

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. Our experience means we are well versed in dealing with matters that need to be attended to.

Firstly the death must be registered. The process to do this depends upon whether the death was expected or unexpected or whether the cause of death is immediately apparent to the doctor attending.

An unexpected death

In certain circumstances the death must be reported to the coroner. 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. They will however issue an "Interim certificate of the fact of death."

Register the death – Who is responsible?

The 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 is usually a relative of the deceased. In the absence of a relative, the following people can also attend to this:

- 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 (this can include the solicitor instructed to assist the executor(s) with the administration of the estate)



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Where, when and how to register?

The death should be registered within five working days but this can be extended in certain circumstances. An appointment will need to be booked with the local registrar. You will need to take the following information to the appointment:

- 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). Care should be taken to ensure that all the deceased's names have been stated correctly to avoid any complications later
- 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

If possible also take with you:

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

The registrar will make the entry in the register and the death certificate will then be issued. A charge is made for each copy of the death certificate which you obtain. The death certificate 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.

The registrar also issues a 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 this will be required by the funeral directors prior to the funeral being held.

The funeral

Once the Green Form has been issued the funeral arrangements can be made.

If the death has been reported to the coroner, there may be a delay in the registration of death however an application to the coroner's office for a burial order or certificate for cremation can be made so that the body can be released in the meantime.

At this stage, it is a good idea to contact the solicitor who prepared the Will as 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.

For further information and to discuss any area of concern, please contact us at Sydney Mitchell LLP

<https://www.sydnemitchell.co.uk/contact>

Offices in **Birmingham, Shirley , Sheldon** and facilities in **Sutton Coldfield**

Apsley House
35 Waterloo Street
Birmingham
B2 5TJ

0121 698 2200

Chattock House
346 Stratford Road
Shirley, Solihull
B90 3DN

0121 746 3300

Shakespeare Building
2233 Coventry Road
Sheldon
Birmingham B26 3NL

0121 700 1400

The Guildhall
32 Lichfield Road
Sutton Coldfield
B74 2NJ

0121 647 4389

www.sydnemitchell.co.uk