



**Finance and Corporate Resources**  
Executive Director Paul Manning  
Administration Services

Ms Alison Wilson  
Assistant Clerk to the Public Petitions  
Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

**Our ref:** SP/P  
**Your ref:** PE1415  
**If calling ask for:** Stephen Kelly  
**Phone:** 01698 454705  
**Date:** 11 April 2012

Dear Ms Wilson

**Public Petitions Committee - Consideration of Petition PE1415 (Petition by John Steele which calls on the Scottish Parliament to urge the Scottish Government to update the Burial Grounds (Scotland) Act 1855)**

I refer to your correspondence of 15 March 2012 in which South Lanarkshire Council was invited to respond to a petition raised by John Steele which calls on the Scottish Parliament to urge the Scottish Government to update the Burial Grounds (Scotland) Act 1855.

In particular, 2 direct questions are asked of the Council which relate to the petition, i.e:

1. What are our views on the issues raised in the petition?
2. Do we (the Council) have any plans to review and update the current law in relation to burial grounds? If not can you provide the Committee with your reasons for this?

Our comments in relation to these questions are as follow:-

**1. What are our views on the issues raised in the petition?**

The background to the petition is such that Mr Steele requested North Ayrshire Council to carry out a full search and exhumation of an area in Ardrossan Cemetery as it is his belief that the said area was used as an unregistered mass grave which contains the human remains from HMS Dasher.

Having reviewed Mr Steele's petition, it is clear that he is seeking some form of legislative recognition of disinterment from within the Burial Grounds (Scotland) Act 1855 and that this could be achieved through a review of this Act. Acting in the capacity of a Burial authority, it is believed that there would be benefits behind such a review particularly from an administrative perspective.

With particular regard to the case in Ardrossan Cemetery, the key issue of note is the necessary approval to disinter. As you are aware, any disinterment is wholly dependent on the approval of the owner of the right of burial. Given that there apparently remains a degree of

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doubt as to whether the unregistered mass grave does indeed contain human remains or not, the lair approval (in this case the relatives of the serviceman) could not be supplied. The action, therefore, of North Ayrshire Council was understandable.

**2. Do you have any plans to review and update the current law in relation to burial grounds? If not can you provide the Committee with your reasons for this?**

South Lanarkshire Council does not have any plans to independently review the current law in relation to burial grounds. We are, however, in support of a comprehensive review of burial and cremation legislation in Scotland and consider that this could best be achieved through the use of the Scottish Burial and Cremation Review Group. This is particularly relevant given the work already completed by the review group and it is noted that the Scottish Government has taken forward aspects of the work of the review group in the Certification of Death (Scotland) Act 2011.

I trust that these comments are of assistance to you.

Yours sincerely

**Rosemary Lake**  
**Head of Administration Services**