



# Autumn 2019 NEWSLETTER

Volume 05 | Burial and Cremation Policy Team

## **Implementation of the Burial and Cremation (Scotland) Act 2016 continues!**

Implementation continues with the publication of the Cremation Regulations, Pregnancy Loss Regulations and the third set of Commencement Regulations.

All of these took effect on 4 April 2019. Meaning that everyone is required to comply with the regulations and use the new application forms. More on the specifics inside.

For reference, the full 2016 Act can be viewed [here](#).

And if you have any questions, or are interested in being involved in any part of the implementation process, you can contact the team at [burialandcremation@gov.scot](mailto:burialandcremation@gov.scot) or give us a call on 0300 224 4000 and ask for the Burial and Cremation Policy Team.

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## Cremation

### Regulations

The Cremation (Scotland) Regulations 2019 include new cremation application forms to be used from 4 April 2019. They're available for download [here](#) and on each cremation authority's own website.

There are guidance notes available (at the same link above), which have been designed to help facilitate understanding of each section of the forms. If after reviewing the guidance notes you have any questions on any part of the forms, further questions should be directed to us at [burialandcremation@gov.scot](mailto:burialandcremation@gov.scot).

### Form 14

Discussions are ongoing with National Records of Scotland about implementing routine electronic transfer of Form 14 to the applicant or the funeral director. An update will be given as soon as possible.

### Infant Cremation: Code of Practice

The third edition of the Infant Cremation Code of Practice was published on 15 April 2019 and is available [here](#). This edition reflects the implementation of the 2019 Regulations.

### Inspector Of Cremation's Annual Report

The Inspector of Cremation's 2019 Annual Report on Scotland's crematoriums was published on 22 July and is available [here](#).



## Pregnancy Loss and Stillbirth

### Regulations

The pregnancy loss and stillbirth application forms also came into effect on 4 April 2019. These include three authorisation forms which health providers are now required to use in specific circumstances when a woman, next of kin or an individual is making a decision(s) about the arrangements for the burial or cremation of a pregnancy loss or a stillborn baby. The forms record the woman, next of kin or authorised individual's wishes for burial or cremation.

The regulations were checked for legal competence by the Scottish Parliament's Delegated Powers and Law Reform Committee and were not subject to any calls for evidence. Having satisfied the Committee, the forms were issued to all health authorities, along with guidance notes. The guidance notes are available to others on request by contacting us at [burialandcremation@gov.scot](mailto:burialandcremation@gov.scot).

## Anatomy

### Anatomy Code of Practice Reissue

The current Code of Practice has been updated in consultation with all heads of Scotland's anatomy schools. It will be reissued on the Scottish Government website in due course, updated to reflect the functioning of a modern anatomy school.

### Inspections

All universities are licensed under the Anatomy Act 1984 and each anatomy school was inspected during Spring 2019. These were the first round of inspections completed by Professor Gordon Findlater as HM Inspector of Anatomy, enabling him to fully review the sector in Scotland. Inspection reports have been issued by Professor Findlater to all universities.

If you have any anatomy questions, you can direct them to the dedicated mailbox at [inspectorofanatomy@gov.scot](mailto:inspectorofanatomy@gov.scot).

## Funeral Directors

### Funeral Director: Code of Practice Consultation – closing soon!

Since the update in Volume 04, the Funeral Director: Code of Practice was launched for consultation. The consultation is available until 20 September [here](#).

The Code will be statutory and apply to all funeral directors who carry out the activities of a funeral director in Scotland.

Thank you if you have already responded to the consultation. We very much appreciate your time and effort. If you are yet to respond, please do take this chance to have your say. 20 September is less than two weeks away.

### Death Certification Review Service of Scotland: important communication for funeral directors

If you're a funeral director that handles repatriations to Scotland from outside of the UK, please note that there is a required procedure when arranging cremation or burial. In all cases, an application, must be made to the Death Certification Review Service [here](#).

### Inspector of Funeral Directors Report and Post

The Inspector of Funeral Directors' appointment came to an end on 30 June 2019 and Ministers are in the process of scoping out the roles and responsibilities for a new Inspector, to be appointed under the Burial and Cremation (Scotland) Act 2016. It is anticipated that this will build on the work of the former Inspector and ensure bereaved families and their loved ones are treated with dignity and respect.

Minister for Public Health, Sport and Wellbeing, Joe FitzPatrick issued the following statement:

*"I welcome the report from the former Inspector of Funeral Directors which sets out her recommendations for regulation of the funeral director sector in Scotland.*

*As part of the forthcoming regulation of the sector, we will develop a licensing scheme for funeral directors' businesses in consultation with the funeral industry and in doing so will consider the inspector's recommendations in relation to the wider regulatory framework.*

*The Scottish Government understands that the public want reassurance that their loved ones continue to receive respectful and dignified care after death in an environment that is fit for purpose. Standards may already be high in many funeral directors' businesses, but the introduction of regulation for the first time, such as licensing and a statutory code of practice, will ensure bereaved families have peace of mind whichever business they choose."*

The former Inspector's Report to Scottish Ministers on the introduction of a regulatory model including Progressive Licensing scheme for Funeral Directors in Scotland is available [here](#).



*Mr. Walter Scott Monument*

*Edinburgh*

## Inspection Regulations Working Group

The Working Group met for a second time on 5 September in Edinburgh, on this occasion to discuss circumstances in which inspections can be carried out and the functions of inspectors. A third meeting is scheduled for 9 October to discuss compliance and enforcement action, and reviews and appeals processes.



## Burial

### Memorial Safety Guidance

The Memorial Safety Guidance was published on 5 June and can be accessed [here](#).

It's intended to assist local authorities to meet their obligations to inspect and make safe all memorials and headstones in local authority burial grounds. We also encourage private burial authorities to adopt it.

Thank you for all the work representatives from local authorities and other organisations involved in the maintaining of memorials have contributed to develop this guidance.

### Burial Regulations 2019

Work will now begin on burial regulations, the final part of our regulatory work in respect to the Burial and Cremation (Scotland) Act 2016.

A working group is being set up now having received a good response from our earlier canvassing for members. We hope to finalise the group before too long and set up a meeting soon after.

## Commencement

As noted in Newsletter 04, the other areas of the 2016 Act that came into effect from 4 April 2019 are:

Provisions of the Burial and Cremation (Scotland) Act 2016	Subject matter	Purpose
S.89(1)(b)	Appointment of inspectors of cremation	
S.93	Reports	Not yet in force
S.99	Power to extend application of the Act	
S.103	Offences by bodies corporate, etc.	
S.104	Regulations: consultation requirements	Not yet in force
S.109	Minor and consequential amendments	
Schedule 1	Minor and consequential amendments	
S.110	Repeals	Not yet in force
Schedule 2	Repeals	Not yet in force
S.111	Crown application	

## **Indicative Future Implementation Timetables**

Parts of the 2016 Act and related work will be commenced at different times. Where regulations are to be made, they will be designed in collaboration with stakeholders and will be subject to public and stakeholder consultation and scrutiny. The timescales below are indicative only and are subject to change at our discretion.

### **Remainder of 2019:**

- Funeral Director: Code of Practice consultation runs for 12 weeks, followed by a period for analysis
- Continued development of inspection regulations
- Meeting of the burial ground management regulations working group
- Appointment process for an Inspector of Burial
- Announce next steps on the licensing of funeral directors' businesses and the Inspector of Funeral Directors