



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 1

#### BURIAL

*Lair: restoration to use*

PROSPECTIVE

#### **36 Extinguishment of right**

- (1) This section applies where—
  - (a) a burial authority gives notice to the right-holder under section 33(2) and the conditions in subsection (2) are met, or
  - (b) a burial authority gives notice under section 34(2) and one of the conditions in subsection (3) is met.
- (2) The conditions are that—
  - (a) the authority has received notice by virtue of section 33(3)(b) of the right-holder's consent to the proposal, and
  - (b) the right-holder agrees to the proposed extinguishment of the right-holder's right of burial.
- (3) The conditions are that—
  - (a) the authority has not received an objection by virtue of section 34(3)(c), or
  - (b) the authority has received an objection by virtue of that section but has determined under section 35(3) that there is no merit in it.
- (4) The authority must—
  - (a) extinguish the right-holder's right of burial in the lair, and
  - (b) give notice of the extinguishment in the prescribed form and the prescribed manner.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 36.