

**Ministear airson Slàinte Poblach  
Minister for Public Health**

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Mr Tim Morris  
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Ur faidhle/Your ref:  
Ar faidhle/Our ref: 2011/1011625  
15 August 2011

Dear Mr Morris

Thank you for your letter of 18 July 2011 on behalf of members of the Institute of Cemetery and Crematorium Management about the review of burial and cremation law. I am replying on behalf of Ms Sturgeon, Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy. I can understand your disappointment that the legislation relating to burial grounds in Scotland has not been updated in recent years and that you feel that the opportunity is being missed to do so at the same time as a new death certification system is being implemented.

As you know in early 2010 a consultation on death certification, burial and cremation was launched and this covered all the issues on which the Burial and Cremation Review Group reported. As you will appreciate the consultation featured a wide range of important and sensitive issues and while death certification has been prioritised, the Scottish Government recognises the impact that some of the other issues of the burial and cremation consultation can have and it is our intention to take these other issues forward at a later date.

The Certification of Death (Scotland) Act received Royal Assent on 20 April 2011 and arrangements are now being made to implement the new death certification system. A national implementation group has been convened, chaired by Dr Iain Wallace, Medical Director of NHS Forth Valley, to help drive this work forward. The group includes representation from the medical profession, funeral industry, faith groups, as well as bereavement services to ensure that the new arrangements are taken forward with the full support of stakeholders. I am pleased to note that ICCM are represented on that group and will continue to be influential in developing and implementing the new arrangements.

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Last year, the Scottish Government prioritised legislation on death certification (in line with recommendations made by the Burial and Cremation Review Group) and the Certification of Death (Scotland) Act 2011 received Royal Assent on 20 April. Work is now progressing on implementing the Act, which is due to commence in 2013-14. If resources were diverted to updating the burial and cremation legislation in parallel with the work progressing around the new death certification system there may be a real possibility that it could lead to delays or stall the whole programme altogether, something that I am sure that you and other stakeholders would not welcome.

I hope that my letter reassures you that work on the other legislation will take place at a later date and has not simply been put to one side.

*Best wishes,*



**Michael Matheson**