

BURIAL AND CREMATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

THE ACT

Summary and background

3. The purpose of the Burial and Cremation (Scotland) Act 2016 (“the Act”) is to provide a legislative framework for burial and cremation. The Act provides for the repeal of all existing legislation relating to burial and cremation in Scotland.
4. Many of the Act’s provisions are rooted in recommendations made by various review groups, particularly the Infant Cremation Commission¹ and the Burial and Cremation Review Group.²
5. The Act is in 7 Parts and contains 2 schedules:
 - Part 1 covers burial, including burial grounds, burial in a burial ground, private burial, exhumation, the restoration to use of burial lairs and fees for interment;
 - Part 2 covers cremation;
 - Part 3 covers arrangements on death, including arrangements on the death of adults and children, stillbirths and pregnancy loss, and local authority functions in relation to the disposal of remains in certain circumstances;
 - Part 4 covers inspection;
 - Part 5 covers funeral directors, including powers for the Scottish Ministers to make a scheme for the licensing of funeral directors’ businesses;
 - Part 6 sets out miscellaneous provisions, including guidance on funeral costs, powers to extend the application of the Act, powers to modify enactments and the acquisition of land;
 - Part 7 sets out general provisions, which are largely technical in nature (e.g. general provisions relating to regulations, ancillary provision, Crown application);
 - Schedule 1 lists minor and consequential amendments;
 - Schedule 2 provides for repeals.

¹ Infant Cremation Commission: report <http://www.gov.scot/Publications/2014/06/8342/0>

² Burial and Cremation Review Group: report and recommendations
<http://www.gov.scot/Publications/2008/03/25113621/0>