

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

Date 1 May 2012
Your ref PE1415
Our ref May.wilson.am.fhs

Dear Ms Wilson

PETITION PE 1415

I refer to your letter of 15 April 2012, requesting the City of Edinburgh Council's views on the above petition by Mr John Steele for the Scottish Government to update the Burial Grounds (Scotland) Act 1855.

In response to the two specific questions raised;

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

A. This petition is seeking a review of the Act specifically to establish the location of a mass grave that may be in a specific location within Ardrossan Cemetery. This suspected mass grave may or may not hold the interned remains of the missing crew of HMS Dasher and under the current Act there is not sufficient evidence or authority to permit an exhumation.

This petition is for the sole purpose of a specific internment and not to address the whole exhumation process within Scotland. Any wide-ranging review of the Act should be taken forward by a re-established Burial Review Group and take account of the findings of the 2010 consultation.

Given that the Local Authority has no statutory reason to explore Mr Steel's findings and that it is impossible at this time to obtain the permission of any relatives. It would be setting a serious precedent to amend legislation for a singular reason.

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

A. The City of Edinburgh Council does not have any plans to review the 1855 Act, but we are aware that the Act does need to be addressed at some time to bring it up to date, to address modern day requirements. All Local Authorities within Scotland have statutory burial requirements and should be given additional powers to deal with legal matters within their cemeteries, including exhumations in most cases. Therefore Edinburgh would be supportive of a general review of the 1855 Act.

I trust this response is of assistance to the Committee and may I take this opportunity in thanking you for allowing this Authority to respond to this petition.

Yours sincerely

Dr Andrew Mackie
Environmental Health, Scientific & Registration Services Manager
City of Edinburgh Council