



The Scottish Parliament
Pàrlamaid na h-Alba

Published 24 January 2024
SP Paper 511
2nd Report, 2024 (Session 6)

Health, Social Care and Sport Committee

Draft Funeral Director Code of Practice (SG 2023/300)



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy.

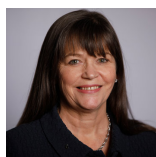


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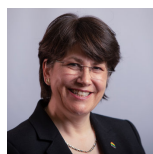
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Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of the Draft Funeral Director Code of Practice (SG 2023/300), which is a document subject to parliamentary control, at its meeting on 23 January 2024. The minutes of the meeting and the Official Report of the meeting will be published on the Committee's webpages in due course.

Draft Funeral Director Code of Practice (SG 2023/300)

2. The Draft Funeral Director Code of Practice (SG 2023/300) was laid on 15 December 2023.
3. Section 97 of the Burial and Cremation (Scotland) Act 2016 sets out provisions for a Funeral director: code of practice. Subsection (3) requires the Scottish Ministers to lay a draft of the funeral director's code before the Scottish Parliament, after taking account of any representations made by virtue of subsection (2) which requires Ministers to consult with funeral directors and any other relevant parties before issuing a funeral director's code. A funeral director's code may not be issued until it has been approved by a resolution of the Scottish Parliament.
4. While the Code is not an SSI, it is subject to affirmative procedure by virtue of section 10.10 of the Scottish Parliament's Standing Orders. The affirmative procedure means that an instrument cannot be made and come into force unless the Parliament has approved it (rule 10.6.1 of standing orders).
5. The policy note states that the purpose of the Code is to—
 - ” set minimum standards for funeral director businesses in their care of the deceased and related procedures and behaviours.

Delegated Powers and Law Reform Committee Consideration

6. The Delegated Powers and Law Reform Committee considered the Code at its meeting on [9 January 2024](#) and made no recommendations in relation to the Code.

Health, Social Care and Sport Committee consideration

7. The Health, Social Care and Sport Committee is required to consider and report on the Code.
 8. Jenni Minto MSP, the Minister for Public Health and Women's Health ("the Minister") lodged motion [S6M-11905](#) proposing that the Committee recommends approval of the Code.
 9. In [response](#) to the Committee's targeted call for views, the National Society of Allied and Independent Funeral Directors (SAIF Scotland) describe the Code as "a positive step for the profession" and indicated it was content that it would "meet its stated aims".
 10. The Committee took evidence from the Minister, and Scottish Government officials, at its meeting on [23 January 2024](#).
 11. Following the evidence session, the Minister moved motion S6M-11905—That the Health, Social Care and Sport Committee recommends that the Draft Funeral Director Code of Practice (SG/2023/300) be approved.
 12. The motion was agreed to without division.
13. The Health, Social Care and Sport Committee recommends that the Draft Funeral Director Code of Practice (SG/2023/300) be approved.

