

# Burial and Cremation (Scotland) Bill

[AS INTRODUCED]

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ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 80-EN. A Policy Memorandum is printed separately as SP Bill 80-PM.

# Burial and Cremation (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to restate and amend the law relating to burial and cremation; to make provision about exhumation of human remains; to make provision in relation to the inspection and licensing of funeral directors; and for connected purposes.

## PART 1

### BURIAL

#### *Burial grounds*

#### **1 Meaning of “burial ground”**

In this Act, “burial ground”—

(a) means land—

(i) used, or intended to be used, primarily for the burial of human remains, and

(ii) in respect of which a charge for such burials is made, and

(b) includes land—

(i) that was, but is no longer, used primarily for the burial of human remains, and

(ii) in respect of which a charge for such burials was made.

#### **2 Provision of burial grounds**

(1) Subsection (2) applies where the person who owns a burial ground (a “burial authority”) is a local authority.

(2) The burial authority—

(a) must provide one burial ground within the area of the local authority, and

(b) may provide other burial grounds within that area.

(3) In subsection (2), “burial ground” does not include land mentioned in paragraph (b) of section 1.

**3 Provision of burial grounds outwith local authority area**

- (1) Subsection (2) applies where the burial authority is a local authority.
- (2) The authority may provide a burial ground that is situated wholly or partly outwith the area of the authority.

**4 Joint provision of burial grounds**

- (1) This section applies where the burial authority is a local authority.
- (2) Any two or more burial authorities may make arrangements to provide jointly a burial ground within the area of one or more of the authorities.
- (3) If a burial ground which is provided jointly by two or more burial authorities under subsection (2) is wholly within the area of one of the authorities, that authority is deemed to have complied with section 2(2)(a).
- (4) Subsection (5) applies where a burial ground is provided jointly under subsection (2) by two or more burial authorities.
- (5) Any functions exercisable under, or by virtue of, this Act or any other enactment by a burial authority in relation to a burial ground are to be exercised—
  - (a) jointly by the burial authorities in relation to the burial ground, and
  - (b) in accordance with such arrangements as may be made between the authorities in relation to the burial ground.
- (6) In this section, “burial ground” does not include land mentioned in paragraph (b) of section 1.

**5 Places to keep bodies before burial**

- (1) A burial authority must provide, within a burial ground provided by the authority, an appropriate place in which human remains may be kept before burial in the burial ground.
- (2) A burial authority complies with subsection (1) if it secures the provision of an appropriate place as mentioned in that subsection.

**6 Management of burial grounds**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the management, regulation and control by a burial authority of—
  - (a) burial grounds, and
  - (b) places provided in burial grounds under section 5.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) the maintenance of—
    - (i) burial grounds, and
    - (ii) buildings, walls, fences or other structures erected on burial grounds,
  - (b) enclosing, laying out and embellishing burial grounds,

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- (c) access to and within burial grounds, including the construction, repair, maintenance and improvement of roads and paths,
  - (d) the maintenance and repair of memorials, buildings and other structures on burial grounds (including for the purpose of making them safe),
  - (e) the charging of fees by burial authorities which are local authorities in respect of such matters as may be specified in the regulations,
  - (f) persons employed by burial authorities (including in relation to training, qualifications and membership of professional bodies),
  - (g) conditions relating to the erection of a memorial, building or other structure on burial grounds,
  - (h) the imposition by burial authorities of such restrictions and conditions as they think necessary or appropriate in relation to—
    - (i) the layout of burial grounds (including in relation to the size of, and distance between, lairs),
    - (ii) the right to erect a memorial, building or other structure on burial grounds (including in relation to materials, construction, size, maintenance and liability for costs in respect of work carried out by burial authorities),
  - (i) the depth at which human remains may be buried,
  - (j) the designation of part of a burial ground for use by particular faiths or religious bodies,
  - (k) the provision of buildings for the use of persons of particular faiths or belonging to particular religious bodies,
  - (l) creating criminal offences to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale, or
  - (m) defences and evidential matters relating to such offences.

## **7 Right to erect building**

- 30
- (1) A burial authority may sell a right to erect a building or other structure on a burial ground provided by the authority.
  - (2) Any such right is exercisable only by the person in whom the right is vested.
  - (3) A right sold by a burial authority under subsection (1) is to be exercised subject to such terms, and on such conditions, as the burial authority may determine.
  - (4) Such a right is subject to, and must be exercised in accordance with, any regulations under this Part.

### *Burial in burial ground*

## **8 Application to carry out burial**

- 35
- (1) A person may not carry out a burial of human remains in a burial ground unless—
    - (a) the person has submitted to the burial authority providing the ground an application to carry out the proposed burial, and
    - (b) the application has been granted.

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- (2) The Scottish Ministers may by regulations make provision for or in connection with applications mentioned in subsection (1).
- (3) In making such an application, a person must comply with any requirements imposed by or under regulations under subsection (2).
- 5 (4) Regulations under subsection (2) may in particular—
- (a) specify the form and content of applications,
  - (b) specify persons, or a description of persons, who may issue forms on which applications are to be made,
  - 10 (c) prohibit such persons from altering the forms other than in such ways as may be specified in the regulations,
  - (d) specify persons, or a description of persons, who may submit applications,
  - (e) make provision about documents to be submitted with applications,
  - (f) make provision for reviews of, or appeals against, decisions of a burial authority—
  - 15 (i) to grant an application, or
  - (ii) to refuse to grant an application,
  - (g) create criminal offences to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale, or
  - (h) make provision about defences and evidential matters relating to such offences.

## 20 **9 Unauthorised burials: offences**

- (1) A person commits an offence if the person contravenes section 8(1) by knowingly carrying out a burial in respect of which no application has been granted.
- (2) A person commits an offence if the person—
- 25 (a) provides information in, or in connection with, an application mentioned in section 8(1) which the person knows to be false or misleading in a material way, or
  - (b) recklessly provides information in, or in connection with, such an application which is false or misleading in a material way.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale or to both.
- 30 (4) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **10 Burial register**

- 35 (1) Each burial authority must prepare and maintain for each burial ground provided by the authority a register containing prescribed information about burials that have taken place in the burial ground (a “burial register”).
- (2) The Scottish Ministers may by regulations—
- (a) require a burial register to be in a specified form and kept in a specified manner,

- (b) make such other provision relating to a burial register (including creating criminal offences) as they consider appropriate.
- (3) Regulations under subsection (2) creating a criminal offence—
  - (a) must include provision requiring the offence to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale,
  - (b) may include provision about defences and evidential matters relating to the offence.
- (4) A burial authority must make arrangements—
  - (a) for each of its burial registers to be available for inspection at all reasonable times by members of the public free of charge, and
  - (b) for copies of entries in its burial registers to be supplied, on request, to members of the public on payment of a reasonable charge.
- (5) An extract from a burial register kept by a burial authority, duly certified as a true copy by the burial authority, is sufficient evidence of the burial entered in it for the purposes of any court proceedings.
- (6) In subsection (2), “specified” means specified in the regulations.

## **11 Burial register: offences**

- (1) A burial authority commits an offence if, without reasonable excuse, the authority contravenes section 10(1) by failing to prepare or maintain a burial register.
- (2) A burial authority which commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **12 Right of burial**

- (1) A burial authority that is a local authority—
  - (a) must, on the application of a person who is ordinarily resident in the area of the local authority, sell a right of burial in a lair in a burial ground provided by the authority, and
  - (b) may, on the application of any other person, sell a right of burial in such a lair.
- (2) A burial authority other than one which is a local authority may, on the application of any person, sell a right of burial in a lair in a burial ground provided by the authority.
- (3) In this Act, “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 the 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) subject to section 29(5), a right to determine whose remains may be buried in the lair.
- (4) A right of burial is exercisable only by the person in whom the right is vested.
- (5) A right of burial sold by a burial authority under subsection (1) or (2) is to be exercised subject to such terms, and on such conditions, as the burial authority may determine.

- (6) A right of burial is subject to, and must be exercised in accordance with, any regulations under this Part.
- (7) A burial authority may refuse an application mentioned in subsection (1)(b) or (2) if, in the opinion of the authority, it is reasonable to do so.

### 13 Duration and extension of right of burial

- (1) A right of burial is extinguished at the end of the period of 25 years beginning with the day on which the right was sold.
- (2) The burial authority may, on the application of a person in whom the right of burial is vested, extend the right.
- (3) An extension under subsection (2) may be granted on more than one occasion.
- (4) Where an extension is granted under subsection (2), the right is extinguished at the end of the period of 10 years beginning with the day on which the right would, but for the extension, otherwise be extinguished.
- (5) A burial authority may refuse an application mentioned in subsection (2) if, in the opinion of the authority, it is reasonable to do so.
- (6) Subsection (7) applies where—
  - (a) the person in whom a right of burial is vested dies before the right is extinguished, and
  - (b) the right does not transfer to and vest in another person by virtue of any testamentary provision, enactment or rule of law.
- (7) The right vests in, and may be exercised by, the burial authority that sold the right.
- (8) For the purposes of calculating any period of time mentioned in this section, the day on which a right of burial is sold is to be taken to be the day recorded, in respect of the right, in the appropriate register under section 14.

### 14 Register of rights of burial

- (1) This section applies where a burial authority sells a right of burial in a burial ground it provides.
- (2) The burial authority must, in relation to each such burial ground, establish and maintain a register containing—
  - (a) information about lairs in the burial ground in which rights of burial have been sold by the authority,
  - (b) the date on which the rights were sold by the authority, and
  - (c) the names and addresses of persons to whom the authority sold the rights.
- (3) The burial authority may take such steps as it considers necessary—
  - (a) to ascertain whether the information in the register is current and accurate, and
  - (b) to obtain information to enable the authority to adjust the information to ensure the register is current and accurate.
- (4) The register must be kept indefinitely.

**15 Right to erect headstone**

- (1) The person in whom a right of burial in a lair in a burial ground is vested may apply to the burial authority that provides the burial ground for the right to erect a headstone or other memorial on the lair.
- 5 (2) A burial authority may refuse such an application if, in the opinion of the authority, it is reasonable to do so.
- (3) A right conferred by the granting of such an application is subject to, and must be exercised in accordance with, any regulations under this Part.
- 10 (4) Subsection (5) applies where a right of burial in a lair is extinguished (including at the end of any period for which it is extended under section 13).
- (5) A right to erect a headstone or other memorial on the lair conferred by virtue of subsection (1) on the person in whom a right of burial is vested is extinguished on the extinguishment of the right of burial.
- 15 (6) More than one application may be made under subsection (1) by the person in whom a right of burial is vested.

*Private burial*

**16 Private burial**

- (1) The Scottish Ministers may by regulations make provision for or in connection with private burials.
- 20 (2) In this Part, “private burial” means the burial of human remains in a place other than a burial ground.
- (3) A person who proposes to carry out a private burial may do so only if the burial is authorised by the relevant local authority.
- 25 (4) In carrying out a private burial, a person must comply with any requirements imposed by or under regulations under subsection (1).
- (5) Regulations under subsection (1) may in particular—
- 30 (a) make provision about applications to carry out private burials,
- (b) specify the form and content of applications,
- (c) enable applications to be made in respect of burials of persons who, at the time of making the application, are not deceased,
- (d) make provision about documents to be submitted with, or in relation to, applications,
- (e) make provision for the time at which such documents are to be submitted,
- 35 (f) make provision about persons, or a description of persons, who are required to submit such documents,
- (g) specify persons or a description of persons—
- (i) from whom consent to proposed private burials is to be obtained, and
- (ii) by whom consent to proposed private burials is to be signified as having been obtained in, or in relation to, applications to carry out private burials,

- (h) require persons making such applications to provide the local authority to which the application is made with any further information in connection with the application that the authority considers necessary,
- (i) specify the circumstances in which a local authority receiving an application to carry out a private burial—
- (i) must authorise the carrying out of the burial,
  - (ii) may authorise the carrying out of the burial,
  - (iii) must not authorise the carrying out of the burial,
  - (iv) must or may authorise the carrying out of the burial subject to conditions specified by the authority or in the regulations,
- (j) make provision for or in connection with—
- (i) notices by local authorities of the authorities' decisions relating to applications to carry out private burials,
  - (ii) notices relating to those notices by persons making the applications or by such other persons, or other persons of such descriptions, as may be specified in the regulations,
- (k) specify the form and content of notices mentioned in paragraph (j),
- (l) make provision for reviews of or appeals against—
- (i) decisions of the local authority to authorise the carrying out of private burials,
  - (ii) decisions of the local authority to refuse to authorise the carrying out of private burials,
  - (iii) any conditions subject to which a private burial is authorised,
- (m) make provision for or in connection with—
- (i) the size of any area of land on which private burials may be carried out,
  - (ii) by reference to any such size, the maximum number of private burials that may be carried out on the land,
  - (iii) minimum distances between lairs on such land.
- (6) In subsection (2)—
- “human remains” does not include human remains that have been cremated,
- “relevant local authority”, in relation to land on which a private burial is proposed to be carried out, means the local authority for the area in which the land is situated.

## 17 Register of private burials

- (1) The Scottish Ministers may by regulations make provision for or in connection with requiring each local authority to establish and maintain a register of private burials authorised by the authority under section 16(3).
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
- (a) the form and manner in which a register is to be kept,

- (b) the information to be recorded, and the time at which it is to be recorded, in a register,
- (c) the period of time for which a register is to be kept (which may be indefinitely),
- (d) public access to a register.

5     **18     Suspension of private burials**

- (1) The Scottish Ministers may, as regards the whole or any part of Scotland, by regulations—
  - (a) suspend regulations made under section 16 or 17, or
  - (b) prohibit the carrying out of private burials.
- 10     (2) Any regulations under subsection (1) have effect in relation to a private burial despite authorisation for the carrying out of the burial having been given under section 16(3).
- (3) Regulations under subsection (1)—
  - (a) may make different provision for different purposes or circumstances,
  - 15     (b) may include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) (other than regulations to which subsection (5) applies) cease to have effect on the expiry of the period of 28 days beginning with the day on which they are made unless, before the expiry of that period, the regulations are approved by resolution of the Scottish Parliament.
- 20     (5) This subsection applies to regulations made under subsection (1) consisting only of—
  - (a) provision revoking earlier regulations made by virtue of subsection (1), or
  - (b) such provision and provision made by virtue of subsection (3)(b).
- (6) In calculating the period of 28 days mentioned in subsection (4), no account is to be taken of any period during which the Scottish Parliament is—
  - 25     (a) dissolved, or
  - (b) in recess for more than 4 days.

**19     Private burial: offences**

- (1) A person commits an offence if the person contravenes section 16(3) by knowingly carrying out a private burial that is not authorised by the relevant local authority.
- 30     (2) A person commits an offence if, without reasonable excuse, the person fails to comply with the requirement imposed by section 16(4).
- (3) A person commits an offence if the person—
  - (a) provides information in, or in connection with, an application made by virtue of regulations under section 16 which the person knows to be false or misleading in a material way, or
  - 35     (b) recklessly provides information in, or in connection with, such an application which is false or misleading in a material way.

- (4) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale or to both.
- (5) A person who commits an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In subsection (1), “relevant local authority” is to be construed in accordance with section 16(6).

*Burial: fees and offences*

**20 Fees for burials**

- (1) This section applies where a burial authority is a local authority.
- (2) The burial authority may charge such fees as the authority thinks fit in respect of—
- (a) burials carried out in burial grounds provided by the authority,
  - (b) the sale of a right to erect a building or other structure under section 7,
  - (c) the sale of a right of burial under section 12, and
  - (d) the extension of a right of burial under section 13.
- (3) The burial authority must keep under review fees mentioned in subsection (2).

**21 Burial: offences**

- (1) It is an offence for a person knowingly to bury human remains unless—
- (a) the burial is carried out in a burial ground in accordance with section 8, or
  - (b) the burial is a private burial carried out in accordance with section 16.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale or to both.

*Exhumation of human remains*

**22 Exhumation of human remains**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the exhumation of human remains.
- (2) Regulations under subsection (1) may in particular—
- (a) make provision about applications to carry out exhumations,
  - (b) specify the form and content of applications,
  - (c) specify persons, or a description of persons, who may make applications,
  - (d) provide for applications to be made to—
    - (i) inspectors of burial appointed under section 59(1),
    - (ii) local authorities, or
    - (iii) such other persons as may be specified,

- (e) confer discretion on a person mentioned in, or specified under, paragraph (d) to consider applications from persons other than those specified, or falling within a description specified, under paragraph (c),
- (f) make provision about the procedure to be followed in relation to applications,
- 5 (g) impose requirements on specified persons, or persons of a specified description, in relation to applications,
- (h) enable a person to whom an application is made to—
  - (i) grant the application,
  - (ii) refuse the application, or
  - 10 (iii) grant the application subject to any conditions the person thinks appropriate,
- (i) provide for circumstances in which the regulations (or specified provisions of the regulations)—
  - (i) do not apply,
  - 15 (ii) apply with specified modifications,
- (j) create criminal offences, to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale,
- (k) make provision about defences and evidential matters relating to such offences.

20 (3) Regulations under subsection (1) may not make provision modifying or having the effect of modifying an enactment which enables or requires the exhumation of human remains.

(4) Regulations under subsection (1) may not make provision which affects any procedure applicable in relation to the exhumation of human remains in connection with—

- 25 (a) the investigation of a crime that has been, or is suspected of having been, committed,
- (b) criminal proceedings,
- (c) investigations of deaths under the authority of the Lord Advocate, or
- (d) inquiries under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

30 (5) In this section—

“enactment” does not include a provision of this Act or any regulations made under it,

“specified” means specified in the regulations.

### **23 Appeal to sheriff**

35 (1) This section applies where an application to carry out an exhumation of human remains is made by virtue of regulations under section 22(1).

(2) A person mentioned in subsection (3) may appeal to the sheriff against—

- (a) a decision to grant the application,
- (b) a decision to refuse the application, or

(c) any conditions subject to which the application is granted.

(3) The person is—

(a) the person who made the application, or

(b) any other person who, by virtue of regulations under section 22(1), would have been entitled to make the application.

(4) An appeal must be made before the expiry of the period of 21 days beginning with the day on which the decision to which the appeal relates was made.

(5) Where an appeal is against a decision to grant the application without conditions, the sheriff may—

(a) uphold the decision,

(b) uphold the decision and impose such conditions in relation to the exhumation as the sheriff thinks fit, or

(c) quash the decision and refuse the application with effect from the date of the decision.

(6) Where an appeal is against a decision to grant the application subject to conditions, the sheriff may—

(a) uphold the decision and confirm the conditions,

(b) uphold the decision and vary or remove any of the conditions,

(c) uphold the decision and impose such conditions in relation to the exhumation as the sheriff thinks fit, or

(d) quash the decision and refuse the application with effect from the date of the decision.

(7) Where an appeal is against a decision to refuse the application, the sheriff may—

(a) uphold the decision,

(b) quash the decision and grant the application with effect from the date of the decision, or

(c) quash the decision, grant the application with effect from the date of the decision and impose such conditions in relation to the exhumation as the sheriff thinks fit.

(8) Where an appeal is against conditions subject to which the application was granted, the sheriff may—

(a) confirm, vary or remove any of the conditions, or

(b) impose such conditions in relation to the exhumation as the sheriff thinks fit.

(9) The decision of the sheriff on an appeal is final.

(10) In this section, references to an appeal are to an appeal under subsection (2).

*Lair: restoration to use*

**24 Restoration to use of lair: consultation**

(1) This section applies where it appears to a burial authority in relation to a lair in a burial ground that—

(a) the right-holder is failing to maintain the lair,

- (b) there has not been a burial in the lair during the relevant period, and
- (c) it might be practicable for the authority to restore the lair to use by extinguishing the right-holder's right of burial in the lair and making the lair available for burials.

- 5 (2) The burial authority may carry out excavations of the lair (but may not exhume any human remains).
- (3) The burial authority must consult each person mentioned in subsection (4) about its proposal to restore the lair to use.
- (4) The persons are—
- 10 (a) persons having appropriate knowledge and qualifications to advise on any archaeological aspects of the proposal,
- (b) the Commonwealth War Graves Commission,
- (c) any other person the burial authority thinks appropriate.
- (5) If by virtue of subsection (3) a person objects to the authority's proposal to restore the lair to use—
- 15 (a) the authority may not proceed with its proposal, and
- (b) this section does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority receives the objection.
- (6) In this section—
- 20 "relevant period", in relation to a lair, means—
- (a) where the lair contains any human remains, the period of 100 years beginning with the day on which the last burial took place,
- (b) where the lair does not contain any human remains, the period of 50 years beginning with the day on which the right of burial in the lair was last sold,
- 25 "right-holder", in relation to a lair, means the person in whom the right of burial in the lair is vested.

## **25 Notification: right-holder**

- (1) This section applies where none of the persons consulted under section 24(3) objects to a burial authority's proposal to restore a lair to use.
- 30 (2) If the burial authority is aware of the name and address of the right-holder or able, after reasonable enquiry, to ascertain them, the authority must give notice to the right-holder of the matters mentioned in subsection (3).
- (3) The matters are—
- (a) the authority's proposal to restore the lair to use,
- 35 (b) the right-holder's right to consent or object to the proposal by giving notice in writing to the authority of the consent or objection within the prescribed time limit,
- (c) any prescribed documents which the right-holder should give to the authority,
- (d) an explanation of the consequences of consenting or objecting to the proposal,
- 40 (e) the right-holder's obligations in relation to the maintenance of the lair, and

- (f) any costs for which the right-holder is liable in respect of maintenance.
- (4) Notice under subsection (2) must be given in the prescribed form and the prescribed manner.
- (5) If by virtue of subsection (3)(b) the burial authority receives notice of the right-holder's objection to the authority's proposal to restore the lair to use—
  - (a) the authority may not proceed with its proposal, and
  - (b) section 24 does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority receives the notice.

## **26 Notification where right-holder cannot be found**

- (1) This section applies where—
  - (a) a burial authority gives notice under subsection (2) of section 25 but does not receive notice from the right-holder by virtue of subsection (3)(b) of that section, or
  - (b) a burial authority is unaware of, or unable to ascertain, the name and address of the right-holder for the purpose of giving notice under subsection (2) of that section.
- (2) The burial authority must give notice in the prescribed form and the prescribed manner of the authority's proposal to restore the lair to use.
- (3) A notice under subsection (2) must—
  - (a) contain prescribed information,
  - (b) comply with prescribed requirements, and
  - (c) specify a prescribed period within which a person may object to the authority's proposal to restore the lair to use.

## **27 Section 26: effect of objection**

- (1) This section applies where, before the expiry of any period prescribed by virtue of section 26(3)(c), a person objects to a burial authority's proposal to restore a lair to use.
- (2) If the person is the right-holder or a relative of a person whose remains are buried in the lair—
  - (a) the authority may not proceed with its proposal, and
  - (b) section 24 does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority receives the objection.
- (3) If the person is not the right-holder or a relative of a person whose remains are buried in the lair, the authority must determine before the expiry of the prescribed period whether there is merit in the objection.
- (4) If the authority determines that there is merit in the objection—
  - (a) the authority may not proceed with its proposal, and
  - (b) section 24 does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority makes its determination.
- (5) In this section, “relative”, in relation to a person, means—

- (a) the spouse or civil partner of the person,
- (b) an ancestor in the direct line of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (c) a descendant in the direct line of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (d) a brother of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (e) a sister of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (f) an aunt of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (g) an uncle of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (h) a nephew of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (i) a niece of—
  - (i) the person,
  - (ii) the person’s spouse, or
  - (iii) the person’s civil partner,
- (j) a first cousin of—
  - (i) the person,
  - (ii) the person’s spouse, or

(iii) the person's civil partner.

- (6) For the purposes of the definition of “relative” in subsection (5), a relationship of the half-blood is to be treated as a relationship of the whole blood.

## **28 Extinguishment of right**

- 5 (1) This section applies where—
- (a) a burial authority gives notice to the right-holder under section 25(2) and the conditions in subsection (2) are met, or
  - (b) a burial authority gives notice under section 26(2) and one of the conditions in subsection (3) is met.
- 10 (2) The conditions are that—
- (a) the authority has received notice by virtue of section 25(3)(b) of the right-holder's consent to the proposal, and
  - (b) the right-holder agrees to the proposed extinguishment of the right-holder's right of burial.
- 15 (3) The conditions are that—
- (a) the authority has not received an objection by virtue of section 26(3)(c), or
  - (b) the authority has received an objection by virtue of that section but has determined under section 27(3) that there is no merit in it.
- (4) The authority must—
- 20 (a) extinguish the right-holder's right of burial in the lair, and
  - (b) give notice of the extinguishment in the prescribed form and the prescribed manner.

## **29 Restoration to use**

- 25 (1) This section applies where under section 28(4) a burial authority has extinguished the right-holder's right of burial in a lair.
- (2) The burial authority must establish whether it would be practicable for the authority to make the lair available for burials.
- (3) For the purposes of subsection (2), the authority may—
- 30 (a) carry out excavations of the lair,
  - (b) exhume any human remains that are in the lair.
- (4) Before selling a right of burial in the lair, the burial authority must exhume any human remains that are in the lair.
- (5) If the authority exhumes any human remains under subsection (3) or (4), it must rebury them in the lair as soon as practicable after their exhumation.

## **30 Restoration to use without extinguishment of right**

- 35 (1) This section applies where—
- (a) a burial authority has given notice under section 25(2) or, as the case may be, 26(2) in relation to a lair,

- (b) the right-holder informs the authority that the right-holder—
  - (i) agrees with the authority’s proposal that the lair be restored to use, but
  - (ii) wishes to retain the right-holder’s right of burial in the lair.

- 5 (2) The authority must establish whether it would be practicable for the authority to make the lair available for burials.
- (3) For the purposes of subsection (2), the authority may—
  - (a) carry out excavations of the lair,
  - (b) exhume any human remains that are in the lair.
- 10 (4) If the authority exhumes any human remains under subsection (3), it must rebury them in the lair as soon as practicable after their exhumation.
- (5) The right-holder is liable for—
  - (a) any costs incurred by the burial authority by virtue of subsections (2) to (4), and
  - (b) any costs incurred by the burial authority in making the lair available for burials.

### **31 Right-holder’s right to object**

- 15 (1) This section applies where—
  - (a) a burial authority proposes to restore a lair to use in pursuance of section 24, and
  - (b) at any time before the authority sells a right of burial in the lair by virtue of section 28(4) the right-holder objects to the authority’s proposal to restore the lair to use.
- 20 (2) The burial authority may not proceed with its proposal.
- (3) If by virtue of section 28(4) the burial authority has extinguished the right-holder’s right of burial in the lair, the burial authority must confer a right of burial in the lair on the right-holder.
- 25 (4) Section 24 does not apply in relation to the lair for the period of 10 years beginning with the day on which the authority receives the objection.
- (5) In this section, “right-holder” includes a person whose right of burial in the lair has been extinguished by virtue of section 28(4).

### **32 Restoration to use on request of right-holder**

- 30 (1) This section applies where—
  - (a) a burial authority is not proposing in pursuance of section 24 to restore to use a particular lair in a burial ground, but
  - (b) the right-holder proposes to the burial authority—
    - (i) that the lair be restored to use, and
    - (ii) that the right-holder retain the right-holder’s right of burial in the lair.
- 35 (2) Subsections (2) to (5) of section 24 apply in relation to a proposal under subsection (1)(b) as they apply in relation to a proposal under that section.

- (3) If none of the persons consulted by virtue of subsection (2) objects to the proposal, the burial authority must establish whether it would be practicable for the authority to make the lair available for burials.
- (4) Subsections (3) to (5) of section 30 apply for the purposes of subsection (3) as they apply for the purposes of that section.

**33 Headstones**

- (1) This section applies where—
- (a) by virtue of section 29, 30 or 32 a burial authority exhumes human remains from a lair, and
  - (b) immediately before the exhumation is carried out, there is on the lair a headstone or other memorial which relates to the remains.
- (2) Except where it would be impracticable to do so, the burial authority must take all reasonable steps to ensure that the headstone or other memorial is returned to its place on the lair as soon as practicable after the authority reburies the remains.

**34 Records**

Each burial authority must keep, in the prescribed form and the prescribed manner, records of prescribed information relating to things done by them for the purposes of or in connection with the functions conferred on them by sections 24 to 33.

**35 Guidance**

- (1) Each burial authority must have regard to any guidance issued by the Scottish Ministers about—
- (a) the carrying out of functions conferred on them by sections 24 to 34, and
  - (b) the restoration to use of lairs.
- (2) Before issuing any such guidance, the Scottish Ministers must consult—
- (a) burial authorities, and
  - (b) any other persons they consider appropriate.

**PART 2**

## CREMATION

**36 Meaning of “cremation”**

- (1) In this Act, “cremation” means the reduction to ashes of human remains by the burning of the remains and the application to the burnt human remains of grinding or other processes.
- (2) In this section—
- “ashes” does not include metal,
  - “coffin” includes any type of receptacle,
  - “human remains” includes, where remains are clothed, in a coffin or with any other thing, the clothing, coffin or other thing.

**37 Cremation authority: duties**

- (1) The Scottish Ministers may by regulations make provision about—
- (a) the management and operation of crematoriums,
  - (b) the maintenance of crematoriums,
  - 5 (c) the disposal of ashes by cremation authorities, and
  - (d) persons employed by cremation authorities (including in relation to training, qualifications and membership of professional bodies).
- (2) A cremation authority must comply with any requirement imposed on it by regulations under subsection (1).
- 10 (3) A cremation authority which knowingly contravenes subsection (2) commits an offence.
- (4) A person who commits an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale or to both.
- (5) In this section—
- 15 “cremation authority” means a person who owns a crematorium,  
“crematorium” means a building fitted with equipment for the carrying out of cremations.

**38 Application for cremation**

- 20 (1) A person who wishes a cremation to be carried out in a crematorium must submit an application to the cremation authority that owns the crematorium.
- (2) The Scottish Ministers may by regulations make provision for or in connection with an application mentioned in subsection (1).
- (3) In making such an application, a person must comply with any requirements imposed by or under regulations under subsection (2).
- 25 (4) Regulations under subsection (2) may in particular—
- (a) specify the form and content of applications,
  - (b) specify persons, or a description of persons, who may issue forms on which applications are to be made,
  - 30 (c) prohibit such persons from altering the forms other than in such ways as may be specified in the regulations,
  - (d) specify persons, or a description of persons, who may submit applications,
  - (e) make provision about documents to be submitted with applications,
  - (f) make provision for reviews of, or appeals against, decisions of a cremation authority—
  - 35 (i) to grant an application,
  - (ii) to refuse to grant an application,
  - (g) create criminal offences to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale,
  - (h) include provision about defences and evidential matters relating to such offences.

**39 Section 38: offences**

- (1) A person commits an offence if the person—
- (a) provides information in, or in connection with, an application under section 38(1) which the person knows to be false or misleading in a material way, or
  - (b) recklessly provides information in, or in connection with, such an application which is false or misleading in a material way.
- (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.

**40 Requirements for carrying out cremation**

- (1) A person may not carry out a cremation unless—
- (a) the person is a cremation authority,
  - (b) the cremation authority has granted an application made under section 38 in respect of the cremation, and
  - (c) the cremation is carried out in a crematorium.
- (2) A person who knowingly contravenes subsection (1) commits an offence.
- (3) A person who commits an offence under subsection (2) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale or to both.

**41 Cremation register**

- (1) Each cremation authority must prepare and maintain for each crematorium owned by it a register containing prescribed information about cremations carried out in the crematorium (a “cremation register”).
- (2) The Scottish Ministers may by regulations—
- (a) require a cremation register to be in a specified form and kept in a specified manner,
  - (b) make such other provision relating to a cremation register (including creating criminal offences) as they consider appropriate.
- (3) Regulations under subsection (2) creating a criminal offence—
- (a) must include provision requiring the offence to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale,
  - (b) may include provision about defences and evidential matters relating to the offence.
- (4) A cremation authority must make arrangements—
- (a) for each of its cremation registers to be available for inspection at all reasonable times by members of the public free of charge, and
  - (b) for copies of entries in its cremation registers to be supplied, on request, to members of the public on payment of a reasonable charge.
- (5) An extract from a cremation register kept by a cremation authority, duly certified as a true copy by the cremation authority, is sufficient evidence of the cremation entered in it for the purposes of any court proceedings.

- (6) In this section, “specified” means specified in the regulations.

**42 Cremation register: offences**

- (1) A cremation authority commits an offence if, without reasonable excuse, the authority contravenes section 41(1) by failing to prepare or maintain a cremation register.
- 5 (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.

**43 New crematorium: notice**

- (1) Subsection (2) applies where a cremation authority proposes to establish a crematorium.
- 10 (2) Before carrying out the first cremation in the crematorium, the cremation authority must give notice to the Scottish Ministers of—
- (a) the day on which the authority proposes to carry out that cremation, and
  - (b) such other matters as may be prescribed.

**44 Closure of crematorium**

- 15 (1) The Scottish Ministers may by regulations make provision for or in connection with the closure of crematoriums.
- (2) Regulations under subsection (1) may in particular make provision—
- (a) requiring a cremation authority to give notice of the closure to the Scottish Ministers,
  - (b) requiring a cremation authority to comply with specified requirements about the transfer of specified information.
- 20 (3) In this section, “specified” means specified in the regulations.

**45 Fees for cremations**

- (1) This section applies where a cremation authority is a local authority.
- 25 (2) The cremation authority may charge such fees as the authority thinks fit in respect of a cremation carried out in a crematorium owned by the authority.
- (3) The cremation authority must keep under review fees mentioned in subsection (2).

**PART 3**

ARRANGEMENTS

*Adults and children*

**46 Arrangements on death of adult**

- 30 (1) This section applies where an adult dies and—
- (a) the adult has not made an arrangements on death declaration, or
  - (b) the adult has made an arrangements on death declaration but it would not be reasonably practicable to give effect to it.

- 
- (2) The nearest relative of the adult may make arrangements for disposal of the adult's remains.
- (3) The nearest relative is the person who immediately before the adult's death was—
- (a) the adult's spouse or civil partner,
  - 5 (b) neither married to nor in a civil partnership with the adult but was living with the adult as if they were married to each other and had been so living for a period of at least 6 months (or if the adult was in hospital immediately before death had been so living for such period when the adult was admitted to hospital),
  - (c) the adult's child,
  - 10 (d) the adult's parent,
  - (e) the adult's brother or sister,
  - (f) the adult's grandparent,
  - (g) the adult's grandchild,
  - (h) the adult's uncle or aunt,
  - 15 (i) the adult's cousin,
  - (j) the adult's niece or nephew,
  - (k) a friend of long standing of the adult.
- (4) If the adult's spouse or civil partner—
- (a) is permanently separated (either by agreement or under an order of a court) from the adult, or
  - 20 (b) has deserted, or has been deserted by, the adult and the desertion continues,
- subsection (3) is to be read as if paragraph (a) were omitted.
- (5) Relationships in different paragraphs of subsection (3) rank in the order of those paragraphs and for the purposes of that subsection (including that subsection as modified by subsection (4))—
- 25 (a) a relationship of the half-blood is to be treated as a relationship of the whole blood,
  - (b) the stepchild of an adult is to be treated as the child of the adult.
- (6) Where more than one person falls within a paragraph of subsection (3)—
- 30 (a) each such person ranks equally for the purpose of the paragraph, and
  - (b) either (or any) person falling within the paragraph may be the nearest relative.
- (7) For the purposes of subsection (3), a person's relationship with the adult is to be left out of account if—
- (a) immediately before the adult's death the person was under 16 years of age,
  - 35 (b) the person does not wish or is unable to make arrangements for disposal of the adult's remains, or
  - (c) it is not reasonably practicable to communicate with the person in the time available.
- (8) In this section—

“adult” means a person who is 16 years of age or over,

“arrangements on death declaration” means a declaration by an adult specifying the person by whom the adult wishes the arrangements to be made for disposal of the adult’s remains on the adult’s death.

5 (9) This section is subject to section 92 of the Public Health etc. (Scotland) Act 2008.

**47 Arrangements on death of child**

(1) This section applies where—

- (a) a child dies, or
- (b) a still-birth occurs.

10 (2) The nearest relative of the child who has died or the still-born child may make arrangements for disposal of the child’s remains.

(3) The nearest relative, in relation to the child who has died or the still-born child, is the person who immediately before the death or still-birth was—

- 15 (a) the child’s parent or, in the case of a child who has died, a person who had parental rights and parental responsibilities in relation to the child (but who is not a local authority),
- (b) the child’s brother or sister,
- (c) the child’s grandparent,
- (d) the child’s uncle or aunt,
- 20 (e) the child’s cousin,
- (f) the child’s niece or nephew,
- (g) in the case of a child who has died, a friend of long standing of the child.

(4) Relationships in different paragraphs of subsection (3) rank in the order of those paragraphs and for the purposes of that subsection a relationship of the half-blood is to be treated as a relationship of the whole blood.

25 (5) Where more than one person falls within a paragraph of subsection (3)—

- (a) each such person ranks equally for the purpose of the paragraph, and
- (b) either (or any) person falling within the paragraph may be the nearest relative.

30 (6) For the purposes of subsection (3), a person’s relationship with the child is to be left out of account if—

- (a) except in the case of the child’s parent, the person, immediately before the child’s death, was under 16 years of age,
- (b) the person does not wish or is unable to make arrangements for disposal of the child’s remains, or
- 35 (c) it is not reasonably practicable to communicate with the person in the time available.

(7) In this section—

“child” means a person who is under 16 years of age,

“still-birth” and “still-born child” have the meanings given by section 56(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

- (8) This section is subject to section 92 of the Public Health etc. (Scotland) Act 2008.

#### 48 Disposal of remains: nearest relative

(1) This section applies where a person is making arrangements for the disposal of the remains of an adult or child by virtue of the person’s being the nearest relative for the purposes of section 46 or 47.

(2) The person may decide whether the remains are to be buried or cremated.

(3) In making a decision for the purposes of subsection (2), the person must, so far as known to the person, have regard to any wishes that the adult or child expressed as to means of disposal of the remains.

(4) In this section—

“adult” has the meaning given by section 46(8),

“child” has the meaning given by section 47(7).

(5) This section is subject to section 92 of the Public Health etc. (Scotland) Act 2008.

#### 49 Sections 46 and 47: 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 disposal 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 the person’s being the nearest relative for the purposes of section 46 or 47.

(2) An order under subsection (1) may include such other provision as the sheriff considers necessary or expedient.

(3) Any application under subsection (1) must be made by summary application.

(4) A decision of the sheriff on an application under subsection (1) is final.

(5) 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.

(6) In this section, “arrangements on death declaration” has the meaning given by section 46(8).

#### *Losses during pregnancy*

#### 50 Arrangements on loss during pregnancy

(1) This section applies where—

(a) a woman’s pregnancy ends at or before its twenty-fourth week,

- (b) after being parted from the woman the fetus does not breathe or show any other signs of life, and
- (c) at the time when the pregnancy ends the woman is in the care of an appropriate health authority.

5 (2) Before the expiry of the initial period, the appropriate health authority must give the woman an opportunity to decide—

- (a) whether she wishes to make arrangements for the disposal of the remains of the fetus,
- 10 (b) whether she wishes to authorise an individual of or over 16 years of age to make those arrangements, or
- (c) whether she wishes to authorise the appropriate health authority to make those arrangements—
  - (i) in a way specified by the woman, or
  - (ii) in a way specified by the authority.

15 (3) For the purposes of subsection (2)(c), the appropriate health authority must inform the woman if it would not be reasonably practicable for the authority to arrange for the remains to be disposed of in a particular way.

(4) As soon as practicable after the expiry of the initial period, the appropriate health authority must—

- 20
- (a) record the matters mentioned in subsection (5) in the prescribed form, and
  - (b) take reasonable steps to secure the woman's signature.

(5) The matters are—

- (a) if the woman informs the appropriate health authority of a decision she has made under subsection (2), the decision,
- 25 (b) if the woman does not inform the appropriate health authority of a decision she has made under that subsection, that fact.

(6) In this section—

“appropriate health authority”, in relation to a woman whose pregnancy ends as mentioned in subsection (1), means—

- 30
- (a) if at the time when the pregnancy ends the woman is in the care of an independent health care service, that independent health care service,
  - (b) if at the time when the pregnancy ends the woman is in the care of a Health Board, that Health Board,

“health authority” means—

- 35
- (a) a Health Board, or
  - (b) an independent health care service,

“Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

40 “independent health care service” is to be construed in accordance with section 10F of the National Health Service (Scotland) Act 1978,

“initial period” means the period of 7 days beginning with the day on which a fetus, having been parted from the woman whose pregnancy has ended, does not breathe or show any other signs of life.

## 51 Change in arrangements

- 5 (1) This section applies if—
- (a) an appropriate health authority has given a woman the opportunity to make a decision under section 50(2),
  - (b) the remains have not been disposed of, and
  - (c) the relevant period has not expired.
- 10 (2) The woman may notify the appropriate health authority of—
- (a) a change in the decision made by her under section 50(2), or
  - (b) where she has not previously made a decision under that section, a decision made by her under that section.
- 15 (3) If the woman notifies the appropriate health authority that she has made the decision mentioned in section 50(2)(c), the authority must inform the woman if it would not be reasonably practicable for the authority to arrange for the remains to be disposed of in a particular way.
- (4) As soon as practicable after receiving notice under subsection (2), the appropriate health authority must—
- 20 (a) record the decision in the prescribed form, and
  - (b) take reasonable steps to secure the woman’s signature.
- (5) In this section—
- “appropriate health authority” has the meaning given by section 50(6),
  - “relevant period” means the period of 5 weeks beginning with the day on which
  - 25 the initial period (as defined in section 50(6)) expires.

## 52 Individual authorised to make arrangements

- (1) This section applies if an individual is authorised under section 50(2)(b) to make arrangements for the disposal of remains.
- (2) If the individual does not wish to make the arrangements—
- 30 (a) the individual may authorise the appropriate health authority to make arrangements for the disposal of the remains—
    - (i) in a way specified by the individual, or
    - (ii) in a way specified by the authority, but
  - (b) otherwise may not authorise any other person to make arrangements for the
  - 35 disposal of the remains.
- (3) For the purposes of subsection (2)(a), the appropriate health authority must inform the individual if it would not be reasonably practicable for the authority to arrange for the remains to be disposed of in a particular way.

(4) If an appropriate health authority is authorised by an individual under subsection (2)(a), it must—

- (a) record the authorisation in the prescribed form, and
- (b) take reasonable steps to secure the individual’s signature.

5 (5) Subsection (6) applies if—

(a) under section 50(4)(a) or 51(4)(a) the appropriate health authority has recorded a decision under section 50(2)(b) to authorise an individual, and

(b) the individual—

10 (i) does not inform the authority that the individual has made arrangements for the disposal of the remains, and

(ii) does not authorise the authority under subsection (2)(a) to make those arrangements.

(6) The appropriate health authority must—

- (a) record those facts in the prescribed form, and
- (b) take reasonable steps to secure the individual’s signature.

(7) In this section, “appropriate health authority” has the meaning given by section 50(6).

### **53 Appropriate health authority authorised to make arrangements**

(1) This section applies where by virtue of section 50(2)(c), 51(2) or 52(2)(a) an appropriate health authority is authorised to make arrangements for the disposal of remains.

20 (2) After the expiry of the 7-day period, the appropriate health authority—

- (a) must dispose of the remains, and
- (b) if by virtue of section 50(2)(c)(i), 51(2) or 52(2)(a)(i) it is authorised to do so in a specified way, must do so in that way.

(3) In this section—

25 “7-day period” means the period of 7 days beginning with the day on which authorisation is given by virtue of section 50(2)(c), 51(2) or 52(2)(a),

“appropriate health authority” has the meaning given by section 50(6).

### **54 Duty of appropriate health authority**

(1) Subsection (2) applies where—

- 30 (a) section 50 applies,
- (b) no arrangements are made by virtue of that section or section 51 or 52 for the disposal of the remains of a fetus, and
- (c) the relevant period expires.

(2) As soon as practicable after the end of the relevant period, the appropriate health authority must make arrangements for the disposal of the remains.

35 (3) In this section—

“appropriate health authority” has the meaning given by section 50(6),

“relevant period” has the meaning given by section 51(5).

### 55 Duty to keep a register

- (1) Each health authority must prepare and maintain a register containing—
- 5 (a) prescribed information about the disposal, in pursuance of sections 50 to 54, of the remains of a fetus, and
- (b) other prescribed information.
- (2) The Scottish Ministers may by regulations—
- (a) require a register kept under this section to be in a specified form and kept in a specified manner,
- 10 (b) make such other provision relating to such a register (including creating criminal offences) as they consider appropriate.
- (3) Regulations under subsection (2) creating a criminal offence—
- (a) must include provision requiring the offence to be triable summarily and punishable by a fine not exceeding level 3 on the standard scale,
- 15 (b) may include provision about defences and evidential matters relating to the offence.
- (4) In this section—
- “health authority” has the meaning given by section 50(6),
- “specified” means specified in the regulations.

### Local authority functions

### 56 Disposal of remains: duty of local authority

- (1) This section applies where—
- (a) a person dies or is found dead within the area of a local authority, and
- 25 (b) it appears to the authority that no arrangements have been or are being made under section 46(2) or 47(2) or otherwise for the disposal of the remains.
- (2) The local authority must make arrangements for the remains to be buried or cremated.
- (3) In making arrangements under subsection (2), the local authority must, so far as known to the authority, have regard to any wishes that the person expressed as to means of disposal of the person’s remains.
- 30 (4) The local authority may recover from the estate of the deceased person expenses incurred under subsection (2).

### 57 Disposal of remains: power of local authority

- (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
- 35 (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 no arrangements have been or are being made under section 46(2) or 47(2) or otherwise for the disposal of the remains of the child or other person, the local authority may make arrangements for the remains to be buried or cremated.

5 (3) In making arrangements under subsection (2), the local authority must, so far as known to the authority, have regard to any wishes that the child or other person expressed as to means of disposal of the remains.

(4) The local authority may recover from the estate of the deceased child or other person expenses incurred under subsection (2).

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

(6) 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 that Act.

## **58 Expenses of attending funeral**

15 (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.

20 (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—

25 (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—

30 “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

35 (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

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

40 (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.

**PART 4**

## INSPECTION

**59 Appointment of inspectors**

- (1) The Scottish Ministers may appoint such persons as they think fit to be—
- 5 (a) inspectors of burial,  
(b) inspectors of crematoriums,  
(c) inspectors of funeral directors.
- (2) A person appointed under subsection (1) is referred to in this Part as an “inspector”.
- (3) The Scottish Ministers must pay to an inspector such remuneration as the Scottish  
10 Ministers may determine.
- (4) An inspector is to be appointed on such other terms and conditions as the Scottish  
Ministers may determine.
- (5) The Scottish Ministers may in the case of such of the inspectors as they may  
determine—
- 15 (a) pay such pensions, allowances or gratuities to or in respect of them as may be so  
determined,  
(b) make such payments towards the provision of pensions, allowances or gratuities  
to or in respect of any of them as may be so determined, or  
20 (c) provide and maintain such schemes (whether contributory or not) for the payment  
of pensions, allowances or gratuities to or in respect of them as may be so  
determined.
- (6) In this section, “funeral director” has the meaning given by section 31(1) of the  
Certification of Death (Scotland) Act 2011.

**60 Functions of inspectors**

25 An inspector is to carry out prescribed functions.

**61 Inspections: regulations**

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
- 30 (a) inspections of burial grounds and burial authorities,  
(b) inspections of crematoriums and cremation authorities,  
(c) inspections of funeral directors.
- (2) In subsection (3), burial authorities, cremation authorities and funeral directors are  
referred to as “relevant bodies”.
- (3) Regulations under subsection (1) may in particular make provision for or in connection  
with—
- 35 (a) the frequency of inspections mentioned in that subsection and the circumstances  
in which they are to be carried out,  
(b) reports by inspectors in relation to such inspections,

- (c) steps that may be taken by inspectors for the purpose of ensuring compliance with requirements or conditions contained in enactments, codes of practice or guidance applicable to relevant bodies,
- (d) steps that may be taken by inspectors to enforce such requirements or conditions,
- 5 (e) the procedure to be followed, and timescales applicable, in relation to such steps,
- (f) where by virtue of paragraph (c) or (d) an inspector proposes to suspend the operation of activities of relevant bodies, or suspend or revoke any licence necessary to operate as a relevant body—
  - 10 (i) recommendations by inspectors to the Scottish Ministers in relation to the proposal,
  - (ii) information to be provided by inspectors in connection with such recommendations,
  - (iii) decisions of the Scottish Ministers in relation to such recommendations,
- (g) reviews of or appeals against—
  - 15 (i) decisions of inspectors made by virtue of the regulations, and
  - (ii) decisions of the Scottish Ministers mentioned in paragraph (f)(iii),
- (h) investigations of complaints against relevant bodies (in particular or in general) and the procedure to be followed in relation to such investigations,
- (i) sanctions inspectors may impose in relation to such investigations.

20 **62 Powers of entry and inspection**

- (1) An inspector may if authorised to do so by the Scottish Ministers—
  - (a) enter any premises (other than a dwelling-house) associated with the management or operation of—
    - 25 (i) a burial authority,
    - (ii) a cremation authority, or
    - (iii) the business of a funeral director,
  - (b) require the production of any documents or records which a person mentioned in paragraph (a) is required to have or maintain under or by virtue of this Act, and
  - (c) inspect and take copies of such documents or records.
- 30 (2) The powers in subsection (1) may be exercised by an inspector only for the purposes of—
  - (a) ascertaining whether an offence under or by virtue of this Act has been or is being committed, or
  - 35 (b) carrying out any function conferred on the inspector by virtue of regulations under this Act.
- (3) If an inspector exercises a power of entry by virtue of subsection (1), the inspector may take onto the premises such other persons, and such materials and equipment, as the inspector considers necessary.
- (4) A power of entry under subsection (1) must be exercised at a reasonable hour.

- (5) An inspector who proposes to exercise a power conferred under subsection (1) must, if so required, produce evidence of the inspector’s identity and authorisation before exercising the power.

### **63 Section 62: offences**

- 5 (1) A person commits an offence if the person fails, without reasonable excuse, to comply with a requirement made by an inspector under section 62(1)(b) to produce a document or record.
- (2) A person commits an offence if the person wilfully obstructs an inspector in the exercise of—
- 10 (a) the power of entry conferred under section 62(1)(a),
- (b) the power to inspect or take copies of documents or records conferred under section 62(1)(c), or
- (c) a power conferred by virtue of regulations under section 60 or 61.
- 15 (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **64 Reports**

- (1) Each inspector must prepare and publish annual reports.
- (2) The first annual report prepared by an inspector under subsection (1)—
- 20 (a) is to be published before the expiry of the period of 12 months beginning with the day on which the inspector is appointed, and
- (b) is to relate to that period.
- (3) Each subsequent annual report—
- (a) is to be published no later than 12 months after publication of the preceding annual report, and
- 25 (b) is to relate to the period beginning with publication of the preceding annual report and ending with publication of the subsequent annual report.
- (4) An annual report by an inspector—
- (a) must contain information about the activities carried out by the inspector during the period to which the report relates,
- 30 (b) may contain recommendations that the inspector considers would, if implemented, improve the services provided by cremation authorities, burial authorities or (as the case may be) funeral directors.
- (5) As soon as reasonably practicable after publication, annual reports must be laid before the Scottish Parliament.
- 35 (6) An inspector may, at any time the inspector thinks appropriate, prepare a report about any matters relating to the inspector’s functions (an “ad hoc report”).
- (7) If an inspector prepares an ad hoc report, the inspector—
- (a) must send a copy of the report to the Scottish Ministers,
- (b) may, if the inspector thinks it appropriate—

- (i) publish the report,
- (ii) lay the report before the Scottish Parliament.

## PART 5

### MISCELLANEOUS

#### *Funeral directors' premises*

#### **65 Funeral directors' premises: licences**

- (1) The Scottish Ministers may make a scheme for the licensing of funeral directors' premises.
- (2) In this Part, references to a funeral director's premises are to any premises—
  - (a) owned or occupied by a funeral director, and
  - (b) used primarily for—
    - (i) carrying on the funeral director's business, or
    - (ii) carrying on any activities relating to the funeral director's business.
- (3) A funeral director may not carry on such a business, or such activities, on the funeral director's premises unless the funeral director holds a licence issued under the scheme in relation to those premises.
- (4) Where a funeral director carries on such a business, or such activities, in more than one set of premises, the funeral director must hold a separate licence in respect of each set of premises.

#### **66 Licensing scheme: regulations**

- (1) The Scottish Ministers may by regulations make provision for or in connection with a scheme mentioned in section 65(1).
- (2) Regulations under subsection (1) may in particular—
  - (a) specify who is to administer the scheme (in this section, the "licensing authority"),
  - (b) make provision about applications for licences under the scheme,
  - (c) specify the form and content of applications,
  - (d) make provision about the procedure to be followed in relation to applications,
  - (e) make provision about documents to be submitted with applications,
  - (f) require persons making applications to provide the licensing authority with any further information in connection with the application that the authority considers necessary,
  - (g) enable the licensing authority—
    - (i) to grant an application,
    - (ii) to refuse an application, or
    - (iii) to grant an application subject to any conditions the authority considers appropriate,
  - (h) specify the circumstances in which the licensing authority may or must—

- (i) grant an application,
- (ii) refuse an application, or
- (iii) grant an application subject to conditions,
- (i) make provision for timescales applicable in relation to applications,
- 5 (j) make provision for the duration and expiry of licences under the scheme,
- (k) make provision about applications to renew licences, including provision to the same effect as that which may be made under paragraphs (c) to (i) in respect of applications for licences,
- (l) make provision in relation to—
- 10 (i) suspension and revocation of licences, and
- (ii) the circumstances in which the licensing authority may suspend or revoke licences,
- (m) in relation to a person whose application for, or for renewal of, a licence has been refused, or whose licence has been suspended or revoked, make provision for the timescales applicable to any further such applications by the person,
- 15 (n) specify descriptions of premises in relation to which licences under the scheme are not required,
- (o) make provision for appeals against—
- 20 (i) decisions of the licensing authority to grant an application for, or for renewal of, a licence,
- (ii) decisions of the licensing authority to refuse such applications,
- (iii) any conditions subject to which such applications are granted, or
- (iv) decisions to suspend or revoke licences,
- (p) make provision for the period within which such appeals are to be made, or
- 25 (q) make provision in relation to fees for applications for, and for renewal of, licences.

#### *Codes of practice*

### **67 Codes of practice**

- (1) The Scottish Ministers may issue codes of practice in relation to each of the following—
- 30 (a) the carrying out by a burial authority of functions conferred by or under this Act relating to the management and operation of a burial ground,
- (b) the carrying out by a cremation authority of functions conferred by or under this Act relating to the management and operation of a crematorium,
- (c) the carrying out of the functions of a funeral director.
- 35 (2) The Scottish Ministers must publish, in such manner as they consider appropriate, codes of practice issued under subsection (1).
- (3) On so publishing a code of practice issued under that subsection, the Scottish Ministers must lay a copy of the code before the Scottish Parliament.

- (4) A code of practice issued under that subsection must specify the day on which it comes into effect (“the effective day”).
- (5) A burial authority, cremation authority or (as the case may be) funeral director must, on and after the effective day, comply with any code of practice applicable to it issued under that subsection in carrying out its functions mentioned in that subsection.
- (6) The Scottish Ministers—
- (a) must keep under review a code of practice issued under that subsection, and
  - (b) may revise it at any time.
- (7) Subsections (2) to (5) and (6)(a) apply in relation to a code of practice revised under subsection (6)(b) as they apply in relation to a code of practice issued under subsection (1).

## **68 Codes of practice: consultation**

- (1) This section applies where the Scottish Ministers propose—
- (a) to issue a code of practice under subsection (1) of section 67, or
  - (b) to revise such a code of practice under subsection (6)(b) of that section.
- (2) The Scottish Ministers must prepare—
- (a) a draft of the code they propose to issue, or
  - (b) a draft of the code containing the proposed revisions.
- (3) In relation to a draft mentioned in subsection (2)—
- (a) where the draft is of a code as mentioned in section 67(1)(a), the Scottish Ministers must consult burial authorities,
  - (b) where the draft is of a code as mentioned in section 67(1)(b), the Scottish Ministers must consult cremation authorities,
  - (c) where the draft is of a code as mentioned in section 67(1)(c), the Scottish Ministers must consult persons appearing to the Scottish Ministers to be representative of the interests of funeral directors in Scotland.
- (4) The Scottish Ministers must also consult any other persons appearing to the Scottish Ministers to have an interest in a draft mentioned in subsection (2).

### *Powers to modify enactments*

## **69 Power to extend application of Act**

- (1) The Scottish Ministers may by regulations provide that specified provisions of this Act or any other enactment apply, subject to any specified modifications, in relation to specified ways of disposing of human remains.
- (2) In this section, “specified” means specified in the regulations.

## **70 Power to suspend or modify certain enactments**

- (1) The Scottish Ministers may, as regards the whole or any part of Scotland, by regulations make such provision suspending, or modifying, an enactment mentioned in subsection (2) as they consider necessary or expedient for the purpose of protecting public health.

- (2) The enactments are—
- (a) this Act,
  - (b) any regulations made under this Act,
  - (c) any enactment amended by regulations made under this Act,
  - (d) any other enactment relating to burial or cremation.
- (3) Regulations under subsection (1) may include provision—
- (a) requiring specified persons to comply with specified provisions,
  - (b) creating criminal offences to be triable summarily and punishable with a fine not exceeding level 3 on the standard scale,
  - (c) imposing other penalties or sanctions in respect of any contravention of, or failure to comply with, specified provisions.
- (4) Regulations under subsection (1)—
- (a) may make different provision for different purposes or circumstances,
  - (b) may include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.
- (5) Regulations under subsection (1) (other than regulations to which subsection (6) applies) cease to have effect on the expiry of the period of 28 days beginning with the day on which they are made unless, before the expiry of that period, the regulations are approved by resolution of the Scottish Parliament.
- (6) This subsection applies to regulations made under subsection (1) consisting only of—
- (a) provision revoking earlier regulations made by virtue of subsection (1), or
  - (b) such provision and provision made by virtue of subsection (4)(b).
- (7) In calculating the period of 28 days mentioned in subsection (5), no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved, or
  - (b) in recess for more than 4 days.
- (8) In this section—
- “protecting public health” has the meaning given by section 1(2) of the Public Health etc. (Scotland) Act 2008,
- “specified” means specified in the regulations.

*Acquisition of land***71 Acquisition of land**

In the Local Government (Scotland) Act 1973, in section 70(1) (acquisition of land by agreement) and section 71(1) (acquisition of land compulsorily), “enactment” is to be construed as if it included the Burial and Cremation (Scotland) Act 2016.

**PART 6**

GENERAL

**72 Offences by bodies corporate etc.**

(1) Subsection (2) applies where—

(a) an offence under this Act has been committed by—

- (i) a body corporate,
- (ii) a Scottish partnership, or
- (iii) an unincorporated association other than a Scottish partnership, and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to neglect on the part of—

- (i) a relevant individual, or
- (ii) an individual purporting to act in the capacity of a relevant individual.

(2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In subsection (1), “relevant individual” means—

(a) in relation to a body corporate (other than a limited liability partnership)—

- (i) a director, manager, secretary or similar officer of the body,
- (ii) where the affairs of the body are managed by its members, a member,

(b) in relation to a limited liability partnership, a member,

(c) in relation to a Scottish partnership, a partner,

(d) in relation to an unincorporated association other than a Scottish partnership, an individual who is concerned in the management or control of the association.

**73 Regulations: consultation requirements**

(1) Before making any regulations under section 6(1), 8(2), 10(1) or (2), 25(3)(b) or (c) or (4), 26(2) or (3), 27(3), 28(4)(b) or 34, the Scottish Ministers must consult—

- (a) burial authorities, and
- (b) any other persons the Scottish Ministers consider appropriate.

(2) Before making any regulations under section 16(1) or 17(1), the Scottish Ministers must consult—

- (a) local authorities, and
- (b) any other persons the Scottish Ministers consider appropriate.

(3) Before making any regulations under section 22(1), the Scottish Ministers must consult—

- (a) burial authorities,
- (b) cremation authorities,
- (c) inspectors, and

- (d) any other persons the Scottish Ministers consider appropriate.
- (4) Before making any regulations under Part 2, the Scottish Ministers must consult—
- (a) cremation authorities, and
  - (b) any other persons the Scottish Ministers consider appropriate.
- 5 (5) Before making any regulations under Part 4, the Scottish Ministers must consult—
- (a) burial authorities,
  - (b) cremation authorities,
  - (c) persons appearing to the Scottish Ministers to be representative of the interests of funeral directors in Scotland, and
  - 10 (d) any other persons the Scottish Ministers consider appropriate.
- (6) Before making any regulations under section 66(1), the Scottish Ministers must consult—
- (a) persons appearing to the Scottish Ministers to be representative of the interests of funeral directors in Scotland, and
  - 15 (b) any other persons the Scottish Ministers consider appropriate.
- (7) Before making any regulations under section 69(1), the Scottish Ministers must consult any persons they consider appropriate.

#### **74 Regulations: parliamentary procedure**

- (1) Regulations under this Act may—
- 20 (a) make different provision for different purposes,
  - (b) include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.
- (2) Regulations under sections 6(1), 22(1), 60, 61(1), 66(1) and 69(1) are subject to the affirmative procedure.
- 25 (3) Regulations under section 76(1) that amend or repeal a provision of an Act (whether alone or with other provision) are subject to the affirmative procedure.
- (4) Otherwise, regulations under this Act are subject to the negative procedure.
- (5) This section does not apply to regulations under section 18(1), 70(1) or 80(2).

#### **75 Interpretation**

- 30 (1) In this Act—
- “ashes” is to be construed in accordance with section 36,
  - “burial authority” has the meaning given by section 2(1),
  - “burial ground” has the meaning given by section 1,
  - “burial register” has the meaning given by section 10(1),
  - 35 “cremation” has the meaning given by section 36(1); and “cremated” is to be construed accordingly,
  - “cremation authority” has the meaning given by section 37(5),

“cremation register” has the meaning given by section 41(1),  
“crematorium” has the meaning given by section 37(5),  
“funeral director” has the meaning given by section 59(6),  
“inspector” is to be construed in accordance with section 59(2),  
5 “prescribed” means prescribed by the Scottish Ministers by regulations,  
“private burial” has the meaning given by section 16(2),  
“right of burial” has the meaning given by section 12(3),  
“right-holder” has the meaning given by section 24(6).

- 10 (2) Any references in this Act (however expressed) to selling a right to a person include references to conferring the right on the person by any means other than sale.
- (3) Where a provision of this Act, or regulations under it, enables or requires information to be kept, the information may be kept in any form (including electronic form).

## **76 Ancillary provision**

- 15 (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with, or for giving full effect to this Act.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).

## **77 Minor and consequential amendments**

20 Schedule 1 contains minor amendments and amendments consequential on the provisions of this Act.

## **78 Repeals**

The enactments mentioned in the first column in schedule 2 (which include enactments that are spent) are repealed to the extent specified in the second column.

## **79 Crown application**

- 25 (1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (2) Despite subsection (1), any provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.

## **80 Commencement**

- 30 (1) This section and sections 70, 74 to 76 and 81 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Different days may be appointed for different purposes.
- 35 (4) Regulations under subsection (2) may contain transitory or transitional provision or savings.

**81 Short title**

The short title of this Act is the Burial and Cremation (Scotland) Act 2016.

SCHEDULE 1  
(introduced by section 77)

MINOR AND CONSEQUENTIAL AMENDMENTS

*Social Work (Scotland) Act 1968*

- 5     1     In section 29 (power of local authority to defray expenses of certain persons in visiting persons or attending funerals)—
- (a) in the title, for the words from “expenses” to the end substitute “certain travelling expenses”, and
- (b) after subsection (1) insert—
- 10     “(1A) In subsection (1), “child” has the meaning given by section 93(2)(a) of the Children (Scotland) Act 1995.
- (1B) In subsection (1), the reference to a child who is “looked after” by a local authority is to be construed in accordance with section 17(6) of that Act of 1995.”.

15     *Public Health etc. (Scotland) Act 2008*

- 2     In the Public Health etc. (Scotland) Act 2008, in section 92(1)(b) (application for order in relation to bodies retained in premises)—
- (a) after “are” insert “—
- (i) is satisfied that no arrangements have been or are being made under section 46(2) or 47(2) of the Burial and Cremation (Scotland) Act 2016 for disposal of the body; or
- (ii)”, and
- 20     (b) after “not” insert “otherwise”.

SCHEDULE 2  
(introduced by section 78)

## REPEALS

	<i>Enactment</i>	<i>Extent of repeal</i>
5	Burial Grounds (Scotland) Act 1855	The whole Act.
	Cremation Act 1902	The whole Act.
	Church of Scotland (Property and Endowments) Act 1925	In section 32(1), in the second proviso, the words from “and”, where it third occurs, to the end.
10	Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947	Section 1(4)(a).
	National Assistance Act 1948	Section 50.
	Cremation Act 1952	The whole Act.
15	Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958	In section 12(1), paragraph (b); and the words from “, and in” to “State” where it second occurs.
	Town and Country Planning (Scotland) Act 1959	In Schedule 4, in paragraph 2, the entries relating to the Burial Ground (Scotland) Act 1855 and the Cremation Act 1902.
20	Registration of Births, Deaths and Marriages (Scotland) Act 1965	In section 24A, in subsection (8)(b), the words “be exercised so as to”; and, in subsection (9), paragraph (a) and the word “and” immediately following it.
	Social Work (Scotland) Act 1968	Section 28. Section 29(2) and (3).
25	Local Government (Scotland) Act 1973	Section 236(2)(a) and (c).
	Local Government, Planning and Land Act 1980	In Schedule 34, in Part 16, the entry relating to the Cremation Act 1952.
30	Social Security Act 1986	In the table in Schedule 11, the entries relating to section 50(4) of the National Assistance Act 1948; and section 28(2) of the Social Work (Scotland) Act 1968.
35	Local Government etc. (Scotland) Act 1994	In Schedule 13, paragraph 3. In the table in Schedule 14, the entry relating to the Burial Grounds (Scotland) Act 1855.

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	<i>Enactment</i>	<i>Extent of repeal</i>
	Children (Scotland) Act 1995	In Schedule 4, in paragraph 15, sub-paragraph (12); and in sub-paragraph (13), paragraphs (b) and (c).
5	Adult Support and Protection (Scotland) Act 2007	In the table in schedule 2, the entry relating to section 50(4) of the National Assistance Act 1948.
	Public Health etc. (Scotland) Act 2008	Section 93(4).
10	Certification of Death (Scotland) Act 2011	In schedule 2, paragraphs 1 and 2.
	Social Care (Self-directed Support) (Scotland) Act 2013	Section 1(5)(b).

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# **Burial and Cremation (Scotland) Bill**

[AS INTRODUCED]

An Act of the Scottish Parliament to restate and amend the law relating to burial and cremation; to make provision about exhumation of human remains; to make provision in relation to the inspection and licensing of funeral directors; and for connected purposes.

Introduced by: Shona Robison  
Supported by: Maureen Watt  
On: 8 October 2015  
Bill type: Government Bill

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