
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Cremation (Scotland) Regulations 2019

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.