

## SAIF's Competition and Markets Authority bulletin #5 - 250621



### **CMA Order: terms of business, disclosure of interests and cremation prices**

*In the text below, links to further information on third-party websites are underlined and in light blue.*

### **CMA business transparency requirements**

In this latest edition in SAIF's Competition and Markets Authority (CMA) bulletin series, we explain the information funeral directors need to display with regard to terms of business, disclosure of interests and price information provided by crematorium operators. This follows [SAIF's Competition and Markets Authority bulletin #4](#), which covered price transparency and was sent on 23rd June.

To recap, the CMA Funerals Market Investigation [Order](#) 2021 is comprised of 'articles', including Articles 3-5 (covering price transparency, terms of business, disclosure of interest), Article 6 (prohibited practices), Article 7 (termination of practices), Article 8 (crematoria price transparency), Article 9 (reporting to the CMA). The relevant parts of the Order are supported by an [Explanatory Note](#) document.

### **CMA Funerals Market Order Articles 4, 5 and 8 key points:**

*In branch*

#### Terms of business (Article 4)

As with the [Standardised Price List](#), funeral directors must display their terms of business in a clear and prominent manner on an A2 poster in areas frequented by clients, in accordance with point 44 on page 10 of the [Explanatory Note](#) (**the information required by Article 5 and the cremation prices, as set out below, can be on this poster alongside the terms of business**). The terms of business must include the following information:

- The size of any deposit which is required;
- The times by when any deposit and final balance must be paid;
- The options, including interest charged, which a funeral director offers to a customer in respect of payment of any deposit made and final balance; and
- Any charges which the funeral director will make for late payment of sums due.

This may be included within any pre-existing terms of business but it must be distinct and easy for prospective clients to read. SAIF advises members to put this information at the beginning of terms of business documents. For further information please refer to the [Explanatory Note](#), page 13, points 60-76.

#### Disclosure of interests (Article 5)

Funeral directors must also disclose the following interests they have in a clear and prominent manner in areas frequented by clients and can be on the same A2 poster as the terms of business:

- The ultimate owner of the business;
- Any business or material financial interest the funeral director has in a price comparison website which compares funeral director services and/or crematoria services and their respective prices; and

A register providing details of any material:

- Charitable donation to a third party whose work or activity relates to funerals exceeding £250 made during the previous 12 months
- Charitable contribution or payment of a gratuity to a third party; or
- Other form of payment to a third party that does not relate to a cost incurred or a service provided by the third party on behalf of or to the funeral director, which has been made by or on behalf of the funeral director.

Please note that donations made to organisations which have no connection to funerals and where a funeral director has no influence how the donation is spent do not have to be included in the register. The same applies to donations made by employees involved in fundraising activities in their community.

For further information about the above, please see [Explanatory Note](#), page 16, points 77 to 101.

#### Information provided by crematorium operators (Article 8)

Funeral directors must also display the following price information (as outlined in in Article 8 (5)) provided by crematorium operators within a 30-minute cortege drive of each branch (SAIF urges a commonsense approach here and advises members to provide the following information for all crematoria used on a regular basis):

- A crematorium standard fee attended service;

- A crematorium unattended service if offered by the crematorium operator; and
- A crematorium reduced fee attended service if offered by the crematorium operator.

**It's important to note that this information must also be displayed on an A2 poster and this can be on the same poster as articles 4 and 5.** Other information outlined in Article 8 can be provided in a clearly labelled folder in close proximity to the poster displaying Article 8 (5) requirements. If there is insufficient space for an A2 poster then A3 size is acceptable. The Standardised Price List must be displayed on its own dedicated poster. For further information regarding crematorium price information please see [Explanatory Note](#), page 22, points 108 to 123.

### *Online*

If you have a website, you must display the information required in Articles 4 and 5 in PDF format and these must be no more than one click away from your website's homepage, where the link to this information must be prominently labelled and clearly visible. Neither the Order nor Explanatory Note seem to suggest that the price information provided crematorium operators should be displayed by funeral directors in PDF format, however, SAIF advises that is sensible to do so.

If you do not have a website but market your business on other online channels, including Facebook and Instagram, all of the above information should be displayed clearly and prominently on these channels. When displaying this information on social media, SAIF advises members to use software such as Adobe Acrobat or similar to create a URL for each PDF. This is because Facebook's functionality doesn't allow for the posting of PDFs. It would be sensible to create links for the separate PDFs containing information required by Articles 3, 4, 5 and 8 and include these in a single 'pinned' post on social media. If you are unsure about how to do this, please contact the SAIF business centre via [info@saif.org.uk](mailto:info@saif.org.uk).

Please note, if you have displayed the information for Articles 3, 4, 5 and 8 on your website, you do not need to post it on any other digital online channels. If you do not use any online channels to market your business at all, then you do not have to display this information digitally anywhere.

In the next bulletin we look at prohibited practices covered by the Funerals Market Investigation Order 2021.