternative approach provide a suitable balance between enabling people to buy lairs and safeguarding lairs for the future?

Yes No Don't Know

Additional information: East Lothian Council considered adopting a 10 year renewable rights system for unused lairs as a means of allowing sale of lairs in advance of immediate need to continue. However it was determined that administering such a system and in particular communicating the renewal targets to a lair holder over a sustained period presented too great a risk to the Council. The practicalities of maintaining reliable and timeous contact with lair holders would make this proposal difficult to deliver with certainty and the legislation required to protect the Burial Authority from risk would need to be extremely robust.

Again in East Lothian, Lair Holders may only erect a memorial stone once a lair has been used for the first burial. The majority of problems associated with unstable memorial stones relate to lairs that are closed for future burial and would therefore not attract interest from descendants to take up renewable rights so the lair holder would continue to be absent. Lairs due to be opened for a burial can have the cost of headstone consolidation added to the cost of the burial and a management fee payable on granting permission to erect a headstone is aimed at covering the cost of repairs in the case of absent lair holders, covering the cost of inspection and stability or removal work in future.

In terms of upkeep of a lair, the only significant burden to the Burial Authority is the grounds maintenance requirement. This is a long-standing need in the case of older burial grounds and can be best minimised within new burial grounds through design of the site and regulation preventing embellishment, kerbs and fences

Q24 - Should there be any restrictions about to whom the owner of a lair can transfer his or her interest? Should this be restricted to family members?

Response: As long as the Lair Holder is able to state their requirements personally there does not seem to be any benefit for placing such a restriction in legislation. If the lair holder is deceased then the next of kin claims right of use of the lair.

Q25 - Do you agree that Burial Authorities should no longer be able to sell multiple lairs or blocks of lairs to an individual?

Yes No Don't Know

Additional information: East Lothian Council restricts sale of lairs without immediate need to a maximum of 3 lairs each capable of taking up to 3 coffin and multiple cremated remains interments. Applicants with a direct spousal connection will be limited to one purchase application but offspring over 16 years of age, siblings and other direct relatives can make separate applications.

Q26 - The Burial and Cremation Review Group recommended that Burial Authorities may refuse to sell a lair if it believes that it is not for imminent use. How long should constitute 'imminent' in this situation? How could this be tested?

Response: Within East Lothian, the advance sale of lairs continues as per the response given in Q25 as long as there exists a supply of new lairs equivalent to the 5 year average need of the cemetery or an active proposal exists to develop a new site. In cases where the stock of lairs is less than 5 years, sale of new ground will only be permitted for immediate need – a deceased person requires burial. The use of 'immediate' eliminates ambiguity and any requirement to test the circumstances but clients with imminent need are given the surety that their wishes can be accommodated.

Q27 – Do you agree with the proposal that full lairs and partially-full and unused lairs should be considered for reuse in certain circumstances with appropriate safeguards in place?

Yes No Don't Know

Additional information: East Lothian has less than 5% of pre-sold lairs remaining unused after a 50 year period. However, the option to recover these unused lairs is considered appropriate in burial grounds where there exists an short-term supply problem. Recovery and reuse of full lairs is considered to be impractical and cost restrictive while the recovery of partially full lairs is unlikely to be acceptable to clients in the absence of a direct family connection to the interred person(s)

Q28 - Is a period of 75 years sufficient before reuse of a full lair can be considered?

Yes No Don't Know

Additional information: The phrase 'generational' may be more appropriate in circumstances where an infant child loses both parents, resides outwith the Burial Authority but lives into their 80's or 90's and expects to be buried with their parents.

Q29 - Does the initial consultation provide sufficient assurance that relevant specialist interests have been consulted? Should any other specific organisations or groups be consulted at this stage?

Yes No Don't Know

Additional information: The suggested required scope of consultation is not sustainable for the Burial Authority in terms of staff resource and costs to complete the process. This proposal will also place significant additional burden on the consultees and their capacity as national bodies to cope with multiple Burial Authority requests needs to be established.

Q30 - Does the process set out allow for sufficient notice to be given that a lair is being proposed for reuse? Should any particular methods of notification be used in addition to those noted?

Yes No Don't Know

Additional information:

Q31 – What can be done to make sure that there are no financial disincentives to opposing to the reuse of a grave?

Response: Any such disincentives need to take account of and avoid detriment to existing Burial Authority efforts and processes to recover costs of, for example memorial stone consolidation, from people notifying the authority of a right to use of the lair.

Q32 - Other than family members, who should be able to object to the proposed reuse of a lair?

Response: There should be consideration towards groups such as the War Graves Commission and Royal British Legion in the case of ex service men and women and in certain cases local history societies may have a specific interest in the previously interred person in the lair.

Q33 - What considerations should be made to determine whether an objection from a non-family member is legitimate?

Response: We have no view to offer on this question.

Q34 - If the Burial Authority decides not to reuse a lair on the basis of an objection from a non-family member, should that person become liable for the maintenance of the lair? If not, should the Burial Authority remain responsible?

Response: This question seems to contradict the aims of Q31. It seems inappropriate to expect someone with a casual interest in the lair where the interred person was a longstanding residential neighbour or close family friend.

Q35 - Do you agree that the 'dig and deepen' method should be used to allow the reuse of full lairs?

Yes No Don't Know

Additional information: Yes when operated on the criteria listed under Q22

Q36 - Are any other techniques available that should be considered?

Response: We have no view to offer on this question.

Q37 - Do you agree that headstones and memorials may be reused if appropriate?

Yes No Don't Know

Additional information: Memorial Headstones are a significant source of historical information and can be a source of significant comfort or even enjoyment to general visitors and people undertaking family history projects. The type of stone and age / condition may prevent additional inscriptions being added either to the front of back without possible detriment to the original inscription

Q38 - Do you agree that headstones and memorials should be removed from lairs if they cannot be made safe? In this instance, what should happen to headstones and memorials that are removed?

Yes No Don't Know

Additional information: The primary consideration has to the safety of visitors and staff within a burial ground. Accordingly headstones that cannot be made safe have to be taken down. However, depending on the construction of the stone, there are many cases where removal of the stone from the plinth and partial digging in of the stone, keeping the inscription visible to the front of the plinth is a cost effective means of removing the risk and protecting the stone.

Q39 - Are any other approaches for easing the pressure on burial land suitable for use in Scotland? For example, should above ground mausoleums, similar to those found in Europe, be considered?

Response: We have no view to offer on this question.

Q40 - Is a period of 25 years sufficient before the use of a partially-full or unused lair can be considered?

Yes No Don't Know

Additional information: There are far too many variables involved to clearly identify a single time scale. Depending on soil type, ground water level and movement, coffin construction, age and mass of the deceased, the decomposition period to skeletal remains can be anything from 15 years to over 100 years.

Q41 - Is 12 months long enough to advertise the intended reuse of a full lair or use of a partially-full or unused lair? Where should the Burial Authority's intention be advertised?

Yes No Don't Know

Additional information:

Q42 - Where a Burial Authority intends to reuse a lair having undertaken all appropriate consultations, should it be required to make clear to prospective purchasers that the lair is being reused or is part of a lair that is partly full?

Yes No Don't Know

Additional information: The consequences of not informing a family that the lair intended for the burial of their relative is being reused could only result in significant detriment to the reputation of the authority.

Q43 - Do the safeguards described provide sufficient reassurance to ensure that lairs are not reused inappropriately? Are any other safeguards required – for example, should the Burial Authority be required to seek a court order to reuse a lair?

Yes No Don't Know

Additional information: There are two questions here that require opposing answers. In terms of safeguards in place, the answer would be 'no' - the proposed reuse of partially filled lairs after 25 years should be extended to a generational timescale to avoid conflict between burial authorities and living relatives of the interred person. In terms of additional safeguards the answer would be 'yes' - the intended long-term use of the lair by the original purchaser needs to be taken into account as that intended use may not manifest until say the death of a parent of a stillborn infant.

Q44 - Should certain categories of grave – such as Commonwealth War Graves – be automatically excluded from consideration for reuse?

Yes No Don't Know

Additional information: Consultation should be undertaken with the War Grave Commission and The Royal British Legion to establish a consensus of opinion on this matter. However the current and ongoing demonstration of respect and commemoration for WW1 casualties suggests the wider public would not tolerate disturbance of service personnel remains

Exhumation

Q45 - Do you agree with the proposals to streamline the process for authorising exhumations, including an additionally streamlined process for particular categories of exhumation?

Yes No Don't Know

Additional information:

In the experience of this Authority, exhumations not involving criminal investigation generally come about as a result of two differing sets of circumstances. The first scenario, albeit avoidable through proper administration of the burial process, would be as a result of the Authority mistakenly interring a deceased person in the wrong

lair and in such circumstances the more streamlined the exhumations process, the better the opportunity to limit additional grief for the family.

The other scenario would be a family request but this could fall into two discrete categories. A straightforward request to relocate the remains of a relative for personal reasons and not disputed by any member of that immediate family could be benefited by streamlining. However, in a case where the exhumation is generated as a result of a family dispute, for example separated parents of a deceased child, this would require consideration based on legal precedent and individual circumstances rather than the practicalities of the operation that could be considered by an inspector.

Q46 - Do you agree with the proposal to provide an alternative process where the purpose of the exhumation is to allow the reuse of a full lair, including that the Burial Authority need not seek specific authorisation once it has carried out specified notifications that it intends to reuse the grave?

Yes No Don't Know

Additional information: As described above, this authority has concerns about the overall proposal for re-use of graves.

Q47 - Do you agree that authorisation for exhumations should be carried out by the inspector, rather than the Scottish Government?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q48 - Do you agree with the proposed approach for the exhumation of cremated remains?

Yes No Don't Know

Additional information: Given that a family can effectively do whatever they wish with cremated remains – Scatter, store at home etc, it is unclear why their incorporation into a cemetery should require specific legislation in cases of subsequent requests / cases for exhumation.

Pandemics and mass-fatality events

Q49 – Do you agree that the Bill should set out the process for applying for and authorising an exhumation for archaeological purposes? Should any particular issues be taken into account or conditions applied?

Yes No Don't Know

Additional information:

Q50 - Do you agree that the same power to suspend regulations relating to cremation in response to pandemics or other similar incidents should be extended to any relevant burial regulations?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Cremation forms and procedures

Q51 - Do you agree with the principle that a single form should be prescribed for applying for cremations or is it preferable that separate forms should be provided for applying for different categories of cremation? Please set out your reasons for your view.

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q52 - Do you agree that each of these categories should be provided for in cremation application forms?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q53 – Do you agree that Form A should contain these options for any ashes which are recovered?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q54 – Do you agree that no cremation which is applied for using Form A should be able to proceed unless the applicant has specified what should happen to the ashes? Do the categories above cover all relevant options or should other options be offered?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q55 – Do you agree that Form A should state that it may not be possible to recover ashes after the cremation of a very young child?

Yes No Don't Know

We have no view to offer on this question.

Q56 – Is the process for enabling a person other than the applicant to collect any ashes recovered appropriate? Are the timings proposed suitable?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q57 - If ashes are left at the crematorium, how long should be required to elapse before the crematorium can make arrangements to dispose of the ashes?

Response: We have no view to offer on this question.

Q58 – Do you agree that the application should be countersigned by someone who is not a member of the applicant's family and who is not involved in the arrangements for the cremation? Will this prove impractical? Should the legislation specify categories of people who may countersign cremation application forms?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q59 – Should application for other categories of cremation require a countersignature?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q60 - Given the similarities between the proposed forms, would a single application form applying to the cremation of people born alive and stillborn babies be appropriate, allowing for specific sections of the form to be completed depending on the kind of cremation? Would separate forms for each category be more appropriate?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q61 - What information should be considered essential for the cremation application?

Response: We have no view to offer on this question.

Q62 - What is the best way to enable Cremation Authorities to undertake this scrutiny? What level of seniority is appropriate for this role? Should the crematorium manager be legally responsible for this scrutiny, even if the actual scrutiny is delegated to a suitably senior member of staff? Should a senior Cremation Authority staff member be required to countersign the form to confirm that all legal requirements have been met?

Response: We have no view to offer on this question.

Q63 – Is there any need for the introduction of statutory forms for applying for a burial?

Yes No Don't Know Additional information: Best practice and standardisation should be applied Scotland-wide wherever possible but each Burial Authority has its own discrete issues and operational structures to operate within. Therefore this would probably be best left to each Burial Authority to consider with cross reference to the benchmarking group for Scotland for best practice.

Pregnancy loss

Q64 – Is a comparable process for the burial of a pregnancy loss of less than 24 weeks gestation required?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q65 - Is an alternative process required before the cremation of a pregnancy loss where there is no medical certificate?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q66 – Do you agree with these proposals for the form used to seek the mother's agreement to the hospital organising the cremation of a pregnancy loss of less than 24 weeks' notice?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q67 - Do you agree with the proposal for who should have the right to instruct the disposal of the remains in the event of a pregnancy loss of less than 24 weeks gestation? If not, in whom should this right be vested?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q68 - Do you agree with the proposal to provide a list of people who have the right to instruct the disposal of the remains in the event that the woman is unable to do so? If so, who should be included in this list?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q69 – Should there be a maximum time for which a pregnancy loss can be stored by a hospital before it is cremated as part of a shared cremation? How long should this be?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q70 – Should the forms for the cremation of a pregnancy loss of less than 24 weeks gestation be statutory? If not, why not?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q71 - Should the form used by the hospital to release a pregnancy loss to the mother be statutory?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q72 – Should there be a prescribed form for the application for cremation of a pregnancy loss of less than 24 weeks gestation where the cremation is organised by the mother?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q73 – Do you agree that the application should be countersigned by someone who is not a member of the applicant's family and who is not involved in the arrangements for the cremation? Will this prove impractical? Should the legislation specify categories of people who may countersign cremation application forms?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Cremation register

Q74 - Is this list comprehensive? Should any other information be required to be recorded in the Cremation Register?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q75 – Does this proposal provide sufficient confidentiality in the case of the cremation of a pregnancy loss?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q76 - Are there any reasons why the Cremation Register should not be a public document, assuming that appropriate data protection and confidentiality considerations are in place?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q77 - Do you agree that the Cremation Register should be retained indefinitely?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Accreditation of Cremation Authority staff

Q78 - Should the accreditation requirements described in paragraph 176 be set out in a Code of Practice or in legislation?

Code of Practice Legislation Don't Know

Additional information: We have no view to offer on this question.

Q79 - How should a person's accreditation be checked? How often should a person's accreditation be checked or renewed?

Response: We have no view to offer on this question.

Inspector of crematoria

Q80 - Do you agree that the role of Inspector should be responsible for crematoria and cemeteries?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q81 – Do you agree that the Inspector should be responsible for particular additional functions, as described? Are there any other functions that the inspector should carry out?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Q82 - Should there be a formal schedule of inspection to ensure that every Cremation Authority and Burial Authority is inspected at least once during a given period?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Regulation of the funeral industry

Q83 - Would regulation of the funeral industry be beneficial? What would regulating the industry achieve that cannot be achieved already? What are the disadvantages of regulating the funeral industry?

Yes No Don't Know

Additional information: East Lothian Council trading standards officers have not dealt with any complaints regarding funerals in the past 15 years.

Q84 - If the funeral industry were to be regulated, what approach would be most useful for Scotland? Do the examples given from other jurisdictions provide useful models, ranging from a fully licensed system to a process of self-regulation?

Yes No Don't Know

We have no view to offer on this question.

Q85 - Do you agree that an additional inspector role, separate from the Inspector of Crematoria, would be required to support a regulatory regime?

Yes No Don't Know

Additional information: We have no view to offer on this question.

Funeral poverty

Q86 - Do you agree with the proposal that Local Authorities should have a legal duty to ensure that their up-to-date burial and cremation costs are published on their website in clear and accessible way?

Yes No Don't Know

Additional information: We have no view to offer on this question. Our own charges can be found on our website.

Q87 - Should Local Authorities be required by law to charge funeral costs on a cost-recovery basis only?

Yes No Don't Know

Additional information:

Traditionally most Burial Authorities have run burial services on a heavily subsidised basis, however, more recently recovery of cost is the most common model. The debate when setting charges is the exact and reasonable scope of costs that can be considered. If Burial Authorities demonstrated full cost-of-service in the cost recovery structure, this could include capital investment in providing new facilities and maintenance of grounds, as well as actual burial activity.

Q88 - What else could be done to reduce funeral costs and ensure that they remain affordable for everyone?

Response: No suggestions in response to this question. However, we offer the following for information.

East Lothian Council organises and pays for funerals when there is no-one else responsible for the costs and the deceased's estate is insufficient.

The frequency with which the Council has to perform this duty fluctuates from year to year:

- in 2013 there were no such funerals;
- in 2014 there were 10 such funerals;
- in 2015 to date (end April) there have been 5 such funerals.

In this as in other council expenditure we aim to obtain value for money.

Any other relevant issues

Please use this space to provide information about relevant issues which are not covered in the consultation paper or any topic which you think should be considered: