



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 1

BURIAL

Lair: restoration to use

37 Restoration to use

- (1) This section applies where under section 36(4) a burial authority has extinguished the right-holder's right of burial in a lair.
- (2) The burial authority must establish whether it would be practicable for the authority to make the lair available for burials.
- (3) For the purposes of subsection (2), the authority may—
 - (a) carry out excavations of the lair,
 - (b) open or move any tomb or other structure that is in or on the lair,
 - (c) exhume any human remains that are buried in the lair.
- (4) Before selling a right of burial in the lair, the burial authority must exhume any human remains that are buried in the lair.
- (5) If the authority exhumes any human remains under subsection (3) or (4), it must rebury them in the lair as soon as practicable after their exhumation.