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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 36**

**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<sup>(1)</sup>.

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

**Handling of ashes: time periods for collection of ashes (specified period)**

**13.**—(1) For the purposes of sections 51(3)(a) and (b) (duty of cremation authority before carrying out cremation) and 52(2) and (3) (duty of cremation authority following cremation) of the Act the specified period during which ashes are to be retained by the cremation authority and made available for collection is 4 weeks beginning with the day after the day on which the cremation took place.

(2) For the purposes of section 53(2)(a) and (b) (failure to collect ashes) of the Act the further period is 4 weeks beginning with the day after the end of the specified period mentioned in paragraph (1).

(3) For the purposes of section 54(1)(b) (power of funeral director in relation to ashes) of the Act the specified period for the applicant to collect the ashes from the funeral director is 4 weeks beginning with the day written notice is given to the applicant by the funeral director under regulation 12(1).

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(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.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(4) For the purposes of section 55(2)(a) and (3) (duties of cremation authority where ashes returned) of the Act the specified period during which ashes are to be retained by the cremation authority and made available for collection is 4 weeks beginning with the day written notice is given to the applicant by the cremation authority under regulation 12(3).

(5) In this regulation “applicant” has the meaning given by section 52(5) of the Act.

**Disposal of ashes by cremation authority (specified manner)**

**14.** For the purposes of section 51(3)(c) (disposal of ashes by cremation authority), 53(6)(b) (failure to collect ashes) and 55(2)(b), (4) and (5)(b) (duties of cremation authorities where ashes returned) of the Act the specified manner for the disposal of ashes by the cremation authority is the burial or scattering of the ashes by the cremation authority.