

The new cremation application forms are to be used from today, 4 April. We have attended a number of meetings with funeral industry representatives in recent weeks to talk about the changes and a number of questions have come up at most of the meetings. We thought it would be helpful to issue this email to clarify the points raised and to confirm the requirements set out in the Burial and Cremation (Scotland) Act 2016 and the Cremation (Scotland) Regulations 2019.

Regulation 11 makes clear that cremation authorities have the right to request further information or to ask for additional information or documents before proceeding with a cremation. To hopefully reduce the need for that to happen we have prepared the following Q & A.

Who can complete the application form?

As with the current legislation governing cremation, the cremation application form is to be completed by the applicant. There is a hierarchy of who can apply for a cremation set out in section 65 the 2016 Act. It is accepted that there will be times where an applicant is unable to complete the form themselves. In such circumstances, the funeral director can act as a scribe for the applicant and write the answers to the questions on the form. This is only to be done in the presence of the applicant and the funeral director should go through each question with the applicant before writing down the applicant's answer.

There is a legal declaration next to the applicant's signature box on the form. In signing the form the applicant is agreeing to the declaration. An applicant is potentially liable to a fine of £1,000 on conviction if any information on the application form is knowingly false. Where the funeral director is acting as a scribe, the applicant should have had the opportunity to review the questions and answers and they should be made aware that they are signing a declaration. **In no circumstances should a funeral director complete the form in advance of meeting or on behalf of the applicant, then merely get the applicant to sign the form.**

What happens if there is a change in the instructions?

Where an applicant is instructing a change to their original instructions before the cremation takes place (either via the funeral director or directly to the crematorium) the change of instruction must be signed by the applicant. This could be on a "change of instructions" form or via an email from the applicant's email with a jpeg or digital ink signature. Whatever format is used, the applicant's signature is required. It is crucial that an applicant's change of instruction is passed to the cremation authority as quickly as possible.

Procedures for handling ashes are provided for in the 2016 Act and the cremation regulations. The procedure is set out in the flow chart at the back of the guidance notes. Any changes to instructions by the applicant for disposal of ashes (after the cremation has taken place) also needs to be recorded on a "change of instructions form" and must have the applicant's signature.

Where the applicant instructs a change of crematorium or it is necessary to change to a different crematorium to accommodate the cremation, a new application form should be completed.

When can corrections be made to an application form?

In the case where a significant change to the application form is required, for example, the details of the deceased/ applicant are materially incorrect, a new application form should be submitted. This scenario is less likely to occur where the applicant has completed the form themselves.

There will also be occasions where minor changes are necessary and some flexibility should be allowed to ensure a cremation is not delayed unnecessarily.

Crematorium staff should not make corrections on the statutory application form itself, unless the applicant is present. Instead they should obtain the instruction in writing (email is best) either from the applicant or the funeral director. They should then attach the correction instruction to the application form and file together.

A minor change/ correction can be made on a form and initialled by the funeral director as long as it has been agreed by the applicant and there is an audit trail to verify the change. An example of a minor change is where date of birth and age don't match (wrongly calculated) or where the name has a slight spelling error e.g. Mac and Mc. It is acceptable that details of minor changes are emailed to or given to the crematorium in writing (in advance of the cremation). Whatever method is used the change and reason for it must be recorded to ensure there is an audit trail kept detailing what the changes are.

Can information that was not available at the time of completing the form be sent to the crematorium after the application form has been sent?

Every effort should be made to complete the application form before sending it to the crematorium. In circumstances where information has to be forwarded on afterwards, the funeral director must alert the crematorium that the information will follow. Examples of this would be where the weight of the coffin and deceased needs to be confirmed.

Funeral directors and cremation authorities should satisfy themselves that they have kept a clear audit trail which shows that any instructions and changes to instructions originated with the applicant or in the case of minor corrections made to the form by the funeral director (see above) are justified.

Does the weight of coffin question have to be answered?

Every effort should be made to complete the application form before sending it to the crematorium, including providing an approximate weight. This is a new requirement under these regulations and it is anticipated that it may take a few months for providing the combined weight to become an established procedure. All cremation authorities and funeral directors should work collaboratively to ensure a smooth transition. The guidance notes to the regulations provide further details about this question.

If an application form is sent to the crematorium electronically does the original have to be sent too?

No, as long as the electronic version/scanned copy is a completed form and the signatures are in the correct format there is no need to send the original form to the crematorium.

The disposal of ashes options are not clear

Cremation application forms A1 (adult or child), A2 (stillborn baby) and A3 (pregnancy loss arranged by family) have options for disposal of ashes (Section 5 on each form) and the instructions say to only tick one box.

The options are:

- A – applicant or representative to collect ashes

- B – funeral director to collect ashes
- C – crematorium to disperse ashes

There is an option D on the forms with a tick box – this has caused some confusion. This is not an option for disposal of ashes but is a supplementary question which only applies when the cremation authority has been instructed to disperse the ashes (option C). It should not be considered as a fourth separate option.

When the forms are revised in future they will be amended to make this clearer. The “D” will be removed and the tick box moved to the right hand side. The guidance notes that accompany each form will also be updated.

Certificate of Registration of Death (Form 14) – electronic transfer?

We are still trying to confirm whether there is any legal reason why a Form 14 cannot be sent electronically along with the cremation application form. We will update everyone about this as soon as we are able to.

As always please get in touch with the team if you have any questions about the new regulations and procedures.

Regards
Katrina

My working pattern is Monday - Thursday

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