Draft Regulations laid before the Scottish Parliament under section 106(2) of the Burial and Cremation (Scotland) Act 2016, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

BURIAL

The Burial (Management) (Scotland) Regulations 2025

Made - - - -	*2025*
Coming into force - -	*1st March 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 6(1) of the Burial and Cremation (Scotland) Act 2016(**a**) and all other powers enabling them to do so.

In accordance with section 104(1) of that Act, they have consulted burial authorities and such other persons as they consider appropriate.

In accordance with section 106(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Burial (Management) (Scotland) Regulations 2025 and come into force on 1 March 2025.

(2) In these Regulations—

"plan" has the meaning given in regulation 2(1)(a),

"scheduled inspection" is a regular inspection of headstones and other memorials to ensure they are in safe order.

Burial management plans

2.—(1) A burial authority must—

(a) prepare and maintain a burial management plan ("plan") in respect of a burial ground,

(b) ensure that the burial ground is managed and operated in accordance with that plan.

(2) A plan may apply to more than one burial ground.

(3) A burial authority must make arrangements for the plan to be available for inspection by—

(a) an inspector,

(b) members of the public.

(4) A plan must contain provision about the following matters—

(**a**) 2016 asp 20.

(a) the name and address of each burial ground to which the plan applies,

(b) which of those burial grounds are accepting—

(i) new coffin and ashes burials,

(ii) new ashes burials only,

(iii) new coffin burials only,

(iv) no new burials,

(c) procedures for—

(i) the carrying out of burials,

(ii) dealing with any unexpected increase in the number of burials,

(iii) the operation and servicing of all equipment that is owned by the burial authority and used in the burial process or to maintain the burial ground,

(iv) ensuring the burial ground is maintained in good order,

(v) the carrying out of scheduled inspections, including the frequency of such inspections,

(vi) contingency arrangements for any unexpected disruption to operations,

(d) the review of the plan.

(5) A plan must be—

(a) prepared within 12 months of these Regulations coming into force,

(b) reviewed at least every 12 months thereafter, taking into account up to date practices.

Maintenance of burial grounds

3.—(1) A burial authority must maintain a burial ground in good order.

(2) In maintaining a burial ground in good order, a burial authority may—

(a) maintain and repair any buildings, walls, fences and other structures erected on or enclosing the burial ground,

(b) erect walls, fences and other boundary markers on the burial ground,

(c) enclose, lay out and embellish the burial ground,

(d) maintain or improve access to and within the burial ground,

(e) maintain, repair or reposition a headstone or other memorial,

(f) alter the surface of a lair,

(g) alter the position of railings, slabs or kerbs,

(h) manage vegetation,

(i) remove, and if the burial authority so wishes, replace, any items or structures that are beyond reasonable repair,

(j) remove or reposition any flowers or plants.

Safety of headstones and other memorials

4.—(1) A burial authority must carry out scheduled inspections.

(2) Prior to carrying out a scheduled inspection, a burial authority must notify the public—

(a) of the date of the inspection,

(b) that as a result of the inspection, the burial authority will take steps to make safe any headstone or other memorial that the authority considers to be, or risk being, not in safe order,

(c) what those steps may be.

(3) In order to return to safe order any headstone or other memorial that the authority considers to be, or risk being, not in safe order, a burial authority may in particular—

(a) repair, make secure, reposition or remove a headstone or other memorial,

(b) alter the surface of a lair,

(c) remove or reposition railings, slabs or kerbs.

Removal of unauthorised headstones or other memorials

5.—(1) This regulation applies where a headstone or other memorial is erected in a burial ground without prior authorisation from the burial authority.

(2) A burial authority may remove any headstone or other memorial.

(3) The person on whose instruction the headstone or other memorial was placed is liable for the reasonable cost of its removal.

Training

6. A burial authority must—

(a) ensure that staff are adequately trained in relation to their day-to-day duties at a burial ground,

(b) prepare and maintain a written record of all training undertaken by staff.

Maintenance of equipment

7. A burial authority must—

(a) ensure that equipment that is owned by the burial authority and used in the burial process or to maintain the burial ground is serviced and maintained according to manufacturer instructions,

(b) prepare and maintain a written record of such servicing.

Designation for use by faith, religious or belief groups

8. A burial authority may designate part of a burial ground for use by a particular faith, religious body, or belief group.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the management of burial grounds in Scotland.

Regulation 2 requires a burial authority to prepare and maintain a burial management plan ("plan") in respect of a burial ground and ensure that the burial ground is managed in accordance with the plan. The same plan may be applied to more than one burial ground.

Regulation 3 requires a burial authority to maintain burial grounds in good order. The regulation sets out the steps that a burial authority may take in order to comply with this duty.

Regulation 4 requires a burial authority to carry out regular scheduled inspections to ensure that headstones and other memorials in a burial ground are in safe order. A burial authority must notify the public prior to each scheduled inspection. The regulation sets out examples of steps that may be taken by a burial authority in order to make headstones or other memorials safe, whether following a scheduled inspection or at any other time.

Regulation 5 permits burial authorities to remove a headstone or other memorial that is erected without authorisation and to recover the cost of doing so from the person responsible for its erection.

Regulation 6 requires a burial authority to ensure that staff are adequately trained in relation to their day-to-day duties and to keep a written record of training undertaken by staff.

Regulation 7 requires a burial authority to ensure that equipment is maintained and serviced in accordance with manufacturer instructions and to keep a record of such servicing.

Regulation 8 permits a burial authority to designate part of a burial ground for use by a particular faith, religious body or belief group.

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