



**PUBLIC PETITION NO.**

**PE01415**

### Name of petitioner

John Steele

### Petition title

Update Burial Grounds (Scotland) Act 1855

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to update the Burial Grounds (Scotland) Act 1855.

### Action taken to resolve issues of concern before submitting the petition

It is my belief that a mass grave containing human remains from HMS Dasher exists in Ardrossan Cemetery. A low level radar scan of the area by Glasgow University concluded this theory could not be ruled out.

I requested that North Ayrshire Council conduct a full search and exhumation of the area, however due to the restrictions on exhumations in the 1855 Act this was not possible. In order that North Ayrshire Council would apply to the court for the appropriate permissions I had to change my request from a full search and exhumation to what is a 'sensitive search' where the turf will be removed and a search will be carried out using small trowels and should any remains be found the search will have to be halted and the earth and turf immediately reinstated.

### Petition background information

After 19 years of research and a book published, THE AMERICAN CONNECTION TO THE SINKING OF HMS DASHER, my evidence points to an unregistered mass grave in Ardrossan cemetery. At my instigation North Ayrshire Council commissioned Glasgow University to carry out a low level radar scan.

Having instigated Glasgow University archaeology dept to carry out a low level radar search the University report states; IT CANNOT BE RULED OUT THAT THERE ARE NUMEROUS BODIES IN A DEEP PIT WITHOUT COFFINS.

The archaeologist's report recommends excavating a single trench at the cemetery, 6 metres x 1 metre. The turf and top soil would be removed by hand. If burial plots are located they will quickly become evident. If bones are encountered they will be recorded and left in place. All further excavation will be suspended and the trench will be back filled. Should human remains be found it is highly likely that they will be some of the 351 men missing as a result of the sinking of the royal Navy aircraft carrier HMS Dasher.

North Ayrshire Council, who are responsible for Ardrossan cemetery had been advised by their legal department that under the 1855 Act the sensitive search proposed by Glasgow University cannot take place.

Under the 1855 act it was ascertained by North Ayrshire Council that this recommendation could not be taken forward as relatives of those buried would have to give their permission for the search to be undertaken. North Ayrshire council also recorded prior to applying to the court for a disinterment they would have to identify the remains concerned. As 355 royal navy personnel are still registered as "missing" it is impossible to know who has been buried in this potential mass grave. I should point out this situation is unprecedented in the UK.

North Ayrshire Council are currently in the process of applying to the Court for permission to allow a 'sensitive' search excavation of the area to take place where the turf will be removed and a search will be carried out using small hand trowels and should any remains be found the search will have to be halted and the earth and turf immediately reinstated.

If the Burial Ground Act 1855 is updated it might very well allow this type of work to take place with reduced bureaucracy and cost for all.

I am aware that the Scottish Government carried out a Consultation Paper on Death Certification, Burial and Cremation in 2010 It is my understanding that the aim of the consultation was to:

"To review the Cremation Acts of 1902 and 1952 (and the Cremation (Scotland) Regulations 1935 as amended) and the Burial Grounds (Scotland) Act 1855 as amended, and to make recommendations on how the legislation could be changed in order to better serve the needs of the people of Scotland."

It is my understanding that this consultation did not cover the issue that is of concern to me around the enabling of 'sensitive searches' and exhumations and this is something that I would like to see included as part of the review of the legislation.

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01415>

#### Related information for petition

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

NO

#### How many signatures have you collected so far?

1

#### Closing date for collecting signatures online

N/A

#### Comments to stimulate online discussion

