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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force certain provisions of the Burial and Cremation (Scotland) Act 2016 (“the Act”) which make provision as regards burial grounds in Scotland (sections 1 to 7, 17 and 20) and the appointment of inspectors for burials and funeral directors (sections 89(1)(a) and (c) and (2) to (6) and 93). They also bring into force the repeal of the Burial Grounds (Scotland) Act 1855 (“the 1855 Act”) and make transitional and transitory provision.

Regulation 2 appoints 28th December 2016 as the day appointed for the coming into force of the provisions mentioned above. Regulation 3 makes transitional and transitory provision to ensure that, notwithstanding the repeal of the 1855 Act, local authorities continue to prepare and maintain burial registers for all burial grounds in respect of which they are the burial authority pending the coming into force of section 10 of the Act. Regulation 3(4) provides that an extract from a burial register kept under the 1855 Act, or under the transitory provision in these Regulations, will continue to be sufficient evidence of a burial in court proceedings where certified as a true copy by the local authority.

Regulation 4 makes transitory provision to confer a right to sell a right of burial in a lair in respect of burial authorities and the right to apply for a right to erect a tombstone or other memorial. That provision remains in force until sections 12 and 19 of the Act come into force. Regulation 5 allows local authorities to charge fees in respect of sales made under regulation 4 and applies subsections (3) to (6) of section 20 of the Act to such sales.

The Bill for the Act received Royal Assent on 28th April 2016. By virtue of section 112(1) of the Act, sections 100 (power to suspend or modify enactments), 106 (regulations: parliamentary procedure), 107 (interpretation), 108 (ancillary provision), 112 (commencement) and 113 (short title) came into force on the day after Royal Assent.