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## Health, Social Care and Sport Committee

# The Hydrolysis (Scotland) (No.1) and (No.2) Regulations 2026 [draft]



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# Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care.

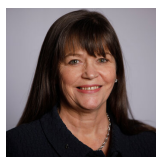


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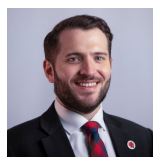


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Scottish National Party



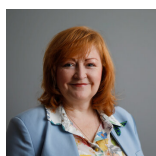
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**Sandesh Gulhane**  
Scottish Conservative  
and Unionist Party



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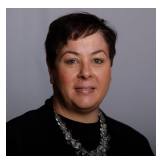
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**Elena Whitham**  
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**Brian Whittle**  
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# Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of the following Scottish Statutory Instruments (SSI) at its meeting on 6 January 2026 - [The Hydrolysis \(Scotland\) \(No.1\) Regulations 2026 \[draft\]](#) and [The Hydrolysis \(Scotland\) \(No.2\) Regulations 2026 \[draft\]](#).
2. The instruments, laid in draft, are subject to the affirmative procedure – which means they cannot be made unless they have been approved by a resolution of the Parliament.
3. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will also be published on the Committee's webpages.

# The Hydrolysis (Scotland) (No.1) and (No.2) Regulations 2026 [draft]

4. The instruments, laid under the the Burial and Cremation (Scotland) Act 2016 on 3 December 2025, enable hydrolysis to become available as an option for the disposal of human remains in Scotland and to establish the regulatory framework for hydrolysis facilities and their operators.
5. [The Policy Note for The Hydrolysis \(Scotland\) \(No. 1\) Regulations](#) highlights that the instrument extends the application of Part 2 of the Burial and Cremation (Scotland) Act 2016 to hydrolysis, subject to some modifications, and amends the 2016 Act to ensure hydrolysis sits as an alternative to burial and cremation and can be subject to the same inspection regime as burial authorities, cremation authorities, burial grounds and crematoriums. They also make various consequential amendments to primary and secondary legislation, to reflect that hydrolysis is an option for the disposal of human remains, sitting alongside burial and cremation.
6. [The Policy Note for The Hydrolysis \(Scotland\) \(No. 2\) Regulations](#) outlines that the instrument is necessary to exercise regulation-making powers in the provisions of Part 2 of the 2016 Act, as they apply in relation to hydrolysis and as if modified in accordance with the Hydrolysis (Scotland) (No. 1) Regulations, and to provide more detailed regulation of hydrolysis. In particular, these Regulations regulate the management and operation of hydrolysis facilities, applications for hydrolysis, the handling of powder (the end product of hydrolysis) and the hydrolysis register.
7. Alongside both policy notes, the following impact assessments have been carried out:
  - [a business and regulatory impact assessment \(BRIA\)](#)
  - [a child rights and wellbeing impact assessment \(CRWIA\)](#)

## Delegated Powers and Law Reform Committee Consideration

8. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
9. The DPLR Committee considered the instruments at its meeting on 16 December 2025 and reported on them in its [95th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instruments.

# Health, Social Care and Sport Committee consideration

10. The Health, Social Care and Sport Committee is required to consider and report on the instruments.
11. Ahead of its consideration of the instruments, the Committee wrote to a number of stakeholders seeking their written views on the regulations. The Committee received one response from SAIF Scotland that has been published on the [Parliament website](#).
12. The Committee then took evidence from the Minister, and supporting officials, on the instrument at its meeting on 6 January 2026. During the evidence session, the Minister highlighted that passing both sets of regulations would make Scotland the first country in the UK to be able to offer hydrolysis as an alternative to burial and cremation. She further cited its growing popularity as an alternative to burial and cremation in other countries.
13. The Minister then went on to note that the regulations will form one part of the wider regulatory oversight by a number of bodies, stating:
  - ” Those wishing to set up as a hydrolysis authority will need to obtain various consents in advance and will be subject to ongoing legislative requirements ... in addition, the Scottish Government appointed inspectors of hydrolysis must approve a hydrolysis facility before the hydrolysis authority will be able to accept applications.
14. The Minister was then asked how corrosive materials will be prevented from entering the water course and what safeguards would be put in place. The Minister responded by outlining that the system itself ensures that it is sterile water that goes into the water system, and that the corrosive materials would be neutralised. The Minister stated that other potentially harmful materials entering the water system would be destroyed by this same process.
15. Similarly, Members queried whether prions - linked with with Creutzfeldt-Jakob disease and other diseases - would be destroyed by the process outlined by the Minister before being released into the water supply. The Minister stated that all the evidence she has received states prions would be destroyed by the sterilisation process.
16. Members then queried the level of uptake and interest in this process, with the Minister stating that its introduction in other countries as well as engagement from local authorities and various stakeholders shows there is demand for an alternative to burial and cremation.
17. Finally, Members flagged questions raised by the SAIF Scotland submission - particularly regarding the moving of remains across the border. The Minister outlined that they have had discussions with the UK Government regarding alignment and is confident there would be no issues with the regulations as laid. Questions were also raised regarding the remains being described as "powder", and whether the potential issue of these being stopped at customs has been

considered. The Minister noted that it is for other countries to decide what is accepted across their borders. She further noted that the Scottish Government is not aware of any issues surrounding this and it was not something raised in consultation, but that it is something that they would continue to monitor and potentially incorporate into further guidance.

18. Following the evidence session, the Minister moved motion [S6M-20005](#):

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No. 1) Regulations 2026 [draft] be approved.

The Minister also moved motion [S6M-20006](#):

That the Health, Social Care and Sport Committee recommends that the Hydrolysis (Scotland) (No. 2) Regulations 2026 [draft] be approved.

19. Sandesh Gulhane MSP contributed to the debate, stating that as long as there is a smooth process across the UK when introducing these regulations then he would have no objections.
20. The motions were agreed to.

21. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Hydrolysis (Scotland) (No.1) Regulations [draft] and the Hydrolysis (Scotland) (No.2) Regulations be approved.

