

**JOINT STATEMENT FROM THE FEDERATION OF BRITISH CREMATION
AUTHORITIES, THE CREMATION SOCIETY OF GREAT BRITAIN AND
THE ASSOCIATION OF PRIVATE CREMATORIA AND CEMETERIES
FOLLOWING THE ISSUE OF “FINAL ORDERS” REGARDING THE COURT
OF APPEAL RULING ON FUNERAL PYRES**

26th February 2010

On 10 February 2010 Lord Neuberger, Master of the Rolls, along with Lord Justice Moore-Bick and Lord Justice Etherton handed down their decision in the case of Davender Ghai's appeal to be allowed to be cremated on a wooden pyre. This followed Mr Ghai's submission to the Court of Appeal on 18 January, where arguments were submitted on his behalf to allow a "traditional cremation" in accordance with his religious beliefs.

The Cremation Society of Great Britain, The Federation of Burial and Cremation Authorities and the Association of Private Crematoria and Cemeteries understand that although in the ruling Lord Neuberger states "In these circumstances, I have come to the conclusion that Mr Ghai's wishes as to how, after his death, his remains are to be cremated can be accommodated under the Act and Regulations", there are a number of issues that remain unclear.

It is our understanding that: open-air funeral pyres are still not allowed and burning bodies anywhere other than in a crematorium approved by the Secretary of State for Justice remains a criminal offence.

At the Court of Appeal hearing Mr Ghai fundamentally changed his position from that which he had argued in the High Court. He no longer sought an open-air pyre outside the scope of the Cremation (England and Wales) Regulations 2008, instead he conceded that his religious requirements could be met by conducting a cremation that is within the scope of current cremation law.

In addition, it is clear that DEFRA guidance for Local Authorities is already published on managing emissions from crematoria. The guidance states that Best Available Techniques should be used to minimise the impact on the environment.

If a cremation authority or private crematoria operator intend to provide a facility such as described in the ruling, they will need to notify both the Ministry of Justice and DEFRA, to seek guidance on compliance with the relevant legal requirements of carrying out a cremation at a location other than a building recognised by the Secretary of State for Justice and subject to the Secretary of State for Environment, Food and Rural Affairs Guidance for Crematoria PG5/2(04).