
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 417

The Burial and Cremation (Scotland) Act 2016 (Commencement No. 1, Transitory and Transitional Provisions) Regulations 2016

Transitory provision: right of burial and right to erect headstone

4.—(1) A burial authority which is a local authority may, on the application of any person, sell a right of burial in a lair in a burial ground for which it is the burial authority.

(2) A person in whom a right of burial in a lair is vested may apply to the burial authority for the burial ground for the right to erect a headstone or other memorial on the lair.

(3) In this regulation “right of burial”, in relation to a lair, means—

- (a) a right to be buried in the lair;
- (b) where human remains are to be buried on or above ground—
 - (i) a right to place a tomb on the lair; and
 - (ii) a right to erect a structure associated with the tomb on the lair; and
- (c) a right to determine whose remains may be buried in the lair.

(4) A right of burial sold by a burial authority under paragraph (1) is to be exercised subject to such terms and conditions as the burial authority may determine.

(5) A burial authority may refuse an application mentioned in paragraph (1) or (2) if, in the opinion of the authority, it is reasonable to do so.

(6) A right of burial is exercisable only by the person in whom the right is vested.

(7) This regulation has effect until sections 12 (right of burial) and 19 (right to erect headstone) of the Act come into force.