

Annex D

Burial and Cremation (Scotland) Act 2016: Sections 94 and 95

Section 94 Funeral directors' businesses: licensing

- (1) The Scottish Ministers may make a scheme for the licensing of funeral directors' businesses.
- (2) A person may not carry on business as a funeral director unless the person holds a licence issued under the scheme in relation to the business.
- (3) Where a person carries on more than one business as a funeral director, the person must hold a separate licence in respect of each such business.

Further, Minister in invoking a scheme to be introduced shall consider the following aspects of the scheme as set out in section 95 of the principal 2016 Act.

Section 95 Licensing scheme: regulations

(1) The Scottish Ministers may by regulations make provision for or in connection with a scheme mentioned in section 94(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 such conditions as may be specified in the regulations,
 - (i) make provision for timescales applicable in relation to applications,
 - (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—
- (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,
- (n) make provision for appeals against—
 - (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,
- (o) make provision for the period within which such appeals are to be made, or
- (p) make provision in relation to fees for applications for, and for renewal of, licences.