



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 2

#### CREMATION

##### *Handling of ashes*

#### **51 Duty of cremation authority before carrying out cremation**

- (1) This section applies where—
  - (a) a person (“the applicant”) submits an application to a cremation authority for a cremation to be carried out, and
  - (b) the authority proposes to carry out the cremation.
- (2) Before carrying out the cremation, the cremation authority must take reasonable steps to ascertain in which of the ways mentioned in subsection (3) the applicant wishes the ashes from the cremation to be dealt with.
- (3) The ways are—
  - (a) for the ashes to be retained by the cremation authority during the specified period and made available for collection before the expiry of that period by the applicant,
  - (b) for the ashes to be retained by the cremation authority during the specified period and made available for collection before the expiry of that period by a funeral director appointed by the applicant for that purpose,
  - (c) for the ashes to be disposed of by the cremation authority in a specified manner or in a manner indicated by the applicant.
- (4) In this section, “specified” means specified in regulations under section 56(1).