

The legal situation in England, Northern Ireland and Wales



- If there is a will, the legal right lies with the Executor of the deceased's will.
- If there is no will, the legal right lies with the highest-ranking individual who constitutes the deceased's closest relative(s) (or Next of Kin) under intestacy laws in this order:
 - Surviving spouse or civil partner of the deceased
 - followed by children
 - parents
 - siblings
- If a person dies leaving a valid will, then the Executors of that will have the right to deal with the Executor(s)' powers derive from the will itself and not the grant of probate, meaning that the Executor(s) can deal with the funeral arrangements even if they have not yet obtained a grant of probate.
- If the deceased had no living relatives, then the householder in which the deceased died and/or the person with actual possession of the body has the right to dispose of it (usually a hospital or coroner). Otherwise in the absence of the above, Section 46 of the Public Health (Control of Disease) 1984 provides that it shall be the duty of the local authority.
- If the deceased left instructions in their will as to how their body should be disposed of, this is usually considered an expression of wishes and is not legally binding on the Executors, although they should take these wishes into account.