
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Cremation (Scotland) Regulations 2019

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⁽¹⁾.

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

(1) 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.