



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 3

#### ARRANGEMENTS

##### *Adults and children*

#### **68 Sections 65 and 66: application to sheriff**

- (1) On the application of any person claiming an interest, the sheriff may make an order declaring that the person specified in the order is entitled to make arrangements for the burial or cremation of the remains of the deceased person specified in the order—
  - (a) by virtue of an arrangements on death declaration made by the deceased, or
  - (b) by virtue of section 65(2) or 66(2).
- (2) An order under subsection (1) may include such other provision as the sheriff considers necessary or expedient.
- (3) No application may be made under subsection (1) in relation to the remains of a deceased person where—
  - (a) an application for an order under section 93(1) of the Public Health etc. (Scotland) Act 2008 (power of sheriff to order removal of body to mortuary or disposal) in respect of the remains has been made and not disposed of, or
  - (b) an order under that section has been made in respect of the remains.
- (4) In this section, “arrangements on death declaration” has the meaning given by section 65(8).