

THE FEDERATION OF BURIAL AND CREMATION AUTHORITIES

41 Salisbury Road, Carshalton, Surrey SM5 3HA
Telephone/Fax: 020 8669 4521
Email: fbcasec@btconnect.com
www.fbca.org.uk



Secretary: Richard J Powell

19th February 2010

TO ALL MEMBERS OF THE FEDERATION

Dear Sir/Madam,

Provision of Services Regulations 2009

The above Regulations came into effect on 28 December 2009. It is understood that, as burial and cremation services are considered 'economic' in nature, they fall within the scope of the Regulations.

Regulation 30 provides as follows:

30.—(1) A competent authority may not subject recipients of a service who are individuals to discriminatory requirements based on their nationality or place of residence.

(2) The provider of a service may not, in the general conditions of access to a service which the provider makes available to the public at large, include discriminatory provisions relating to the place of residence of recipients who are individuals.

(3) Paragraph (2) does not apply to differences in conditions of access which are directly justified by objective criteria.

A full copy of the Regulations can be accessed from The Office of Public Sector Information, or from their website at www.opsi.gov.uk

The new regulations seem to infer that the charging of additional fees to non-residents of a Burial or Cremation Authority's area is illegal. The Federation of Burial and Cremation Authorities has not sought legal opinion on the implications that these Regulations may have for individual Authorities, however we would advise that Burial and Cremation Authorities take specific advice from their own solicitors on this matter.

Yours faithfully

Richard J Powell
Secretary