



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 6

#### MISCELLANEOUS

##### *Powers to modify enactments*

#### **99 Power to extend application of Act**

- (1) The Scottish Ministers may by regulations provide that specified provisions of this Act or any other enactment apply, subject to any specified modifications, in relation to specified ways of disposing of human remains.
- (2) In this section, “specified” means specified in the regulations.

#### **100 Power to suspend or modify certain enactments**

- (1) The Scottish Ministers may, as regards the whole or any part of Scotland, by regulations make such provision suspending, or modifying, an enactment mentioned in subsection (2) as they consider necessary or expedient for the purpose of protecting public health.
- (2) The enactments are—
  - (a) this Act,
  - (b) any regulations made under this Act,
  - (c) any enactment amended by regulations made under this Act,
  - (d) any other enactment relating to burial or cremation.
- (3) Regulations under subsection (1) may include provision—
  - (a) requiring specified persons to comply with specified provisions, or
  - (b) creating criminal offences to be triable summarily and punishable with a fine not exceeding level 3 on the standard scale.
- (4) Regulations under subsection (1)—
  - (a) may make different provision for different purposes or circumstances,

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*Status: This is the original version (as it was originally enacted).*

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- (b) may include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.
- (5) Regulations under subsection (1) (other than regulations to which subsection (6) applies) cease to have effect on the expiry of the period of 28 days beginning with the day on which they are made unless, before the expiry of that period, the regulations are approved by resolution of the Scottish Parliament.
- (6) This subsection applies to regulations made under subsection (1) consisting only of—
  - (a) provision revoking earlier regulations made by virtue of subsection (1), or
  - (b) such provision and provision made by virtue of subsection (4)(b).
- (7) In calculating the period of 28 days mentioned in subsection (5), no account is to be taken of any period during which the Scottish Parliament is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.
- (8) In this section—
  - “protecting public health” has the meaning given by section 1(2) of the Public Health etc. (Scotland) Act 2008,
  - “specified” means specified in the regulations.