

BODY COLLECTION FORM

The information on this form mentions some of your choices.

Please **change the wording** to match your circumstances and **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 is _____ and nearest relative is _____
address _____ Tel. _____

- 1. I am shown in paragraph 3 overleaf as (2), (3), (4) or I am acting for (2), (3) or (4). [YES] - [NO]
- 2. I am aware that I may immediately collect their body myself, using my own vehicle and have the choice, about whether or not to use a coffin for the journey. [YES] - [NO]
- 3. Their body will be collected by a friend, relative, undertaker or other commercial contractor. [YES] - [NO]
- 4. I have collected all valuables such as jewellery, other 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]
- 5. I do not wish to recover clothing worn at the time of death and give consent here for those items to be destroyed or given to a charity or person in need. [YES] - [NO]
- 6. If no clothing or personal effects are present, the reason is given in the box below. [YES] - [NO]
- 7. The body is in a respectful condition and has been given to me in a sensitive way. [YES] - [NO]
- 8. The body has undergone a post mortem (meaning major surgery to discover the cause of death). [YES] - [NO]
- 9. I have checked the identification band or other identification details. [YES] - [NO]

I will give the body 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. _____

Strike out this box, if you, friends and / or relatives **will not** be giving instructions to a trader, such as an undertaker, to help you.

I, being a trader, 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.
If I have not produced a letter of authority, I have provided a typed explanation of the reason and accept full legal responsibility for any direct or indirect consequences.

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

Name of Hospital Staff Member _____ Occupation _____

I am aware that I must ensure the body 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. Any disease risks decrease after death and this is reflected in any advice or information issued with this form - [Yes] - [No]
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. Other charities may be able to help you do what feels right, without any subtle pressures, to do anything in particular.

Those who can claim "**lawful control**" over the body and collect it are shown here, in **their order of legal 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 or friend is legally in charge and by implication that may also apply to cremations.

Unless a coroner has already taken control, the body can be collected immediately. 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 a public cemetery or crematorium. Burials do not have to be in cemeteries or churchyards.

The wishes of the person who has died

Unless to meet the religious needs of the person who has died, funerals are not necessary and there are options in addition to burial and cremation, which are lawful. Check the Will of an adult or anything else they may have written about their funeral preferences. Those may or may not be binding on those responsible for a Will or the relatives. Preferences would be binding on a court if it has to make a decision. European law (e.g. Dödsbo -v- Sweden 2006) means burials should, whenever possible, only be in places familiar to or requested by the person who has died. Those responsible for Wills are required by law to act sensitively over funeral and related matters. When the local council pays for a funeral, it cannot arrange a cremation, if that would be against the known wishes of the person who has died - see (4) above.

Would you prefer to use a trader such as an undertaker?

The best traders, 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 and deliver the body to your home or another place and leave you or others to do everything else?

If you decide to use an undertaker or other trader, you remain in legal control and give instructions, about what you do and do not want them to do. The Office of Fair Trading advised that three quotes, (not estimates) be obtained, so you can compare prices. One firm may charge double that of another. Whatever you agree, 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 conduct to be provided at the same time. For further help, you could try Citizens Advice Consumer Helpline on 08454 04 05 06. Consumer law gives you legal protection, so refer to Trading Standards in your local council, questions about breaking of trading laws.

Collecting and transporting the body

See below about taking a body out of England and Wales.

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 to prevent others (see 3rd paragraph above) 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 person's body 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 in your own car to Scotland, Northern Ireland or other country. Details can be obtained from a coroner or registrar of births and deaths. Specialist undertakers offer to help with very long journeys.

IMPORTANT NOTE FOR HOSPITAL STAFF

All staff involved with dying, bereavement and the collection of bodies, should be aware of relevant law.

That is shown on the hospital's website on www.XXXXX.XXXXX.etc.etc

If that cannot be found at any time through NHS contacts, the Alice Barker Trust may be able to advise.