



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 2

CREMATION

Handling of ashes

55 Duties of cremation authority where ashes returned

- (1) This section applies where, by virtue of section 54(5), a funeral director returns ashes to a cremation authority.
- (2) The cremation authority must take reasonable steps 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 before the expiry of that period by the applicant, or
 - (b) the ashes to be disposed of by the cremation authority in a specified manner.
- (3) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (a) of that subsection, 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.
- (4) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (b) of that subsection, the cremation authority must dispose of the ashes in the specified manner.
- (5) Where, despite having taken the steps mentioned in subsection (2), the cremation authority does not know in which of the ways mentioned in that subsection the applicant wishes the ashes to be dealt with, the cremation authority must—
 - (a) retain the ashes, or
 - (b) dispose of the ashes in the specified manner.

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 55. (See end of Document for details)

(6) In this section—

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

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

Commencement Information

II [S. 55](#) 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 55.