



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 3

ARRANGEMENTS

Adults and children

66 Arrangements on death of child

- (1) This section applies where a child dies.
- (2) The nearest relative of the child may make arrangements for the child's remains to be buried or cremated.
- (3) The nearest relative, in relation to the child, is the person who immediately before the death was—
 - (a) the child's parent or a person who had parental rights and parental responsibilities in relation to the child (but who is not a local authority),
 - (b) the child's brother or sister,
 - (c) the child's grandparent,
 - (d) the child's uncle or aunt,
 - (e) the child's cousin,
 - (f) the child's niece or nephew,
 - (g) a friend of long standing of the child.
- (4) Relationships in different paragraphs of subsection (3) rank in the order of those paragraphs and for the purposes of that subsection a relationship of the half-blood is to be treated as a relationship of the whole blood.
- (5) Where more than one person falls within a paragraph of subsection (3)—
 - (a) each such person ranks equally for the purpose of the paragraph, and
 - (b) either (or any) person falling within the paragraph may be the nearest relative.
- (6) For the purposes of subsection (3), a person's relationship with the child is to be left out of account if—

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 66. (See end of Document for details)

- (a) except in the case of the child's parent, the person, immediately before the child's death, was under 16 years of age,
 - (b) the person does not wish or is unable to make arrangements for the remains to be buried or cremated, or
 - (c) it is not reasonably practicable to communicate with the person in the time available.
- (7) In this section, “child” means a person (other than a still-born child) who is under 16 years of age.
- (8) This section is subject to section 92 of the Public Health etc. (Scotland) Act 2008.

Commencement Information

II S. 66 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, **sch.** (with reg. 8)

Changes to legislation:

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