

Arranging a Funeral

The traditional way of arranging a funeral is to engage the services of a funeral director.

This naturally entails paying for these services and, in most cases, arranging for someone to deal with the 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 it can be a fitting way to proceed, especially if you feel a sense of 'duty' to do this for your loved one.

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

What do I have to do on the death of a loved one?

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

- 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. The government's website [provides further information](#).

Once these steps have been taken, you can then choose whether to engage a funeral director or make the necessary arrangements yourself. If you do decide to use a funeral director, it is worth checking whether they are a member of a professional organisation, such as the National Association of Funeral Directors.

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'](#).

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Who takes responsibility for your loved one?

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. These Rules give rights to the following, in order of precedence:

- Spouses or civil partners
- Children
- Parents
- Siblings.

You don't have to take responsibility for the disposal of the body, even if you have the right to. If you do not, this will become 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 – and usually the bank can arrange this quickly – they can be expensive. Most funeral directors also require a deposit before they start making any arrangements. One of the benefits of arranging the funeral yourself is that you have more control over cost and expenditure.

In addition, taking responsibility for all aspects of your loved one's funeral arrangements can allow you to carry it 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 funeral arrangements are made.

Arranging a funeral is also 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.

Friends and relatives of the deceased may be averse to the idea of you arranging the funeral. This could be down to a combination of public perception and popular misconceptions about the process (see below). Whilst this could make matters difficult, you may equally decide to take no notice of what anybody else thinks.

Misconceptions about arranging a funeral

There are several common misconceptions which can dissuade people from arranging a funeral themselves:

1. Some people believe that it's against the law, but this is simply not true. There are no legal restrictions whatsoever.
2. Some people believe that you must 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.
3. 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.

4. 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.

Practical considerations

There is a general belief that you must choose either burial or cremation as part of funeral. However, as can be seen below, there are many options for how a body may be disposed.

Before looking at the practical considerations of those different options, there are several general things to consider, should you decide to arrange a funeral yourself:

- 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

- A coffin will be required. These can be either bought or made yourself. There is a lot of information available online about the types of coffins and shrouds available to help you decide.
- You will 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 will also need to get permission from the landowner.
- Gravedigging 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 to be dug.

Cremation

- Before a cremation can be carried out, you will 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 potential evidence, should any suspicion subsequently arise regarding the death.
- You will also need to apply for the 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 assess your 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 on the [government's webpage on cremation](#).

Alternatives

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 the sea-burial is done where no nuisance or danger is caused to shipping. You must also tag the body and weight the coffin.
- It is also possible 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.

How Roche Legal can help

Dealing with legal issues can be confusing and stressful. We understand this, and we're always on hand to untangle jargon and offer support.

If you need advice on any of the issues raised in this factsheet, please don't hesitate to [get in touch](#). Roche Legal is an award-winning legal practice, offering practical and caring advice.

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