



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 1

#### BURIAL

##### *Burial grounds*

#### **6 Management of burial ground**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the management, regulation and control by a burial authority of burial grounds.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) the maintenance of—
    - (i) burial grounds, and
    - (ii) buildings, walls, fences or other structures erected on burial grounds,
  - (b) enclosing, laying out and embellishing burial grounds,
  - (c) access to and within burial grounds, including the construction, repair, maintenance and improvement of roads and paths,
  - (d) the maintenance and repair of memorials, buildings and other structures on burial grounds (including for the purpose of making them safe),
  - (e) the charging of fees by burial authorities which are local authorities in respect of such matters as may be specified in the regulations,
  - (f) persons employed by burial authorities (including in relation to training, qualifications and membership of professional bodies),
  - (g) conditions relating to the erection of a memorial, building or other structure on burial grounds,
  - (h) the imposition by burial authorities of such restrictions and conditions as they think necessary or appropriate in relation to—
    - (i) the layout of burial grounds (including in relation to the size of, and distance between, lairs),
    - (ii) the right to erect a memorial, building or other structure on burial grounds (including in relation to materials, construction, size,

---

*Status: This is the original version (as it was originally enacted).*

---

maintenance and liability for costs in respect of work carried out by burial authorities),

- (i) the depth at which human remains may be buried,
- (j) the designation of part of a burial ground for use by particular faiths or religious bodies,
- (k) the provision of buildings for the use of persons of particular faiths or belonging to particular religious bodies,
- (l) creating criminal offences to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale, or
- (m) defences and evidential matters relating to such offences.