
Amending the Cremation Regulations 2008 (England and Wales)

Ministry of Justice

RPC rating: validated

Description of proposal

The proposal introduces a statutory definition of ashes, a change of record storage requirements and updates statutory cremation forms. This is to address the recommendations of the Emstrey inquiry and Lord Bonython's Infant Cremation Commission in response to cases of ashes not being recovered, or not being returned to parents, after infant cremations.

Impacts of proposal

The proposed definition would make it clear that the term 'ashes' refers to everything apart from metal that is left in the cremator after a cremation, including all organic matter such as the coffin itself, clothing, and the body. The impact assessment (IA) explains that the statutory definition will require 247 cremation authorities in England and Wales, of which 78 are private businesses, to ensure they are able to optimise the recovery of ashes under the definition. The IA estimates that they would need to train their technicians to ensure they are able to optimise the recovery of ashes from the cremations of infants and fetuses of less than 24 weeks gestation. The IA estimates that each crematorium would train two technicians at a one-off cost of £90 per technician, and half of these crematoria would need to train one manager at a cost of £222. The IA estimates the total one-off cost to business to be £0.02 million. The department claims that half of this cost is already accounted for in existing training budgets and concludes that the additional cost to private businesses is £0.01 million.

The IA explains that the 169 cremation authorities that are run by local authorities would also incur costs from training their staff. The IA estimates a one-off cost to local authorities of £0.05 million.

The proposal also removes the requirement to store physical records for two years for crematoria that store records electronically. The IA explains that it is not clear how many cremation authorities operate an electronic record keeping system and how many are likely to downscale or remove their physical storage capabilities, nor the resource required to deal with this method of storage. It has not, therefore, estimated the benefits.

The Government propose to amend the statutory forms that individuals complete on behalf of the deceased. Any cremation authority, funeral director or health authority that has stockpiled printed forms may incur costs to dispose of these redundant forms. The IA states that these costs are likely to be minimal.

Quality of submission

The department's halving of the training cost on the basis that this is "*already accounted for in training budgets*" is incorrect. This confuses the resources needed to meet a regulatory requirement with the finance allocated to meet it. However, on the basis that this does not affect the EANDCB reported to the nearest £0.1 million, the RPC can verify the estimated equivalent annual net direct cost to business (EANDCB) of zero. This will be a qualifying regulatory provision under the business impact target.

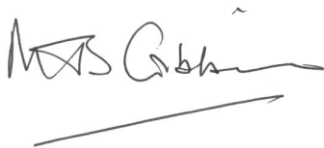
The IA would benefit from consistency in relation to the stated costs to business. The IA states (paragraph 27, page 6) that it estimates the one-off cost to business to be £11,350. However, the IA also states (paragraph 50, page 9) that there is a direct cost to business of £35,000. It appears that the latter includes the cost to local authorities. Although this does not affect the estimated EANDCB, since both round to zero, the department should also address this issue in the IA.

Departmental assessment

Classification	Qualifying regulatory provision (IN)
Equivalent annual net direct cost to business (EANDCB)	Zero
Business net present value	Zero

RPC assessment¹

Classification	Qualifying regulatory provision (IN)
EANDCB – RPC validated	Zero
Business impact target score	Zero
Small and micro business assessment	Not required (fast track low-cost regulation)



Michael Gibbons CBE, Chairman

¹ For reporting purposes, the RPC validates EANCB and BIT score figures to the nearest £100,000.