

# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 2

#### CREMATION

##### *Crematorium: further requirements*

#### **59 New crematorium: notice**

- (1) This section applies where a person proposes to establish a crematorium.
- (2) The person must give an inspector of cremation notice of the day on which the person proposes to determine the first application made under section 48(1) for a cremation to be carried out in the crematorium (the “first application”).
- (3) Notice under subsection (2)—
  - (a) must be given at least 3 months before the day on which the person proposes to determine the first application, and
  - (b) must be in writing.
- (4) The person may not determine the first application unless—
  - (a) an inspector of cremation has given notice in writing to the person that the person may determine the first application on or after a day specified in the notice, and
  - (b) the determination is made on or after that day.

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#### **Commencement Information**

**II** S. 59 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, sch. (with regs. 7, 8)

#### **60 Section 59: offences**

- (1) A person commits an offence if, without reasonable excuse, the person contravenes subsection (4) of section 59 by determining the first application—
  - (a) without notice having been given to the person under that subsection, or

*Status: This version of this cross heading contains provisions that are prospective.*

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

- (b) where notice is given to the person under that subsection, before the day specified in the notice.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In subsection (1), “first application” has the meaning given by section 59(2).

#### Commencement Information

**I2** S. 60 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, sch. (with regs. 7, 8)

PROSPECTIVE

### 61 Closure of crematorium

- (1) Where a crematorium is to close, the cremation authority for the crematorium must give an inspector of cremation notice in accordance with subsection (2) of the day on which the crematorium is to close.
- (2) Notice under subsection (1)—
  - (a) must be given—
    - (i) where practicable, at least 3 months before the day on which the crematorium is to close, or
    - (ii) otherwise, on the first day before the crematorium is to close on which it is practicable to give notice, and
  - (b) must be in writing.
- (3) The Scottish Ministers may by regulations make further provision for or in connection with the closure of crematoriums.
- (4) Regulations under subsection (3) may in particular make provision requiring a cremation authority—
  - (a) to provide specified information to an inspector of cremation,
  - (b) to comply with specified requirements about the transfer of specified information, or
  - (c) to comply with specified requirements about other matters relating to the closure of a crematorium.
- (5) In this section, “specified” means specified in the regulations.

PROSPECTIVE

### 62 Section 61: offence

- (1) A cremation authority commits an offence if, without reasonable excuse, the authority contravenes subsection (1) of section 61 by failing to give notice under that subsection in accordance with subsection (2)(a) of that section.

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

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- (2) A cremation authority which commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Cross Heading: Crematorium: further requirements.