



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 1

BURIAL

Lair: restoration to use

39 Right-holder's right to object

- (1) This section applies where—
 - (a) a burial authority proposes to restore a lair to use in pursuance of section 32, and
 - (b) at any time before the authority sells a right of burial in the lair by virtue of section 36(4) the right-holder objects to the authority's proposal to restore the lair to use.
- (2) The burial authority may not proceed with its proposal.
- (3) If by virtue of section 36(4) the burial authority has extinguished the right-holder's right of burial in the lair, the burial authority must confer a right of burial in the lair on the right-holder.
- (4) Section 32 does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority receives the objection.
- (5) In this section, "right-holder" includes a person whose right of burial in the lair has been extinguished by virtue of section 36(4).