



## BRIEFING PAPER

Number 06242, 12 November 2019

# Arranging and paying for a funeral

By Catherine Fairbairn

### Contents:

1. Who should arrange a funeral?
2. Using a funeral director
3. How soon can the funeral be arranged?
4. Is it necessary to get consent for a funeral abroad?
5. What happens if nobody will arrange the funeral?
6. Who pays for the funeral?
7. What does a funeral cost?
8. Payments from the Social Fund
9. Children's funerals



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Who should arrange a funeral?</b>	<b>4</b>
<b>2. Using a funeral director</b>	<b>5</b>
<b>3. How soon can the funeral be arranged?</b>	<b>6</b>
<b>4. Is it necessary to get consent for a funeral abroad?</b>	<b>8</b>
<b>5. What happens if nobody will arrange the funeral?</b>	<b>9</b>
<b>6. Who pays for the funeral?</b>	<b>10</b>
<b>7. What does a funeral cost?</b>	<b>11</b>
7.1 Sun Life report	11
7.2 Royal London report	11
7.3 Money Advice Service guide	11
7.4 Local authority providers	11
7.5 Work and Pensions Committee inquiry	11
7.6 Competition and Markets Authority investigation	12
7.7 HM Treasury call for evidence	13
<b>8. Payments from the Social Fund</b>	<b>14</b>
<b>9. Children's funerals</b>	<b>15</b>
9.1 England	15
9.2 Wales	15
9.3 Scotland	15

## Summary

This briefing paper deals with the position in England and Wales, except where specifically stated.

### **Arranging the funeral**

If a deceased person left a will and appointed executors, they have the primary responsibility for arranging the funeral. Where there is no will, the person who would be entitled to administer the estate (usually the closest relative) would generally have this responsibility. In practice, it is often family members or friends who arrange the funeral, sometimes on behalf of, and with the specific authority of, the executors.

It is sometimes possible to arrange a funeral at short notice, for example, to meet religious requirements. It is necessary to notify the coroner before the body of a deceased person may be moved abroad for a funeral.

### **Paying for the funeral**

Reasonable funeral expenses are payable out of the deceased's estate in priority to the payment of any unsecured debts or liabilities. Anyone who arranges the funeral may incur responsibility for paying the funeral directors, so it is important to establish where the money will come from, especially if there is insufficient property in the deceased's estate to pay for the funeral.

In certain circumstances, the local authority or NHS may have a duty to organise and pay for a funeral. This is where it appears that no other suitable arrangements have been or are being made. Local authorities do not have power to reimburse funeral costs where a third party has already arranged the funeral.

### **Social fund funeral payments**

Payments from the Social Fund can be made to claimants of means-tested benefits and tax credits to help meet the costs of a funeral. Social Fund Budgeting Loans provide additional help to low income families facing funeral costs, although these are repayable.

This briefing paper complements Library briefing SN01419, [Social Fund Funeral Payments](#), which provides more detailed information about the Funeral Payments Scheme.

### **Burial and cremation fees for children**

The Children's Funeral Fund for England (CFF) provides funding for the burial or cremation fees, and some associated expenses, including up to £300 towards a coffin, shroud or casket, for a child's funeral taking place on or after 23 July 2019. Further information is available in another Commons Library briefing paper, [Children's Funeral Fund for England](#).

Both the Welsh Government and the Scottish Government have also established schemes, under devolved powers, to make financial support available to providers of burial and cremation for children.

### **Investigation of funerals market**

The Competition and Markets Authority (CMA) is carrying out a market investigation into the supply of services by funeral directors at the point of need and the supply of crematoria services. Separately, on 1 June 2018, HM Treasury announced a call for evidence on the pre-paid funeral plan market, with a view to strengthening regulation of this sector.

# 1. Who should arrange a funeral?

If a deceased person left a will and appointed executors, they have the primary responsibility for arranging the funeral; they are entitled to recover funeral expenses from the deceased's estate.

Where there is no will, the person who would be entitled to administer the estate (usually the closest relative) would generally have this responsibility.

In practice, it is often family members or friends who arrange the funeral, sometimes on behalf of, and with the specific authority of, the executors.

Sometimes the deceased will have expressed a wish in a will, or elsewhere, as to the type of funeral they want.

The executors named in the will, or close family or friends, will usually arrange the funeral

## Online information about arranging and paying for a funeral

- CMA, in conjunction with Age UK and the Money Advice Service, [Advice for those arranging a funeral](#);<sup>1</sup>
- Gov.UK, [What to do when someone dies: step by step](#);
- Gov.UK, [Arrange the funeral](#);
- Gov.UK, [Get help with funeral costs \(Funeral Expenses Payment\)](#);
- Citizens Advice, [What to do after a death](#);
- Age UK Information Guide 03, [When someone dies](#);<sup>2</sup>
- Age UK Factsheet 27, [Planning for your funeral](#);<sup>3</sup>
- Natural Death Centre, [How can I arrange a good funeral?](#);
- Money Advice Service, [Help paying for a funeral](#).

<sup>1</sup> 28 March 2019 [all links last accessed 12 November 2019 unless otherwise stated]

<sup>2</sup> August 2018

<sup>3</sup> February 2019

## 2. Using a funeral director

It is not necessary to use the services of a funeral director although many people do so.

Gov.UK recommends choosing a funeral director who is a member of one of the trade organisations:

Choose a funeral director who's a member of either:

- [National Association of Funeral Directors](#)
- [The National Society of Allied and Independent Funeral Directors \(SAIF\)](#)

These organisations have codes of practice - they must give you a price list when asked.

Some local councils run their own [funeral services](#), for example for non-religious burials. The [British Humanist Association](#) and [Institute of Civil Funerals](#) can also help with non-religious funerals.<sup>4</sup>

Anyone who arranges the funeral may incur responsibility for paying the funeral directors, so it is important to establish where the money will come from. Further information about paying for a funeral is set out in section 6 of this briefing paper.

---

<sup>4</sup> Gov.UK, [Arrange the funeral](#)

### 3. How soon can the funeral be arranged?

Some people want to arrange a funeral very quickly, often to meet religious requirements. This can sometimes be difficult - for example, if the death occurs at the weekend or on a bank holiday.

The funeral can usually take place only after the death has been registered or, if the death has been reported to the coroner, the coroner has released the body.<sup>5</sup>

In order to arrange an out of hours funeral, it is generally necessary for there to be facilities for out of hours registration and burials, and, where appropriate, a coroner service (as well as there being funeral directors willing to provide an out of hours service if their services are required). There is some variation of practice in different areas and some local authorities have published their practice online.<sup>6</sup>

In February 2018, the Government answered a written Parliamentary question on the release of bodies by coroners:

Asked by Dr Matthew Offord on 17 January 2018

To ask the Secretary of State for Justice, what guidance his Department has issued to coroners on ensuring that bodies are released for burial as soon as possible as per religious tradition.

Answered by Dr Phillip Lee on 22 February 2018

Guidance for coroners is issued by the Chief Coroner.

The needs of those faiths which require early burial can only be fully met if coroners provide an out of hours service. In his Annual Report for 2016-2017 the Chief Coroner recommended that coroner areas should provide an out of hours service but that they should normally do so on a 'light touch' basis. He went on to say however that "in some areas an out of hours service will require more, particularly in order to assist families who seek early burial for their loved ones".

In addition, the Ministry of Justice's Guide to Coroner Services, which is available on gov.uk and is aimed in particular at bereaved families, says that "the coroner's office will take account where possible of individuals' views and expectations, including family and community preferences, traditions and religious requirements relating to mourning, post-mortem examinations and funerals".<sup>7</sup>

The Chief Coroner has issued guidance, [Report of death to the coroner: decision making and expedited decisions](#),<sup>8</sup> the purpose of which is stated as follows:

It is intended to be a practical guide to assist coroners in situations where (a) a bereaved family has made a request to the coroner for

---

<sup>5</sup> A Library briefing paper, [Coroners' investigations and inquests](#) (Number 3981) provides information about deaths reported to a coroner

<sup>6</sup> For example, Walsall Council, [Out of hours burials](#) (last updated March 2017), Sandwell Metropolitan Borough Council, [Out of hours death registrations and burial services](#)

<sup>7</sup> [PQ 123372 \[on Coroners\], 22 February 2018](#)

<sup>8</sup> [Guidance No. 28, 17 May 2018](#)

urgent consideration of the death of a loved one and/or early release of the body or (b) the coroner or coroner's officers otherwise become aware of features of a particular death which may justify treating it as especially urgent.<sup>9</sup>

The guidance notes that, in many coroner areas, there is no general provision of services outside of office hours and states that, in such areas, most decisions have to be taken during the working day. The guidance document does not address the provision of out-of-hours services, which, it states, "depend on resources being made available by funding authorities".<sup>10</sup>

Anyone wishing to arrange a funeral within a short timescale should take advice locally to see what might be achievable in the particular circumstances involved.

---

<sup>9</sup> Ibid, paragraph 2

<sup>10</sup> Ibid, paragraph 6

## 4. Is it necessary to get consent for a funeral abroad?

Anyone intending to remove the body of a deceased person out of England and Wales for a funeral abroad must give notice of this intention to the coroner within whose jurisdiction the body is lying.<sup>11</sup> Generally, the body may be moved after four clear days from when the coroner received the notice. However, depending on the circumstances, a coroner may allow removal sooner than this, or may direct within the four-day period that the body is not to be removed as further inquiries or examination are needed.

It is an offence to remove a body in contravention of the regulations.

Anyone wishing to arrange a funeral abroad should contact the coroner's office to establish what might be achievable in the circumstances involved.

---

<sup>11</sup> [Removal of Bodies Regulations 1954 \(SI 1954/448\)](#)



## 5. What happens if nobody will arrange the funeral?

Section 46 of the [Public Health \(Control of Disease\) Act 1984](#) imposes a duty on local authorities to bury or cremate the dead where it appears that no other suitable arrangements will be made. They should not cremate the deceased if they have reason to believe that the deceased did not wish to be cremated.

The local authority may claim the costs of the funeral from the deceased's estate, if there are sufficient funds.

Local authorities do not have power to reimburse funeral costs where a third party has already arranged the funeral.

Where a person dies in NHS care, the NHS may arrange and pay for the funeral, if there are no relatives or friends who are willing or able to do so. However, before doing so, an NHS Trust may approach the local authority to see if they are willing to arrange and pay for the funeral.<sup>12</sup>

---

<sup>12</sup> NHS guidance recommends that Trusts liaise with local authorities and others to develop protocols to establish respective responsibilities in such cases; see Department of Health, [When a Patient Dies: Advice on Developing Bereavement Services in the NHS](#), October 2005, pp18-20

## 6. Who pays for the funeral?

Reasonable funeral expenses are payable out of the deceased's estate in priority to the payment of any unsecured debts or liabilities.<sup>13</sup> What is reasonable in any particular case will depend on all the relevant circumstances, including, for example, the size of the estate and any specific wishes expressed by the deceased.

Some people arrange their own funeral before they die and there is sometimes a funeral plan or an insurance policy which may be used to meet the cost of the funeral.

Anyone who makes arrangements with a funeral director may be considered to have a binding contract and may therefore be personally liable to pay the costs. This is of particular importance where there is insufficient property in the deceased's estate to pay for the funeral.

---

<sup>13</sup> Administration of Estates Act 1925, section 34

## 7. What does a funeral cost?

### 7.1 Sun Life report

The insurance company Sun Life publishes an annual report on the “cost of dying”. Their report on the [Cost of Dying 2018](#) was published in September 2018. It estimated that the average cost of a basic funeral was £4,271 (up from £4078 in the 2017 report), but with considerable regional variations. This cost includes the fees for the funeral director, the fee for cremation or burial, the doctor’s fees, and clergy/celebrant fees. Further information can be found in the [full report](#).

### 7.2 Royal London report

The Royal London also publishes reports on the cost of funerals - most recently, [Change on the horizon? National Funeral Cost Index Report 2019](#). This report found that the average cost of a basic funeral in the UK costs £3,785, an increase of £28 from the previous year (2018 £3,758), again with considerable regional variations.<sup>14</sup>

### 7.3 Money Advice Service guide

The Money Advice Service has an online guide, [How much does a funeral cost?](#). This includes information about how to reduce the cost of a funeral and about direct cremation.

### 7.4 Local authority providers

Some local authorities provide lower cost funerals, including:

- [Cardiff Bereavement Services, Our funeral service](#);
- Sandwell Metropolitan Borough Council, [Launch of new low cost funeral service for £1,595](#), 5th October 2016.

### 7.5 Work and Pensions Committee inquiry

In March 2016, the House of Commons Work and Pensions Committee published its report, [Support for the bereaved](#).<sup>15</sup> Among other things, the Committee considered pressures driving up funeral costs and potential solutions (Chapter 3). The Committee recommended Government action:

67. We recommend that the UK Government follows the approach of the Scottish Government and acts to tackle the systemic causes of funeral inflation. The Government should conduct a cross-Departmental review of burials, cremations and funerals. This coordinated review should look to make recommendations that have a long-term impact on funeral inflation and work to reduce funeral poverty.<sup>16</sup>

---

<sup>14</sup> Meera Khanna, Royal London, [Bereaved are burdened with record high funeral debt](#), 4 September 2019

<sup>15</sup> HC 551, 31 March 2016

<sup>16</sup> p25

## 12 Arranging and paying for a funeral

The Government published its [response](#) in June 2016,<sup>17</sup> and indicated what it was doing to address the Committee's recommendation:

17. The Government will consider this recommendation in the context of the discussions we are already having with funeral directors, their representative organisations, the Local Government Association and others from the sector.

18. The Government has noted the work of the Scottish Government and are also speaking with them about their mitigation for possible unintended consequences of their approach, such as the industry passing on costs to other 'better off' consumers and smaller companies being driven out of business.<sup>18</sup>

### 7.6 Competition and Markets Authority investigation

On 1 June 2018, the Competition and Markets Authority (CMA) [announced](#) a review of the funerals market, to examine how well the market works and whether consumers are getting a good deal.<sup>19</sup>

In November 2018, the CMA published its [interim report and consultation](#) on whether to progress to a market investigation.

On 28 March 2019, the CMA stated that it remained concerned about the effectiveness of competition in the funerals sector and would therefore carry out an in-depth market investigation. The investigation is to focus on the supply of services by funeral directors and the supply of crematoria services.

The CMA set out its concerns as including:

- The rise in cost of organising a funeral, the essential elements of which have increased by 6% each year – twice the inflation rate – for the last 14 years. Funerals typically cost several thousand pounds which is a significant outlay for households.
- The vulnerability of many people when organising a funeral, which may mean that they are not in a position to look at a range of choices. This appears to have made it easier for some funeral directors to charge high prices.
- Reluctance of firms to publish/disclose clear prices, including online, or to provide comprehensive information on quality and range, making it difficult for people to compare funeral directors.
- Low numbers of crematoria providers in local areas, and difficulty for new companies to enter the market due to the planning regime and high fixed costs.
- High prices in relation to crematoria services – the largest private operators have implemented average price rises of between 6% and 8% each year for the past 8 years and

---

<sup>17</sup> HC 230, 22 June 2016

<sup>18</sup> p6

<sup>19</sup> Competition and Markets Authority press release, '[CMA investigates funerals sector](#)', 1 June 2018.

some local authorities have also implemented large increases in fees.<sup>20</sup>

The CMA's [webpage](#) on the investigation gives a timeline of what has happened so far.

## 7.7 HM Treasury call for evidence

On 1 June 2018, HM Treasury [announced](#) a parallel [call for evidence](#) on the pre-paid funeral plan market, with a view to strengthening regulation of this sector:

The government believes the current self-regulatory framework for the funeral plan sector is not sufficient to ensure the fair treatment of consumers and believes a more robust regime is required. The call for evidence will help the government design a new framework which is fit for purpose.

The government is particularly seeking views on:

- how the pre-paid funeral plan market currently operates, particularly with respect to the types of business models in the sector both with respect to provision and distribution
- the potential risk of consumer detriment under the current regulatory framework, and if present, where this risk is most acute
- HM Treasury's initial policy proposal to amend current legislation to allow for additional regulation of the sector by the FCA.<sup>21</sup>

The call for evidence closed on 1 August 2018 and the Government is now analysing feedback.<sup>22</sup>

---

<sup>20</sup> Gov.UK News story from the Competition and Markets Authority, [CMA launches funerals market investigation](#), 28 March 2019

<sup>21</sup> Gov.UK, [Closed consultation Pre-paid funeral plans](#) [at 12 November 2019]

<sup>22</sup> Ibid

## 8. Payments from the Social Fund

Payments from the Social Fund (part of the social security system) can be made to claimants of means-tested benefits and tax credits to help meet the costs of a funeral. Payments are made from the regulated Social Fund and, as such, are not limited by budgetary constraints.

The rules of the scheme in Great Britain are contained in the [Social Fund Maternity and Funeral Expenses \(General\) Regulations 2005](#) as amended.<sup>23</sup>

Under the scheme, full help may be given with certain funeral expenses including burial or cremation. Other expenses – such as funeral directors' fees, the cost of a coffin, church fees and flowers – may be covered but only up to a maximum of £700. From Spring 2020, the maximum amount is expected to increase to £1,000.

A separate Library briefing paper, [Social Fund Funeral Payments](#) provides information about the eligibility criteria and the level of payment, and also considers concerns expressed about the adequacy of the amount of the payment and other related issues. It also deals with Budgeting Loans for funeral expenses.<sup>24</sup>

On 16 September 2019, the Scottish Government introduced its own Funeral Support Payment, to provide help for people on low incomes to meet the costs of a funeral. The new Funeral Support Payment will be delivered by Social Security Scotland and replaces the Department for Work and Pensions Funeral Payment for people living in Scotland.

Further information is available online:

- Scottish Government News, [New funeral benefit to launch](#), 9 September 2019;
- mygov.scot, [Funeral Support Payment Guide](#), 25 October 2019.

---

<sup>23</sup> [SI 2005/3061](#) as amended

<sup>24</sup> Number 01419, 9 October 2018

## 9. Children's funerals

### 9.1 England

The Children's Funeral Fund for England (CFF) provides funding for the burial or cremation fees, and some associated expenses, including up to £300 towards a coffin, shroud or casket, for a child's funeral taking place on or after 23 July 2019.

The eligibility conditions are that the child is under 18 at the time of death or is stillborn after the 24th week of pregnancy, and that the burial or cremation takes place in England. The residence or nationality of the deceased child, or of the person responsible for organising the burial or cremation, are not relevant in determining eligibility. Payments from the CFF are not means tested.

Burial authorities, cremation authorities and funeral directors may apply to the CFF for reimbursement of specified fees which they would otherwise charge for the provision of the burial or cremation of an eligible child. It is intended that the parents or the family of the child are not charged the fees covered by the CFF. Anyone choosing to make the funeral arrangements themselves, without using a funeral director, may claim directly for the associated expenses provided for by the CFF.

Further information is available in another Commons Library briefing paper, [Children's Funeral Fund for England](#).<sup>25</sup>

### 9.2 Wales

On 24 March 2017, the then Welsh First Minister Carwyn Jones announced that, in future, there would be no local authority burial fees for children in Wales.<sup>26</sup> The Welsh Government subsequently drew up a Memorandum of Understanding with Welsh local authorities on the issue, which came into force in November 2017.<sup>27</sup>

Further information is provided on the Welsh Government website:

[Fees for child burials or cremations: guidance for local authorities](#).<sup>28</sup>

### 9.3 Scotland

On 30 May 2018, the Scottish Government confirmed that they would work together with the Convention of Scottish Local Authorities (COSLA) to remove local authority charges for child burials and cremations:

While most local authorities have already removed their fees, this new commitment - which is supported by Scottish Government

---

<sup>25</sup> Number CBP08610

<sup>26</sup> See: '[Child burial fees to be scrapped in Wales, says Carwyn Jones](#)', BBC News, 25 March 2017

<sup>27</sup> Welsh Government website article, '[Child burial fees will no longer apply in Wales](#)', 23 November 2017 [accessed 11 November 2019]

<sup>28</sup> Accessed 11 November 2019

## 16 Arranging and paying for a funeral

funding - will see the removal of their fees consistently and completely across all areas.<sup>29</sup>

Further information is provided by COSLA, [Local Authority Charges for Children's Burials and Cremations](#).<sup>30</sup>

---

<sup>29</sup> Scottish Government News, [Child burial and cremation fees to end](#), 30 May 2018

<sup>30</sup> June 2018



### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).