



Scottish Government
Riaghaltas na h-Alba
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Please take a moment to read this important update as it affects many of you, and to please forward to colleagues/members

The UK Coronavirus Bill was announced on Thursday (20 March). We have one clause in the Bill specific to the Scottish funeral industry and you'll see an explanation of the different parts of this below.

The UK Coronavirus Bill and its explanatory guidance from the UK Government can be accessed here:

- The UK Coronavirus Bill:
<https://services.parliament.uk/bills/2019-21/coronavirus.html>
- The explanatory guidance on what the UK Coronavirus Bill will do from the UK Government:
<https://www.gov.uk/government/publications/coronavirus-bill-what-it-will-do/what-the-coronavirus-bill-will-do>

There are two parts to this Bill that you need to be aware of – under Clause 20 (and Schedule 14) of the UK Coronavirus Bill

(Note that exact clause and schedule numbers may change in the final version of the UK Bill)

And please note that these are not in force now. This is very important. They are an option for Scottish Ministers to ‘turn on’, only if required. You will be notified if and when this happens.

Part 1: Suspension of the referral of Medical Certificates of Cause of Death (MCCD) to the Death Certification Review Service (DCRS) for review.

To help the Death Certification Review Service (DCRS), particularly if staff absences impact the review process, we have included provisions in the UK Coronavirus Bill which give Scottish Ministers the power to temporarily suspend the referral of death certificates for review, if necessary. We will send an email and post on our blog, if and when this happens.

Part 2: Suspension of cremation provisions

The Scottish Government recognises that funeral directors and cremation authorities are likely to come under increasing pressure with potential staff shortages too.

Accordingly, the Scottish Government has included provisions in the UK Coronavirus Bill that give Scottish Ministers the following powers.

Again, please note these will be ‘turned on’, only if required. You will be notified if and when this happens. These is not in force now.

1. Scottish Ministers can relax the rules around who can arrange a person’s funeral in respect to the statutory hierarchy,

allowing more people to be able to help others out in times of need, if necessary. E.g. a 'friend of longstanding' may make an application without fear of committing an offence, even if they are aware that someone further up the hierarchy exists, but is unable to make the application due to, for example, their own illness. Once the suspension is lifted, the normal hierarchy rules and offences will be applied again from that point forward.

2. Scottish Ministers can suspend the administrative duties on funeral directors and cremation authorities in relation to uncollected ashes. Where ashes are uncollected, funeral directors and cremation authorities will not be required to contact applicants to determine their wishes within a set timeframe. Instead, cremation authorities and funeral directors will need to retain all ashes, unless collected by the applicant. Once the suspension is lifted, the normal duties will resume for retained ashes.
3. When a local authority is making the arrangements for a funeral, Scottish Ministers have the power to suspend the duty on local authorities to make attempts to trace relatives of the deceased to determine what is to happen to the person's ashes following their cremation. The local authority's cremation authority will be required to retain the ashes for the duration of the suspension and then attempt, when the suspension is lifted, to trace family members, as per normal.

For up-to-date information on COVID-19, please continue to keep an eye on our Funeral Industry News blog, or you can subscribe to get the latest updates by simply heading to the right-side panel on our blog's homepage. There you'll see the option to subscribe by clicking the 'Email' button.

Sincerely,

The Burial and Cremation Team