



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 1

BURIAL

Lair: restoration to use

40 Restoration to use on request of right-holder

- (1) This section applies where—
 - (a) a burial authority is not proposing in pursuance of section 32 to restore to use a particular lair in a burial ground, but
 - (b) the right-holder proposes to the burial authority—
 - (i) that the lair be restored to use, and
 - (ii) that the right-holder retain the right-holder's right of burial in the lair.
- (2) Subsections (2) to (6) of section 32 apply in relation to a proposal under subsection (1) (b) as they apply in relation to a proposal under that section.
- (3) If none of the persons consulted by virtue of subsection (2) objects to the proposal, the burial authority must establish whether it would be practicable for the authority to make the lair available for burials.
- (4) Subsections (3) to (5) of section 38 apply for the purposes of subsection (3) as they apply for the purposes of that section.