

Public Health Funerals

It is normally a partner, executor or other family member who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the costs. Help is available from the Social Fund for those who are in receipt of certain benefits. For advice about receiving help towards funeral costs please link below or further information about Funeral Payments, including an application form, can be found on the Direct Gov website.

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Bereaved/DG_10018660

Luton Borough Council is responsible for making funeral arrangements for anybody who dies within their boundary where no other arrangements are being or are likely to be made, e.g. when the deceased has no family and they haven't left a will.

This responsibility is placed on the Council by Section 46 (S46) of the Public Health (Control of Disease) Act 1984. S46 of the Act also states that the Council may recover all their costs incurred in making the funeral arrangements from the estate of the deceased (i.e. their property and possessions).

If the deceased died outside of the Luton Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in the Luton Borough.

Luton Borough Council will not be able to be involved if funeral arrangements have already been made, or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families, whether the funeral has taken place or not.

If there is nobody willing or able to make the funeral arrangements, the case may be referred to Luton Borough Council, who will then be responsible for making the arrangements under S46 of the Public Health (Control of Disease) Act 1984. If the deceased had a family, the nearest surviving relative will be required to sign a form stating that they are willing for the Council to make the funeral arrangements, and understand that costs will be recovered from the deceased's estate. If the family have already removed any possessions from where the deceased lived, these may need to be returned to the Council to help offset the funeral costs.

Once the Council has accepted a case, the Officers will deal with all aspects of the organisation of a funeral, including registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral. If the deceased did not own a grave, burial will take place in an unmarked public grave in the Borough.

The Council's contracted funeral directors will provide everything necessary for a simple but dignified service, including a coffin, transport of the deceased to the cemetery in a hearse, and sufficient bearers to transfer the coffin to the chapel. The funeral director will also arrange for a minister of religion or a representative of the faith of the deceased to lead the service. If a non-religious service is appropriate, a civil funeral celebrant will be used. Family and friends may attend the funeral service, but will have no choice as to where and when it is held. To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council.

Property Search

Prior to making the funeral arrangements, an authorised officer will search the last known address of the deceased. The search will focus on finding a will, evidence of family or friends, and any items that may be used to offset the funeral costs. This may entail removing personal possessions from the property, including address books, correspondence, legal documents, financial paperwork and possessions such as jewellery that may be sold to raise money.

Executors of a Will

The Council will not be able to make funeral arrangements in cases where the deceased left a will and the executor is traced; in these circumstances the executor would be expected to organise the funeral. If the executor wishes to revoke their duties, they must make a formal renunciation of the will and declare that they wish to have no further involvement in the funeral arrangements.

Estate Administration

Luton Borough Council are entitled to recover their costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. They are not, however, empowered to administer the estate. Where there is a surplus of over £500.00 once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia (vacant goods / ownerless property).

Death in Hospital

If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, the NHS Trust may assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate.