

How to deal with a death in the family

Even where a death of a loved one is expected, it will often have a devastating impact on the family left behind.

Unfortunately there are certain tasks which must be undertaken at this time. The content of the information we have set out below has been compiled on the basis of the main concerns which family members have raised with us

One of the first issues which needs to be addressed when a person has died is for the relevant authorities to be notified of the death. What will happen next depends upon whether the death was expected and the cause of death known or whether the death was unexpected and the cause of death is not immediately apparent.



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An unexpected death

In certain circumstances the death must be reported to the coroner. Inevitably, the registration of the death and issuing of the formal death certificate will then have to wait until the coroner's enquiries are completed or until the inquest is concluded.

Register the death – Who is responsible?

A person's death must be registered with the local Registrar of Births, Deaths & Marriages in order for a Death Certificate to be issued.

The person with responsibility for registering the death (known as 'the informant') is usually a relative of the deceased. In the absence of a relative, the duty may be discharged by:

- any person present when the death occurred
- by the occupier of the house in which the death occurred (in an institution, such as a

nursing home, this will be the senior resident officer)

- by anyone living in the house who knew about the death, or
- by the person responsible for making the funeral arrangements

Where, when and how to register?

The law also demands that the death is registered within five days of its date but an extension of a further nine days is allowed so long as the local registrar of Births and Deaths has received written confirmation that a medical certificate as to the cause of death has been signed by a doctor.

An appointment will need to be booked with the local registrar and the person registering the death, the informant, will need:

- the medical certificate showing the cause of death, signed by a doctor. Sometimes this is sent directly to the registrar
- the full name of the deceased person (and any other names they once had, such as a maiden name)
- the date and place of death
- the usual address of the deceased
- their date and place of birth
- their most recent occupation
- whether or not the deceased person was receiving a pension or other benefits
- the name, occupation and date of birth of their spouse or civil partner

The informant should also take, if possible

- the deceased person's medical card or NHS number
- the deceased person's birth and marriage or civil partnership certificates

Particular care should be taken at this stage to ensure that all the deceased's names have been stated correctly to avoid complications later when dealing with the deceased's assets.

The registrar will then make the entry in the register which the informant and the registrar will sign.

Obtain the death certificate

The registrar will give the informant The Registrar's Certificate for Burial or Cremation (known as the "Green Form") that gives permission for the body to be buried or for an application for cremation to be made and a death certificate, for which there will be a charge to be paid to the Registrar.

The death certificate is a certified copy of what is recorded in the register of deaths and will be needed in order to deal with the deceased's estate and any claims to pensions, life policies etc. It may be best to pay for several copies, as copies required at a later date will be more expensive. Note that ordinary photocopies are not accepted by most organisations, such as banks or life insurance companies.

Coroners

A coroner is an independent judicial officer. There will be a lawyer or a doctor appointed and paid for by the relevant local authority. Their duty is to enquire into violent or unnatural deaths, sudden deaths of unknown cause, and deaths which have occurred in prison.

No death certificate can be obtained until the coroner has concluded his or her investigation; instead the coroner will issue an "Interim certificate of the fact of death".

The purpose of the coroner's investigation is to determine whether an inquest should be held and, if so, whether there should be a post-mortem.

A death will always be referred to a coroner where:

- a doctor did not attend the deceased at all during the last illness
- a doctor had attended the deceased during the last illness but had not seen the deceased within the last 14 days before death
- the death was attributable to industrial disease
- the death occurred during an operation or before recovering from the anaesthetic
- the death was sudden and unexplained or occurred in suspicious circumstances
- the death might have been due to neglect, any kind of poisoning, dependence on or abuse of drugs, or an abortion

Death abroad

If someone dies abroad, the death should be registered according to the local regulations of the country and get a consulate death certificate. Also register it with the British Consul in the country the person died in, so that a record can be kept in the UK.

The funeral

Normally a body cannot be buried or cremated until the death certificate has been registered and the registrar has issued the green certificate. If the death has been reported to the coroner, there may be considerable delay in the registration of death and the coroner has power to release the body for burial or cremation in the meantime, so an application to the coroner's office for a burial order or certificate for cremation should be made in such a case. The deceased may have left directions in the Will specifying a preference for burial or cremation and may have set out detailed directions as to the nature of the funeral. Such directions are not legally binding but will usually be respected.

Cremation

A certificate from the registrar or a coroner's certificate is required before a cremation can take place, just as it is for a burial, but there are further formalities to be satisfied for cremation, made necessary by its irrevocable nature. This consists of completion of a number of forms that will be supplied by the crematorium or undertakers.

For further information and to discuss any area of concern, please contact us at Sydney Mitchell LLP
<https://www.sydneymitchell.co.uk/contact>

Headstone

Permission to bury the body in a churchyard or cemetery does not include the right to erect a headstone or other memorial. Any such permission must be sought from the priest in charge (in the case of grounds owned by the church) or from the local authority (in the case of a cemetery) and if granted, conditions will usually be imposed. Further conditions may be included concerning the shape and material of the headstone and the words and lettering of the inscription. It will usually be necessary to employ a monumental mason who will generally be familiar with the local requirements and will make the appropriate application to the church or cemetery authority. The cost of the headstone or other memorial is not strictly speaking an expense deductible from the deceased's estate so if it is to be met by the estate, the consent of the main beneficiaries should be obtained.

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