



## DE COTTA MCKENNA & SANTAFÉ English Lawyers and Spanish Abogados

### **What to do if you suffer a bereavement in Spain**

**by Jon Sutton, Solicitor and Registered Foreign Lawyer at  
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Many British ex-patriots move to Spain later in life to enjoy their twilight years in a warmer climate. An unfortunate consequence of this is that when they eventually pass away, the next of kin, whether here in Spain or back in the UK are confronted with dealing with the funeral arrangements and the inheritance matters. This can seem overwhelming at what is already a difficult time.

Following the death of a British national in Spain, the next of kin, or a formally appointed representative, must decide whether to repatriate the deceased to the UK, or carry out a local burial or cremation. If the deceased was covered by insurance, the next of kin must contact the insurance company without delay. If there is no insurance cover, the family will have to meet the cost of repatriation or burial.

The death certificate, is issued by the Civil Registry (Registro Civil) at the Court Building (Juzgado) or at the Justice of the Peace (Juzgado de Paz). You should request as many copies as you need. The funeral director will normally assist with this. The death can then be registered with your local British Consular office.

If the circumstances of the death were not unusual, registration of the death is permitted and the body will be released for repatriation or burial within a few hours. Under a strict interpretation of Spanish law, burials should take place within 72 hours of death. However, in the case of foreign nationals, the authorities will normally allow as much time as necessary, although this should not be longer than a few days.

If the deceased was covered by insurance, the insurance company will normally have a standing agreement with an International Funeral Director in Britain to arrange repatriation. If the deceased is not covered by insurance, the next of kin will have to appoint an undertaker in Spain, or an International Funeral director themselves.

Spanish undertakers have links with International undertakers in the UK and they normally work well together to ensure that all requirements are met in Spain and in the UK. Local undertakers in Spain are equipped to carry out repatriation procedures and will provide the special caskets required. A local civil registry death certificate (indicating cause of death), a certificate of embalming, and a certificate giving permission to transfer the remains to the UK are required to ship the body. The Spanish undertaker will arrange this. The British Consulate can provide covering certificates for British Customs. Local formalities for repatriation normally take 8 to 10 days to complete.



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If the next of kin chooses to proceed with a local burial, they will need to instruct a local Funeral Director. The British Consulate can provide a list of these on request, which includes an indication of costs.

Cremation is now widely accepted in Spain and there are modern, well-equipped crematoria, except in rural areas. Ashes can also be taken back to the UK by next of kin with minimal bureaucracy. If this is not possible, local undertakers will be able to arrange the necessary paperwork and transportation. There are no restrictions on movement of ashes within the EU.

As far as dealing with the inheritance is concerned, it is important to use the services of a reliable Spanish law firm. The lawyer will then have to ascertain whether or not the deceased died with an English or Spanish will or whether they died intestate, that is without a will. Depending on whether or not wills were prepared will determine the legal work required to realise the assets on behalf of the beneficiaries or surviving relatives.

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