

Scottish Government submission of 15 February 2024

PE1941/CC: Stop the destruction of headstones within community cemeteries

I am responding as Deputy Director for the Public Health Capabilities Division, with responsibility for the overarching policy governing the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act'). Officials in the Burial, Cremation, Anatomy and Death Certification Team are taking forward the development of the draft burial regulations.

I note that there have been three previous responses to the Committee on Petition PE1941 (27 June and 19 October 2022, and 22 May 2023) and you are now seeking additional information about:

- When the results of the burial regulations consultation will be published;
- What actions the Scottish Government intends to take in response to the consultation; and
- Whether a national database of lair owners has been considered by the Scottish Government.

The "Management of burial grounds, application for burial, exhumation, private burial and restoration of lairs: regulation in Scotland" [consultation](#) ran from 25 August to 17 November 2023 and received fifty-nine responses.

The consultation was split into sections (shown below), with specific questions relating to each of these sections:

- Section 1 – Commencement of part 1 of the 2016 Act
- Section 2 – Management of burial grounds
- Section 3 – Burial Application and Register
- Section 4 – Private burial
- Section 5 – Exhumation
- Section 6 – Restoration of lairs
- Any other comments

Following the consultation, the Scottish Government has been carefully analysing the responses and reviewing all feedback to help guide us in our next steps. We aim to publish the analysis of the burial consultation shortly.

The Scottish Government is not exploring the possibility of establishing a nationwide database for individual lair right-holders. There are around 59,000 deaths in Scotland each year and we understand about 30% of those are burials. Maintaining a national database would not provide added value to the information that is maintained locally by burial authorities. Each burial authority is responsible for maintaining a register of rights of burial. Section 17 of the 2016 Act, which is already in force, sets out that each burial authority must maintain a register of rights of burial and may take the steps necessary to ensure that records are accurate and up to date.

Public Health Capabilities Division