

Citizen Participation and Public Petitions Committee
Wednesday 19 March 2025
5th Meeting, 2025 (Session 6)

PE2087: Pass a law making exercising a dog in a cemetery an offence

Introduction

Petitioner Paul Irvine

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to pass a law making exercising a dog in a cemetery an offence punishable by an on the spot fine for infringement.

Webpage <https://petitions.parliament.scot/petitions/PE2087>

1. [The Committee last considered this petition at its meeting on 29 May 2024.](#) At that meeting, the Committee agreed to write to COSLA, Police Scotland, and the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new written submission from the Scottish Government which is set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 27 March 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 373 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
March 2025

Annexe A: Summary of petition

PE2087: Pass a law making exercising a dog in a cemetery an offence

Petitioner

Paul Irvine

Date Lodged

28 February 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to pass a law making exercising a dog in a cemetery an offence punishable by an on the spot fine for infringement.

Background information

I am a father who lost his 3-year-old son in 2020. We live opposite where our son is buried and visit his grave at least once a day. Whilst visiting my son's grave, my family have witnessed up to 100 people exercising their dogs daily with dogs being let off-lead or on long leads, resulting in them urinating and defecating on graves, including that of my own son, and damaging teddies left by the public.

I have approached dog walkers to explain my issue. Most of the time I have been met with hostility and even threats of violence.

We witness some dog walkers driving to the cemetery, obviously from another area, just to exercise their dog.

Pre-Covid the Edinburgh Council rule was no dogs apart from assistance dogs.

We feel this is not enough of a deterrent, and a law is needed with an exception for dogs with mourners and assistance dogs.

Annexe B: Extract from Official Report of last consideration of PE2087 on 29 May 2024

The Convener: PE2087 is on passing a law making exercising a dog in a cemetery an offence—those in the public gallery will see that we move across a broad range of public interest. The petition, which has been lodged by Paul Irvine, calls on the Scottish Government to pass a law to make exercising a dog in a cemetery an offence punishable by an on-the-spot fine for infringement.

Mr Irvine tells us that he lives opposite—[Interruption.] I am terribly sorry, but I forgot that Clare Haughey had joined us for the previous petition. However, I think that she is content with the action that we have taken. Apologies—that just occurred to me suddenly.

I go back to Mr Irvine, who tells us that he lives opposite the cemetery where his son is buried and has been upset by the number of people who exercise their dogs in the cemetery and allow them to urinate and defecate on graves, including his son's. Mr Irvine has raised the issue with his local authority, which has introduced a rule that dogs must be kept on leads in cemeteries but has stopped short of its pre-pandemic rule of permitting only assistance dogs in cemeteries.

In responding to the petition, the Scottish Government states that it fully recognises the distress—as I am sure the committee will, too—caused by irresponsible dog owners who damage headstones and mementos left at gravesides. However, responsibility for the management, security and upkeep of local authority burial grounds lies with the local authority for the area in which the cemetery is located. Existing legislation gives local authorities the power to make, consult on, publish and display management rules that regulate the use and conduct of people while on land or premises that are owned or managed by the local authority.

Additionally, under the Dog Fouling (Scotland) Act 2003, which covers all public open spaces, anyone who does not immediately clean up fouling by a dog is committing an offence and could be issued with a fixed-penalty notice of £80. The SPICe briefing also highlights the Control of Dogs (Scotland) Act 2010, which allows the police to issue a dog control notice if a dog is not being kept under control effectively and consistently.

In light of that, do colleagues have any suggestions as to how we might proceed?

Fergus Ewing: I note the tragic loss of the petitioner's three-year-old son and that the petitioner lives opposite where his son is buried. He talks about the family witnessing up to 100 people exercising their dogs daily, with dogs being let off leads or on long leads, resulting in their urinating and defecating on graves and damaging teddies and so on that have been left in memory. I just thought that I would mention that because, plainly, the petition is somewhat unusual, but there is a human tragedy behind it.

The Convener: Yes.

Fergus Ewing: Therefore, one understands it.

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For that reason, I have a series of suggestions. Given that the issue seems to be primarily a local government responsibility, we should write to the Convention of Scottish Local Authorities to seek further detail on best practice for local authorities regarding the presence and behaviour of dogs in cemeteries. We should also write to Police Scotland to request information on the breakdown of offences under the Dog Fouling (Scotland) Act 2003 and the Control of Dogs (Scotland) Act 2010, specifically in relation to those that have taken place in cemeteries, in order to ascertain whether there is any pattern of enforcement by the police in this matter.

Furthermore, we should write to the Scottish Government, seeking an update on the implementation of the Burial and Cremation (Scotland) Act 2016, and specifically on whether proposed regulations for the management of burial grounds might address the issues raised by the petition.

The Convener: Thank you, Mr Ewing. Are colleagues content to proceed on that basis?

Members *indicated agreement.*

Annexe C: Written submission

Scottish Government written submission, 24 June 2024

PE2087/B: Pass a law making exercising a dog in a cemetery an offence

Thank you for your letter of 7 June 2024 requesting an update on the implementation of the Burial and Cremation (Scotland) Act 2016.

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').

The Scottish Government is currently in the process of implementing [the 2016 Act](#). This Act updates legislation for all burial grounds and burial authorities across Scotland. Section 6 of the 2016 Act gives Scottish Ministers the power to make regulations for, or in connection with, the management, regulation and control of a burial ground by a burial authority.

A [public consultation](#) on management of burial grounds, application for burial, exhumation, private burial and restoration of lairs launched on the 25 August 2023 and ran until 17 November 2023. The consultation analysis report can be found [here](#).

Burial management regulations aim to clarify the powers that burial authorities have to manage their burial grounds, with particular regard given to safety and maintenance of headstones and memorials.

Amongst other things, the Scottish Government proposes to require each burial authority in Scotland to prepare and maintain a management plan which will apply to all the burial grounds for which the burial authority has responsibility. The aim of a management plan is to provide an overview of how a burial authority's burial grounds are to be managed. The intention is for regulations to prescribe the minimum content required of the management plan, but each burial authority will have the option to add additional information.

Burial authorities will not be required to record their decision on dog access within the management plan, but they could choose to set out their position in the plan if they wish.

Burial regulations will not create any new rules in relation to dogs. The decision on whether to permit dogs in burial grounds will remain at the discretion of each individual burial authority based on local factors. Local authorities already have the powers to set and enforce appropriate management rules under The Civic Government (Scotland) Act 1982. The Scottish Government does not hold copies of these but many are available online (for example, see Edinburgh Council's [here](#)) or they can be requested directly from the burial authority.

I hope this information is helpful.

Population Health Directorate