

## **Funerals Market Investigation Order 2021**

Following a market investigation into the funeral sector, the Competition and Markets Authority has published the [Funerals Market Investigation Order 2021](#). This Order is accompanied by an [Explanatory Note](#).

The Order places specific requirements on funeral directors and crematorium operators. Below is an explanation of what crematorium operators must do to comply with the requirements of the Order.

### **Requirements for Crematorium Operators**

#### **1. Supply price information to funeral directors**

The crematorium operator **must** supply local funeral directors with the price information specified in the Order and keep that price information up to date. The crematorium operator must be pro-active in supplying this information to local funeral directors, i.e. the crematorium operator can't just direct local funeral directors to price information on a website, they must send the information to the funeral directors.

The crematorium operator must notify funeral directors of any change in the price information no later than 15 working days before such a change has effect.

The crematorium operator is expected to take reasonable steps to ensure that the price information it provides to funeral directors is received. For example, if the information is posted, the crematorium operator should obtain proof of postage.

'Local funeral director' is interpreted as one whose branch is within a 30-minute cortege-speed driving distance from the crematorium. If there isn't a funeral director within that distance, the crematorium operator must provide the price information to the nearest funeral director. The crematorium operator must also supply the price information to any funeral director who requests it, and to any customer who requests it.

The price information that must be provided includes, for adults over the age of 18:

- a. a crematorium standard fee attended service
- b. a crematorium unattended service if offered by the crematorium operator
- c. a crematorium reduced fee attended service if offered by the crematorium operator

Included within the price information must be:

- a. a description of what is included and what is excluded from the crematoria services provided
- b. the length of time permitted for a cremation service, and whether this includes the time allowed for mourners to gather and leave the crematorium
- c. any additional charges for a cremation service taking place on particular days or at a particular time (e.g. for services taking place on a weekend, or after 4pm on a weekday)
- d. any charge made for exceeding the permitted time or late arrival and/or departure of the cortege, where applicable
- e. where possible, a breakdown of the headline price into the total price for all core services (e.g. cremation forms, medical referee fees, environmental levies and any other elements that are necessary for the cremation service), and the individual prices for any optional services, including, but not limited to, the purchase of additional cremation service time, use of music facilities, webcasting, organists, visual tributes, memorials, a container for ashes, scattering of ashes, storage of ashes, collection of ashes (by a funeral director of the

bereaved from the crematorium); and delivery of ashes (by the crematorium to a funeral director or the bereaved). The operator may include any other fees that it charges for services not covered above, e.g. the cost of a cremation for a baby or child. If the operator is also a burial authority, it would be good practice to also provide information about the relevant cemetery fees, but is not legally required to do so by the Order.

## 2. Display price information

The Order requires a crematorium operator to display in a clear and prominent manner the same price information that the operator must supply to funeral directors, both physically at the crematorium, and on a website (if the operator has a website). The Explanatory Note gives guidance on what a 'clear and prominent manner' means. The information must be:

- a. legible and written in plain and intelligible language
- b. easy to find
- c. prominent within its particular location
- d. brought to the Customer's attention in such a way that the average Customer would be aware of it. This means that the crematorium operator actively draws the information to the Customer's attention in an appropriate manner.

In a crematorium it is expected that the price information is displayed in an area frequented by Customers, for example an office or family room. An A2 size poster or a similarly prominent digital display would be considered suitable unless there is not enough space to display in one of these formats. In such circumstances, an A3 poster would be acceptable.

On a website, the information must be provided in a PDF format, although an html format can be used if it is not possible to use a PDF format. The information must be titled 'Price Information', and must be one click away from the crematorium homepage. Any link to the price information on the homepage must be prominently labelled and clearly visible so that the nature of the information to which it leads is clear. The requirement of being one click away from the homepage only applies to the relevant crematorium page, for example on a local authority website the price information would not need to be one click away from the authority's home page, but should be one click away from the main page relating to the crematorium.

If a crematorium operator has more than one crematorium, and has a dedicated website for each, the crematorium operator must display a PDF on each website containing the price information that is relevant to that crematorium.

If a crematorium operator does not have a website, but uses other online channels or platforms to market itself, e.g. Facebook or Instagram, it must make the price information available on those online channels or platforms. If a crematorium operator has a website and also uses other online channels or platforms to market itself, the operator must publish the price information on the website, and may also publish it on the other online channels or platforms, but is not obliged to do so under the Order.

The requirement of the Order for the crematorium operator to publish the price information on their website in a PDF format (or html if PDF is not possible) does not prevent the authority from publishing the information in additional formats should they wish to. The purpose of requiring the information is so that customers can assess and compare the services of different crematoria, and to help the CMA collect and monitor pricing data from across the sector.

### 3. Supply information to the CMA

The Order requires a crematorium operator to supply the CMA with the total number of cremations it has carried out and the total revenue it has gained from crematoria services. In the first instance, this information must be supplied to the CMA on the first working day of October 2021, and it must include the total number of cremations it has carried out and the total revenue it has gained from crematoria services for the period commencing 16 June 2021 (when the Order came into effect) up to and including 31 August 2021. Subsequently a crematorium operator must submit the total number of cremations it has carried out and the total revenue from crematoria services twice a year, with each report covering the previous two quarters. The submission dates, what is required, and the relevant quarters covered are summarised below:

<b>Submission date</b>	<b>What submitted?</b>	<b>Date from</b>	<b>Date to</b>	
First working day of October 2021	Total number of cremations and revenue from crematoria services	16 June 2021	31 August 2021	<b>Initial submission</b>
First working day of April	Total number of cremations and total revenue from crematoria services for each of the two preceding quarters	01-Sep	30-Nov	<b>Subsequent submissions</b>
		01-Dec	28-Feb	or 29-Feb if a leap year
First working day of October	Total number of cremations and total revenue from crematoria services for each of the two preceding quarters	01-Mar	31-May	
		01-Jun	31-Aug	

The crematorium operator must supply the information required separately for each quarter for each crematorium it operates.

The information required should be provided in both aggregate and disaggregated form, showing the totals for:

- a. Crematorium Standard Fee Attended Services
- b. Crematorium Reduced Fee Attended Services (if offered by the crematorium operator)
- c. Crematorium Unattended Services (if offered by the crematorium operator)
- d. Any other services provided by the crematorium operator that are not captured by a, b or c, e.g. baby and child cremations.

If the disaggregated information does not equate to the aggregate information, the crematorium operator must provide an explanation for the difference. The crematorium operator can also provide

additional information, e.g. their income for baby and child cremations, and the numbers of these they carry out.

The CMA expects the required information to be supplied using the following layout:

Category	First quarter in the previous six months				
	Standard Fee Attended Services	Reduced Fee Attended Services	Unattended Services	Other Services	Total
Total Revenue	£x	£x	£x	£x	£x
Total Revenue from memorials					£x
Total number of cremations carried out	x	x	x	x	x

Category	Second quarter in the previous six months				
	Standard Fee Attended Services	Reduced Fee Attended Services	Unattended Services	Other Services	Total
Total Revenue	£x	£x	£x	£x	£x
Total Revenue from memorials					£x
Total number of cremations carried out	x	x	x	x	x

The crematorium operator must include all revenue generated from crematoria services, and must exclude revenue generated from burial services. Revenue from memorials related to crematoria services must be separated from burial services using an appropriate allocation method, and the crematorium operator must explain how they have allocated this revenue to crematoria services. Memorial revenue must include all memorial fees collected during the relevant period.

#### 4. Confirm compliance to the CMA

The Order requires crematorium operators to email the CMA a compliance statement confirming their compliance with the pricing requirements in Article 8 and the information requirements of

Article 10. The compliance statement can be posted if email is not available. In the first instance, the CMA require a compliance statement no later than the last working day of April 2022, which confirms that the relevant requirements of the Order were complied with between the date the Order came into force (16<sup>th</sup> June 2021) and 31 March 2022. Subsequently, the crematorium operator must submit a compliance statement annually. The compliance statement must relate to the preceding reporting year of 1 April to 31 March. The first such annual compliance statement will be due by no later than the last working day of April 2023, and will relate to the period 1 April 2022 to 31 March 2023. Below is a summary of the compliance statement requirements:

<b>Submission date</b>	<b>What submitted?</b>	<b>Date From</b>	<b>Date To</b>
By last working day of April 2022	Initial compliance statement confirming compliance with Articles 8 and 10 of the Order	16 June 2021	31 March 2022
By last working day of April 2023, then same day every year	Compliance with Articles 8 and 10 of the Order	1 April 2022, then every year	31 March 2023, then every year

In their Explanatory Note, the CMA has provided the following indicative template compliance reporting form for Crematorium Operators:

I [name] [position] on behalf of [name of Crematorium Operator] confirm that, to the best of my knowledge having made reasonable enquiries, Articles 8 and 10 of the Funerals Market Investigation Order 2021 [have] [have not] been fully complied with.

[Signature]

Signed by any one of Chief Executive Officer, Managing Director, any Non-Executive Director or any Senior Director (if the Crematorium Operator) operates as a body corporate) OR owners of the business or any other individual with decision-making authority (if the Crematorium Operator operates as a sole trader or in a partnership)

Please submit the form to [general.enquiries@cma.gov.uk](mailto:general.enquiries@cma.gov.uk) and title your email 'Funerals Order compliance' and include any instances of non-compliance

If a crematorium operator becomes aware that it is not compliant with any part of the Order, it must report this non-compliance to the CMA within 14 days of it becoming aware.

### **Summary**

To comply with the Order, a crematorium operator must:

- Provide price information in the required format to local funeral directors, and to any other funeral directors or customers who ask for it
- Display price information at the crematorium and on a website (or other online channel or platform if the crematorium operator does not have a website but uses other online means to market the crematorium)

- Supply information in the required format to the CMA
- Confirm compliance with the relevant requirements of the Order to the CMA annually, and report any non-compliance within 14 days

### **Relevant parts of the Order for Crematorium Operators**

Part 4, Article 8 (1) – (10) – covers supplying and displaying price information

Part 5, Article 10 (1) – (6) – covers supplying information to the CMA

Part 6, Article 11 (4) – (5) – covers supplying the CMA with compliance statements

Schedule 2, Part C – matrix for the supply of information to the CMA

### **Queries**

Any queries about the requirements of the Order should be submitted to [funerals@cma.gov.uk](mailto:funerals@cma.gov.uk).