



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 3

ARRANGEMENTS

Local authority functions

88 Expenses of attending funeral

- (1) This section applies where—
 - (a) a child dies and, immediately before the death, the child was being looked after by a local authority, or
 - (b) a person other than a child dies and, immediately before the death, the person was in the care of, or receiving assistance from, a local authority.
- (2) If it appears to the local authority that the conditions in subsection (3) are met, the authority may make payments to a relevant person in respect of travelling, subsistence or other expenses incurred by the relevant person for the purpose of attending the funeral of the child or other person who has died.
- (3) The conditions are—
 - (a) that if the local authority did not make a payment to the relevant person under this section the relevant person would not be able to attend the funeral without undue hardship, and
 - (b) that the circumstances warrant the making of the payment.
- (4) In this section—

“child” has the meaning given by section 93(2)(a) of the Children (Scotland) Act 1995,

“relevant person”—

 - (a) in the case where a child has died, means—
 - (i) a relative of the child, or
 - (ii) some other person connected with the child,
 - (b) in the case where a person other than a child has died, means—
 - (i) a relative of the person, or

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 88. (See end of Document for details)

(ii) some other person connected with the person who has died.

(5) In this section, references to a child who is “looked after” by a local authority are to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.

Commencement Information

II S. 88 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, **sch.** (with reg. 8)

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