

BODY COLLECTION FORM

The information on this form mentions some of your choices. Please change the wording to match your circumstances or strike out* any words which do not apply.

This form relates to the body of (name) _____, whose address was _____
_____. Their date of birth _____ date of death _____
hospital ward or place of death _____ and faith or religion if any was _____

The person responsible for their Will* or their nearest relative* is _____
address _____ Tel. _____

- 1. I am shown in paragraph 3 (See "The law in England & Wales and doing what feels best") as (2), (3), (4) or I am acting for (2), (3) or (4). [YES] - [NO]
- 2. I am aware that I may collect the body of _____ using my own vehicle and have the choice, on whether or not to use a coffin for the journey. [YES] - [NO]
- 3. I have instructed (friend, relative or undertaker) _____ to collect their body*. [YES] - [NO]
- 4. I have already collected all property including personal belongings and clothing, as well as the clothing worn at the time of death. [YES] - [NO]
- 5. I have collected today all valuables, personal belongings and clothing, as well as the clothing worn at the time of death. (All items are listed in the box below). [YES] - [NO]
- 6. I do not wish to recover clothing worn at the time of death and give consent here for those items to be destroyed or disposed of by any means. [YES] - [NO]
- 7. If no clothing or personal effects are present, the reason is given in the box below. [YES] - [NO]
- 8. The body of _____ is in a respectful condition and has been given to me in a sensitive way. [YES] - [NO]
- 9. The body of _____ has / has not undergone a post mortem (meaning surgery after death). [YES] - [NO]
- 10. I have / have not checked the identification band.

I will give the body of _____ to anyone else, if and only if, they have a greater right to have it. I have read, or will read later, the notes overleaf about "lawful control" and who has the greatest right.

Name: _____ Signed: _____ Date: _____

Address if not shown above _____ Tel. _____

This part is to be completed, only if an undertaker has been given instructions to help.

I have produced a letter of authority from the person responsible for the Will or the nearest relative, civil partner or person or organisation with lawful control. That letter of authority does / does not instruct me to collect any clothing, including clothing worn at the time of death, jewellery or other property. I will not dispose of any of those things unless instructed in writing to do so by the person with lawful control.

Company: _____ Name: _____ Signed: _____ Date: _____

Name of Hospital Staff Member _____ Occupation _____

I am aware that I must ensure the body of _____ can be collected without seeing any formal documents. I am aware that if I obstruct the person with the greatest right to claim "lawful control", or person acting for them, court action might be taken against me.

Disease risks decrease after death and this is reflected in any advice or information issued with this form

I have read the end note overleaf, checked the identification band and any other identification records [YES] – [NO]

I have made a photocopy of this side of the completed form and retained it for the hospital's records [YES] – [NO]

Signed: _____ Date: _____

This box can be used to record any details mentioned above or anything else

The law in England & Wales and doing what feels best

The main legal requirement is that the body must not be abandoned. The death must be medically certified through a doctor or coroner. The nearest relative or another person must report the death to the registrar of births and deaths.

For impartial guidance on your full range of choices, the Alice Barker Trust can be contacted on 01423-530900 or 01423-868121. Other charities may be able to help you, without any subtle pressures, to do anything in particular.

Those who can have "**lawful control**" over the body and collect it are shown here, in their order of priority:-

(1) the coroner, who must release the body when the cause of death has been investigated and there is no necessity to retain it, for legal evidence in connection with any death; **(2)** in the case of an adult, the person responsible for their Will; **(3)** the nearest relative or civil partner; **(4)** the person or organisation paying for the funeral. If the local council pays for a burial, the nearest relative is legally in charge, in some and possibly all circumstances.

Unless a coroner is involved, the body can be collected without delay. A burial or cremation cannot go ahead, until the necessary papers have been issued. For advice on that, ask your local registrar of births and deaths (or coroner if involved) or staff in any public cemetery or crematorium. Burials do not have to be in cemeteries or churchyards.

The wishes of the person who has died

Check the Will of an adult or anything else they may have written about their funeral preferences. However in law, their preferences are not instructions, so do not have to be followed. More often than not, preferences are agreed to out of love and respect. Whether or not any clear wishes have been expressed, the final decision is up to (a) the person responsible for their Will but they must act sensitively or (b) the nearest relative or civil partner or (c) whoever is paying for the funeral. That, as mentioned above, is the order of priority in law.

Would you prefer to use an undertaker?

The best undertakers are more than happy to be employed to do as much or as little as you require. For example, you may prefer that they collect the body and leave you or others to do everything else?

If you decide to use an undertaker, you give instructions, about what you do and do not want them to do on your behalf. They are traders, so consumer law gives you legal protection when you use them. The Office of Fair Trading advises that you obtain three quotes, from three firms of undertakers, so you can compare prices. Whatever you agree with them, will be given to you in writing before the funeral, so you know what you have agreed to pay. Always ask for a copy of their code of practice and terms and conditions to be provided at the same time. For further help, you could try Citizens Advice Consumer Helpline on 08454 04 05 06. Refer to Trading Standards, any questions about breaking of trading laws.

Collecting and transporting the body

There are many false beliefs about moving bodies. There are no fees to pay and no permissions to obtain, before taking a body over a parish or county boundary. A public footpath cannot be created over the route taken with a body.

If a coroner is not involved, it is illegal for anyone to prevent you having "control" over and "possession" of the body, from the moment of death. It would be illegal for anyone, including hospital staff, to stop you collecting the body, because you haven't done something, such as arranged a funeral, registered the death or produced some document. Hospital staff are only allowed to do what a court would regard as "reasonable". The courts might or might not agree, that it is reasonable to ask you to sign a form, such as this one you are now reading, as it does not prevent you claiming immediate rights of "control". It is designed for your benefit and creates a record for the hospital.

The law does not require that a coffin be used for collecting a body (or burial or cremation) but many people do so. Ideally you will need a car, van or other suitable vehicle, into which the body of an adult can be slid straight from a trolley, with or without using a coffin. There is no such thing as a special vehicle licence for the purpose.

The body of the person who has died can be dressed in their own clothes. Most of us know what is meant by indecent exposure and that is illegal, whether we are alive or dead. Using a body to deliberately shock anyone or any number of people, is illegal.

Taking a body outside England and Wales

The coroner must give permission without charge, before a body can be moved out of England and Wales. Then you, a relative, friend or neighbour can take the body to Scotland, Northern Ireland or another country. Details can be obtained from a coroner or registrar of births and deaths. Specialist undertakers can help with very long journeys.