Burial and Cremation (Scotland) Act 2016
2016 asp 20

PART 2

CREMATION

Handling of ashes

54   Power of funeral director in relation to ashes

(1) This section applies where—
    (a)   by virtue of section 52(3), a funeral director has collected ashes from a cremation authority, and
    (b)   the applicant has failed to collect the ashes from the funeral director before the expiry of the specified period.

(2) The funeral director must take reasonable steps to ascertain whether the applicant wishes—
    (a)   to collect the ashes from the funeral director before the expiry of such period as may be agreed between the funeral director and the applicant, or
    (b)   the funeral director to return the ashes to the cremation authority.

(3) Where, by virtue of subsection (2), the funeral director has ascertained that the applicant wishes to collect the ashes as mentioned in paragraph (a) of that subsection, the funeral director must make the ashes available to the applicant for collection during the period agreed by virtue of that subsection.

(4) Where the applicant—
    (a)   makes known to the funeral director that the applicant wishes to collect the ashes as mentioned in subsection (2)(a), but
    (b)   does not collect the ashes from the funeral director before the expiry of the period agreed by virtue of that subsection,
the funeral director may return the ashes to the cremation authority.

(5) Where, by virtue of subsection (2), the funeral director has ascertained that the applicant wishes the funeral director to return the ashes to the cremation authority, the funeral director must so return them.

(6) Where, despite having taken the steps mentioned in subsection (2), the funeral director does not know in which of the ways mentioned in that subsection the applicant wishes the funeral director to deal with the ashes, the funeral director may return the ashes to the cremation authority.

(7) In this section—

"applicant" has the meaning given by section 52(5),

"specified" has the meaning given by section 51(4).