
NORTH AYRSHIRE COUNCIL

7 November 2023

Cabinet

Title: Scottish Government Consultations on Burials and Cremation

Purpose: To seek approval of the proposed responses to the Scottish Government consultations on Burials and Cremation.

Recommendation: Cabinet is asked to approve the consultation responses from North Ayrshire Council included at Appendix 1 and for these to be submitted to the Scottish Government by 17 November 2023.

1. Executive Summary

- 1.1 On 25 August 2023, the Scottish Government launched a range of consultations on proposed regulations to be made under the Burial and Cremation (Scotland) Act 2016.
- 1.2 The four consultations relate to:
 - Burials
 - Inspection of burial authorities, cremation authorities & funeral directors
 - Alkaline Hydrolysis (water cremation)
 - Licensing of funeral directors
- 1.3 Responses have been drafted and Cabinet approval is being sought for responses to 3 of the 4 consultations.
- 1.4 Approval of the draft response to the Burials consultation is sought due to changes in policy in respect of burials including the restoration of lairs; approval of the response to the consultation on inspection of burial authorities etc is being requested as North Ayrshire Council is a burial authority and will be impacted by this; and approval of the response drafted for the consultation on alkaline hydrolysis, as a new, evolving method of body disposal is also being sought.
- 1.5 The fourth consultation seeks views on the implementation of regulations for funeral director licensing, which if implemented would create a licensing regime for funeral directors with the Scottish Government being the Licensing Authority. As this consultation does not specifically impact North Ayrshire Council policies, a response will be submitted by officers separately from an operational perspective to that particular consultation.

2. Background

- 2.1 The Scottish Government developed, consulted on, and implemented the Burial and Cremation (Scotland) Act 2016. The Act implemented recommendations made by the Burial and Cremation Review Group, the Infant Cremation Commission, and the National Cremation Investigation.
- 2.2 The proposals set out in the consultations on burial, inspections and licensing are key to realising the necessary detail, protection and processes envisaged by the Act.
- 2.3 The consultation also aims to seek views on an alternative method to body disposal, alkaline hydrolysis (water cremation) as responses to the 2016 Bill consultation demonstrated there was public support for the introduction of new, environmentally friendly alternatives in Scotland. This included alkaline hydrolysis which is already in use in some countries including Ireland, Canada and the USA.
- 2.4 The main points for each of the Consultations are as follows:

Burials

The Consultation includes management of burial grounds, applications process for burials, exhumation, private burial and restoration of lairs.

The sections in Part 1 of the Act relating to Burial have not yet commenced and this will introduce a range of legal obligations for individuals and burial authorities. This will include an end to the sale of lair rights in perpetuity. Rights of burial will be limited to a 25 year period with an option for the lair holder to apply to extend the rights for subsequent periods of 10 years.

One of the key issues addressed by the Act is the restoration of lairs as there is increasing pressure on available and suitable land for burials in Scotland and the restoration of unused and part used lairs.

Inspection of burial authorities, cremation authorities and funeral directors

The purpose of this consultation is to seek views on the implementation of regulations for burial authorities, cremation authorities and funeral directors. A previous consultation on the proposed regulations was carried out in 2017 and the funeral sector was consulted with as part of the Inspection Regulations Working Group which was convened in 2018.

Licensing of funeral directors

The purpose of this consultation is to seek views on the implementation regulations for funeral director licensing, which if implemented would create a licensing regime for funeral directors with the Scottish Government being the Licensing Authority. As this consultation does not specifically impact North Ayrshire Council policies, a response will be submitted by officers separately from an operational perspective to that particular consultation.

Alkaline Hydrolysis (Water cremation)

The consultation proposal is that alkaline hydrolysis would be an additional choice for people interested in exploring an alternative to traditional cremation. This is a matter of choice for individuals and not a replacement for traditional methods, it's an alternative. Alkaline is a more environmentally friendly option than traditional cremation.

The consultation also seeks views on potential codes of practice, guidance and regulations.

- 2.5 A draft response to the three consultations on burials, inspection of burial authorities etc and alkaline hydrolysis is provided in Appendix 1. Should Cabinet approve the responses, they will be submitted to the Scottish Government by 17 November 2023. The fourth consultation seeks views on the implementation of regulations for funeral director licensing, which if implemented would create a licensing regime for funeral directors with the Scottish Government being the Licensing Authority. As this consultation does not specifically impact North Ayrshire Council policies, a response will be submitted separately by officers, from an operational perspective, to that particular consultation.

3. Proposals

- 3.1 Cabinet is asked to approve the proposed responses from North Ayrshire Council included in Appendix 1 and for these to be submitted to the Scottish Government by 17 November 2023.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

Legal

- 4.3 The consultation relates to the Burial and Cremation (Scotland) Act 2016.

Equality/Socio-economic

- 4.4 None.

Climate Change and Carbon

- 4.5 The consultation to consider alkaline hydrolysis as an alternative to traditional cremation is a more environmentally friendly option.

Key Priorities

- 4.6 None.

Community Wealth Building

4.7 None.

5. Consultation

5.1 This is a national Scottish Government consultation launched on 25 August 2023 and is due to close on 17 November 2023. The consultation is open to all citizens and organisations.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact Thomas Reaney, **Head of Service (Neighbourhood Services)**, on 01294 324570.

Background Papers

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Respondent Information Form

Please Note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

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?

- Yes
 No

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Question 1 – What do you think is an appropriate timeframe for burial authorities to prepare for the changes to the sale of right of burial?

- 3 months
- 6 months
- 12 months
- Another timeframe

Please give reasons for your answer.

6 months is a reasonable timeframe to amend lair certificate templates, terms and conditions of sale, updating public information and setting up systems to highlight when burial rights are due to expire.

Question 2 – Please provide any views you have on the proposed minimum content of the management plan, including whether any suggested content should be added to, or removed from, the plan.

Procedures for dealing with an unexpected rise in number of burials suggest would be held in a separate business continuity plan which can be referenced in the management plan, as well as contingency arrangements for disruption or loss of service.

Question 3 – Who do you think should be able to inspect or view a management plan on request?

- Inspectors
- Scottish Government
- Members of the public
- Another burial authority
- Other parties
- No one – internal document only

Please give reasons for your answer.

Document would not contain any business sensitive information, business continuity plans may contain such info which would be best held in a separate document.

Question 4 – What timeframe should burial authorities be given to put a management plan in place after the regulations come into force?

- 3 months
- 6 months
- 12 months
- Other
- Don't know

Please give reasons for your answer.

This is difficult to determine as will contain site specific information on several sites, some authorities have in excess of 50 burial grounds to manage.

Question 5 – Do you think that burial authorities should be required to review the management plan annually?

- Yes - it sounds right
- No - it's too often
- No - it's not often enough
- Not sure

Please give reasons for your answer.

An annual review ensures information is kept up to date.

Question 6 – What is your view on the proposed list of powers (set out in the bullet points above) to be granted to burial authorities to enable them to manage and maintain their burial grounds to a safe standard? (Please refer to paragraph 29 of the consultation document).

- It looks right
- It does not look right
- Some of these powers are unnecessary
- Some powers are missing
- Not sure

Please give reasons for your answer and provide any further comment.

The right to remove any items placed without permission (eg benches, planting) and to remove any items which may affect the maintenance or future interments within the burial ground.

Question 7 – where a lair right-holder is ‘known’ (or at least some form of contact details are held), and the danger is not imminent, do you think that regulations should require a burial authority to notify the lair right-holder prior to taking corrective action to a lair, headstone or memorial?

- Yes
 No
 Not sure

Please give reasons for your answer.

For corrective action to a lair – in some cases **no**, as this could include repairing sunken lairs which would not be feasible to notify title holders prior to carrying this out, the title holder does not own the lair, they own Right of Burial. Other issues regarding the lair could be notified to the title holder such as items left on the lair which are not permitted. With regards to the headstone – **yes**. The headstone is the title holder’s property and as such their responsibility to maintain. Out of courtesy they should be advised of any remedial action required to this in case they wish to take corrective action prior to the authority having to.

Question 8 – If you answered ‘yes’ to question 7, how long should the lair right-holder be given to carry out necessary repairs to a headstone or memorial before a burial authority takes corrective action to make the memorial safe?

- 1 month
 2 months
 3 months
 6 months
 Other

Please give reasons for your answer.

This would depend on the condition of the memorial and how hazardous it is, the authority may have to take immediate action on safety grounds.

Question 9 – Where lair right-holders are unknown (contact details are outdated), please provide views on the most appropriate way to publicise the intention to carry out inspections and potential corrective action to make headstones and memorials safe.

Attempts should be made to contact the title holder via the last known contact details held.

Question 10 – In relation to Question 9, how long should burial authorities be required to publicise their intentions, prior to taking corrective action?

- 1 month
- 2 months
- 3 months
- 6 months
- Other
- Don't know

Please explain you reason for choosing this timeframe.

A month gives the title holder sufficient time to contact the authority if they wish, to confirm if they will be arranging remedial works themselves.

Question 11 – Please provide any views you have in relation to headstones or other memorials requiring urgent attention.

Agree burial authorities require powers to take immediate action on an unsafe headstone or memorial.

Question 12 – Please provide any comments you have on the proposed training requirements and the keeping of training records for burial authority staff.

Agree accurate record of this should be held.

Question 13 – Please share your views on the designation of parts of a burial ground for different faiths.

Agree with proposals to engage with local faith communities.

Question 14 – Please share your view on the proposed information to be collected in the burial application forms.

- It looks right
- It does not look right
- Some of this is unnecessary information
- There is some information missing
- Not sure

Please give reasons for your answer.

One single form rather than 7 should be used and the different type of burial can be detailed on a section of the form. Age of deceased should be included in details of deceased.

Question 15 - Please indicate if you think anything may be missing from the proposed accompanying documentation list, or should be removed from it.

Application for burial of pregnancy loss by health authority or body – shared or individual burial : this should still require a medical certificate of pregnancy loss or a health authority/medical practitioner confirmation that the pregnancy has ended to the burial authority.
Any for burial of body parts (or whole body following donation/examination) should require a lair certificate if the interment is to be in an existing lair.

Question 16 – Do you think that an application for the burial of ashes in a burial ground should be accompanied by a cremation certificate, where available?

- Yes
- No
- Not sure

Please give a reason for your answer.

It is reasonable to have the certificate if available, although to be cremated the Form 14 will have been required, so not essential.

Question 17 - Where a cremation certificate is not available, and it is not possible to obtain a copy, do you think that an applicant should be able to submit one of the following instead:

- an extract copy of the cremation register entry or;
- a Certificate of Registration of Death (Form 14) or equivalent or;
- an abbreviated copy of the full death entry made in The Statutory Register of Deaths

- Yes
- No
- Not sure

Please give a reason for your answer.

The crematorium should be able to issue a copy.

Question 18 - Please share your view on the proposed information to be collected in the burial register entries.

- It looks right
- It does not look right
- Some of this is unnecessary information
- There is some information missing
- Not sure

Please give a reason for your answer.

Coffin/casket sizes should also be recorded for babies/pregnancy loss/body parts

Question 19 – What is your view on the proposed list of organisations that an applicant should engage with to ensure they are complying with local requirements?

- The list is complete
- The list is missing some organisations
- The list contains unnecessary organisations
- Not sure

Please give a reason for your answer.

All relevant organisations have been detailed.

Question 20 – Do you think an applicant should be required to submit evidence, alongside the application, to demonstrate that the proposed burial site is in line with third party agency and local authority rules and guidelines?

- Yes
- No
- Not sure

Please give a reason for your answer.

This ensures rules and guidelines have been followed.

Question 21 – What is your view on the proposed information to be collected in the private burial application form?

- Some of this is unnecessary information
- It looks right
- There is some information missing

Not sure

Please give a reason for your answer.

Age of deceased should also be recorded.

Question 22 – what do you think is a reasonable time limit for local authorities to give decisions on private burial applications?

- 1 week
- 2 weeks
- 3 weeks
- 1 month
- Other
- Not sure

Please give a reason for your answer.

If the application is complete with all relevant checks carried out then this would be a reasonable time period.

Question 23 – Please share your views on the Scottish Government's proposal not to allow for an application for private burial to be made for a person who is not yet deceased.

Agree, there are too many factors that could change in between the time of application and the person dying.

Question 24 – Do you think private burial should be considered on a case-by-case basis?

- Yes
- No – restrictions should be included in the regulations
- Not sure

Please give a reason for your answer.

Although it would be good to have detail in the regulations there may be too many varying factors to allow this.

Question 25 – Do you think that regulations should give local authorities the power to charge fees for their role in private burial applications?

- Yes
 No
 Not sure

Question 26 – If you answered “yes” to question 25, what services should local authorities be able to charge for in relation to private burial?

A set fee which will cover processing and carrying out relevant checks on the application, carrying out a feasibility study, updating private burial register.

Question 27 – What is your view on the proposed information to be collected in the Register of Private Burial?

- It looks right
 It does not look right
 Some of this is unnecessary information
 There is some information missing
 Not sure

Please give a reason for your answer.

All relevant details are covered.

Question 28 – Please provide any comments on an appropriate way to record the precise location of the private burial site (e.g. coordinates or description).

Co-ordinates and description, and if there is any marker in place.

Question 29 – Please provide any views on the proposed appeal process for private burial decisions made by local authorities.

The proposals are reasonable.

Question 30 – Where an application for exhumation from a burial ground is made by a relative of the deceased who is also the lair right-holder but is not the nearest relative, do you think the applicant should be required to obtain written consent from the nearest relative(s) and any relatives of the deceased who have the same degree of kinship as the applicant (e.g. the applicants siblings)?

- Yes
 No
 Not sure

Please give a reason for your answer.

Consent from next of kin should always be sought in such a case.

Question 31 – Where an application for exhumation is made by a nearest relative of the deceased but they are not the lair right-holder, should that relative be required to obtain the written consent of the lair right-holder and any relatives of the deceased who have the same degree of kinship as the applicant (e.g. the applicant's siblings)?

- Yes

- No
- Not sure

Please give a reason for your answer.

Yes, all relevant next of kin should be contacted for consent and the title holder should be notified but their consent not required if the exhumation is authorised.

Question 32 - Where an application for exhumation from a burial ground is made by a burial authority, from whom should written consent be obtained?

- Lair right-holder
- Nearest relatives
- Other

Please give a reason for your answer.

Both should always be consulted and consent requested but depending on the circumstances the exhumation may be authorised without consent.

Question 33 – Please share any views you have on the proposed fast-tracked exhumation procedures?

This is needed to reduce the distress caused to families where there is no room for a further interment in the lair which is sometimes only discovered 2 days before the interment is due to take place.

Question 34 – Thinking about the proposed feasibility report factors set out above, which do you think should be included in a feasibility study for exhumation?

- A check of the condition of the coffin to determine feasibility to exhume
- Health and Safety Risk Assessment
- Archaeological assessment (by local authority archaeologist or HES)
- Consultation with the CWGC
- Other
- None of the above

Please provide any views on anything else you think should or should not be included in a feasibility report.

Rather than a check of the condition of the coffin, a test dig should be required to determine if the exhumation is feasible. In most cases the condition of the coffin will be poor however it is still possible to exhume preserving the dignity of the deceased. In all cases the remains and coffin will be recoffined. The report or application should detail exactly where the exhumed remains are to be reburied or if they are to be cremated.

Question 35 – Do you think there should be a time limit for carrying out an exhumation once authorisation has been given?

- Yes
 No
 Not sure

Question 36 - If you answered yes to the previous question, what do you think the time-limit should be?

- 3 months
 6 months
 1 year
 2 years
 Other

Please give a reason for your answer and provide any other comments.

Once authorised this is a sufficient time period to make arrangements and carry out the disinterment.

Question 37 – Should requests for exhumation of known burials on private land be made to an Inspector of Burial, Cremation and Funeral Directors?

- Yes
 No
 Not sure

Please give reasons for your answer and provide any further comment.

As there will be an application and record of all private burials it is right and correct that any exhumations on private ground should also be recorded and applied for.

Question 38 – Where the person applying for exhumation from private land is not related to the deceased (e.g. a new landowner) what arrangements should be made for the exhumed remains?

A process to contact any remaining next of kin should be followed and consultation with them on a new burial location should be discussed. If unable to trace any next of kin the applicant would require to pay for Right of Burial for lair in a nearby cemetery.

Question 39 – Please share any views you have on exhumation of discovered human remains from outside a burial ground.

Investigations in line with Police Scotland and any other relevant agency should take place prior to the remains being authorised to be exhumed. Attempts where possible to contact next of kin should be made before any reinterment is arranged.

Question 40 - What is your view on the proposed information to be collected by each burial authority in the Register of Exhumation relating to the exhumation of human remains carried out in a burial ground for which it is the burial authority?

- It looks right
- It does not look right
- Some of this is unnecessary information
- There is some information missing

Please give a reason for your answer.

Age of deceased, original date of burial should also be recorded.

Question 41 - What is your view on the proposed information to be collected by each local authority in the Register of Exhumation relating to the exhumation of human remains authorised for private burial by that local authority?

- It looks right
- It does not look right
- Some of this is unnecessary information
- There is some information missing

Please give a reason for your answer.

Age of deceased, original date of burial should also be recorded.

Question 42 – Do you think that no less than 6 months from the date the notice is issued is an appropriate length of time for the lair right-holder to consent or object to the restoration of a lair?

- Yes
- No – too long
- No – too short
- Not sure

If you answered ‘no’, please suggest a minimum time period.

Question 43 – Do you think that no longer than 12 months from the date the notice is issued is an appropriate length of time for the lair right-holder to consent or object to the restoration of a lair?

- Yes
- No – too long
- No – too short
- Not sure

If you answered ‘no’, please suggest a maximum time period.

Question 44 – Where the burial authority cannot identify the lair right-holder, please provide your views on how a burial authority may publicise the intention to restore the lair.

Public notices in local press, notices at burial ground and also at grave location.

Question 45 - What is your view on the proposed information to be collected in the Register of Restored Lairs?

- It looks right
- It does not look right
- Some of this is unnecessary information
- There is some information missing
- Not sure

Please give a reason for your answer.

Address and age of deceased should be recorded (if known)

Question 46 – If the lair is to be used for a further burial and it is not possible to return a headstone to its original position do you have any views on how it should be preserved or retained?

Details on the condition of the headstone should be taken and it should be photographed so that this is recorded before the headstone may be removed or disposed of due to its condition.

Question 47 - Please provide any additional views or comments you may have on any aspect of the proposed burial regulations.

No further comments

Question 48 - Do you have any views on the potential impacts of the proposals in this consultation on human rights?

No further comments

Question 49 - Do you have any views on the potential impacts of the proposals in this consultation on equalities and the protected characteristics set out above? (Please refer to pages 47 – 48 of the consultation).

No further comments

Question 50 - Do you have any views on the potential impacts of the proposals in this consultation on children and young people as set out in the UN Convention on the Rights of the Child?

No further comments

Question 51 - Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

No further comments

Question 52 - Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

No further comments, island communities do not appear to be impacted any differently.

Question 53 - Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

No further comments

Question 54 - Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

No further comments

Question 55 - Do you have any views on the potential impacts of the proposals

No further comments

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consultation on the environment?

Respondent Information Form



Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
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Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

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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?

- Yes
 No

Question 1 - Please provide any comments on the Scottish Government's proposals related to types of inspections by inspectors.

Agree with the intention for both routine and ad-hoc inspections bearing in mind operational and business needs at the time of the inspection.

Question 2 - Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for cremation authorities?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Question 3 - Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of cremation authorities.

Agree with the criteria stated

Question 4 - Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for burial authorities?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Question 5 - Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of burial authorities.

Agree with the criteria stated

Question 6 - Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for funeral director businesses?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Question 7 - Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of funeral directors.

Agree with the criteria stated

Question 8 - Please provide any comments on the proposal to link inspections and funeral director licence renewals.

Agree this makes sense to link the inspections and renewals where appropriate.

Question 9 - Please provide any other comments regarding the proposals for determining the frequency of routine inspections.

No further comments

Question 10 - Which option presented above do you prefer? (please refer to paragraph 87 to 100)

- Option A
- Option B
- Neither
- Don't know

Question 11 - If Option B is pursued by the Scottish Government, please select the percentage of premises you think should be randomly selected for inspection.

- 25% of premises
- 50% of premises
- 75% of premises
- Other % of premises (please state a %): 100%
- Don't know

Question 12 - Please provide reasons for your selection above, and any other comments you wish to make.

Each premise is operating as a business and as such should be treated the same as every other premise. All premises should be up to standard at all times in any case. Only inspecting a selection of premises will result in a lack of confidence in the business. Larger organisations will have policies in place but there will be local variations to this and local practices which will differ per office.

Question 13 - Please provide any comments on the Scottish Government's proposals related to inspection of equipment and other items by inspectors.

In agreement with list provided.

Question 14 - Please provide any comments on the Scottish Government's proposal to provide in regulations powers for Inspectors to interview staff (or third-party contractors) or clients of burial authorities, cremation authorities, or funeral directors.

Agree with the proposals, it is important that these discussions are had for points of clarification.

Question 15 - Please provide any views about the Scottish Government's revised proposal to not include in regulation powers for Inspectors to seize, detain, or remove equipment from relevant bodies.

Agree with proposal and that any equipment which poses serious risk should be referred to the relevant body.

Question 16 - Do you agree or disagree that Inspectors should be able to issue an enforcement notice which requires equipment to be repaired or replaced?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Question 17 - Do you agree or disagree that Inspectors should be able to issue an enforcement notice which prohibits a relevant body from using equipment until it is repaired or replaced?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Question 18 - Please provide any other comments about the use of enforcement notices to require equipment repairs/replacements or prohibit use of equipment.

No further comments

Question 19 - Please provide your views about whether 14 days is an appropriate timescale to require a response to the inspection report.

- 14 days is too long
- 14 days is appropriate
- 14 days is too short
- Don't know

Question 20 - Please provide any other views about the proposed approach to inspection reports.

The report may contain specialist information and a member of staff with the relevant knowledge and qualifications may not be available for 14 days to respond, we would suggest 21 days may be a more appropriate timescale.

Question 21 - Please provide comments on the proposed content of enforcement notices.

Agree with proposed content.

Question 22 - Please provide comments on the proposed approach to lifting enforcement notices.

Agree with proposed approach.

Question 23 - Please provide any other comments on the Scottish Government's maintained proposal to provide in regulations power for Inspectors to issue enforcement notices

Would propose that the enforcement notice should be emailed to the manager of the premises with a follow up via registered post.

Question 24 - Please provide any views on the proposed content of suspension notices.

Agree with proposals.

Question 25 - Please provide any views on the proposed process of issuing suspension notices.

Agree with proposals.

Question 26 - Please provide any views on whether there should be an opportunity for the authority to make an oral representation to Scottish Ministers or a representative of Scottish Ministers before Ministers make their decision whether to issue a suspension notice.

Yes, it would be helpful for an opportunity for the authority to make oral representation prior to a notice being issued.

Question 27 - Please provide any views on the proposed process for lifting a suspension notice.

Agree with proposals.

Question 28 - Please provide any other views on the Scottish Government's proposals for suspension notices for burial authorities and cremation authorities.

On most occasions it will be a funeral director contacting the burial or cremation authority about their services, we expect the authority will be required to advise them of the suspension notice and not just a member of the public who enquires.

Question 29 - Please provide any views on the appeal process for decisions made by Inspectors.

Agree with the proposals.

Question 30 - Please provide any views on the appeal process for decisions made by Scottish Ministers.

Agree with the proposals.

Question 31 - Please provide any comments on the proposed approach to complaints.

Agree with proposals.

Question 32 - Please provide any additional views or comments you may have on the proposed statutory inspection regime.

No further comments

Question 33 - Do you have any views on the potential impacts of the proposals in this consultation on human rights?

No further comments

Question 34 - Do you have any views on the potential impacts of the proposals in this consultation on equalities and the protected characteristics set out above? (Please refer to page 48 of the consultation document).

No further comments

Question 35 - Do you have any views on the potential impacts of the proposals in this consultation on children and young people as set out in the UN Convention on the Rights of the Child?

No further comments

Question 36 - Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

No further comments

Question 37 - Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

No further comments, island communities do not appear to be impacted any differently.

Question 38 - Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

No further comments

Question 39 - Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

No further comments

Question 40 - Do you have any views on the potential impacts of the proposals in this consultation on the environment?

No further comments

Respondent Information Form

Please Note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

North Ayrshire Council

Phone number

01294 310000

Address

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Postcode

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Email Address

bereavementservices@north-ayrshire.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

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?

- Yes
 No

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Question 1 - Do you think that the Scottish Government should introduce regulations to allow the use of alkaline hydrolysis as a method of disposal of human remains in Scotland? Please also provide the reason for your answer. (see para 3 – 7)

Yes
No
Don't know
No view/ comment

Comments:

This will provide an increased choice and an alternative to more traditional methods of disposal. It is kinder to the environment than burial or traditional cremation and may ease pressure on burial ground capacity for those that do not like the idea of a traditional cremation.

Question 2 - Have the sustainability claims made by manufacturers influenced your response to Question 1? Please provide details. (see para 11)

Yes
No
Don't know
No view/ comment

Comments:

Increased choice is always good, however, if kinder to the environment then can only be a positive move.

Question 3 - Assuming that alkaline hydrolysis is to be allowed, should it be regulated in a similar manner as cremation? (see para 22 – 23)

Yes

No

Don't know

No view/ comment

Comments:

Any type of disposal of human remains must be regulated and as a similar process in that the end process results in ashes it seems appropriate to follow the cremation regulations as a basis.

Question 4 - Do you agree that the same procedure as applies to opening new crematoriums should apply to opening alkaline hydrolysis premises? (see para 29)

Yes

No

Don't know

No view/ comment

Comments:

This is appropriate.

Question 5 - Should alkaline hydrolysis operators be subject to inspection in the same way as cremation authorities? (see para 32)

Yes

No

Don't know

No view/ comment

Comments:

It is appropriate and important that any operators involved in the disposal of human remains are inspected and regulated.

Question 6 - What information do you think should be included in a management plan by a provider of alkaline hydrolysis? (see para 33 – 37)

Comments:

The detail proposed is appropriate.

Question 7 - Do you agree that there should be statutory application forms similar to the cremation application forms? (see para 39)

Yes

No

Don't know

No view/ comment

Comments:

This is appropriate in line with other methods of disposal of human remains and essential that accurate records are kept.

Question 8 - Do you have any views on the provision of alkaline hydrolysis for children under age 4 and for stillborn babies (even though no ashes are likely to result)? (see para 42 – 44)

Yes

No

Don't know

No view/ comment

Comments:

Agree that if offered and chosen by parents of children aged under 4 and stillborn babies it must be made clear to them there is unlikely to be any ashes recovered.

Question 9 - Do you have any comments on extending the requirement for a Form E1 (as applies when the body is released for cremation by COPFS) to alkaline hydrolysis? (see para 45)

Yes

No

Don't know

No view/ comment

Comments:

This is appropriate as the body will no longer be available for future examination.

Question 10 - Do you agree that operators of alkaline hydrolysis (and funeral directors) should be required to comply with the same requirements and timescales for handling of the remains as they are for ashes following cremation? (see para 47 – 48)

Yes

No

Don't know

No view/ comment

Comments:

Yes, this will prevent the historical issues with unclaimed ashes in line with the cremation regulations.

Question 11 - Do you agree that the content of the statutory cremation register for bodies should be replicated for alkaline hydrolysis? Please add any comments on what you think should be different and why. (see para 49)

Yes

No

Don't know

No view/ comment

Comments:

No further comments

Question 12 - Do you agree that the content of the statutory cremation register for body parts should be replicated for alkaline hydrolysis? Please add any comments on what you think should be different and why. (see para 49)

Yes

No

Don't know

No view/ comment

Comments:

No further comments

Question 13 - Do you agree that the content of the statutory cremation register for stillborn babies should be replicated for alkaline hydrolysis? Please add any comments on what you think should be different and why. (see para 50 – 51)

Yes

No

Don't know

No view/ comment

Comments:

No further comments

Question 14 - Section 87 of the 2016 Act provides that where a person dies or is found dead within a local authority area, and no arrangements are being made for them to be buried or cremated, the local authority must make the arrangements. In these cases, should the local authority be able to use alkaline hydrolysis where it is available? Please provide reasons for your answer. (see para 52)

Yes

No

Don't know

No view/comment

Comments:

This provides another option for arrangements.

Question 15 - As noted in the consultation, supporters of alkaline hydrolysis have suggested that the liquid could be considered for sustainable disposal, such as fertilizer. If relevant consents are obtained, do you have any views on whether this should be an option? (see para 53 – 60)

Yes

No

Don't know

No view/ comment

Comments:

If relevant consents and environmental assessments are carried out this should be an option.

Question 16 - Do you have any other comments on the regulation and use of alkaline hydrolysis which you wish to share? (see para 53 – 60)

Comments:

No further comments

Question 17 - Do you have any views on the potential impacts of the proposals in this consultation on human rights?

No further comments

Question 18 - Do you have any views on the potential impacts of the proposals in this consultation on equalities and the protected characteristics set out above?

No further comments

Question 19 - Do you have any views on the potential impacts of the proposals in this consultation on children and young people as set out in the UN Convention on the Rights of the Child?

No further comments

Question 20 - Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

No further comments

Question 21 - Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

No further comments other than the availability of this service and that island communities may have to travel further if they wish this type of service.

Question 22 - Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

No further comments

Question 23 - Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

No further comments

Question 24 - Do you have any views on the potential impacts of the proposals in this consultation on the environment?

No further comments