

Agenda Item	7.
Report No	CP/4/25

The Highland Council

Committee: Communities and Place

Date: 30 January 2025

Report Title: Bereavement Services Update

Report By: Assistant Chief Executive – Place

1. Purpose/Executive Summary

1.1 This report provides Members with updates on the Council's Bereavement Services Capital Projects and on changes to burial legislation.

2. Recommendations

2.1 Members are asked to:

- i. **SCRUTINISE and NOTE** the progress of current projects on burial ground extensions
- ii. **SCRUTINISE and NOTE** the changes to burial legislation

3. Implications

3.1 **Resource** – The Council on 14 September 2023 approved a Capital budget for Bereavement Services, with a budget of £2.931m for identified projects in 2024/25 and £3.068m for 2025/26 - 2028/29.

3.2 **Legal** – The Council has a statutory obligation to manage burial provision, memorial safety and cremations as set out in the Burial and Cremation (Scotland) Act 2016.

3.3 **Risk** – If burial ground extensions or new sites are not provided there is a risk that the Council will be unable to provide burials in some locations to meet the expectations and preferences of communities. The establishment of a project board for proactive oversight and support for projects serves to reduce service risks.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – The safety of staff and visitors in burial grounds is a statutory obligation for local authorities and there is an ongoing programme of memorial safety inspections being undertaken to reduce risks.

3.5 **Gaelic** – There are not considered to be any Gaelic implications.

4. Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is a monitoring report and therefore an impact assessment is not required.

5. Background

- 5.1 Section 3 of the Burial and Cremation (Scotland) Act 2016 requires each local authority to provide at least one burial ground within its area. The Highland Council has 245 burial grounds. The Highland Council also operates Inverness Crematorium, located at Kilvean, Inverness. The service undertakes around 1300 cremations and 1700 burials per year.

6. Burial Ground Capacity Projects

- 6.1 Through the Capital Programme the Council aims to provide appropriate burial ground provision in the Highlands. The team are reviewing burial ground extensions where current capacity is less than 10 years based on past trends. Information on burials and lair sales is monitored on a weekly basis following submission from all bereavement services administrative teams.
- 6.2 Progress on the current approved projects is summarised in **Appendix 1**.
- 6.3 As can be seen, the only project marked with a red RAG status is Glen Nevis, Lochaber. The Glen Nevis burial ground in Fort William is estimated to reach full capacity by Spring 2026. Significant work has been done locally with over 40 sites considered but unfortunately, ground conditions are very challenging in the area. Work is being progressed at a site adjacent to the current cemetery to improve ground conditions. A planning application has been submitted for Phase 1 of the works to allow for significant drainage works to take place.
- 6.4 In addition to the projects in **Appendix 1**, the team are progressing investigations and works at the following locations:

Name	Area	Comments
Portnalong	Skye (Ward 10)	Additional lairs to be created on existing site (budget estimate £5k).
St Duthus	Tain (Ward 7)	Land purchase for next extension phase ongoing (budget estimate £30k).
Skeabost/Borve	Skye (Ward 10)	Potential land available for site – investigations being undertaken (budget estimate £25k).
Duror	Lochaber (Ward 21)	Works to commence to create additional lairs on existing site – approx. 25+ years capacity (budget estimate £20k).
Croy	Inverness (Ward 17)	Works ongoing in January 2025 to allow for additional lairs within current cemetery (budget estimate £20k).

7. Implementation of the Burial and Cremation (Scotland) Act 2016

- 7.1 The introduction of the Burial and Cremation (Scotland) Act 2016 provided a major update to legislation relating to burial and cremation in Scotland. Prior to the 2016 Act the burial legislation was over 150 years old, while the legislation covering cremation was over 100 years old. The 2016 Act consolidated and modernised the existing legislation and provides a framework for burial, cremation and related legislation going forward. Extensive consultation was undertaken before the Act was introduced as summarised in the [Consultation Analysis](#) published by the Scottish Government in 2015.
- 7.2 Although the Act was published in 2016 not all sections came into force at that time. In November 2024 the Scottish Parliament approved the Burial and Cremation (Scotland) Act 2016 (Commencement no. 6) Regulations 2024 (“the Commencement Regulations”). These regulations implement sections including those relating to lair rights.

7.3 Right of Burial in a Lair in a Burial Ground (Lair Purchase)

The commencement of Section 14 – 16 of the 2016 Act will bring an end to the sale of lair rights in perpetuity. As noted in the 2015 consultation on the Act, Councils have challenges in tracing owners of lairs after the first two generations, leaving empty lairs unused. Following the 2015 consultation, the 2016 Act included a requirement (at a future date) for rights of burial to be limited to a period of 25 years with the option for the lair right-holder to apply to extend the right of burial by subsequent 10-year periods.

- 7.4 The commencement regulations issued in November 2024 have confirmed that the changes to the duration of right of burial will commence on 1 March 2026. The changes to the duration of right of burial will not be retrospective and any lair certificates issued up to that date will not have the 25-year limit applied.
- 7.5 The Bereavement Services team have made local funeral directors aware of the commencement date and will be working with Scottish Government on wider public communications to raise awareness of the new approach to lair purchase.

7.6 Further Changes

Following consultations in 2023, the Scottish Government in November 2024 also published a number of draft regulations implementing further sections of the Act.

These included:

- a) The Burial and Cremation (Inspection) (Scotland) Regulations 2025 (“the Inspection Regulations”)
 - The Inspection Regulations establish a robust statutory framework for the inspection of burial authorities, cremation authorities, and funeral directors (“relevant bodies”) across Scotland by Scottish Government appointed inspectors.
- b) The Burial (Management) (Scotland) Regulations 2025 (“The Burial Management Regulations”)
 - These regulations formalise existing practices to ensure all burial ground operators in Scotland have a consistent framework to follow when managing burial grounds under their control. This includes a requirement to create a

publicly accessible management plan for burial grounds that must be reviewed annually.

- c) The Burial (Applications and Register) (Scotland) Regulations 2024 (“the Applications and Register Regulations”)
 - These regulations introduce standardised burial application forms for Scotland and information to be included in burial registers and sets out record retention requirements.

7.7 If approved, the regulations in paragraph 7.6 are likely to come into force in spring 2025. The Bereavement Services team are preparing for the introduction of the regulations and have made local funeral directors aware of the progress of the new regulations.

Designation: Assistant Chief Executive - Place

Date: 10 January 2025

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Appendices: Appendix 1 – Current Approved Capital Projects

Appendix 1 – Current approved capital projects

	Project status RAG	Date of estimated full capacity	Proposed works start date	Go live date	Budget 2024/25 £000	Budget 25/26-28/29 £000	Comments
Glen Nevis burial ground	R	01/05/2026	05/02/2025	01/04/2026	508		Land purchase for extension near completion. Works ongoing to improve ground conditions.
Portree burial ground	G	01/03/2026	17/02/2025	01/02/2026	505		Contract awarded. Works to commence phases 2A, 2B & 2C will begin on site before Spring 2025, adding approx. 600 additional lairs.
Dores burial ground	G	Closed	06/04/2025	01/01/2026	303		Design work complete. Joint project for road work with Housing. Cemetery works to progress when road complete in early 2025.
Mount Vernon burial ground, Thurso	A	01/04/2026	04/06/2025	01/03/2026	180		Land purchase for extension near completion.
Petty-Tornagrain burial ground, Inverness	G	01/01/2026	04/06/2025	01/12/2025	40	40	Options for additional capacity on existing site being reviewed - possibility of 60 additional lairs (approx. 2 years additional capacity).
Kilmorack burial ground	G	01/05/2026	05/07/2026	01/04/2026	30	120	Options for additional capacity on existing site being reviewed.
Alness burial ground	G	01/04/2027	07/09/2026	01/03/2027	350		Works ongoing to identify appropriate site –land investigations and negotiations ongoing.
Tomnacross burial ground, Kiltarlity	G	01/07/2026	03/12/2025	01/06/2026	30	90	Options for additional capacity on existing site being reviewed.
Kinlochmore burial ground	G	01/05/2027	06/04/2026	01/04/2027	15	85	Land investigation underway for new cemetery.
Dunvegan burial ground, Skye	G	01/11/2027	07/08/2026	01/10/2027	274		Planning application now approved. Tender process to commence early 2025.
Reay burial ground, Sutherland	G	01/11/2027	06/10/2026	01/10/2027	120	25	Land investigation/acquisition underway for new extension.
Keiss burial ground	G	01/04/2029	07/03/2027	01/03/2027	22	55	Land investigation underway for extension.
Wick burial ground	G	01/07/2028	07/06/2027	01/06/2028	25	145	Land investigation underway for new cemetery.

Kilvean burial ground	G	01/08/2029*	07/04/2028	01/07/2029	65	145	*Note 2029 date based on prepared lairs in current phase. Drainage works for new extension completed. PDU designing detailed layout for new extension and updated phasing plan is being prepared.
Broadford Strath burial ground, Skye	G	01/08/2032	08/04/2031	01/07/2032	54	90	Land purchased. Design work ongoing for future phasing.
Tore burial ground, Black Isle	G	01/08/2032	03/01/2032	01/07/2032	23	95	Options for additional capacity on existing site being reviewed. Land investigation underway for extension.
Canisbay burial ground	C	01/07/2030	03/10/2024	01/04/2025	215		Extension works now complete.
Crematorium cremator replacement	G				50	1150	Project group taking forward design and works
War Memorials					19		-
Memorial Safety					39	20	-
Burial Grounds - General					-18	1008	-
					2849	3068	

