

# Who is entitled to make funeral arrangements?



The rules governing who is entitled to arrange a funeral can often be at odds with the expectations of relatives and friends who have lost loved ones.

At a time when emotions often run high, this leaflet is designed to help you understand whether you are entitled to arrange a particular funeral service - and avoid any disputes arising.



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# Am I the right person?

If no one else wants to make the funeral arrangements, there is usually no need to consider the information set out in this document.

However, if there is a chance that someone might object to you arranging the funeral, you should consider the following questions to satisfy yourself that you are entitled to do so, before proceeding to make the arrangement.

If you are in doubt that you are the right person to make the funeral arrangements and are unable to reach agreement, you may wish to take independent legal advice before proceeding.



## If the person who has died is a child

If they were under the age of 16 when they died, special rules apply.

A parent of the child (or person with parental rights and responsibilities) will normally be entitled to arrange the funeral. If neither parent is willing or able to make the arrangements, the following people (in order of priority) are likely to be entitled to arrange the funeral of a child:

- a) a brother or sister of the child who is aged 16 or over the age of 16 (this includes siblings by one parent)
- b) a grandparent of the child
- c) an aunt or uncle of the child who is over the age of 16
- d) a cousin of the child who is over the age of 16
- e) a niece or nephew of the child who is over the age of 16
- f) a long-standing friend of the child who is over the age of 16

If you are unsure where you sit in the hierarchy, your funeral director will be happy to explain in greater detail.

## What if two people in the same category cannot agree?

Unfortunately, there is no easy answer to this question. It is almost always better to seek to reach an agreement because this avoids the risk of litigation, which can be costly and stressful for families.

The funeral director can take instructions from anyone who has entitlement but you may wish to seek legal advice before making arrangements in these circumstances.

## If the person who has died is an adult (aged 16 or over)

### Did the person who has died make an Arrangements on Death Declaration?

If it can be demonstrated that the person who has died expressed a wish that a particular person should be responsible for arranging their funeral, this person is entitled to make the arrangements. The most common place to find such an expression is as part of the person's Will.

If someone other than you was named by the person who has died, you should only arrange the funeral with this person's agreement.

### The person who has died did not make an Arrangements on Death Declaration

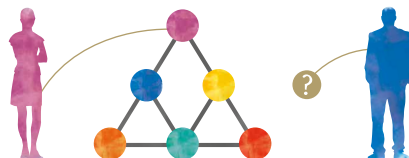
In these circumstances, we can offer the following advice, depending on your relationship to the person who has died:

#### I am the husband, wife or civil partner of the person who has died

You are most likely the right person to make the funeral arrangements.

#### The person who has died was not married but we lived together in the same way as a married couple when they died

You are most likely the right person to make the funeral arrangements (if you lived together for at least 6 months before the date of death).



### I am the child of the person who has died

If the person who has died was married, in a civil partnership or living with a long-term partner when they died, this person is likely to have priority over you. We advise that you check with them before arranging the funeral.

If you have any brothers or sisters it is advisable to get agreement from them before making the funeral arrangements. If you can't agree on the arrangements, you can still arrange the funeral but there is a chance that one of them could ask the court to allow them to make the arrangements instead.

### I am the parent of the person who has died

You should check with any spouse/civil partner; long term partner and children of the person who has died before making the funeral arrangements.

If the other parent of the person who has died is contactable, it is advisable to get agreement from them before making the funeral arrangements.

If you can't agree on the arrangements, you can still arrange the funeral but there is a chance that they could apply to the court to allow them to make the arrangements instead.



### I am the brother or sister of the person who has died

You should check with any spouse/civil partner; long term partner; children and parents of the person who has died before making the funeral arrangements.

If you have any other brothers or sisters it is advisable to get agreement from them before making the funeral arrangements. If you can't agree on the arrangements, you can still arrange the funeral but there is a chance that one of them could apply to the court to allow them to make the arrangements instead.



### I am some other relation to the person who has died

The hierarchy of priority for arranging the funeral is set out **overleaf**. If a legal dispute arises, the person placed higher is most likely to be successful.

### I am in dispute with someone who sits alongside me in the hierarchy set out overleaf (e.g. my brother)

We always advise parties to seek to reach a compromise in these circumstances. A failure to do so can lead to a great deal of distress and delay, particularly if a legal dispute arises.

If you cannot reach agreement, you may wish to seek independent legal advice.

### My relationship with the person who has died is not listed in the hierarchy set out overleaf

If no one who would rank above you in the hierarchy objects to you making the arrangements, you can do so. If you are in dispute with someone whose relationship with the person who has died is listed, they will most likely have priority over you.

If you cannot reach agreement, you may wish to seek independent legal advice.



# | Hierarchy

A person identified in arrangements on death declaration of the person who has died
The husband, wife or civil partner of the person who has died
The long term partner of the person who has died (they must have been living together for at least 6 months)
The children of the person who has died
The parents of the person who has died
The brothers and sisters of the person who has died (siblings by one parent are treated the same as siblings by both parents)
The grandparents of the person who has died
Uncles and aunts of the person who has died
The cousins of the person who has died
The nieces and nephews of the person who has died
A long-standing friend of the person who has died

## Contact us

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