



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 2

#### CREMATION

##### *Handling of ashes*

#### **52 Duty of cremation authority following cremation**

- (1) This section applies where a cremation has been carried out by a cremation authority.
- (2) Where, by virtue of subsection (2) of section 51, the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(a) of that section, the cremation authority must—
  - (a) retain the ashes during the specified period, and
  - (b) make the ashes available for collection before the expiry of that period by the applicant.
- (3) Where, by virtue of subsection (2) of section 51, the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(b) of that section, the cremation authority must—
  - (a) retain the ashes during the specified period, and
  - (b) make the ashes available for collection before the expiry of that period by a funeral director appointed by the applicant for that purpose.
- (4) Where, by virtue of subsection (2) of section 51, the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(c) of that section, the cremation authority must dispose of the ashes—
  - (a) in a specified manner, or
  - (b) where the applicant has indicated the manner in which the ashes are to be disposed of, in that manner.

- (5) In this section—

“applicant”, in relation to a cremation, means the person who submitted the application under section 48(1) by virtue of which the cremation was carried out,

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*Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 52. (See end of Document for details)*

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

**Commencement Information**

**II** S. 52 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, **sch.** (with regs. 5, 8)

**Changes to legislation:**

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 52.