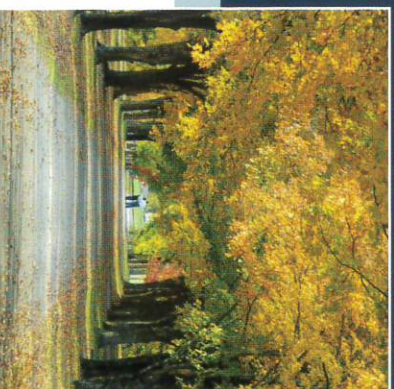
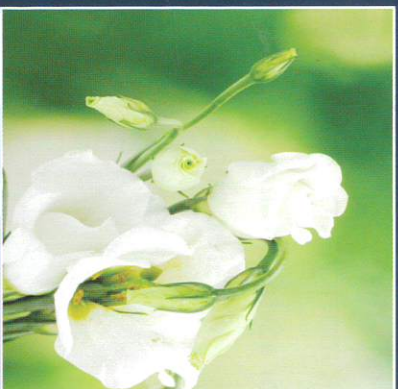
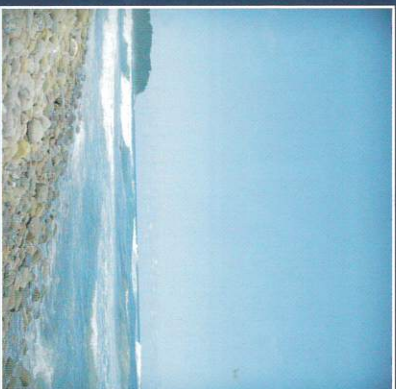


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# How Can Torbay Council Help You

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We know just how difficult a time it can be when someone close to us dies. The feelings of shock, sadness, loss and bewilderment can take over our lives. It is also a time when there are so many things to be done, just when we feel least able to do them.

The Council's Registration Service has produced this death and bereavement guide to help you through this difficult time. It provides guidance, support and reassurance and will help you to access all the information you will need to help you through your bereavement.

In the guide we will give you all the information that we know you are likely to use in the next few weeks and months. We suggest what the first priorities are; explain how, when and where you register the death; offer help with arranging a funeral ceremony and sorting out the estate and provide lists of organisations and agencies you may need to contact. We let you know what is required by law and what your choices are within it. There is a section on how you can help to cope with the feelings of bereavement.

Losing a loved one presents many challenges and our bereavement guide gives some suggestions of organisations you might like to contact for support.

We aim to provide a sympathetic, helpful and considerate service to help you make the necessary decisions and arrangements when someone dies. It is important to us that you have the best and clearest information and guidance to make sure that the arrangements you make are the ones that are best for you, your family and friends.

If you need this information in another language, large print, Braille, on audio cassette, computer disk or by email, please telephone: **01803 208888**.

For further help or advice, please call:  
**01803 207130.**



# The First Steps

## What must you do when someone dies?

When someone dies, you will need to inform a number of people and organisations and complete certain documents needed by law. If you are a relative or friend you can do some of these things yourself. Others will need to be done by the executor or administrator of the estate. There is plenty of support available to help you through this difficult time.

- Tell the family Doctor if they are not already aware
- Contact a Funeral Director, if you intend to use one
- Obtain a medical certificate of cause of death signed by a Doctor or if the Coroner is involved take instructions from Coroner's Officers regarding registration of death
- Register the death at the Register Office. You'll find details of how to do this in the section on Registration
- Begin arrangements for the funeral – you should check the will for any special requests. Information on what choices are available is in the section headed Funerals.

### As early as possible:

- Contact the executor as soon as you can to enable him/her to start the process of obtaining probate if necessary. The executor is usually nominated in the will
- If there is no will, decide who will apply to sort out the deceased's affairs and contact the Probate Registry to apply for 'letters of administration' if necessary.

## Documents you will need in the first few days.

You will need to gather together the following documents as soon as possible to enable registration of the death and to start the funeral arrangements:

- Medical certificate of the cause of death, signed by a Doctor unless the Coroner is involved and there has been a Coroner's post mortem
- Birth certificate
- Marriage/civil partnership certificates
- NHS number / NHS medical card.

**Note:** It is not necessary to have these documents but you will need to provide information contained within them, e.g. date and place of deceased's birth, spouse/civil partner's full name etc.





# Registration

## How do you register a death?

How and where can you register a death, and find information you will need to provide?

A death must be registered within five days from when it occurred. This period can be extended in exceptional circumstances and if the Coroner is involved. The registration must take place in the district where the death occurred.

If it is difficult for you to get to the appropriate Registration Office, you may visit your local office and declare the necessary information. In this case the registration by declaration may result in a delay in the issue of the documents needed for funeral arrangements. If you need further advice and help please telephone: 01803 207130.

You can only register a death once you have the Medical Cause of Death Certificate form the Doctor or hospital. Sometimes deaths have to be reported to the Coroner which may delay the registration process.

If there is to be an inquest into the death, you will not be required to register. The Coroner will give you further information.

## Who can register a death?

- A relative
- Someone present at the death
- A senior official of the nursing/ residential home/ hospital where the death took place
- The person making the arrangement with the Funeral Directors
- The person who found the body
- The person in charge of the body.

## What information will you need to give the Registrar about the deceased?

- The date and place of death
- Their full name and any other names they are known by, or have been known by, including their maiden surname
- Their date and place of birth
- Their last occupation (if the deceased is married, widowed or has a formal civil partnership, the full name and occupation of their spouse or civil partner)
- Their usual address
- The date of birth of a surviving spouse or partner
- Details of any public sector pension, e.g. civil service, teacher or armed forces.



## What information will you need to give the Registrar about yourself as the person registering?

- Your relationship to the deceased for example, son daughter, widow, widower, niece, nephew, surviving civil partner
- Your full name
- Your usual address

## What documents will you need when registering a death?

When you go to register the death you must take with you:

- Medical Certificate of the Cause of Death, signed by a Doctor unless the Coroner is issuing the paperwork

It would also be helpful, but not essential if you can take the deceased's:

- Birth certificate
- Marriage / civil partnership certificates
- NHS medical card

## What documents will you receive from the Registrar?

After the information has been recorded into the death register, the Registrar will issue the necessary forms and certificates.

If a post-mortem is not being held, the Registrar will give you:

- A Certificate for Burial or Cremation (called the 'green form'), giving permission for the body to be buried or for an application for cremation to be made. (If the deceased is to be buried or cremated outside of England or Wales, the Coroner will issue the necessary forms)
- Certified copies of the registration (Original Death Certificates). There is a statutory fee payable to the Registrar for each copy.
- A Certificate of Registration of Death (form BD8) issued for the Benefits Agency. This will only be issued if you do not wish to use the "Tell Us Once" service (see below).

## "Tell Us Once"

This service is offered by the Registrar, on behalf on the government, after completing the registration and will notify the following departments:

- Local Councils
- Housing Benefit Office
- Council Tax Benefit Office
- Council Tax
- Collection of payment for Council services
- Libraries
- Electoral Services
- Blue Badges
- Adult Services
- Children's Services
- Concessionary Bus Passes

## Government Departments

- Department of Works and Pensions
- HM Revenues and Customs
- Identity and Passport Service
- Driver and Vehicle Licensing Service.

## Information you will need to use the service

Please bring the following information relating to the deceased at the time of registration:

- National Insurance Number
- Details of any benefits or services they were receiving
- Valid Driving Licence or Driving Licence number
- Blue Badge
- Valid passport or passport number.

## What happens if the death is referred to a Coroner?

If the Coroner decides there should be a post mortem, a certificate giving the cause of death will be sent to the Registrar on completion of the Coroner's enquiries. You can then go ahead and register the death.

In a small number of cases – where the cause of death is unclear, sudden or suspicious - the Doctor or hospital or Registrar will report the death to the Coroner. In this case, registration of the death will be delayed as an inquest will need to be held.

## Inquests

It is the duty of Coroners to investigate deaths which are reported to them and which:

- Appear to be due to violence
- Are unnatural
- Are of sudden and of unknown cause
- Occur in legal custody.



# Registering a Stillbirth

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## What do you need to do to register a stillbirth?

When a child is stillborn, a Doctor or midwife will issue a Medical Certificate of Stillbirth. The person who registers the stillbirth must take this certificate to the Registrar. Every stillbirth in England or Wales must be registered in the district in which it takes place. A stillbirth must be registered within 42 days.

## Who can register a stillbirth?

- Parents married to each other
- If the parents of the child were married to each other at the time of the stillbirth (or conception), either the mother or the father may register.
- Parents not married to each other

If the parents were not married to each other at the time of the stillbirth (or conception), information about the father may be entered in the register only in the following circumstances:

- If the mother and father go to the Register Office and sign the stillbirth register together, or where the father unable to go to the Register Office with the mother – the father makes a statutory declaration acknowledging his paternity which the mother must produce to the Registrar (this form may be obtained from any Registrar in England or Wales), or where the mother is unable to go to the Register Office with the father – the mother makes a statutory declaration acknowledging the father's paternity which the father must produce for the Registrar (this form may be obtained from any Registrar in England or Wales).

If the parents of the child cannot register the stillbirth, the following are required to do so:

- The occupier of the house or hospital where the child was stillborn
- A person who was present at the stillbirth
- A person who is responsible for the stillborn child
- The person who found the stillborn child (where the date / location are unknown).

## Information to be supplied for the registration of a stillbirth

### For the child:

- Date and place of stillbirth
- The forename(s) and surname, if the parents wish to name the stillborn child
- Sex of the child.

### For the father (where this information is to be entered in the register):

- Forename(s) and surname (and any other names he has been known by)
- Date and place of birth
- Occupation at the time of the stillbirth or, if not employed at that time, the last occupation.



### For the mother:

- Forename(s) and surname (and any other names she has been known by)
- Maiden surname if the mother is, or has been, married
- Date and place of birth
- Occupation at the time of the stillbirth or, if not employed at that time, the last occupation
- Usual address at the date of the stillbirth
- Date of marriage, if married to the stillborn child's father at the time of the stillbirth.

### What certificates will be issued?

#### Certificate of Registration

The Registrar will issue a certificate for the burial or cremation of the stillborn child. The certificate is normally passed to the Funeral Director who is making the arrangements.

A funeral cannot take place until this certificate is given to the burial authority or the crematorium. If there is a delay to the registration, it is possible for a certificate for the burial to be issued before registration provided the stillbirth does not need to be reported to the Coroner. A certificate for cremation cannot be issued before the registration.









# THE FUNERAL

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**A funeral can be either by burial or by cremation**

You can organise it with or without the help of a Funeral Director and personalise it as much as you wish. In some cases the deceased may have planned their own funeral in advance.

**How do you arrange the funeral and what are your rights under the law?**

The main legal requirements in England and Wales are:

- The death has to be certified by a Doctor or Coroner
- The death is registered with a Registrar of births, deaths and marriages
- The body should be either buried or cremated
- There is no legal requirement to have any kind of funeral ceremony at all.

**What is the role of the Funeral Director?**

**Using a Funeral Director**

The majority of people choose to use a professional Funeral Director. This can help at what is generally a stressful time, and will ensure that the remains of the deceased are dealt with in a dignified way. Your Funeral Director can advise you about the options available to you.

**Organising alternative burials**

You will need a death certificate signed by a Doctor and a certificate for burial from the Registrar of deaths.

Remember that, if you are planning a private burial, which includes those not in a churchyard or cemetery, you must first register your intention to do so.

If you are planning an interment on private land, then a number of local authority permissions will need to be granted. Even if you own the land concerned, you must check the deeds to ensure there are no restrictions on what the property may be used for. It is important to consult the local district and environmental health department who will want to ensure that the local water table will not be affected.

A record of the burial should be made and kept with the deeds or other relevant documents relating to the land.





## How will you pay for the funeral?

### Funeral costs

If you arrange a funeral, you're responsible for paying the bill, so check where the money will come from and if there will be enough.

Funeral costs may be paid in different ways including:

- From the estate of the deceased
- The deceased may have been paying into a funeral scheme or have a prepaid funeral plan – you'll need to check paperwork to see if a plan exists
- Money from a life insurance policy or pension scheme
- The deceased's bank or building society may agree to release funds to pay for funeral costs
- You, or the executor, may need to pay and then recover the money from the estate later.

Funeral costs for the same services may vary considerably from one Funeral Director to another. You would be advised to get more than one quote to compare costs and services.

Disbursements and fees paid to others, for example, for Doctors' certificates, a minister, newspaper announcements, flowers or the crematorium may be additional to the funeral costs.

You should ask the Funeral Director for a written quotation detailing all these fees.

## Financial Help

If you are finding it difficult to pay for a funeral that you have to arrange, you may be able to get a social fund funeral payment from the Benefits Agency, so long as you or your partner receive one of the following:

- Income support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Housing Benefit
- The disability or severe disability element of Working Tax Credit
- One of the extra elements of Child Tax Credit
- Universal Credit
- Pension Credit

Contact your local social security office for more information.

If you are widowed you may be able to claim Bereavement Allowance, a taxable weekly benefit paid to you for up to 52 weeks from the date of death of your husband, wife or civil partner.

You may be able to claim Bereavement Allowance if all of the following apply:

- You're a widow, widower or surviving civil partner aged 45 or over when your husband, wife or civil partner died
- You're not bringing up children
- You're under state pension age. Your late husband, wife or civil partner paid National Insurance Contributions (NICs), or they died as a result of an industrial accident or disease.

## Documents you'll need before you can arrange a funeral

You will also need to give the Funeral Director, crematorium or cemetery office the following forms:

### Burial

- Green Certificate for Burial from the Register Office
  - or Order for Burial if the Coroner was involved.

### Crematorium

- Application for cremation signed by the next of kin or executor, from the Funeral Director or crematorium
- Green Certificate for Cremation from the Register Office, or Order for Cremation if the Coroner was involved.

## Detailed planning of the funeral

The key decisions that need to be made for the funeral are listed below. If you're using a Funeral Director they will help you with all of this:

- Where they body should rest before the funeral
- Time and place of the funeral (though this can only be finalised once the order for the burial/cremation has been issued)
- Type of service (religious or other) and who will conduct it/contribute
- How much to spend on the funeral

- Whether to have flowers or instead donate money to a chosen charity
- Where to donate flowers after the funeral
- Sending out invitations
- Placing a notice in the newspapers
- Taking the deceased's wishes into account.

Remember to check the deceased's will or other written instructions for special wishes about their funeral or what should happen to their body. However, the executor does not have to follow the instructions about the funeral left in the will. If there are no clear wishes it's generally the executor or nearest relative who decides whether the body is to be cremated or buried.





# THE ESTATE

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## How do you sort out the estate of the deceased?

When a person dies, somebody has to sort out his or her estate. Their estate includes their money, property and the possessions they've left. If you are the person doing this you collect in all the money, pay any debts and share out the estate to those people entitled to it.

You can pay a solicitor to sort out the estate for you. You may already have a solicitor your family uses. If not, you will need to choose one. Ask friends for recommendations and, when you contact them, ask about their charges.

## How can you get help to cancel Council Services?

The Registrar who registers the death must tell certain departments that this person has died. These departments include the Council Tax Office and the Electoral Register.

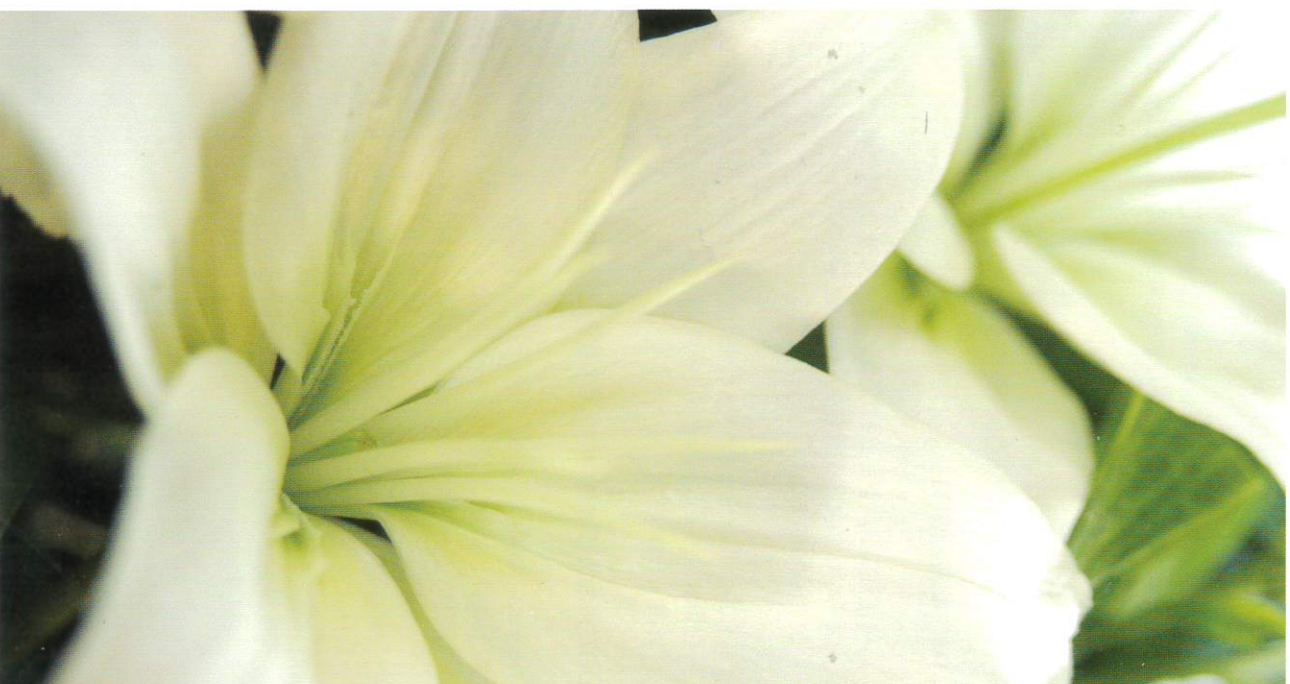
## How do you apply for probate?

To sort out someone's estate, you may need to apply for probate. The Probate Office will give you a grant of probate if the person left a will, or will grant letters of administration if there isn't a will. Your local Probate Registry will send you the forms you need with notes and guidance on what you have to do.

Probate and Inheritance Tax Helpline: **0300 123 1072**  
Monday to Friday 9am to 5pm

**[www.gov.uk/wills-probate-inheritance](http://www.gov.uk/wills-probate-inheritance)**

**[www.hmrc.gov.uk](http://www.hmrc.gov.uk)**



## What does a grant of probate, or letter of administration, allow you to do?

A grant of probate is a legal document which allows the people named in it to collect and distribute the estate of the deceased. You can show it to organisations that hold these assets, such as banks or building societies. Probate is the process of officially proving that a will is valid, but the following information applies equally where the deceased died without leaving a will – in which case the grant is called a letter of administration.

## Is a grant of probate needed in all cases?

Not always. It may be necessary to obtain a grant of probate where a home is held in joint names and is passing by survivorship to the other joint owner where a joint bank or building society account is held. Production of a death certificate may be sufficient for the monies to be transferred to the joint holder and certain institutions may release monies without a grant being produced if the amount held by the deceased was small. You will need to apply to the institutions to see if they will release monies without a grant.

Staff at probate registries will offer procedural guidance on how to obtain a grant. They cannot provide legal advice.

You should remember that if the deceased owner a vehicle then it is possible that there is no longer insurance cover for it to be driven. Many policies state that a vehicle may be driven by someone else with the owner's permission but as soon as the owner dies any such permission may cease. It is best to contact the car insurance company before anyone drives the vehicle to make sure they are insured.

## Who do you do if there is no will?

If someone dies without making a will, they are said to have died 'intestate'. If this happens the law sets out who should deal with the deceased's affairs and who should inherit their estate. This information covers England and Wales only.

When there is no will, dealing with the estate can be complicated. It can also take a long time – months or even years in very complex cases.





# BEREAVEMENT

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## How can you get help and support with bereavement?

There are many organisations that can help and support you following bereavement. This is a list of some of them that might be useful to you at a time of bereavement.

### British Organ Donor Society (BODY)

A self-help and support group for families of organ donors and for those who have received organs.

Email: [body@argonet.co.uk](mailto:body@argonet.co.uk)

<http://body.orpheusweb.co.uk/BODY.html>

### The Compassionate Friends

Gives support to parents whose son or daughter has died. Tel: **0845 1232304** or visit:

<http://www.tcf.org.uk/>

### Cruse Bereavement Care

Provides a nationwide service of bereavement counselling, advice, information and social contact through its headquarters and more than 196 local branches, to anyone bereaved by death irrespective of age, race, religion, gender or sexual preference.

Email: [helpline@cruse.org.uk](mailto:helpline@cruse.org.uk)

Daytime helpline: **0345 123 2304** or visit:

<http://www.cruse.org.uk/>

### Lullaby Trust

For parents of a baby who has died suddenly and unexpectedly. Has leaflets and information for bereaved parents and health professionals.

Cot Death Helpline: **080 8802 6868** (24hrs)

<http://www.lullabytrust.org.uk>

### MacMillan Cancer Support

Offers support, helping with all the things that people affected by cancer want and need. Tel: **0808 808 00 00** or visit: <http://www.macmillan.org.uk>

### The Miscarriage Association

Offers support and information on all aspects of pregnancy loss (miscarriage up to 24 weeks and ectopic pregnancy). Tel **01924 200799** or visit: <http://www.miscarriageassociation.org.uk/>

### Road Peace

The UK's national charity for road crash victims, provides support to those bereaved or injured in a road crash. Tel: **0845 4500355** or visit:

<http://www.roadpeace.org/>



## The Samaritans

For someone you can talk to who will give you support. There are over 180 branches that are open 24 hours a day. Tel: **08457 909090** or visit: <http://www.samaritans.org/>

## SSAFA Forces Help

The national charity helping serving and ex-service men, women and their families in need.

Tel: **0845 241 7141** or visit: <http://www.ssafo.org.uk/>

## The Terrence Higgins Trust

A charity providing practical support, help, counselling and advice for anyone with or concerned about AIDS or HIV infection.

Tel: **0808 802 1221** or visit: <http://www.tht.org.uk/>

## The Stillbirth and Neonatal Death Society (SANDS)

Offers support to parents bereaved through pregnancy loss, stillbirth or neonatal death.

Tel: **020 74365881** or visit: <http://www.uk-sands.org/>

## The War Widows Association of Great Britain

Gives advice, help and support to all war widows and dependants. Tel: **0845 2412 189** or visit: <http://www.warwidows.org.uk/>

