



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 1

BURIAL

Burial in burial ground

12 Right of burial

- (1) A burial authority may, on the application of any person, sell a right of burial in a lair in a burial ground for which it is the burial authority.
- (2) In this Act, “right of burial”, in relation to a lair, means—
 - (a) a right to be buried in the lair,
 - (b) where human remains are to be buried on or above the ground—
 - (i) a right to place a tomb on the lair, and
 - (ii) a right to erect a structure associated with the tomb on the lair, and
 - (c) subject to section 37(5), a right to determine whose remains may be buried in the lair.
- (3) A right of burial is exercisable only by the person in whom the right is vested.
- (4) A right of burial sold by a burial authority under subsection (1) is to be exercised subject to such terms, and on such conditions, as the burial authority may determine.
- (5) A right of burial is subject to, and must be exercised in accordance with, any regulations under this Part.
- (6) A burial authority may refuse an application mentioned in subsection (1) if, in the opinion of the authority, it is reasonable to do so (but this subsection is subject to section 13).