



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 1

BURIAL

Exhumation

PROSPECTIVE

29 Appeal to sheriff

- (1) This section applies where an application to carry out an exhumation of human remains is made by virtue of regulations under section 27(1).
- (2) A person mentioned in subsection (3) may appeal to the sheriff against—
 - (a) a decision to grant the application,
 - (b) a decision to refuse the application, or
 - (c) any conditions subject to which the application is granted.
- (3) The person is—
 - (a) the person who made the application, or
 - (b) any other person who, by virtue of regulations under section 27(1), would have been entitled to make the application.
- (4) An appeal must be made before the expiry of the period of 21 days beginning with the day on which the decision to which the appeal relates was made.
- (5) Where an appeal is against a decision to grant the application without conditions, the sheriff may—
 - (a) uphold the decision,
 - (b) uphold the decision and impose such conditions in relation to the exhumation as the sheriff thinks fit, or
 - (c) quash the decision and refuse the application with effect from the date of the decision.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 29. (See end of Document for details)

- (6) Where an appeal is against a decision to grant the application subject to conditions, the sheriff may—
- (a) uphold the decision, or
 - (b) quash the decision and refuse the application with effect from the date of the decision.
- (7) In upholding a decision under subsection (6), the sheriff may—
- (a) confirm, vary or remove any of the conditions subject to which the application was granted, and
 - (b) impose such other conditions in relation to the exhumation as the sheriff thinks fit.
- (8) Where an appeal is against a decision to refuse the application, the sheriff may—
- (a) uphold the decision,
 - (b) quash the decision and grant the application with effect from the date of the decision, or
 - (c) quash the decision, grant the application with effect from the date of the decision and impose such conditions in relation to the exhumation as the sheriff thinks fit.
- (9) Where an appeal is against conditions subject to which the application was granted, the sheriff may—
- (a) confirm, vary or remove any of the conditions, and
 - (b) impose such other conditions in relation to the exhumation as the sheriff thinks fit.
- (10) In this section, references to an appeal are to an appeal under subsection (2).

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 29.