

When disagreements happen



- In England, Wales and Northern Ireland, the deceased's personal representatives (the Executors of their will or the administrators of their estate under the intestacy rules) have the right to determine how and where a body should be disposed of – even if other members of the family object.
- If there is more than one Executor and they disagree as to how the body should be dealt with, then none of them take precedence over the other(s). If an agreement cannot be reached, then an application can be made to court so that a judge can decide. It is recommended that in situations such as these, the Executors seek independent legal advice.
- If there is more than one person with the highest right, then they are all equally entitled to deal with the body (for example 3 siblings). If an agreement cannot be reached, then an application can be made to court so that a judge can decide. It is recommended that in situations such as these, the parties seek independent legal advice.
- If there is a dispute/objection from another person or family member, then they can either take this up with the client (the person who arranged the funeral) or obtain a court order. If there is an Executor to the will, they legally must take control of funeral arrangements or delegate to another person.
- If there is a dispute / objection from another person who is the Next of Kin (as outlined earlier) or Executor (if a will), then they would need to put a written objection into the funeral director.
- If there is an Executor and the funeral arrangements have been made, the funeral director should pause the arrangements and await confirmation of how to proceed from the Executor. If there is not a will then the same applies.