



Burial and Cremation (Scotland) Act 2016

2016 asp 20

BURIAL AND CREMATION (SCOTLAND) ACT 2016

PART 1

BURIAL

Burial grounds

- 1 Meaning of “burial ground”
- 2 Meaning of “burial authority”
- 3 Provision of burial ground: local authority
- 4 Provision of burial ground outwith local authority area
- 5 Joint provision of burial ground
- 6 Management of burial ground
- 7 Right to erect building

Burial in burial ground

- 8 Application to carry out burial
- 9 Unauthorised burial: offences
- 10 Burial register
- 11 Burial register: offence
- 12 Right of burial
- 13 Duty to sell right of burial
- 14 Duration and extension of right of burial
- 15 Commonwealth War Graves Commission: right of burial
- 16 Right of burial: notification of pending extinguishment
- 17 Register of rights of burial
- 18 Registers under section 17: offence
- 19 Right to erect headstone
- 20 Fees for burials
- 21 Burial authority: code of practice

Private burial

- 22 Private burial

- 23 Private burial register
- 24 Private burial: offences
- 25 Private burial register: offence

Offence

- 26 Burial other than in burial ground: offence

Exhumation

- 27 Exhumation of human remains
- 28 Exhumation application: offences
- 29 Appeal to sheriff
- 30 Exhumation register
- 31 Exhumation register: offence

Lair: restoration to use

- 32 Restoration to use of lair: consultation
- 33 Notification: right-holder
- 34 Notification where right-holder cannot be found
- 35 Section 34: effect of objection
- 36 Extinguishment of right
- 37 Restoration to use
- 38 Restoration to use without extinguishment of right
- 39 Right-holder's right to object
- 40 Restoration to use on request of right-holder
- 41 Headstones
- 42 Register of restored lairs
- 43 Register of restored lairs: offence
- 44 Guidance

PART 2

CREMATION

Cremation

- 45 Meaning of "cremation" and "ashes"
- 46 Provision of crematorium: local authority
- 47 Cremation authority: duties
- 48 Application for cremation
- 49 Section 48: offences
- 50 Requirements for carrying out cremation

Handling of ashes

- 51 Duty of cremation authority before carrying out cremation
- 52 Duty of cremation authority following cremation
- 53 Failure to collect ashes
- 54 Power of funeral director in relation to ashes
- 55 Duties of cremation authority where ashes returned
- 56 Handling of ashes: regulations

Register

- 57 Cremation register

58 Cremation register: offence

Crematorium: further requirements

59 New crematorium: notice

60 Section 59: offences

61 Closure of crematorium

62 Section 61: offence

Fees

63 Fees for cremation and other services

Code of practice

64 Cremation authority: code of practice

PART 3

ARRANGEMENTS

Adults and children

65 Arrangements on death of adult

66 Arrangements on death of child

67 Arrangements under sections 65 and 66

68 Sections 65 and 66: application to sheriff

Pregnancy loss after 24 weeks

69 Arrangements on termination of pregnancy after 24 weeks

70 Section 69: health body authorised to make arrangements

71 Section 69: no arrangements

72 Duty of health body where still-birth likely to occur

73 Section 72: health body authorised to make arrangements

74 Arrangements on still-birth

75 Section 74: power of appropriate health body

76 Section 74: general power of appropriate health body

Pregnancy loss on or before 24 weeks

77 Duty of health body where pregnancy loss likely to occur

78 Section 77: health body authorised to make arrangements

79 Arrangements on pregnancy loss on or before 24 weeks

80 Change in arrangements

81 Individual authorised to make arrangements

82 Duty to transfer remains

83 Appropriate health authority authorised to make arrangements

84 Duty of appropriate health authority

Pregnancy losses: general

85 Duty to keep register

86 Register under section 85: offence

Local authority functions

87 Burial or cremation: duty of local authority

88 Expenses of attending funeral

PART 4

INSPECTION

89 Appointment of inspectors
 90 Inspections: regulations
 91 Powers of entry and inspection
 92 Section 91: offences
 93 Reports

PART 5

FUNERAL DIRECTORS

94 Funeral directors' businesses: licensing
 95 Licensing scheme: regulations
 96 Licence for funeral director's business: offences
 97 Funeral director: code of practice

PART 6

MISCELLANEOUS

Guidance on funeral costs

98 Guidance on funeral costs

Powers to modify enactments

99 Power to extend application of Act
 100 Power to suspend or modify certain enactments

Acquisition of land

101 Acquisition of land

PART 7

GENERAL

102 Information and registers to be kept in electronic form
 103 Offences by bodies corporate etc.
 104 Regulations: consultation requirements
 105 Regulations under section 95(1): requirements
 106 Regulations: parliamentary procedure
 107 Interpretation
 108 Ancillary provision
 109 Minor and consequential amendments
 110 Repeals
 111 Crown application
 112 Commencement
 113 Short title

- 1 Social Work (Scotland) Act 1968
- 2 Public Health etc. (Scotland) Act 2008

SCHEDULE 2 — REPEALS