



CMA Order: Less than a week to go – the countdown to compliance

CMA Order: are you ready for Thursday 16th September?

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

Less than one week to comply with the CMA Funerals Market Investigation Order

SAIF members are reminded that they have less than one week until compliance with the Competition and Markets Authority (CMA)'s Funerals Market Investigation Order 2021 becomes a legal obligation for anyone running a funeral directing business in the UK. From 16th September 2021 you will need to:

- Display the Standardised Price List in your premises and on your website
- Display your Terms of Business in your premises and on your website
- Display disclosure of company ownership and a Register of Interests relating to any donations you have made to institutions such as hospitals, hospices and care homes in your premises and on your website
- Display price information supplied to you by your local crematoria in your premises and on your website
- Display an Additional Options Price List on your website and make this available in your premises
- Prepare to supply funeral and revenue information to the CMA on the first working day of October 2021 if you operate more than five branches (use the template on page 29 of [the Order](#))

The Standardised Price List template can be downloaded [here](#). The Funerals Market Investigation Order can be viewed [here](#), with the accompanying Explanatory Note [here](#). SAIF members may also find [our FAQs document](#) useful in any preparations for compliance.

Please note that the information funeral directors are required to display in branch and on websites, must be done in a 'clear and prominent' manner. This means physical information should be presented in areas frequented by clients and digital information in PDF format should be on a page no more than one click from your website's home page.

The Order was made on the 16th of June, meaning funeral directors have had three months to prepare for compliance. SAIF continues to support members to aid their understanding and implementation of the Order, however, cautions that businesses that are not compliant after 16th September, may face enforcement action.

The team at SAIF Business Centre is on hand to assist with any enquiries you may have and can be contacted via email at info@saif.org.uk.

Prohibited practices clarification

SAIF understands that some funeral directors might have misinterpreted Articles 6 and 7 of CMA Order which relate to prohibited practices. For clarity, the CMA advises these Articles do not result in the blanket prohibition of all arrangements between funeral directors and hospitals and similar institutions.

The aim of Articles 6 and 7 of the Order is to eliminate arrangements, including any exchange of services with, or payments, benefits or gifts to, a hospital, hospice, care home, provider of bereavement services in a hospital setting or provider of palliative care, or other similar institution (whether contractual or not) which could reasonably be understood to encourage, incentivise or require

the institution to refer a customer to a funeral director or give that funeral director preference over other funeral directors.

Articles 6 and 7 are not intended to effect a blanket prohibition of arrangements between funeral directors and hospitals and other similar institutions. Instead, they are intended to eliminate arrangements that may result in customers being channelled towards a funeral director that may not fully meet their needs, particularly where recommendations or referrals are influenced by financial considerations rather than representing the best choice for the customer.

In summary, contracts with an institution such as a hospital, hospice or care home are permitted ONLY if they have been awarded following an open tender process and that the institution in question provides only information (not promotional materials) as to where a deceased person is being stored whilst a family makes its decision. The arrangement must not result in an institution referring business to you at the expense of local competition.

Using the term CMA on websites

SAIF is aware of some funeral directors describing the Standardised Price List as the 'CMA Standardised Price List'. The use of the 'CMA' Standardised Price List is not permitted in the PDF. Simply use the term 'Standardised Price List' and add your own branding at the top of the document. Additionally, the Explanatory Note states that the term 'CMA Attended Funeral' and 'CMA Unattended Funeral' must not be used. Instead it should be 'Attended Funeral' and 'Unattended Funeral'.

And finally...

Funeral directors are under immense pressure as a result of the requirements of the CMA Order and the ongoing uncertainty surrounding the coronavirus pandemic. SAIF appreciates the incredible job you are doing serving bereaved families under extraordinary circumstances. As we continue to work our way

through the challenges and changes buffeting our profession, some members will have cause to contact the SAIF Business Centre. We welcome your contact and are here to help. However, we politely ask that all calls to the team are respectful and courteous. Let's work together positively for the betterment of the independent sector.