

2019 No. 36

CREMATION

The Cremation (Scotland) Regulations 2019

Made - - - - *7th February 2019*

Coming into force - - *4th April 2019*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 47(1), 48(2) and (4), 56(1) and (2), 57(1) and (2) and 106(1)(a) of the Burial and Cremation (Scotland) Act 2016(a) and section 27A(2) and (6)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(b) and all other powers enabling them to do so.

In accordance with section 104(4) of the Burial and Cremation (Scotland) Act 2016 they have consulted cremation authorities and such other persons as they consider appropriate.

In accordance with section 106(2) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(c).

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Cremation (Scotland) Regulations 2019 and come into force on 4 April 2019.

(2) In these Regulations—

“the Act” means the Burial and Cremation (Scotland) Act 2016,

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

“child” means a person (other than a still-born child) who is under 16 years of age,

“electronic communication” has the meaning given in section 15(1) (general interpretation) of the Electronic Communications Act 2000(d) and similar expressions are to be construed accordingly,

“joint cremation” has the meaning given in regulation 6(3), and

“shared cremation” has the meaning given in regulation 7(3).

(3) A form set out in a schedule of these Regulations may be communicated electronically.

(a) 2016 asp 20 (“the Act”).

(b) 1965 c.49. Section 27A was inserted by the Certification of Death (Scotland) Act 2011 (asp 11), section 25.

(c) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). By virtue of that section the Regulations are subject to the affirmative procedure.

(d) 2000 c.7. Section 15 was amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

(4) A signature required as shown on a form set out in a schedule of these Regulations must, where—

- (a) an electronic form is used or a form is an electronic communication, be—
 - (i) a signature in digital ink, or
 - (ii) an image of a signature,
 - (b) a paper form is used, be a signature in ink,
- and must be the signatory's handwritten signature.

Management and operation of crematoriums

Management of crematoriums

- 2.—(1) Each cremation authority must—
- (a) prepare and maintain a Crematorium Management Plan in accordance with paragraph (3) (“the Plan”) in relation to each crematorium for which it is the cremation authority, and
 - (b) ensure that the crematorium is managed and operated in accordance with the Plan.
- (2) A cremation authority must make arrangements for the Plan to be available for inspection by—
- (a) a person appointed under section 89(1)(b) (inspectors of cremation) of the Act, and
 - (b) members of the public.
- (3) For the purposes of this regulation a Crematorium Management Plan is a document which is prepared and maintained by the cremation authority with responsibility for the management of the crematorium and which contains provision about the matters specified in paragraph (4).
- (4) The matters are—
- (a) the name, address and business hours of the crematorium,
 - (b) procedures for—
 - (i) the carrying out of cremations,
 - (ii) dealing with any unexpected increase in the number of cremations,
 - (iii) the operation, and servicing, of all equipment used in the cremation process,
 - (iv) the disposal of cremation residues,
 - (v) the disposal of ashes, and
 - (vi) contingency arrangements for any unexpected disruption to, or loss of, services,
 - (c) the review of the Plan.
- (5) The Plan must be—
- (a) prepared within 6 months from the date these Regulations come into force, and
 - (b) reviewed at least every 12 months thereafter.
- (6) In paragraph (4)(a) “address” includes the email address (if any) of the crematorium.

Records

- 3.—(1) For each cremation it carries out each cremation authority must retain for a period of 50 years beginning with the date on which the cremation is carried out the cremation application form submitted in accordance with regulation 8 and any accompanying documentation or certificates.
- (2) All documentation retained under paragraph (1) must be treated by the cremation authority as confidential.
- (3) The cremation authority must ensure that all documentation retained under paragraph (1) is at all times kept in an accessible form in secure conditions and that all appropriate measures are taken to prevent theft, unauthorised disclosure, damage, loss or destruction.

Maintenance and operation of crematoriums

4.—(1) The cremation authority must, in respect of each crematorium for which it is the cremation authority, ensure—

- (a) the equipment installed at each crematorium is maintained—
 - (i) in efficient working order,
 - (ii) in good repair, and
 - (iii) in a clean and orderly condition,
 - (b) staff are trained in the operation of the equipment installed at the crematorium, and
 - (c) the equipment is regularly serviced.
- (2) The cremation authority must prepare and maintain a written record of—
- (a) all training undertaken by staff operating at the crematorium, and
 - (b) each service check carried out in accordance with paragraph (1)(c).

Operation of cremator

5.—(1) This regulation applies where a cremation is carried out.

(2) A cremation authority must ensure that—

- (a) the remains of only one adult, child, still-born child or fetus are placed in the cremator, and
- (b) at the end of the burning process the remains are raked into the cooling tray before the remains of another adult, child, still born child or fetus are placed in the cremator for cremation.

(3) Paragraph (2)(a) does not apply to—

- (a) a joint cremation, or
- (b) a shared cremation.

Joint cremations

6.—(1) Where paragraph (2) applies a cremation authority may—

- (a) cremate together the remains of two adults,
- (b) cremate the remains of one adult together with one, or more than one, child, still-born child or fetus, or
- (c) cremate together the remains of more than one child, still-born child or fetus.

(2) This paragraph applies where, in the circumstances described in—

- (a) paragraph (1)(a), written permission has been given by the authorised person for the cremation together of each adult,
- (b) paragraph (1)(b), written permission has been given by the authorised person for the cremation together of the adult and each child, still-born child or fetus, or
- (c) paragraph (1)(c), written permission has been given by the authorised person for the cremation together of each child, still-born child or fetus.

(3) A cremation carried out in accordance with this regulation is to be known as a joint cremation.

(4) In paragraph (2) “the authorised person” is—

- (a) for an adult, a person who may submit an application for cremation in respect of the adult by virtue of regulation 8(2)(a),
- (b) for a child, a person who may submit an application for cremation in respect of the child by virtue of regulation 8(2)(b),

- (c) for a still-born child or fetus, a person who may submit an application for cremation in respect of the still-born child or fetus by virtue of regulation 8(2)(c).

Shared cremations

7.—(1) Where paragraph (2) applies a cremation authority may cremate together the remains of more than one fetus.

(2) This paragraph applies where—

- (a) an application is made under regulation 8(3)(d) in the form set out in schedule 4 for the cremation together of the remains of more than one fetus, and
- (b) the application is made by the health body or authority which is authorised to make arrangements for the cremation of each fetus by virtue of section 77(2)(c), 79(2)(c), 80(2), 81(2) or 84(2) of the Act.

(3) A cremation carried out in accordance with this regulation is to be known as a shared cremation.

Cremation applications

Application for cremation

8.—(1) An application under section 48(1) of the Act (application for cremation) is to be made in accordance with this regulation.

(2) An application for cremation may be submitted where—

- (a) the deceased is an adult by—
 - (i) the person specified by the adult in an arrangements on death declaration^(a) made by the adult,
 - (ii) any person who may make arrangements on the death of the adult by virtue of section 65(2), 68 or 87 of the Act,
 - (iii) a person employed in the provision of, or managing the provision of, a care home service at which the deceased was living at the time of his or her death, or
 - (iv) the managers of the hospital in which the deceased died or any officer or person designated for that purpose by the managers,
- (b) the deceased is a child, by a person who may make arrangements on the death of the child by virtue of section 66(2), 68 or 87 of the Act,
- (c) the remains to be cremated are those of a still-born child or fetus, by the mother, or the person with authority to make arrangements in relation to the remains of that still-born child or fetus by virtue of Part 3 of the Act, or
- (d) the body or any body part or body parts of the deceased have undergone anatomical examination, by a person licensed under section 3(2) of the Anatomy Act 1984^(b).

(3) An application for—

- (a) the cremation of an adult or child (other than an application made by a local authority) must be in the form set out in schedule 1 and contain the information and documents specified in sections 1 to 4 of that form,
- (b) the cremation of a still-born child must be in the form set out in schedule 2 and contain the information and documents specified in sections 1 to 4 of that form,
- (c) the cremation of a fetus where an individual is making arrangements for the cremation of the fetus, must be in the form set out in schedule 3 and contain the information and documents specified in sections 1 to 4, of that form,

(a) An “arrangements on death declaration” is defined in section 65(8) of the Burial and Cremation (Scotland) Act 2016 asp 20.
(b) 1984 c.14.

- (d) the cremation of a fetus where a person other than an individual is making arrangements for the cremation under Part 3 of the Act must be in the form set out in schedule 4 and contain the information and documents specified in section 1 of that form,
- (e) the cremation of an adult or child made by a local authority by virtue of section 87 of the Act (burial or cremation: duty of local authority) must be in the form set out in schedule 5 and contain the information and documents specified in sections 1 to 4 of that form,
- (f) the cremation of a body part or parts following a post-mortem examination (other than a post-mortem examination carried out for the purposes of the functions, or under the authority, of the procurator fiscal) must be in the form set out in schedule 6 and contain the information and documents specified in section 3 that form,
- (g) the cremation of a body, body part or body parts following anatomical examination where authority was given under—
 - (i) section 4A(1), or
 - (ii) section 4(2),
 of the Anatomy Act 1984 for the person’s body to be used for anatomical examination must be in the form set out in schedule 6 and contain the information and documents specified for the cremation of a whole body, in section 1 of that form or, for the cremation of a body part or body parts, in section 2 of that form,
- (h) the cremation of a body part or parts following anatomical examination where the deceased died before 14th February 1988 must be in the form set out in schedule 7 and contain the information specified in section 1 of that form.

(4) In paragraph (2)(a)(iii) “care home service” means a care home service within the meaning of paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010(a).

(5) In paragraph (2)(a)(iv) “managers” in relation to a hospital means—

- (a) in relation to a hospital vested in the Scottish Ministers under the National Health Service (Scotland) Act 1978(b) (“the 1978 Act”) the Health Board, or Special Health Board, responsible for the administration of that hospital,
- (b) in the case of a hospital vested in a National Health Service trust established under section 12A of the 1978(c) Act the directors of the trust,
- (c) in the case of an independent health care service which is registered under section 10Q(1) of the 1978 Act the person identified under section 10P(2)(b)(d) of that Act in the application for registration, and
- (d) in the case of a state hospital—
 - (i) where the Scottish Ministers have delegated the management of the hospital to a Health Board, Special Health Board, National Health Service or the Common Services Agency for the Scottish Health Service, that Board, trust or agency,
 - (ii) where the management of the hospital has not been so delegated, the Scottish Ministers.

Deaths investigated by the procurator fiscal: requirements for cremation

9. Where the death of a person has been investigated by the procurator fiscal a certificate in the form of Form E1 set out in schedule 8 confirming that the remains of the deceased may be cremated is specified for the purpose of section 27A(2)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(e) for the disposal of the remains of that person by cremation.

(a) 2010 asp 8.

(b) 1978 c.29.

(c) Section 12A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 31

(d) Sections 10Q and 10P were inserted by the Public Services Reform (Scotland) Act 2010 (asp 8), section 108.

(e) 1965 c.49.

Cremation following warrant to disinter

10.—(1) This regulation applies where—

- (a) a cremation authority receives an application for cremation under regulation 8, and
- (b) the person who submits the application referred to in sub-paragraph (a) informs the cremation authority that a warrant to disinter has been granted by the sheriff in respect of the remains of the deceased specified on the application form.

(2) The cremation authority may only carry out the cremation after the warrant to disinter has been received by the cremation authority.

Cremation applications: further inquiry

11. A cremation authority may make any inquiry in respect of an application made under regulation 8 and any accompanying documentation, evidence or certificates.

Handling of ashes

Handling of ashes: notices

12.—(1) Where, by virtue of section 52(3) (duty of cremation authority following cremation) of the Act, a funeral director has collected ashes from a cremation authority, the funeral director must as soon as reasonably practicable after collecting the ashes from the cremation authority give written notice to the applicant that the ashes are available for collection by the applicant from the funeral director.

(2) Paragraph (3) applies where, by virtue of section 54(5) (power of funeral director in relation to ashes) of the Act, a funeral director returns ashes to a cremation authority.

(3) For the purpose of section 55(2) (duties of cremation authority where ashes returned) of the Act the cremation authority must as soon as reasonably practicable after the ashes are returned to the cremation authority by the funeral director give written notice to the applicant to ascertain whether the applicant wishes—

- (a) the ashes to be retained by the cremation authority during the specified period and made available for collection during that period by the applicant, or
- (b) the ashes to be disposed of by the cremation authority in the specified manner.

(4) In this regulation—

“applicant” has the meaning given by section 52(5) of the Act,

“specified” has the meaning given by section 51(4) of the Act^(a).

(5) In this regulation reference to a written notice includes an electronic communication.

Handling of ashes: time periods for collection of ashes (specified period)

13.—(1) For the purposes of sections 51(3)(a) and (b) (duty of cremation authority before carrying out cremation) and 52(2) and (3) (duty of cremation authority following cremation) of the Act the specified period during which ashes are to be retained by the cremation authority and made available for collection is 4 weeks beginning with the day after the day on which the cremation took place.

(2) For the purposes of section 53(2)(a) and (b) (failure to collect ashes) of the Act the further period is 4 weeks beginning with the day after the end of the specified period mentioned in paragraph (1).

(a) Regulation 13(4) makes provision for the specified period for the purpose of section 55(2)(a) and (3) of the Act. Regulation 14 makes provision for the specified manner of disposal of ashes for the purpose of section 55 (and sections 51 and 53) of the Act.

(3) For the purposes of section 54(1)(b) (power of funeral director in relation to ashes) of the Act the specified period for the applicant to collect the ashes from the funeral director is 4 weeks beginning with the day written notice is given to the applicant by the funeral director under regulation 12(1).

(4) For the purposes of section 55(2)(a) and (3) (duties of cremation authority where ashes returned) of the Act the specified period during which ashes are to be retained by the cremation authority and made available for collection is 4 weeks beginning with the day written notice is given to the applicant by the cremation authority under regulation 12(3).

(5) In this regulation “applicant” has the meaning given by section 52(5) of the Act.

Disposal of ashes by cremation authority (specified manner)

14. For the purposes of section 51(3)(c) (disposal of ashes by cremation authority), 53(6)(b) (failure to collect ashes) and 55(2)(b), (4) and (5)(b) (duties of cremation authorities where ashes returned) of the Act the specified manner for the disposal of ashes by the cremation authority is the burial or scattering of the ashes by the cremation authority.

Cremation register

Cremation register

15.—(1) For the purpose of section 57(1) of the Act a cremation register must—

- (a) for the cremation of an adult or child, be in the form set out in schedule 9 and contain the information specified in that form,
- (b) for the cremation of a body part, or body parts, be in the form set out in schedule 10 and contain the information specified in that form, and
- (c) for the cremation of a fetus or still-born child, be in the form set out in schedule 11 and contain the information specified in that form.

(2) The information in respect of each cremation must be entered on the register as soon as practicable after the cremation.

(3) The cremation authority must—

- (a) review each register from time to time, and
- (b) ensure that the information in each register is accurate and up to date.

JOE FITZPATRICK

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th February 2019

SCHEDULE 1

Regulation 8(3)(a)

APPLICATION FORM FOR THE CREMATION OF ADULT OR CHILD

Cremation number:

Form A1: Application for cremation of an adult or a child

Crematorium/cremation authority

Time of cremation _____

Date of cremation _____

NAME OF DECEASED _____

This form must be used to apply for the cremation of an adult or a child. This is a requirement of the Cremation (Scotland) Regulations 2019, made under section 48 of the Burial and Cremation (Scotland) Act 2016. An adult is someone who is 16 years old or older at the time of death. A child is someone under 16 at the time of death.

The application is made to the cremation authority you want to carry out the cremation. The cremation authority is the organisation responsible for running the crematorium where the cremation is to take place.

The cremation authority will need to check the form to make sure it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused. If this form has not been completed correctly or is incomplete, the cremation authority will contact you to complete the form before the cremation can take place.

As the person who is applying for the cremation, you are 'the applicant'. You must have the legal right to apply for the cremation (see guidance notes at the end of this form).

If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to the funeral director who is making the arrangements, staff at the crematorium, or to any other person who is arranging the funeral.

You do not have to use the services of a funeral director to arrange a cremation but where one is being used the funeral director must sign the relevant part of section 4 of this form.

Guidance notes are provided at the end of this form.

Change of crematorium

If it is necessary to change the crematorium for any reason a new Form A1 should be completed.

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Forms checklist

You should ensure that you have attached any necessary documents to this application form. The cremation authority needs to have them in order for the cremation to take place (please tick as appropriate).

Death in Scotland

- Form 14 – Certificate of Registration of Death.
- Form E1 (if procurator fiscal has been involved and has released the remains for cremation) (see section 2).

Death in England or Wales

- Certificate of Registration (England and Wales certificate authorising burial or cremation).
- Form 4 (The Medical Certificate) and Form 5 (Confirmatory Medical Certificate) to be completed by a doctor in England OR a Form 6 (Certificate of Coroner).
- Form 103 (Permission to move out of England or Wales Form) is required from the coroner.

Death in Northern Ireland

- Belfast Crematorium Form B (The Medical Certificate) and Form C (which verifies the information in Form B) are required, to be completed by a doctor in Northern Ireland OR a Form 20a (Coroner's Authority for Cremation).
- Form 18 (Coroner's Certificate for Removal of a Body out of Northern Ireland) provided by coroner.
- Belfast City Council Form, providing information on whether a hazardous implant is present and whether it has been removed. This must be completed by the doctor who completes Form B or by the coroner.
- Certificate of Registration of Death (Form 14) equivalent and authorisation to remove the body.

Death abroad

- Healthcare Improvement Scotland (HIS) authorisation form.
- (please note: HIS require all paperwork which is returned with the deceased, this may include a police post mortem report, police reports, embalming certificate, death registration documents and shipping documents).

Section 1: Your information ('the applicant')

This section is used to record your details. By completing this form you are the applicant for the cremation. If you are completing the form on behalf of a care facility or health body or organisation please use the business address and contact details. Please see Note 1 of the guidance notes for who can apply.

Applicants **MUST** be 16 years of age or older on the date the deceased died to apply for cremation. Applicants may be under the age of 16 if they are the parent of the child who has died, however, you may wish to seek the support of a parent or guardian if you feel it would be helpful.

Title

First name

Surname

Address

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|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Address | | | | | | | |
| Post code | | | | | | | |
| <input type="text"/> |

Telephone

Email address

Relationship to deceased adult

This question is only to be completed for a child who has died (Please tick the relevant box below)

- I am the parent of the child who has died
- I am authorised to make the application in respect of the child who has died

What is your relationship to the child (if you are not the parent)?

Section 2: Information about the adult or child who has died

Details of the adult / child who has died

Title

Sex (*please delete as applicable*)

Male/Female

First name(s) (*including any middle names*)

Surname

Name as shown on coffin plate (*if applicable*)

Date of birth
(DD/MM/YYYY)

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_____ Age (at death)

Address

Post code

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Date on which they died (or were found dead) (DD/MM/YYYY)

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Place of death

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Death abroad

If the death occurred outside the UK you will need to produce a copy of that country's equivalent of a certificate of death and the authorisation to remove the body from that country. Healthcare Improvement Scotland (HIS) must check all papers and will authorise the cremation. See Note 2 of the guidance notes for more details.

Procurator Fiscal (PF)

If the PF has investigated the death, the cremation cannot take place until the PF has given approval. More information about the involvement of the PF is provided at Note 2 in the guidance notes. Please tick boxes below as applicable.

Has the death been investigated by the procurator fiscal? Yes No

If yes, has the cremation been approved by the procurator fiscal? Yes No

Form E1 has been provided by the procurator fiscal Yes No

Section 3: Hazards

This section is used to record details of anything which might be a hazard during cremation – for example, certain implants or the presence of particular diseases. Certain hazards may need to be removed from the body before cremation can take place. Implants or devices may damage cremation equipment if not removed before cremation. Some radioactive treatments may endanger the health of crematorium staff.

The presence of some hazards may delay or prevent cremation taking place. If you are in any doubt about this, you must discuss it with the funeral director or crematorium staff.

Are you aware if any of the following apply:

| | Yes | No |
|--|-----|----|
| Does the body pose a risk to public health: for example did the deceased have a notifiable infectious disease or was their body contaminated immediately before death? | | |
| Is there a cardiac pacemaker or any other potentially explosive device currently present in or on the body? (see the guidance notes for examples) | | |
| Is there radioactive material or any other hazardous implant currently present in or on the body? | | |

If you answered 'yes' to the questions about a cardiac pacemaker and/or radioactive material, please give details and state whether the device has been removed.

Section 4: Declaration

This section requires you to declare that the information you have provided in sections 1 to 3 is, to the best of your knowledge, true, and that you are entitled to apply for this cremation. **It is an offence to knowingly provide false information and if you do so you may be liable to a fine of up to Level 3 on conviction.**

You must declare that you understand the choice you have made about what is to happen to the ashes following the cremation.

Applicant's declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge, the information I have provided is true and accurate. I confirm that the options for what can happen with the ashes have been explained to me and that I fully understand the option that I have chosen.

Signature of applicant

Date (DD/MM/YYYY)

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Combined weight of the coffin and deceased
(complete if no funeral director involved)

Funeral Director (to be completed by the funeral director if services are used)

I declare that I have discussed the options with the applicant and know no reason why the cremation cannot take place. I understand that if I become aware of anything that may mean the cremation should be delayed between the paperwork being completed and the cremation taking place, I must inform the cremation authority and the applicant.

Name of funeral director's representative

Company name and address of funeral director

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| Post code | | | | | | | | | |
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Combined weight of the coffin and deceased

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Signature of funeral director's representative

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Date (DD/MM/YYYY)

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Section 5: Disposal of ashes

This section is used to record what is to happen to the ashes after cremation. **You must choose only one option. Please tick the box and then initial beside the option you have chosen.** Options will vary at each crematorium. Please see Note 5 in the guidance notes. For more information you can discuss with the funeral director or cremation authority the options available for ashes at your chosen crematorium or visit the crematorium's website. Some cremation authorities may offer to split the ashes but you should confirm with them first if they are able to do so. If so please add details of how the ashes are to be split to the Special Instructions section below.

All necessary steps will be used in order to fully recover ashes, but in the event that ashes are not recovered, the Inspector of Cremation will investigate the reasons.

The term "ashes" means the material (other than any metal) to which human remains are reduced by cremation including the coffin and any clothing. Metals may be recycled by the crematorium to help reduce the impact on the environment. Each crematorium will have their own practices. Should you wish to dispose of the metals in any other way then please indicate by ticking the box and metals will be returned to you within the cremated remains or separately from them - (please see Note 5 of the guidance notes for further information).

A. I or my representative will collect the ashes from the crematorium.

| | |
|----------|--|
| Initials | |
|----------|--|

I understand that the ashes must be collected from the crematorium within **4 weeks of the cremation.**

Identification will be needed when the ashes are collected.

Date (DD/MM/YYYY)

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Name of crematorium staff member

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Signature of crematorium staff member

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Position

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Guidance Notes

1. Note 1

i Adult – where the deceased nominated a person in a death declaration or will, the nominated person may complete the application form. If there is no nominated person, or the nominated person does not wish to make the application, the hierarchy below sets out the nearest relative who is entitled under section 65 of the Burial and Cremation (Scotland) Act 2016 to make arrangements on the death of an adult. Where the nearest relative in the hierarchy is unable or does not want to make the arrangements for any reason, the application can be made by the nearest relative listed below them in the hierarchy.

- Spouse or civil partner;
- Partner (living together for at least 6 months);
- Child;
- Parent;
- Brother or sister;
- Grandparent;
- Grandchild;
- Aunt or uncle;
- Cousin;
- Niece or nephew; or
- Friend of long standing.

ii Child – the hierarchy below sets out the nearest relative who is entitled to make arrangements on the death of a child under section 66 of the Burial and Cremation (Scotland) Act 2016. Where the nearest relative in the hierarchy is unable or does not want to make the arrangements for any reason, the application can be made by the nearest relative listed below them in the hierarchy.

- Parent or person with parental rights and responsibilities (but who is not a local authority);
- Brother or sister;
- Grandparent;
- Aunt or uncle;
- Cousin;
- Niece or nephew; or
- Friend of long standing.

- iii Where the deceased died in hospital, the form may also be completed by the hospital managers or a member of staff designated by the hospital, for example, if no family member was available or if they did not wish to make the application.
- iv If the deceased was in a care home, sheltered housing or a long stay unit and there are no family or friends to arrange the cremation, the form may be completed by the manager or a member of staff.

2. Note 2

i Procurator Fiscal

All deaths which are sudden, suspicious, unexplained or unexpected are reported to the Procurator Fiscal who may instruct the police to investigate the circumstances of the death. Within the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Fatalities Investigation Unit (SFIU) is a specialist unit responsible for investigating these deaths. The SFIU will decide whether further investigation is required. Information is available on the COPFS website: <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>

Form E1 is issued by the SFIU when the cremation has been approved and may be sent directly to the crematorium. It must be received by the crematorium before the cremation is due to take place.

ii Death abroad

Healthcare Improvement Scotland (HIS) must check all papers and will authorise the cremation. It would be helpful if you are able to provide any papers translated into English. The papers are: Deaths Abroad Application Form and the Declaration. They are available on HIS website at:

http://www.healthcareimprovementscotland.org/our_work/governance_and_assurance/death_certification/review_service_information/deaths_abroad.aspx

3. Note 3

Hazards

- i. Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; Fixion nails used in treatment of bone fractures. Please discuss with the funeral director or cremation authority if you are unsure.
- ii. Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008. <http://www.legislation.gov.uk/asp/2008/5/schedule/1>.
- iii. Some injections for cancer treatment contain radioactive material which may mean that the cremation has to be delayed for a short period.

4. Note 4

- i. The applicant is required to declare that they are entitled to apply for the cremation in terms of the Burial and Cremation (Scotland) Act 2016.
- ii. The funeral director is required to complete the second part of section 4.

5. Note 5

i. Not all cremation authorities offer the same services – for example, some will scatter ashes while others will inter or bury them. Some crematoriums will split the ashes. You must contact the crematorium before sending the application form to find out if this is possible. If you are in any doubt about the options available to you, you should discuss them with the cremation authority or with the funeral director who is arranging the funeral. This will ensure that the cremation authority is able to carry out your instructions if it is possible. Once the cremation authority has accepted this application form, it must follow your instructions for what is to be done with the ashes.

ii. Further information about the options is detailed here:

A. I or my representative will collect the ashes from the crematorium

The person collecting the ashes must bring identification with them. If you do not collect the ashes from the crematorium within **4 weeks** of the cremation taking place, the cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not respond or do not tell the cremation authority what your instructions are, the cremation authority may scatter or bury the ashes according to their standard procedures. If the cremation authority scatters or buries the ashes this will be recorded in its cremation register.

B. I authorise the funeral director who arranged the funeral to collect the ashes on my behalf.

If you do not collect the ashes from the funeral director within **4 weeks** of them being made available, the funeral director will try to contact you to find out what your instructions are for the ashes. At that point, you may inform the funeral director that you still intend to collect the ashes and must agree a new collection date. You may also instruct the funeral director to return the ashes to the crematorium for you to collect or so that the crematorium may scatter or bury them.

If you do not respond or do not inform the funeral director what your instructions are, the funeral director may return the ashes to the crematorium. The cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not collect the ashes, they may then be scattered or buried by the cremation authority.

C. I instruct the cremation authority to bury or scatter the ashes (whichever option is offered).

The cremation authority will bury or scatter the ashes. This is usually done in a garden of remembrance, although each crematorium will have a different procedure. The cremation authority will be able to tell you which options it offers and will record what is done with the ashes in the cremation register.

D. I instruct the cremation authority to bury or scatter the ashes in the same location as another person.

The cremation authority may be able to do this. You will need to tell them the name of the deceased, the date of their cremation and where their ashes were buried or scattered.

iii Sensitive disposal of metals—

Crematoriums often arrange for metal which survives the cremation process to be recovered and sensitively recycled. Metals are made up of items used in the construction of the coffin (e.g. pins and staples) and some surgical implants (e.g. hip joints, pins and plates). Any proceeds received following recycling are distributed to charity. The crematorium will need your permission to recycle and should clearly state their policy in terms of any metal recovered following cremation. If you wish, you have the right to request that these metals are returned to you. The cremation process will render the majority of jewellery unrecognisable and ideally should be removed before cremation.

Cremulation which is the reduction of bones into ashes is carried out in most cases following cremation, unless the cremation authority is instructed not to. You must make this clear on the application form.

- iv. If no instructions are received in the timescales in section 5, the cremation authority has the right to dispose of ashes by the procedure set out in sections 51 – 56 of the Burial and Cremation (Scotland) Act 2016.

6 Note 6

- i. The cremation authority is required to verify that the information contained in this form is correct before the cremation can proceed.
- ii. The signatory should sign the form when they approve the cremation.

SCHEDULE 2

Regulation 8(3)(b)

APPLICATION FORM FOR THE CREMATION OF A STILLBORN BABY

Cremation number:

Form A2: Application for cremation of a stillborn baby

[Empty box for additional information]

Time of cremation _____

Date of cremation _____

BABY'S NAME (if given) _____

This form must be used to apply for the cremation of a stillborn baby. This is a requirement of the Cremation (Scotland) Regulations 2019, made under section 48 of the Burial and Cremation (Scotland) Act 2016. A stillborn baby is a baby delivered after 24 weeks gestation without showing any signs of life.

The application is made to the cremation authority you want to carry out the cremation. The cremation authority is the organisation responsible for running the crematorium where the cremation is to take place. The cremation authority will need to check the form to make sure it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused.

As the person who is applying for the cremation, you are 'the applicant'. You must have the legal right to apply for the cremation (see guidance notes at the end of this form).

If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to the funeral director who is making the arrangements, staff at the crematorium, or to any other person who is arranging the funeral.

You do not have to use the services of a funeral director to arrange a cremation but where one is being used the funeral director should sign the relevant part of section 4 of this form. If this form has not been completed correctly or is incomplete, the cremation authority will contact the applicant to complete the form before the cremation can take place. Guidance notes are provided at the end of this form.

Change of crematorium

If it is necessary to change the crematorium for any reason a new Form A2 should be completed.

Forms checklist

You should ensure that you have attached any necessary documents to this application form. The cremation authority will need to have them to allow the cremation to take place (please tick as appropriate).

Required

Certificate of registration of stillbirth.

Optional

Form E1 (if Procurator Fiscal has been involved and has released the remains for cremation) (see Note 2 of the guidance notes).

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Section 1: Your information ('the applicant')

This section is used to record your details. In completing this form you are the applicant for the cremation. If you are completing the form on behalf of a health body or organisation please use the business address and contact details. Please see Note 1 of the guidance notes for who can apply.

Applicants MUST be 16 years of age or older to apply for a cremation. Applicants may be under the age of 16 if they are the parent of the baby who was stillborn, however, you may wish to seek the support of a parent or guardian if you feel it would be helpful.

Title

First name

Surname

| | | |
|---|--|--|
| Is there radioactive material or any other hazardous implant currently present in or on the body of the baby? | | |
|---|--|--|

If you answered 'yes' to the questions about a cardiac pacemaker and/or radioactive material, please give details and state whether the device has been removed.

Section 4: Declaration

This section requires you to declare that the information you have provided in sections 1 to 3 is, to the best of your knowledge, true, and that you are entitled to apply for this cremation. **It is an offence to knowingly provide false information and if you do so you may be liable to a fine of up to Level 3 on conviction.**

You must declare that you understand the choice you have made about what is to happen to the ashes following the cremation.

Applicant's declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge, the information I have provided is true and accurate. I confirm that the options for what can happen with the ashes have been explained to me and that I understand the option that I have chosen.

Signature of applicant

Date (DD/MM/YYYY)

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Funeral Director (to be completed by the funeral director if services are used)

I declare that I have discussed the options with the applicant and know no reason why the cremation cannot take place. I understand that if I become aware of anything which may mean the cremation should be delayed between the paperwork being completed and the cremation taking place, I must inform the cremation authority and the applicant.

Name of funeral director's representative

C. I instruct the crematorium to disperse the ashes using their usual method.

| | |
|----------|--|
| Initials | |
|----------|--|

I understand that the crematorium may offer only burial **or** only scattering.

I wish to be present when the ashes are buried or scattered (if this is possible)

If you would like to be present, please contact the crematorium to arrange a date

D. I would like the ashes to be scattered/buried in the same location as a previously deceased person

Name of deceased _____

Date of death _____

Please state location below (must be in a location agreed with the cremation authority):

| |
|---|
| <p>Special Instructions</p> <p>(e.g. no cremulation; what you want done with any metal remaining after cremation)</p> |
|---|

Section 6: Authorisation for cremation (to be completed by the cremation authority)

This section is used by the crematorium to confirm that the application is in order and that the cremation can take place.

I confirm that I have received the appropriate documentation (as outlined in the checklist on page 1 of this form) to allow the cremation to take place (If a document is still missing, please contact the applicant or their funeral director).

I confirm that all relevant sections of this form have been completed.

I confirm that I approve this application for cremation.

Date (DD/MM/YYYY)

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Name of crematorium staff

Signature of crematorium staff

Position

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Guidance Notes:

1. Note 1

- i. A stillborn baby is a baby who was delivered after 24 weeks gestation without showing any signs of life.
- ii The nearest relative is entitled to make the arrangements. The nearest relative must be 16 years or over unless they are the parent of the baby. The hierarchy below sets out the nearest relative who is entitled to make the arrangements (section 74 of the 2016 Act). Where the nearest relative in the hierarchy is unable to make the arrangements for any reason, the application can be made by the next nearest relative listed below them in the hierarchy:
 - Parent;
 - Brother or sister;
 - Grandparent;
 - Aunt or uncle;
 - Cousin; or
 - Niece or nephew.

The nearest relative may not authorise any other person to make arrangements but may authorise the appropriate health body to make the arrangements. The appropriate health body is either the Health Board or the independent health care service that is providing care to the mother at the time of the stillbirth.

2. Note 2

Procurator Fiscal

All deaths which are sudden, suspicious, unexplained or unexpected are reported to the Procurator Fiscal who may instruct the police to investigate the circumstances of the death. Within the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Fatalities Investigation Unit (SFIU) is a specialist unit responsible for investigating these deaths. The SFIU will decide whether further investigation is required. Information is available on the COPFS website: <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>

Form E1 is issued by the SFIU when the cremation has been approved and may be sent directly to the crematorium. It must be received by the crematorium before the cremation is due to take place.

3. Note 3

Hazards

- i. Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; Fixion nails used in treatment of bone fractures. Please discuss with the funeral director or cremation authority if you are unsure.
- ii Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008 <http://www.legislation.gov.uk/asp/2008/5/schedule/1>.
- iii Some injections for cancer treatment contain radioactive material which may mean that the cremation has to be delayed for a short period.

4. Note 4

Declaration

- i. The applicant is required to declare that they are entitled to apply for the cremation in terms of the Burial and Cremation (Scotland) Act 2016.
- ii. The funeral director is required to complete the second part of section 4.

5. Note 5

- i. Not all cremation authorities offer the same services – for example, some will scatter ashes while others will inter or bury them. If you are in any doubt about the options available to you, you should discuss them with the cremation authority or with the funeral director who is arranging the funeral. This will ensure that it is possible for the cremation authority to carry out your instructions. Once the cremation authority has accepted this application form, it must follow your instructions for what is to be done with the ashes.
- ii. Further information about the options at section 5 are detailed here:

A. I or my representative will collect the ashes from the crematorium.

The person collecting the ashes must bring identification with them. If you do not collect the ashes from the crematorium within **4 weeks** of the cremation taking place, the cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not respond or do not tell the cremation authority what your instructions are, the cremation authority may scatter or bury the ashes according to their standard procedures. If the cremation authority scatters or buries the ashes this will be recorded in its cremation register.

B. I authorise the funeral director who arranged the funeral to collect the ashes on my behalf.

If you do not collect the ashes from the funeral director within **4 weeks** of them being made available, the funeral director will try to contact you to find out what your instructions are for the ashes. At that point, you may inform the funeral director that you still intend to collect the ashes and must agree a new collection date.

You may also instruct the funeral director to return the ashes to the crematorium so that you can collect them there or so that the cremation authority may scatter or bury them.

If you do not respond or do not inform the funeral director what your instructions are, the funeral director may return the ashes to the crematorium. The cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not collect the ashes, they may then be scattered or buried by the cremation authority.

C. I instruct the cremation authority to bury or scatter the ashes (whichever option is offered).

The cremation authority will bury or scatter the ashes. This is usually done in the Garden of Remembrance, although each crematorium will have a different procedure. The cremation authority will be able to tell you which options it offers and will record what is done with the ashes in the cremation register.

D. I instruct the cremation authority to bury or scatter the ashes in the same location as another person.

The cremation authority may be able to do this. You will need to tell them the name of the deceased, the date of their cremation and where their ashes were buried or scattered.

iii. **Sensitive disposal of metals—**

Crematoriums often arrange for metal which survives the cremation process to be recovered and sensitively recycled. Metals are made up of items used in the construction of the coffin (e.g. pins and staples) and some surgical implants (e.g. hip joints, pins and plates). Any proceeds received following recycling are distributed to charity. The crematorium will need your permission to recycle and should clearly state their policy in terms of any metal recovered following cremation. If you wish, you have the right to request that these metals are returned to you. The cremation process will render the majority of jewellery unrecognisable and ideally should be removed before cremation.

Cremulation which is the reduction of bones into ashes is carried out in most cases following cremation, unless the cremation authority is instructed not to. You must make this clear on the application form.

If no instructions are received in the timescales in section 5, the cremation authority has the right to dispose of ashes by the procedure set out in sections 51 – 56 of the Burial and Cremation (Scotland) Act 2016.

6. Note 6

- i. The cremation authority is required to verify that the information contained in this form is correct and that the cremation can proceed.
- ii. The signatory should sign the form when they approve the cremation.

SCHEDULE 3

Regulation 8(3)(c)

APPLICATION FORM FOR THE CREMATION OF A PREGNANCY LOSS ON OR BEFORE 24 WEEKS

Cremation number:

Form A3: Application for cremation following a pregnancy loss

Crematorium/cremation authority

Time of cremation _____

Date of cremation _____

BABY'S NAME (if given) _____

This form must be used to apply for the cremation of a pregnancy loss, where the loss occurred on or before the end of the 24th week of gestation and showed no signs of life. This is a requirement of the Cremation (Scotland) Regulations 2019, made under section 48 of the Burial and Cremation (Scotland) Act 2016. This application form should be completed by the woman who has experienced the pregnancy loss, unless the woman authorises another person to complete the form on her behalf or if she is unable to due to exceptional circumstances.

The application is made to the cremation authority you want to carry out the cremation. The cremation authority is the organisation responsible for running the crematorium where the cremation is to take place. The cremation authority will need to check the form to make sure it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused.

As the person who is applying for the cremation, you are 'the applicant'. You must have the legal right to apply for the cremation (see guidance notes). If you are unsure about any of the information that is required, or are not sure what certain parts of the form mean, you should speak to the funeral director who is making the arrangements, staff at the crematorium where the cremation is to take place, or to any other person who is arranging the funeral.

It is not a requirement to use the services of a funeral director but where one is being used the funeral director should sign the relevant part of section 4. Guidance notes are provided at the end of this form.

Change of crematorium

If it is necessary to change the crematorium for any reason a new Form A3 should be completed.

Forms checklist

You should ensure that you have attached any necessary documents to this application form. The cremation authority will need to have them to allow the cremation to take place (please tick as appropriate).

Required

Medical certificate of pregnancy loss OR

Health Authority/medical practitioner confirmation that the pregnancy has ended.

Optional

Form E1 (if Procurator Fiscal has been involved and has released the remains for cremation) (see Note 2 of the guidance notes).

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Section 1: Your information ('the applicant')

This section is used to record your details. In completing this form you are the applicant for the cremation. Please see Note 1 of the guidance notes for who can apply.

Applicants MUST be 16 years of age or older to apply for a cremation. Applicants may be under the age of 16 if they are the woman who experienced the loss, however, you may wish to seek the support of a parent or guardian if you feel it would be helpful.

Title

First name

Surname

Address of woman who experienced the loss

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| Post code | | | | | | | |
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Section 2c

If the Procurator Fiscal (PF) has investigated the pregnancy loss, the cremation cannot take place until the PF has given approval. More information about the involvement of the procurator fiscal is provided at Note 2 in the guidance notes (please tick boxes below as applicable).

Has the pregnancy loss been investigated by the procurator fiscal? Yes No

Form E1 has been provided by the procurator fiscal Yes No

Section 3: Hazards

This section is used to record details of anything which might be a hazard during cremation – for example, the presence of particular diseases. **The presence of some hazards may delay or prevent cremation taking place.** If you are in any doubt about this, you must discuss it with a funeral director or crematorium staff.

Are you aware if any of the following apply:

| | Yes | No |
|---|-----|----|
| Is there a risk to public health: for example did the woman have a notifiable infectious disease or was she contaminated immediately before delivery? | | |
| Is there a cardiac pacemaker or any other potentially explosive device currently present? (see the guidance notes for examples) | | |
| Is there radioactive material or other hazardous implant currently present? | | |

If you answered ‘yes’ to the questions about a cardiac pacemaker and/or radioactive material, please give details and state whether the device was removed.

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Signature of funeral director's representative

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Date (DD/MM/YYYY)

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Section 5: Disposal of ashes

This section is used to record what is to happen to the ashes after cremation. You must choose only one option. Please tick the box and then initial beside the option you have chosen. Options will vary at each crematorium. Please see Note 5 of the guidance notes. Please discuss with the funeral director the options available for ashes at your chosen crematorium or visit the crematorium's website. **All necessary steps will be used in order to fully recover ashes, but in the event that ashes are not recovered, the Inspector of Cremation will investigate the reasons.**

The term "ashes" means the material (other than any metal) to which human remains are reduced by cremation including the coffin and any clothing. Metals may be recycled by the crematorium to help reduce the impact on the environment. Each crematorium will have their own practices. Should you wish to dispose of the metals in any other way then please indicate by ticking the box and metals will be returned to you within the cremated remains or separately from them - (please see Note 5 of the guidance notes for further information).

- A. I or my representative will collect the ashes from the crematorium.**

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| Initials | |
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I understand that the ashes must be collected from the crematorium within **4 weeks of the cremation.**

Identification will be needed when the ashes are collected.

(Name of representative _____)

- B. I authorise the funeral director who arranged the cremation to collect the ashes on my behalf.**

| | |
|----------|--|
| Initials | |
|----------|--|

I understand that the ashes must be collected from the funeral director within **4 weeks of them being made available.**

Identification will be needed when the ashes are collected.

- C. I instruct the crematorium to disperse the ashes using their usual method.**

| | |
|----------|--|
| Initials | |
|----------|--|

I understand that the crematorium may offer only burial or only scattering.

I wish to be present when the ashes are buried or scattered (if this is possible)

If you would like to be present, please contact the crematorium to arrange a date

- D. I would like the ashes to be scattered/buried in the same location as a previously deceased person**

Name of deceased _____

Date of death _____

Please state location below (must be in a location agreed with the cremation authority):

Special Instructions

(e.g. no cremulation; what you want done with any metal remaining after cremation)

Section 6: Authorisation for cremation (to be completed by the cremation authority)

This section is used by the crematorium to confirm that the application is in order and that the cremation can take place.

- I confirm that I have seen the appropriate documentation (as outlined in the checklist on page 1 of this form) to allow the cremation to take place (If a document is still missing, please contact the applicant or their funeral director).
- I confirm that all relevant sections of Form A3 have been completed.
- I confirm that I approve this application for cremation.

Date (DD/MM/YYYY)

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Name of crematorium staff

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Signature of crematorium staff

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Position

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Guidance Notes:

1. Note 1

- i. The applicant is the woman who experienced the pregnancy loss or anyone else the woman has nominated to make the arrangements on her behalf (section 79 of the 2016 Act).
- ii. There is normally a lower age limit of 16 years old to be eligible to apply for a cremation. If the woman who experienced the loss is the applicant and under 16 years this limit does not apply.

2. Note 2

Procurator Fiscal

All deaths which are sudden, suspicious, unexplained or unexpected are reported to the Procurator Fiscal who may instruct the police to investigate the circumstances of the death. Within the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Fatalities Investigation Unit (SFIU) is a specialist unit responsible for investigating these deaths. The SFIU will decide whether further investigation is required. Information is available on the COPFS website: <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>

Form E1 is issued by the SFIU when the cremation has been approved and may be sent directly to the crematorium. It must be received by the crematorium before the cremation is due to take place.

3. Note 3

i. Hazards

Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; Fixion nails used in treatment of bone fractures. Please discuss with the funeral director or cremation authority if you are unsure.

- ii. Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008.
- iii. Some injections for cancer treatment contain radioactive material which may mean that the cremation has to be delayed for a short period.

4. Note 4

- i. The applicant is required to declare that they are entitled to apply for the cremation in terms of the Burial and Cremation (Scotland) Act 2016.
- ii. The funeral director is required to complete the second part of section 4.

5. Note 5

- i. Not all cremation authorities offer the same services – for example, some will scatter ashes while others will inter or bury them. If you are in any doubt about the options available to you, you should discuss them with the cremation authority or with the funeral director who is arranging the funeral. This will ensure that it is possible for the cremation authority to carry out your instructions. Once the cremation authority has accepted this application form, it must follow your instructions for what is to be done with the ashes.

- ii. Further information about the options at section 3 are detailed here:

A. I or my representative will collect the ashes from the crematorium.

The person collecting the ashes must bring identification with them. If you do not collect the ashes from the crematorium within **4 weeks** of the cremation taking place, the cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not respond or do not tell the cremation authority what your instructions are, the cremation authority may scatter or bury the ashes according to their standard procedures. If the cremation authority scatters or buries the ashes this will be recorded in its cremation register.

B. I authorise the funeral director who arranged the funeral to collect the ashes on my behalf.

If you do not collect the ashes from the funeral director within 4 weeks of them being made available, the funeral director will try to contact you to find out what your instructions are for the ashes. At that point, you may inform the funeral director that you still intend to collect the ashes and must agree a new collection date.

You may also instruct the funeral director to return the ashes to the crematorium so that you can collect them there or so that the cremation authority may scatter or bury them.

If you do not respond or do not inform the funeral director what your instructions are, the funeral director may return the ashes to the crematorium. The cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not collect the ashes, they may then be scattered or buried by the cremation authority.

C. I instruct the cremation authority to bury or scatter the ashes (whichever option is offered).

The cremation authority will bury or scatter the ashes. This is usually done in the Garden of Remembrance, although each cremation authority will have a different procedure. The cremation authority will be able to tell you which options it offers. The cremation authority will record what is done with the ashes in the cremation register.

D. I instruct the cremation authority to bury or scatter the ashes in the same location as another person.

The cremation authority may be able to do this. You will need to tell them the name of the deceased, the date of their cremation and where their ashes were buried or scattered.

- iii. **Sensitive disposal of metals—**

Crematoriums often arrange for metal which survives the cremation process to be recovered and sensitively recycled. Metals are made up of items used in the construction of the coffin (e.g. pins and staples) and some surgical implants (e.g. hip joints, pins and plates). Some crematoriums may bury the metals within the crematorium grounds. Any proceeds received following recycling are distributed to charity. The crematorium will need your permission to recycle and should clearly state their policy in terms of any metal recovered following cremation. If you wish, you have the right to request that these metals are returned to you. The cremation process will render the majority of jewellery unrecognisable and ideally should be removed before cremation.

Cremulation which is the reduction of bones into ashes is carried out in most cases following cremation, unless the cremation authority is instructed not to. You must make this clear on the application form.

- iv. If no instructions are received in the timescales in section 5, the cremation authority has the right to dispose of ashes by the procedure set out in sections 51 – 56 of the Burial and Cremation (Scotland) Act 2016.

6. Note 6.

- i. The crematorium is required to verify that the information contained in this form is correct and that the cremation can proceed.
- ii. The signatory should sign the form when they approve the cremation.

SCHEDULE 4

Regulation 8(3)(d)

APPLICATION FORM FOR THE CREMATION OF A PREGNANCY LOSS ON OR BEFORE 24 WEEKS: HEALTH AUTHORITY OR BODY ARRANGED CREMATION

Cremation number:

Form A4: Application for cremation of pregnancy loss by a health authority or body-shared or individual cremation

Crematorium/cremation authority

Time of cremation _____

Date of cremation _____

This form is used to apply for individual cremation of a pregnancy loss OR shared cremation of more than one pregnancy loss, where the loss occurred on or before the end of the 24th week gestation and the loss was for any reason (i.e. termination or miscarriage). This is a requirement of the Cremation (Scotland) Regulations 2019, made under section 48 of the Burial and Cremation (Scotland) Act 2016. This application must be signed by the person authorised to make the application for cremation. Each pregnancy loss must be identified by the hospital or clinic ID number.

The application is made to the cremation authority which is to carry out the cremation. The cremation authority will need to examine the form to make sure that it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused.

If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to staff at the crematorium where the cremation is to take place.

Individual cremation

When a pregnancy loss is to be cremated individually, no other pregnancy loss(es) are to be included on this form.

Are ashes to be returned to the next of kin Yes [] No []

If yes – provide contact details of who will collect the ashes (individual or funeral director)

Name

Contact details (phone number / email)

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Section 1: Application for cremation of pregnancy loss by a health authority or body

The person applying for the cremation is 'the applicant' and has the legal right to apply for the cremation, under section 78 of the Burial and Cremation (Scotland) Act 2016.

I _____ (*print name of applicant*) on behalf of _____ (*organisation*) as the authorised and designated person, declare that I hold paperwork relating to each of the pregnancy losses listed below, signed by the medical practitioner/ registered nurse/ registered midwife, and that the paperwork includes a declaration that each pregnancy ended before or on completion of its 24th week and that each pregnancy loss showed no signs of life.

Container number _____

| | Pregnancy Loss Unique Identifier |
|-----------|----------------------------------|-----------|----------------------------------|-----------|----------------------------------|-----------|----------------------------------|
| 1 | | 13 | | 25 | | 38 | |
| 2 | | 14 | | 26 | | 39 | |
| 3 | | 15 | | 27 | | 40 | |
| 4 | | 16 | | 28 | | 41 | |
| 5 | | 17 | | 29 | | 42 | |
| 6 | | 18 | | 30 | | 43 | |
| 7 | | 19 | | 31 | | 44 | |
| 8 | | 20 | | 32 | | 45 | |
| 9 | | 21 | | 33 | | 46 | |
| 10 | | 22 | | 34 | | 47 | |
| 11 | | 23 | | 35 | | 48 | |

| | | | | | | | |
|-----------|--|-----------|--|-----------|--|-----------|--|
| 12 | | 24 | | 36 | | 49 | |
| | | | | 37 | | 50 | |

I DECLARE that all the information given in this application is correct, that no information has been omitted and that authorisation for the disposal has been obtained, in accordance with Part 3 of the Burial and Cremation (Scotland) Act 2016.

Signature of Applicant _____ Date _____

Organisation

Address

| | |
|--------------------|--------------------|
| Post code _____ | Telephone _____ |
|--------------------|--------------------|

Section 2: Authorisation for cremation (to be completed by the cremation authority)

This section is used by the cremation authority to confirm that the application is in order and that the cremation can take place.

Cremation number: _____

I confirm that all relevant sections of Form A4 have been completed.

I confirm that I approve this application for cremation.

Date (DD/MM/YYYY)

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Name of crematorium staff

Signature of crematorium staff

Position

SCHEDULE 5

Regulation 8(3)(e)

APPLICATION FORM FOR THE CREMATION OF AN ADULT OR CHILD: LOCAL AUTHORITY APPLICATION UNDER SECTION 87

Cremation number:

Form A5: Application for cremation (by a local authority)

Crematorium/cremation authority

Time of cremation _____

Date of cremation _____

NAME OF DECEASED _____

This form is used by a local authority to apply for a cremation of an adult or a child where:

- a) a person dies or is found dead within the area of the local authority; and
- b) it appears that no arrangements have been or are being made for the remains to be buried or cremated.

This application form must be completed by a representative of the local authority. This is a requirement of the Cremation (Scotland) Regulations 2019, for cremations made under section 87 of the Burial and Cremation (Scotland) Act 2016.

The application is made to the cremation authority which is to carry out the cremation. The cremation authority will need to examine the form to make sure that it contains all of the necessary information. Missing information or information the cremation authority does not think is accurate may result in the cremation being delayed or refused.

The local authority applying for the cremation is 'the applicant' and has the legal right to apply for the cremation under section 87 of the 2016 Act. If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to staff at the crematorium where the cremation is to take place or to the funeral director who is making the arrangements. Guidance notes are provided at the end of this form.

Change of crematorium

If it is necessary to change the crematorium for any reason a new Form A5 should be completed.

Forms checklist

You should ensure that you have attached any necessary documents to this application form. The cremation authority will need to have them to allow the cremation to take place.

Required

Form 14 - Certificate of Registration of Death.

Optional

Form E1 (if procurator fiscal has been involved and has released the remains for cremation) (see Note 2 of guidance notes).

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Section 1: Your information ('the applicant')

This section is used to record your details, as the representative of the local authority responsible for the cremation. In completing this form you are the applicant for the cremation.

Position

Title

First names

Surname

Local authority

Are you aware if any of the following apply:

| | Yes | No |
|--|-----|----|
| Does the body pose a risk to public health: for example did the deceased have a notifiable infectious disease or was their body contaminated immediately before death? | | |
| Is there a cardiac pacemaker or any other potentially explosive device currently present in or on the body? (see Note 3 in guidance notes for examples) | | |
| Is there radioactive material or other hazardous implant currently present in or on the body? | | |

If you answered 'yes' to the questions about a cardiac pacemaker and/or radioactive material, please give details and state whether the device has been removed.

Section 4: Declaration

This section requires you to declare that the information you have provided in sections 1 to 3 is, to the best of your knowledge, true, and that you are entitled to apply for this cremation. **It is an offence to knowingly provide false information and if you do so you may be liable to a fine of up to Level 3 on conviction**

Applicant's declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge, the information I have provided is accurate.

First names

Surname

Signature of applicant

Date (DD/MM/YYYY)

Combined weight of the coffin and deceased

| |
|--|
| |
|--|

Funeral Director's Signature (if applicable)

Name of funeral director's representative

| |
|--|
| |
|--|

Company name and address of funeral director

| | | | | | | | | |
|--|--|--|--|--|--|--|--|--|
| <p>Post code</p> <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | | | |
| | | | | | | | | |

Signature of funeral director's representative

| |
|--|
| |
|--|

Date (DD/MM/YYYY)

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Section 5: Disposal of ashes

This section is used to state what is to happen to the ashes following cremation (please tick only one box below).

a) There are no known relatives/relatives are unable to be contacted and the ashes should be disposed of in line with cremation authority procedure.

I confirm that I have been in contact with the family of the deceased and have confirmed that they want:

b) To collect the ashes from the crematorium (please fill out section 5d)

c) The cremation authority to scatter or inter the ashes

The term "ashes" means the material (other than any metal) to which human remains are reduced by cremation including the coffin and any clothing. Metals may be recycled by the crematorium to help reduce the impact on the environment. Each crematorium will have their own practices.

Name of crematorium staff

Signature of crematorium staff

Position

Guidance Notes

1. Note 1

The applicant completes the form in their capacity as the representative of the local authority.

2. Note 2

Procurator Fiscal—

All deaths which are sudden, suspicious, unexplained or unexpected are reported to the Procurator Fiscal who may instruct the police to investigate the circumstances of the death. Within the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Fatalities Investigation Unit (SFIU) is a specialist unit responsible for investigating these deaths. The SFIU will decide whether further investigation is required. Information is available on the COPFS website: <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>

Form E1 is issued by the SFIU when the cremation has been approved and may be sent directly to the crematorium. It must be received by the crematorium before the cremation is due to take place.

3. Note 3

Hazards

- i. Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; Fixion nails used in treatment of bone fractures. Please discuss with the funeral director or cremation authority if you are unsure.
- ii. Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008.
- iii. Some injections for cancer treatment contain radioactive material which may mean that the cremation has to be delayed for a period.

4. Note 4

- i. The applicant is required to declare that they are the representative of the local authority and entitled to apply for the cremation in terms of the Burial and Cremation (Scotland) Act 2016.
- ii. The funeral director is required to complete the second part of section 4 (if involved).

5. Note 5

- i. The applicant should indicate whether there are any family members who wish the ashes to be returned to them.
- ii. The cremation authority will record what is done with the ashes in the cremation register.
- iii. Sensitive disposal of metals—

Crematoriums may arrange for metal which survives the cremation process to be recovered and sensitively recycled. Metals are made up of items used in the construction of the coffin (e.g. pins and staples) and some surgical implants (e.g. hip joints, pins and plates). Any proceeds received following recycling are distributed to charity. The crematorium will need your permission to recycle and should clearly state their policy in terms of any metal recovered following cremation. If you wish, you have the right to request that these metals are returned to you. The cremation process will render the majority of jewellery unrecognisable and ideally should be removed before cremation.

6. Note 6

- i. The cremation authority is required to verify that the information contained in this form is correct and that the cremation can proceed.
- ii. The signatory should sign the form if they approve the cremation.

**APPLICATION FORM FOR THE CREMATION OF BODY PARTS
FOLLOWING POST-MORTEM EXAMINATION OR A WHOLE
BODY OR BODY PARTS FOLLOWING ANATOMICAL
EXAMINATION**

| |
|-------------------|
| Cremation number: |
|-------------------|

Form A6: Application for cremation of body parts following a hospital arranged post mortem examination or whole body/ body parts donated for anatomical examination

| |
|---------------------------------|
| Crematorium/cremation authority |
|---------------------------------|

This form is used to apply for a cremation of:

- a whole body following an anatomical examination (where the body was donated on or after the commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988)); or
- body parts which have been retained after an anatomical examination (where the body was donated on or after the commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988)); or
- body parts which have been retained after a hospital arranged post mortem examination.

This is a requirement of the Cremation (Scotland) Regulations 2019, made under section 48 of the Burial and Cremation (Scotland) Act 2016.

Anatomical examination

When a person bequeaths their body for anatomical examination and their remains are to be cremated after the examination, the university's Licensed Teacher of Anatomy will complete Form M(a) when releasing a whole body for disposal. A person authorised by the university is required to complete Form A6 to apply for the cremation.

Body Parts (anatomical examination or post mortem examination)

Some body parts may be retained after the body itself has been released for cremation. The Licensed Teacher of Anatomy, doctor or pathologist will complete Form N(b) releasing the body parts for disposal and a person authorised by the university or hospital must complete Form A6 to apply for the cremation.

Form M or Form N must be submitted along with Form A6 to the cremation authority to cremate the body/ organs/ body parts.

-
- (a) Certificate of Authorisation for the disposal of a body following anatomical examination; section 27A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (as amended by the Certification of Death (Scotland) Act 2011).
- (b) Certificate of Authorisation for the disposal of body parts following anatomical examination; section 27A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (as amended by the Certification of Death (Scotland) Act 2011).

Hospital arranged post mortem examination

When the form authorising a hospital post mortem examination is completed by the next of kin they will complete the section for disposal of any retained organs/ body parts. Form A6 should be used by the hospital to arrange for cremation of the organs/ body parts.

The application

The application is made to the cremation authority which is to carry out the cremation. The cremation authority will need to examine the form to make sure that it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused.

The person applying for the cremation is 'the applicant' and has the legal right to apply for the cremation.

If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to staff at the crematorium where the cremation is to take place.

Forms checklist

You should ensure that you have attached the necessary document to this application form. The cremation authority will need to have it to allow the cremation to take place.

Required

- Certificate of Registration of Death (**Form 14**)
- Certificate of authorisation for disposal of a body following anatomical examination (**Form M**).

OR

- Certificate of authorisation for disposal of body parts following a post mortem examination or anatomical examination (**Form N**).

Details of individuals contained in this form are not to be used for any other purpose

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Application for cremation – details of the deceased

Complete the declaration at section 4 and one of the following sections:

- Section 1 – cremation of a **whole body** after **anatomical examination**.
- Section 2 – cremation of **body parts** retained following **anatomical examination**.

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in or on the body.

* The university may authorise a suitable person to complete Form A6 (such as a bequest co-ordinator).

Section 2: Application for cremation of body parts following anatomical examination

I, _____ (*Licensed Teacher of Anatomy/ authorised person**) confirm on behalf of _____ (*name of Authority lawfully retaining the body parts*) that there is no reason for any further inquiry or examination concerning the body parts listed on Form N. I confirm they are now released for disposal and may be cremated.

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in or on the body part(s).

I confirm that the body part(s) described on Form N was/were retained from body/ bodies which was/were donated to (*University Name* _____) under the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006.

* The university may authorise a suitable person to complete Form A6 (such as a bequest co-ordinator).

Section 3: Application for cremation of body parts following a hospital arranged post mortem examination

I, _____ (*Doctor / Pathologist/ authorised person**) confirm on behalf of _____ (*name of Authority lawfully retaining the body parts*) that there is no reason for any further inquiry or examination concerning the body parts listed on Form N. I confirm they are now released for disposal and may be cremated.

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in or on the body part(s).

I confirm that the body part(s) described on Form N was/were retained from the body of the deceased following a hospital arranged post-mortem examination.

* The hospital may authorise a suitable person to complete Form A6.

Section 4: Declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge and belief, all the information given in this application is correct, no information has been omitted and authorisation for the disposal has been obtained.

Signature of applicant

| |
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| |
|--|

Date (DD/MM/YYYY)

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Organisation

| |
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Business address

Postcode

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Section 5: Authorisation for cremation (to be completed by the cremation authority)

This section is used by the cremation authority to confirm that the application is in order and that the cremation can take place.

Cremation number: _____

- I confirm that I have seen the appropriate documentation (as outlined in the checklist on page 2 of this form) to allow the cremation to take place (If a document is still missing, please contact the applicant).
- I confirm that all relevant sections of Form A6 have been completed.
- I confirm that I approve this application for cremation.

Date (DD/MM/YYYY)

| | | | |
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Name of crematorium staff

| |
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Signature of crematorium staff

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Position

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| |
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SCHEDULE 7

Regulation 8(3)(h)

APPLICATION FORM FOR THE CREMATION OF BODY PARTS FOLLOWING ANATOMICAL EXAMINATION WHERE THE DECEASED DIED BEFORE 14 FEBRUARY 1988

| |
|----------------------|
| Cremation number: |
|----------------------|

Form A7: Application for cremation of body parts donated in Scotland for anatomical examination or teaching before the commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988)

| |
|---------------------------------|
| Crematorium/cremation authority |
|---------------------------------|

This form is used to apply for cremation of body parts which were donated in Scotland for anatomical examination or teaching before commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988). This is a requirement of the Cremation (Scotland) Regulations 2019. This application must be signed by the person authorised to make the application for cremation.

The application is made to the cremation authority which is to carry out the cremation. The cremation authority will need to examine the form to make sure that it contains all of the necessary information. Missing information or information that is not accurate may result in the cremation being delayed or refused.

If you are unsure about any of the information that is required, or are not sure what any part of the form means, you should speak to staff at the crematorium where the cremation is to take place.

The ashes will be disposed of by the crematorium using their usual procedure.

Details of individuals contained in this form are not to be used for any other purpose

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. It will not be shared with any third party. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Section 1: Application for cremation of body parts donated in Scotland for anatomical examination or teaching before the commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988)

I, *(name of Licensed Teacher of Anatomy/authorised person*)*

_____ request
at *(name of Scottish university)* _____
that the body parts(s) described below is/are cremated.

I confirm that the body part(s) described below were donated to or acquired by (insert university name) _____ before the commencement of the Anatomy Act 1984 as amended by the Human Tissue (Scotland) Act 2006 (14 February 1988).

| Anatomy reference no. | Parts for disposal |
|-----------------------|--------------------|
| | |
| | |
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* The university may authorise a suitable person to apply for the cremation and complete Form A7 (such as a bequest co-ordinator).

Section 2: Declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge and belief, all the information given in this application is correct, no information has been omitted and that authorisation for the disposal has been obtained.

Signature of Applicant _____ Date _____

University

Address

Postcode

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Telephone

Section 3: Authorisation for cremation (to be completed by the cremation authority)

I confirm that all relevant sections of Form A7 have been completed.

I confirm that I approve this application for cremation.

Date (DD/MM/YYYY)

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Name of crematorium staff

Signature of crematorium staff

Position

Remains which cannot be cremated

Where the body parts are in such a condition that means they are unable to be cremated the cremation authority may refuse to accept them and return them to the applicant for an alternative method of disposal (e.g. burial).

SCHEDULE 8

Regulation 9

DEATH INVESTIGATED BY PROCURATOR FISCAL – FORM E1

FORM E1

SECTION 27A OF THE REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES (SCOTLAND) ACT 1965

AUTHORISATION FOR CREMATION FOLLOWING INVESTIGATION BY THE
PROCURATOR FISCAL

I certify that I have made such investigation into the death of—

[insert name], date of birth [insert date of birth] (“the deceased”)

as has satisfied me that the death took place at [address] on[date] at [time] and that the cause of death was [insert cause of death]

and that there are no circumstances which would render necessary any further examination of the remains of the deceased. I permit the cremation of the deceased.

Authorised by (print name)

Signature

Business address

Date of signature

SCHEDULE 11

Regulation 15(1)(c)

CREMATION REGISTER – STILLBIRTH AND PREGNANCY LOSS

FORM B3

Register of Cremation of Stillbirth and Pregnancy Loss

Carried out at the crematorium of [insert name of crematorium]

| | (a) | (b) | (c) | |
|------------------|-------------------|-------------|--------|---|
| Cremation number | Date of cremation | NHS number* | Name** | Name and address of the applicant* |
| | | | | Dispersal of ashes information (including if none were recovered) |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

*Complete columns (a) and (c) only if cremation is applied for by a health body/authority.

**Complete column (b) with name given to the baby (if one has been given).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision regarding cremations in Scotland, in particular in respect of the management and operation of crematoriums, applications for cremation, the handling of ashes and cremation registers. The Burial and Cremation (Scotland) Act 2016 (“the Act”) repeals and replaces the Cremation Acts 1902 and 1952 as they apply to Scotland. The Act makes provision to regulate cremation and places duties on cremation authorities.

Regulations 2 to 4 concern the operation and management of crematoriums. Regulation 2 provides that cremation authorities must prepare and maintain a management plan to be known as a Crematorium Management Plan which must make provision about matters specified in regulation 2(4). The Plan must be regularly reviewed and available for inspection by members of the public or an inspector of cremation. Regulation 3 makes provision about documentation which must be retained by the authorities for a period of 50 years on a confidential basis. A person appointed as an inspector of cremation will have powers to enter premises to investigate compliance with these Regulations and provisions under the Act. Regulation 4 makes provision imposing duties on cremation authorities in connection with maintenance and operation of crematoriums.

Regulations 5 to 7 make provision regarding the operation of cremators. Cremation authorities must ensure that cremations are not combined to ensure the remains of only one adult, child, still-born child or fetus are cremated each time (regulation 5). This does not apply to a joint cremation or a shared cremation as defined in regulations 6 and 7. A joint cremation is the cremation of the remains of one adult together with one, or more than one, child, still-born child or fetus; or the cremation of the remains of more than one child, still-born child or fetus and may only be carried out with the written permission of each person who has authority to make arrangements for the cremation. A shared cremation is the cremation of the remains of more than one fetus following an application by a health authority or body which is authorised to make arrangements for cremation by virtue of Part 3 of the Act.

Regulations 8 to 11 concern the application process for cremations. Applications must be in a prescribed form and contain the information specified in the relevant form (regulation 8 and schedules 1 to 7). Regulation 9 and schedule 8 and regulation 10 make provision for circumstances where additional documentation is required (authority from the procurator fiscal where the death has been investigated by the fiscal and a warrant to disinter for exhumed remains). Regulation 11 provides that cremation authorities may make inquiries in relation to any application or accompanying documents.

Sections 51 to 56 of the Act make provision about the handling of ashes by cremation authorities and funeral directors, including arrangements for retention, collection and disposal of ashes.

The duties regarding the retention of ashes are set out in sections 52 to 55 of the Act. Where by virtue of section 52(3) of the Act a funeral director has collected ashes from a cremation authority regulation 12(1) makes provision about notice to be given by the funeral director to the applicant. Where by virtue of section 54(5) of the Act a funeral director returns ashes to a cremation authority regulation 12(3) makes provision about notice to be given by the cremation authority to the applicant. Section 26 (service of documents) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) applies in relation to notices to be given under regulation 12. Regulation 13(1) specifies 4 weeks beginning with the day after the day on which cremation took place, for the purposes of sections 51(3)(a) and (b) and 52(2) and (3) (initial period for retention of ashes by the cremation authority). Where the ashes are not collected, the cremation authority must ascertain whether the applicant wishes the ashes to be retained for a further period: regulation 12(2) specifies 4 weeks beginning with the day after the end of the specified period mentioned in regulation 13(1) as the further period for retention, for the purposes of section 53(2)(a) and (b). Regulation 13(3) specifies 4 weeks beginning with the day notice is given to the applicant under regulation 12(1) for the purpose of section 54(1)(b) (period for collection of ashes from funeral director by the applicant). Regulation 13(4) specifies 4 weeks beginning with the day on which the cremation authority has given notice to the applicant under regulation 12(3) for the purposes of

section 55(2)(a) and (3) (period for collection of ashes from cremation authority following return by funeral director).

For the purposes of sections 51, 53 and 55 of the Act regulation 14 provides that the specified method of disposal of ashes is burial or scattering.

Regulation 15 prescribes the form of, and the information which must be recorded in, cremation registers and places a duty on cremation authorities to review each register and ensure that the information is accurate and up to date.

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