

Membership Newsletter

Legal Update – December 06

Disposal of Retained Body Parts

The Welsh Assembly Government recently convened a meeting to discuss identified but unclaimed body parts being held by Health Authorities in Wales. At the meeting delegates were informed that the parts being held have been identified however at this point in time relatives have not been informed. The Chair advised that expert advice had been sought, which indicates that informing relatives could cause more harm than good. No details of the work, deliberations, reasoning and recommendations made by these experts were available at the meeting.

The following points are raised as a result of the meeting:

1. In the cases concerned the families have not been informed although the parts have been identified.
2. The law does not currently permit cremation of body parts without consent of nearest relative etc. It is obvious that Form AA could not be used in these circumstances.
3. The Chair put forward reasons why relatives should not be informed although this was not backed up with details of expert advice received.
4. It is felt unlikely that the DCA will permit/authorise cremation without consent required on Form AA unless the law is changed.
5. Discussion on infant cremators being installed at hospitals was discussed as a way of resolving the situation without involvement of crematoria.
6. There is no need to rush into any decisions on this matter as only Trusts are affected at present, the bereaved having not been informed as yet.
7. The number / volume of parts being retained is not yet known.
8. Members will be updated on this issue should the position change however:
Whilst this issue has recently been raised in Wales cremation authorities and companies in the UK are advised to only accept those applications for the cremation of body parts that are completed and signed in accordance with the requirements of the Cremation (Amendment) Regulations 2000 and Form AA.