



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 1

#### BURIAL

##### *Lair: restoration to use*

PROSPECTIVE

#### **33 Notification: right-holder**

- (1) This section applies where none of the persons consulted under section 32(4) objects to a burial authority's proposal to restore a lair to use.
- (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,
  - (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,
  - (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

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 33. (See end of Document for details)*

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- (b) section 32 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.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 33.