

## Respondent Information Form

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Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

East Dunbartonshire Council	
Phone number	0300 123 4510
Address	
Southbank Marina 12 Strathkelvin Way G66 1TJ	
Postcode	G661TJ
Email Address	parksandopenspaces@eastdunbarton.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 Do not publish response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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.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 – 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.**

Due to the sensitivity of the issue - minimum of 12 months.

**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.**

All areas are covered and are very comprehensive - nothing to add.

**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.**

This is largely an internal operational document - Inspectors and Scottish Govt only.

**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.**

Although much of the information will be available a period of 12 months would give authorities the appropriate time to formalise the operational plan.

**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.**

No requirement to review annually – suggest a thorough review every 3 years with additional updates should something significant change.

**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.**

All areas covered - very comprehensive - nothing to add.

**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.**

Yes – with a view to asking them to make the Cat 2 Headstone safe.

**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.**

Up to 1 year as per the reinspection intervals.

**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.**

Local Media, Council Social Media Platforms, Web Pages etc  
Display on Noticeboards within Cemetery and a notice on the specific headstone if applicable.

**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.**

It is important this is done just before actions are taken – so suggest 1 month

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

Should be the responsibility of the lair holders (owners) and they should undertake maintenance and repairs.  
Council has a duty of care to act if no action taken.

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

Agreed in principle – it is essential all staff are fully trained to undertake their full range of duties.

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

It is clear across Scotland that there are already areas within a number of cemeteries where faith groups are interred in the same sections – the designation would in the main formalise this existing arrangement and therefore the powers to do this would be welcomed.

**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.**

Nothing to add or remove.

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

Nothing to add or remove.

**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.**

Yes – already in place within East Dunbartonshire and confirms the deceased details.

**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.**

Yes – requirement to know the deceased details - any of the above would be suitable.

**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.**

Nothing to add.

**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.**

List is comprehensive and complete.

**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.**

Yes – important the site is suitable for burial.

**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.**

Nothing to add.

**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.**

Although a speedy response would be best - because of the number of potential agencies involved 1 month seems reasonable.

**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.**

The potential for change in circumstances means this may need to change at a future date hence applications not appropriate in advance of death.

**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.**

Within East Dunbartonshire private burials are very rare – the case by case approach allows the appropriate checks to be made.

**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?**

The Local Authority will incur costs so therefore a charge should apply.

**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.**

Details collected are comprehensive.

**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).**

Really important this information is collected accurately for future records – map reference and coordinates required.

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

Do not believe there should be an appeals process – the collective agencies decision should be final.

**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.**

A collective agreement should be required with both the lair holder and the closest next of kin – this will ensure the correct governance is in place.

**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 for the same reasons as noted above.

**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.**

Lair holder and nearest relatives.

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

Supportive of fast track process as detailed in procedures.

**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.**

The first 4 points are all important in progressing with an exhumation.

**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.**

Yes – 6 months – this provides sufficient time to organise and importantly conclude arrangements around exhumation.

**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.**

Yes - this would provide appropriate regulation.

**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?**

These would be very unusual circumstances – but if required the remains could be buried in a local Cemetery.

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

Dealt with respectfully and reburied at an appropriate location.

**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.**

Information collated is comprehensive.

**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.**

Information collated is comprehensive.

**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.**

No - The sensitivity of this requires a 12 month period to consent/object.

**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.**

No - The sensitivity of this requires at least a 12 month period to consent/object

**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.**

Local Media, Council Social Media Platforms, Web Pages etc  
Display on Noticeboards within Cemetery and a notice on the specific headstone if applicable.

**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.**

Nothing to add.

**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?**

Photographic evidence retained of stone and inscription – thereafter appropriate disposal.

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



Nothing to add.

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

None

**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).**

None

**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?**

None

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

None

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

None

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

None

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

None

**Question 55 - Do you have any views on the potential impacts of the proposals in this consultation on the environment?**

None