

## Policy and Guidance

### The Return of Ashes/Cremated Remains being held by Funeral Directors

The Institute has been contacted by a number of cremation authorities (and one burial authority) regarding requests from funeral directors to return unclaimed ashes/cremated remains in circumstances where the funeral director has lost contact with his/her client.

**Members are reminded that ashes/cremated remains must only be disposed of in accordance with the instruction of the applicant for cremation** [Cremation (England & Wales) Regulations 2008 and Cremation (Scotland) Regulations 1935 [as amended] therefore without the signature of the applicant it is advised that the possibility of challenge is fully considered before remains are accepted.

Until such time as a lawful process is introduced, members and funeral directors can combine to cease the historic problem as detailed below. It should be noted that the following guidance cannot be applied retrospectively.

#### Guidance

Cremation authorities can amend their form for gaining the consent of the applicant for cremation in respect of his/her chosen method of disposal of the ashes/cremated remains as follows.

The section giving the option for removal by the funeral director can be expanded to indicate that *'if the ashes/cremated remains are not collected by (the applicant) within ..X.. months/years from the office of the funeral director I hereby understand and agree that the ashes/cremated remains will be returned to the crematorium and scattered in the garden of remembrance with their location being recorded in the cremation register'*.

By adding this simple amendment to the ashes/cremated remains form a cremation authority would have the written acknowledgement and consent of the applicant for cremation and could receive the ashes/cremated remains from the funeral director. To add further protection, the cremation authority should, following the return of ashes/cremated remains, send the notice as detailed in the above mentioned Cremation Regulations to the applicant for cremation giving 14 days notice of the proposed scattering.

**Cremation authorities are further advised to apply a fee to funeral directors for this service.**

**The Institute has received feedback that the above is a lawful 'work-around' to the dilemma faced by funeral directors however it must be noted that the above cannot be applied retrospectively.**

**The Institute strongly believes that ashes/cremated remains in the above circumstances should only be scattered at the crematorium where the cremation took place and nowhere else and hence the fact recorded in the statutory cremation register, and only with the written understanding/consent of the applicant for cremation.**

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