

**DETERMINATION UNDER Paragraph 9(1) of Part 2 of SCHEDULE 14,
(Cremations) OF THE CORONAVIRUS ACT 2020 (C.7)**

The Scottish Ministers, being of the view that the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health, and that the exercise of the powers conferred by paragraph 9(1) of schedule 14 of the Coronavirus Act 2020 (“the 2020 Act”) will be an effective means of expediting the disposal of bodies and better utilise resources, in exercise of the powers conferred on them by paragraph 9(1) of schedule 14 of the 2020 Act DETERMINE that—

- (a) section 53 of the Burial and Cremation (Scotland) Act (“the 2016 Act) (failure to collect ashes);
- (b) section 54 of the 2016 Act (power of funeral director in relation to ashes);
- (c) section 55 of the 2016 Act (duties of cremation authority where ashes returned);
- (d) regulation 12(1), (2) and (3) of the Cremation (Scotland) Regulations 2019 (“the 2019 Regulations”);
- (e) regulation 13(2), (3) and (4) of the 2019 Regulations.

are to have no effect from 08 April 2020.

For the duration of this determination, as set out in paragraph 10 of schedule 14 of the 2020 Act, a funeral director or cremation authority must retain any ashes, in respect of which wishes as to how the ashes are to be dealt with are not known, until they are collected or the determination is revoked and the duties in paragraph 11 of schedule 14 are met.

The effect on local authority duties in respect of the handling of ashes where funerals are arranged under section 87 of the 2016 Act, is set out in paragraph 12 of schedule 14 of the 2020 Act.

This Determination will be in effect until revoked by Determination of the Scottish Ministers under paragraph 9(3) of schedule 14 of the 2020 Act.

Signed by



**Mr Joe FitzPatrick
Minister for Public Health, Sport and Wellbeing**

06 04 2020