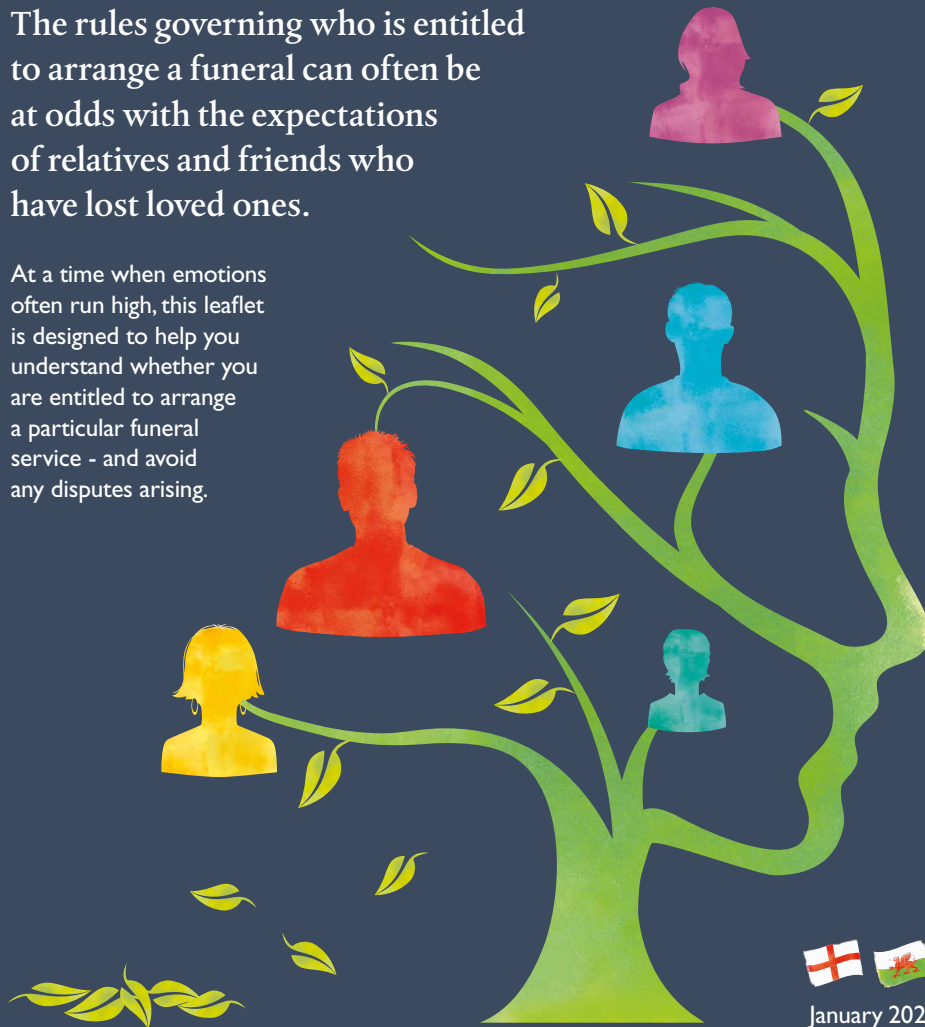




# Who is entitled to make funeral arrangements?

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.



January 2021

## 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 with another party, you may wish to take independent legal advice before proceeding.



### **Has an Executor/Executrix been appointed?**

An Executor (or Executrix) is a person appointed by the person who has died, the details of which are set out in their Will. If an Executor has been appointed, you should only arrange the funeral with this person's agreement.

### **Has someone been appointed as the administrator of the estate?**

If the person died without appointing an Executor (e.g. if they didn't leave a Will), certain relatives can apply to become the administrator of their estate. If you are aware that someone has been appointed as the administrator, you should only arrange the funeral with this person's agreement.

### **No one has been appointed as the executor or administrator**

If no one is likely to apply for letters of administration (e.g. where the value of the deceased person's estate is modest), it will not always be clear exactly who is entitled to arrange the funeral.

### **In these circumstances, we can offer the following advice:**

#### **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.

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

If the person who has died was married, or in a civil partnership, their spouse or civil partner 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 or civil 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 or civil 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 another relation of the person who has died**

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



<b>The Executor, Executrix or Administrator of the deceased person's estate</b>
<b>The husband, wife or civil partner of the person who has died</b>
<b>The children of the person who has died</b> (in the event that one is no longer alive, their children take their place.)
<b>The parents of the person who has died</b>
<b>The brothers and sisters by both parents of the person who has died</b> (in the event that none of the person's brothers or sisters are still alive, their children take their place.)
<b>The brothers and sisters by one parent of the person who has died</b> (in the event that none of the person's brothers or sisters are still alive, their children take their place.)
<b>The grandparents of the person who has died</b>
<b>Uncles and aunts of the person who has died</b> (in the event that none of the person's uncles and aunts are still alive, their children take their place.)

**I am in dispute with someone who sits alongside me in the hierarchy (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.

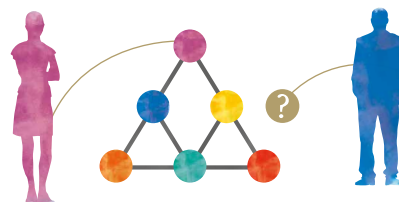
If you cannot reach agreement, you may wish to seek independent legal advice.



**My relationship with the person who has died is not listed in the hierarchy**

If you are in dispute with someone whose relationship with the person who has died is listed in the hierarchy above, they will most likely have priority over you.

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



## Contact us

**National Association  
of Funeral Directors**

618 Warwick Road, Solihull,  
West Midlands B91 1AA

**Telephone** 0121 711 1343

**Email** [info@nafd.org.uk](mailto:info@nafd.org.uk)

**Visit** [www.nafd.org.uk](http://www.nafd.org.uk)



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Association