
Arranging a Funeral Yourself

The traditional way of arranging a funeral is to engage the services of a funeral director. They may be a member of an organisation such as the National Association of Funeral Directors.

This naturally entails paying for these services and, in most cases, arranging for someone to deal with their burial or cremation. There is an alternative however, you could arrange the entire funeral yourself.

The process is not likely to be easy, physically or emotionally, but if you feel this is the best way to carry out your duty, then it may be a fitting way to proceed.

If you are considering arranging a funeral for your loved one, without the involvement of a traditional funeral director, this factsheet will provide you with some background legal and practical information to help you.

Whether you are using a funeral director or making the arrangements yourself, there are certain things that have to be done:

What you Must do on the Death of a Loved One

- You must obtain the medical certificate from a GP or hospital doctor. You'll need this to register the death.
- You must register the death within 5 days, although if the death has been reported to a coroner (for example, in instances where the cause of death is unknown or unexplained) the death cannot be registered until the coroner's permission is granted. Visit <https://www.gov.uk/register-a-death> for further information.

Once these steps have been taken, you can then choose whether to engage a funeral director, or make the necessary arrangements yourself.

For more information about what to do when someone dies, you can download our free eBook **'What to do when someone dies: A guide to your legal responsibilities'** at <http://www.rochelegal.co.uk/what-to-do-when-someone-dies/>.

Who gets to Choose the Funeral Arrangements?

- The **personal representatives** named in the Will have the primary right to take possession of the body, unless the death is reported to a coroner (see above), or if the hospital needs to retain the body due to a risk of infection.
- Any **funeral wishes in the Will are not legally binding** although you may feel it's important to honour these. It is for this reason that it's important to choose executors who you know will carry out your wishes, as they will have the final say.
- When there is no Will, the **Intestacy Rules** determine who has the right to take possession of the body. Generally speaking, these Rules give precedence to a spouse or civil partner first, then to children, parents and siblings, in that order.
- You **don't have to take responsibility** for the disposal of the body, even if you have the right to. In these circumstances, it becomes the responsibility of the local authority, or in some cases, the coroner, the nearest relative, the person paying for the funeral, a hospital or a care home.
- If there are disagreements about who should be making the arrangements, **arbitration is an option to help resolve disputes** between relatives and/or personal representatives. You can also take legal advice about other options (for example, having executors removed from the Will).

The Benefits of Arranging a Funeral Yourself

- Although funeral costs are paid from the estate of the person who has died (usually the bank can arrange this fairly quickly), they can be fairly high. Most funeral directors will also require a deposit before they can start making any arrangements. One of the benefits of arranging the funeral yourself is that you have more control over cost and expenditure.
- Taking responsibility for all aspects of your loved one's funeral arrangements, can also allow it to be carried out exactly as you would want for them, or how you believe they would have wanted it.

The Difficulties of Arranging a Funeral Yourself

- You may find dealing with transportation and storage of the body difficult. Not only can this be physically demanding, it can also be emotionally challenging at an already sensitive time, and you may find it too upsetting. That said, unless the death was caused by an infectious disease, looking after a decomposing body is not dangerous. If the person died in a hospice or hospital, it may be possible for the body to be kept there, until the arrangements are made.

- A funeral is a significant undertaking and, without the help of a funeral director, the burden is upon you to ensure everything you want for the funeral is carried out. Doing it yourself however means that all the decisions are yours and nothing you decide will be wrong, just different.
- A combination of public perception and misconceptions (see below) may mean that friends and relatives of the deceased may not agree with the idea of you arranging the funeral yourself. You may decide however to take no notice about what anybody else thinks.

Misconceptions about Arranging a Funeral

There are a number of common misconceptions which can dissuade people from arranging a funeral themselves.

- Some people believe that it's against the law, but this is simply not true. There are no legal restrictions whatsoever.
- Some people believe that you have to engage a funeral director when in fact there is no legal requirement to do so. No specialist training or qualifications are required. It is possible for anyone to set themselves up as a funeral director and the profession is unlicensed.
- Some people think that there is a requirement to hold a funeral ceremony, when in fact the law doesn't require there to be any ceremony or service at all. This is a matter of personal choice. Even with Church of England burials in a consecrated churchyard, no ceremony needs to take place provided that the appropriate notice is given.

Some companies offer 'Direct Disposal' services whereby a burial or cremation can be conducted without any ceremony occurring.

- There is a general misconception that you have to dispose of the body straight away. Although it is against the law to 'prevent or obstruct a lawful burial', there are no legal obligations as to when a body must be disposed of.

There are laws which govern how a body may not be placed in a location or situation which would outrage public decency or cause nuisance (in the wider legal sense of the word), but as long as these requirements are met, there is nothing in law to stop you from keeping and maintaining the body indefinitely.

There is also a general belief that you must choose either burial or cremation, however, there are many options for how a body may be disposed. See below for an overview of some of them.

Requirements

Should you decide to arrange a funeral yourself, there are a number of things to consider:

- There is a certain amount of responsibility and some challenges involved with arranging a funeral yourself. A small group of willing helpers to assist in managing these difficulties will be a huge help, so do call on friends and family to support you.
- Do ask for help from a funeral director if it gets too much. You might want to discuss your intentions with a funeral director beforehand, who may be able to step in, or help overcome setbacks, if it all becomes too much. They will charge a fee, but you may prefer to have this reassurance.

Other requirements will depend upon your chosen method of disposal for the body, see below:

Burial

- You can either buy or make your own coffin. There is a lot of information available online about the types of coffins and shrouds available to help you decide.
- You'll need to decide on a burial place. Although there are no restrictions in law about where a body can be buried, there may be restrictions on the land itself and you'll need to check with the Environment Agency as well. You must check whether the land has any restrictive covenants, or other impediments, preventing a burial there. You'll also need to get permission from the land owner.
- Grave digging is potentially hazardous and so it's usually best to hire a professional gravedigger. It also requires skill and strict adherence to the rules of the burial ground where the grave is being dug.

Cremation

- You'll need to obtain a certificate from a second doctor as to the cause of death. This is because later exhumation is not possible and so extra safeguards are needed to avoid the destruction of evidence, should any suspicion subsequently arise regarding the death.
- You'll also need to apply for cremation by completing a form that will be given to you by the registrar when you register the death (see above). The application for cremation must be supported by both the original doctor who certified the cause of death, as well as the second doctor noted above.

- A medical referee at the crematorium will then assess the application and certificates before final approval can be granted.
- There is no legislation restricting the scattering of ashes but you must get the landowner's permission (if required). Further information can be found at <https://www.gov.uk/government/collections/cremation-forms-and-guidance>.

Other Options

It is lawful to dispose of a body by means other than burial or cremation and some alternative methods are noted below:

- Instead of traditional cremation, you can burn the body, although this is governed by the same rules that govern cremations (see above).
- You may decide to embalm the body. Providing the body is preserved by a qualified professional and kept in accordance with the law noted above, there are no legal restrictions about this.
- It might be appropriate to move the body abroad for disposal, but you'll need permission from a coroner at least 4 days in advance.
- Burial at sea is also an option although there are many restrictions when the body has not been cremated first. You'll need to obtain a licence from the Department of the Environment and Rural Affairs and ensure that burial is done where no nuisance or danger is caused to shipping as well as tagging the body and weighing the coffin.
- It is also possible of course to leave your body to medical science, although this needs to be arranged before death by filling in forms for a medical school. If at the time of death, the school does not take the body, because it is full for example, you can ring other schools, but will have to pay for transportation. However, the body must be refrigerated quickly otherwise it will not be accepted. This can be tricky, so speak to the school in advance to ask about the procedure.

If you'd like more information call **01904 866139**
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