



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 4

#### INSPECTION

#### 91 Powers of entry and inspection

- (1) An inspector may if authorised to do so by the Scottish Ministers—
  - (a) enter any premises (other than a dwelling-house) associated with the carrying out of any function of—
    - (i) a burial authority,
    - (ii) a cremation authority,
    - (iii) a funeral director, or
    - (iv) a health authority,
  - (b) require the production of any documents, records or registers which a person mentioned in paragraph (a) is required to have or maintain under or by virtue of this Act, and
  - (c) inspect and take copies of such documents, records or registers.
- (2) The powers in subsection (1) may be exercised by an inspector only for the purposes of—
  - (a) ascertaining whether an offence under or by virtue of this Act has been or is being committed,
  - (b) carrying out any function conferred on the inspector by virtue of regulations under this Act, or
  - (c) (in the case of the power conferred by subsection (1)(a)(iv)) determining whether a health authority is complying with requirements relating to records or registers imposed on it by this Act.
- (3) If an inspector exercises a power of entry by virtue of subsection (1), the inspector may take onto the premises such other persons, and such materials and equipment, as the inspector considers necessary.
- (4) A power of entry under subsection (1) must be exercised at a reasonable hour.

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*Status: This is the original version (as it was originally enacted).*

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- (5) An inspector who proposes to exercise a power conferred under subsection (1) must, if so required, produce evidence of the inspector's identity and authorisation before exercising the power.
- (6) In this section, "health authority" means a Health Board or an independent health care service.