



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 1

#### BURIAL

##### *Exhumation*

#### **27 Exhumation of human remains**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the exhumation of human remains.
- (2) Regulations under subsection (1) may in particular—
  - (a) make provision about applications to carry out exhumations,
  - (b) specify the form and content of applications,
  - (c) specify persons, or a description of persons, who may make applications,
  - (d) provide for applications to be made to—
    - (i) inspectors of burial appointed under section 89(1), or
    - (ii) such other persons as may be specified,
  - (e) confer discretion on a person mentioned in, or specified under, paragraph (d) to consider applications from persons other than those specified, or falling within a description specified, under paragraph (c),
  - (f) make provision about the procedure to be followed in relation to applications,
  - (g) impose requirements on specified persons, or persons of a specified description, in relation to applications,
  - (h) enable a person to whom an application is made to—
    - (i) grant the application,
    - (ii) refuse the application, or
    - (iii) grant the application subject to any conditions the person thinks appropriate, or
  - (i) provide for circumstances in which the regulations (or specified provisions of the regulations)—
    - (i) do not apply,
    - (ii) apply with specified modifications.

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**Changes to legislation:** There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 27. (See end of Document for details)

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- (3) Regulations under subsection (1) may not make provision modifying or having the effect of modifying an enactment which enables or requires the exhumation of human remains.
- (4) Regulations under subsection (1) may not make provision which affects any procedure applicable in relation to the exhumation of human remains in connection with—
- (a) the investigation of a crime that has been, or is suspected of having been, committed,
  - (b) criminal proceedings,
  - (c) investigations of deaths under the authority of the Lord Advocate, or
  - (d) inquiries under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.
- (5) In this section—
- “enactment” does not include a provision of this Act or any regulations made under it,
  - “specified” means specified in the regulations.

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**Commencement Information**

**II**    [S. 27](#) in force at 2.6.2023 by [S.S.I. 2023/145](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 27.