

2023 No. 145 (C. 14)

BURIAL

CREMATION

**The Burial and Cremation (Scotland) Act 2016 (Commencement
No. 5) Regulations 2023**

<i>Made</i> - - - -	<i>11th May 2023</i>
<i>Laid before the Scottish Parliament</i>	<i>15th May 2023</i>
<i>Coming into force</i> - -	<i>2nd June 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 112(2) and (3) of the Burial and Cremation (Scotland) Act 2016(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Burial and Cremation (Scotland) Act 2016 (Commencement No. 5) Regulations 2023 and come into force on 2 June 2023.

(2) In these Regulations “the Act” means the Burial and Cremation (Scotland) Act 2016.

Appointed Day

2.—(1) 2 June 2023 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of the table).

(2) Where a purpose is specified in column 3 of that table in relation to a provision in column 1, that provision comes into force only for that purpose.

JENNI MINTO

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
11th May 2023

SCHEDULE

Regulation 2(1)

Provisions of the Act coming into force on 2 June 2023

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 8	Application to carry out burial	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 8(2) of the Act.
Section 10	Burial register	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 10(2) of the Act.
Section 21	Burial authority: code of practice	
Section 22	Private burial	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 22(1) of the Act.
Section 23	Private burial register	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 23(2) of the Act.
Section 27	Exhumation of human remains	
Section 30	Exhumation register	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 30(4) of the Act.
Section 42	Register of restored lairs	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 42(2) of the Act.
Section 44	Guidance	
Section 64	Cremation authority: code of practice	
Section 90	Inspections: regulations	
Section 94	Funeral directors' businesses: licensing	Only so far as is necessary for the purpose of enabling the Scottish Ministers to make regulations under section 95 of the Act.
Section 95	Licensing scheme: regulations	
Section 105	Regulations under section 95(1): requirements	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force particular sections of the Burial and Cremation (Scotland) Act 2016 (“the Act”).

Regulation 2 and the schedule bring into force on 2 June 2023, sections 21 (burial authority: code of practice), 27 (exhumation of human remains), 44 (guidance), 64 (cremation authority: code of practice), 90 (inspections: regulations), 95 (licensing scheme: regulations) and 105 (regulations under section 95(1): requirements). Sections 8 (application to carry out burial), 10 (burial register), 22 (private burial), 23 (private burial register), 30 (exhumation register), 42 (register of restored lairs) and 94 (funeral directors’ businesses: licensing) are also partially commenced on that date for the limited purpose of enabling Scottish Ministers to make regulations.

The Bill for the Act received Royal Assent on 28 April 2016. By virtue of section 112(1) of the Act, sections 100 (power to suspend or modify certain enactments), 106 (regulations: parliamentary procedure), 107 (interpretation), 108 (ancillary provision), 112 (commencement) and 113 (short title) came into force on the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Burial and Cremation (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 1 to 7	28 December 2016	S.S.I. 2016/417
Section 17	28 December 2016	S.S.I. 2016/417
Section 20	28 December 2016	S.S.I. 2016/417
Sections 45 to 60	4 April 2019	S.S.I. 2018/380
Section 63	4 April 2019	S.S.I. 2018/380
Sections 65 to 85	4 April 2019	S.S.I. 2018/380
Sections 87 and 88	4 April 2019	S.S.I. 2018/380
Section 89(1)(a) and (c) and (2) to (6)	28 December 2016	S.S.I. 2016/417
Section 89(1)(b)	4 April 2019	S.S.I. 2018/380
Section 93 (partially)	28 December 2016	S.S.I. 2016/417
Section 93 (so far as not already in force)	4 April 2019	S.S.I. 2018/380
Section 97	24 March 2021	S.S.I. 2021/126
Section 98	1 June 2018	S.S.I. 2018/157
Section 99	4 April 2019	S.S.I. 2018/380
Section 101	28 December 2016	S.S.I. 2016/417
Section 103	4 April 2019	S.S.I. 2018/380
Section 104(1) (partially)	28 December 2016	S.S.I. 2016/417
Section 104 (so far as not already in force)	4 April 2019	S.S.I. 2018/380
Section 109	4 April 2019	S.S.I. 2018/380
Schedule 1	4 April 2019	S.S.I. 2018/380
Section 110 (partially)	28 December 2016	S.S.I. 2016/417
Section 110 (so far as not already in force)	4 April 2019	S.S.I. 2018/380
Section 111	4 April 2019	S.S.I. 2018/380
Schedule 2 (partially)	28 December 2016	S.S.I. 2016/417
Schedule 2 (so far as not already in force)	4 April 2019	S.S.I. 2018/380

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