

# ICCM Newsletter April 05

## Recycling of Metals following Cremation

### OWNERSHIP OF IMPLANTS

The Institute has received **confirmation from The Department of Health** of its position regarding the ownership of orthopaedic and other implants as follows:

***“The implant becomes the property of the person in whom it has been implanted and it remains his or her property even if it is subsequently removed. Following the patient’s death, it forms part of his or her estate unless there is any specific provision to the contrary”.***

The position regarding ownership has now been made absolutely clear and it is confirmed that implants form part of the estate of the deceased and as such should only be recycled or **buried within the grounds** with the written consent of the executor or nearest surviving relative.

**The ICCM recycling scheme has always stressed the importance of obtaining consent. It is important to note that the advice from the Department of Health contains implications for all cremation authorities. Whether recycling is offered as an option or residual metals are buried within the crematorium grounds, the explicit consent of the Applicant is required.**

In the current age of litigation authorities are advised to protect their position by obtaining consent in order to lawfully bury metal residues in the grounds.

Those authorities in membership of the ICCM Recycling Scheme who are obtaining consent from executors or nearest relatives will not be challenged as they are acting within the law and as such are fully protected.



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