

First Minister
5th Floor
St Andrew's House
Regent Road
Edinburgh
EH1 3DG



18th July 2011

Dear Sir,

Burial and Cremation Law Review – Phase II

I write on behalf of Members of the Institute in Scotland to express extreme disappointment that the Scottish Government has no plans to take forward the review of burial and cremation law – Phase II of the review. Whilst it is appreciated that the review of death certification currently underway under Phase I has importance for the bereaved in Scotland, the Institute feels that a review of burial and cremation law requires equal attention.

Prior to any new death certification process being put in place it will be necessary to review the Cremation Regulations (Scotland) and potentially amend legislation relating to the registration of deaths therefore an ideal opportunity is available to also review burial law that dates back to 1855.

Much work was completed by the review group led by Sheriff Brody during 2005 with the recommendations in his report made after major consultation with all interested parties having considerable support. It transpired that the overall view was that modern burial legislation is required in order to tackle the problems relating to the management of cemeteries and their unsustainable nature.

The Institute would encourage the Scottish Government to reconsider its current position and grasp this opportunity to show the way on creating modern legislation for the management of cemeteries to the rest of the UK.

I look forward to receiving your reply which I will circulate to Institute members in Scotland.

Yours sincerely,

Tim Morris, FICCM(Dip), FSBP,
Chief Executive,
On behalf of the Board of Directors and Members in Scotland

From: Annette.Stuart@scotland.gsi.gov.uk [mailto:Annette.Stuart@scotland.gsi.gov.uk]
Sent: 30 June 2011 15:46
To: McCulloch, Robert
Subject: RE: New Research: Death Certification, Burial and Cremation Analysis of Consultation Findings Phase 1: Questions 1-20, 51 and 52

Dear Robert

Thanks for your enquiry. I know you will be disappointed but there are no plans to take forward Phase II of the death certification, burial and cremation issues at this point in time. This would be a decision for Scottish Minister in planning any future work programme. As you know a decision was taken to prioritise the death certification element on the consultation and this is what is included in the Certification of Death (Scotland) Act 2011. This team is now focussing on implementing the new arrangements – the current timetable is that the new system is expected to be implemented during 2013-14. If there are any developments relating to the burial and cremation legislation I will let you know.

Regards
Annette Stuart
Death Certification Implementation Team
0131 244 2711