

FUNERALS MARKET INVESTIGATION

The Funerals Market Investigation Order 2021

Background

1. On 28 March 2019, the Competition and Markets Authority (CMA), in exercise of its powers under sections 131 and 133 of the Enterprise Act 2002 (the Act), made a market investigation reference (MIR) in relation to the supply of funerals and related goods and services in the United Kingdom (the Market Investigation).
2. On the same date, the CMA appointed from its panel a group of four independent members (the Inquiry Group) to conduct the Market Investigation and publish a final report (the Final Report). The Inquiry Group was required to decide whether any feature, or combination of features, of each relevant market prevents, restricts or distorts competition and thereby has an adverse effect on competition (AEC) and, if so, what action should be taken.
3. On 16 March 2020, the Inquiry Group gave Notice that the reference period for the Market Investigation was extended by six months under section 137(2A) of the Act. In taking this decision, the Inquiry Group had regard to the scope and complexity of the Market Investigation, the extent of the possible remedies package that was being contemplated, and the ongoing COVID-19 pandemic. The Inquiry Group considered an extension was necessary to facilitate input from parties and to allow sufficient time to take full and proper account of such input.
4. On 13 August 2020, the Inquiry Group published its Provisional Decision Report and invited interested parties to submit reasons in writing as to why these provisional findings and the proposed remedies package should not become final (or, as the case may be, should be varied).
5. On 18 December 2020, the Inquiry Group published its Final Report on the Market Investigation, in which it decided that there were AECs, within the meaning of section 134(2) of the Act, in the reference markets, in particular arising from:
 - (a) low levels of customer engagement caused by the intrinsically challenging circumstances surrounding the purchase of a funeral;

- (b) the lack of easily accessible and clearly comparable information on the products and services provided by funeral directors, including their prices and levels of quality;
 - (c) the lack of visibility to customers of the level of quality of care given to the deceased by funeral directors;
 - (d) high barriers to entry in the supply of crematoria services; and
 - (e) high levels of local concentration in the supply of crematoria services.
6. The Inquiry Group decided to address the AECs and resulting customer detriment through an integrated package of remedies, as follows:
- (a) A requirement on all funeral directors and crematorium operators to disclose certain price information to customers.
 - (b) A requirement on crematorium operators to disclose certain price information to funeral directors in the local area and other funeral directors upon request.
 - (c) A requirement on all funeral directors to disclose particular business, financial and commercial information to customers.
 - (d) A prohibition on all funeral directors from:
 - (i) entering into or conducting certain arrangements with a hospital, hospice, care home, or other similar institution which could reasonably be understood to encourage, incentivise or require the institution to refer customers to the funeral director or give that funeral director preference over other funeral directors; and
 - (ii) soliciting for business through coroner and police contracts.
 - (e) A recommendation to the UK government and the devolved administrations in Northern Ireland and Wales to establish in England, Northern Ireland and Wales an inspection and registration regime to monitor the quality of funeral director services, as a first step in the establishment of a broader regulatory regime for funeral services in these nations.
 - (f) A recommendation to the CMA Board to:
 - (i) actively monitor market outcomes in the funerals sector, in order to identify and, where possible, address any harmful behaviour;

- (ii) publish an annual review of market outcomes in the funerals sector;
and
 - (iii) consider at the earliest opportunity, when the impact and consequences of COVID-19 on the funerals sector are sufficiently understood and the sector is more stable, whether to consult on a future MIR.
 - (g) To assist the CMA in monitoring the funerals sector, a requirement on some funeral directors and all crematorium operators to provide the CMA with specific price and volume information on the goods and services that they provide to customers.
7. The remedies outlined in paragraphs 6(a), 6(b), 6(c), 6(d) and 6(g) will be implemented by this Funerals Market Investigation Order 2021. The remedies outlined in paragraphs 6(e) and 6(f) will be implemented by recommendations to the UK government and the devolved administrations in Northern Ireland and Wales and the CMA Board respectively. The Explanatory Note accompanying the Order explains how the Order is expected to operate.
8. On 15 April 2021 in accordance with section 165 of, and paragraph 2(1)(a) to, Schedule 10 to the Act, the CMA published a Notice of its intention to make an Order as part of a package of remedies to remedy, mitigate or prevent the AEC and any resulting customer detriment, which it identified in the Final Report.

ORDER

Reference and power

The CMA makes this Order in accordance with the duty imposed by section 138 and in exercise of the powers conferred by sections 86 and 87 (as applied by section 164) and section 161(1), (3) and (4) of, and paragraphs 1, 2, 7, 10, 17, 18, 19, 21 and 22 of Schedule 8 to, the Act, for the purpose of remedying, mitigating or preventing the AEC and any resulting customer detriment which the CMA identified in the Final Report.

PART 1

Preliminary

1 Title, commencement and extent

- (1) This Order may be cited as the 'Funerals Market Investigation Order 2021'.
- (2) Part 1, Part 3, Part 5 and Part 6 shall come into force on the day after the Order is made.
- (3) Part 2 and Part 4 shall come into force three months after the Order is made.
- (4) This Order extends to England and Wales, Scotland and Northern Ireland.

2 Interpretation

- (1) In this Order:

'Act' means the Enterprise Act 2002.

'Additional Funeral Director Products and Services' means the additional products and services typically offered by Funeral Directors which are included in the Standardised Price List.

'Additional Options Price List' means an itemised price list of all the products and services that a Funeral Director offers to Customers that are not included in the Standardised Price List in the section labelled 'Additional Funeral Director Products and Services'.

'AEC' means an adverse effect on competition.

'At the point of need' means at the time of bereavement.

‘Attended Funeral’ means a funeral which includes a service and where mourners may attend.

‘Branch’ means the physical premises, sometimes referred to as the ‘funeral home’, which is open to Customers and from which a Funeral Director sells its products and services.

‘CMA Attended Funeral’ means an Attended Funeral where the products and services provided by the Funeral Director are generally considered to be sufficient to deliver an Attended Funeral; comprise the elements set out in Part C of Schedule 1 to this Order; and comply with the minimum standards set out in Schedule A to the Explanatory Note to this Order. The minimum standards set out in Schedule A to the Explanatory Note to this Order may be changed from time to time, in accordance with Article 3(15).

‘CMA Attended Funeral Price’ means the total price of the CMA Attended Funeral.

‘CMA Unattended Funeral’ means an Unattended Funeral where the products and services provided by the Funeral Director are generally considered to be sufficient to deliver an Unattended Funeral; comprise the elements set out in Part D of Schedule 1 to this Order; and comply with the minimum standards set out in Schedule A to the Explanatory Note to this Order. The minimum standards set out in Schedule A to the Explanatory Note to this Order may be changed from time to time, in accordance with Article 3(15).

‘CMA Unattended Funeral Price’ means the total price of the CMA Unattended Funeral.

‘Crematoria Services’ means the services provided by a Crematorium Operator in connection with the cremation of the deceased, including the provision of a chapel or specific place for attended cremations, the committal and the associated sales of additional products and services, such as memorials, audio-visual support and hospitality.

‘Crematorium Operator’ means a private or local authority provider of Crematoria Services.

‘Crematorium Reduced Fee Attended Service’ means a cremation which includes a service with mourners present at the crematorium held in off-peak hours (typically considered to be on a weekday before 10am or after 4pm) and for which a reduced fee is charged.

‘Crematorium Standard Fee Attended Service’ means a cremation which includes a service with mourners present at the crematorium held in peak hours (typically considered to be weekdays from 10am-4pm and weekends).

‘Crematorium Unattended Service’ means a cremation which does not include a service and where mourners are not present, sometimes referred to as a direct cremation.

‘Customer’ means a person purchasing a funeral at the point of need.

‘Day’ means calendar day unless otherwise stated.

‘Direct Burial’ means a burial of the deceased in a cemetery or other burial site without any funeral service or ceremony and where mourners are not present.

‘Disbursements’ means any payment made on behalf of a Customer to a third party for which reimbursement (without any mark-up) is subsequently charged to the Customer, such as cremation and burial fees, doctor’s fees, and minister’s or celebrant’s fees.

‘Funeral Director’ means a person whose business consists of, or includes the arrangement and conduct of, funerals for and on behalf of Customer(s).

‘Funeral Director Services’ means the services provided by a Funeral Director to a Customer in respect of the arrangements for a funeral. Such services can include, but are not limited to: collection, storage and care of the deceased; organisation of the funeral and supply of goods and services such as coffins, hearses and limousines; guidance and support to the bereaved; and intermediary services between the customer and third parties, such as the crematorium, cemetery or other burial site, and the minister or celebrant.

‘Modification Notice’ means a notice conforming to the requirements of Article 3(15) whereby the minimum standards set out in Schedule A to the Explanatory Note to this Order may be modified.

‘Month’ means calendar month.

‘Non-branch premises’ means the physical premises from which a Funeral Director sells its products and services, such as a call centre, or from which it conducts any part of its business operations, such as a centralised facility for keeping the deceased, which is not open to Customers.

'Standardised Price List' means the itemised price list shown in Part A of Schedule 1 to this Order which uses the terms and structure as set out in that Schedule and includes the CMA Attended Funeral Price and the CMA Unattended Funeral Price.

'Unattended Funeral' means a funeral which does not include a service and where mourners may not attend.

'Working Day' means any day other than: (a) a Saturday; (b) a Sunday; (c) Christmas Day; (d) Good Friday; (e) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the relevant part of the United Kingdom; (f) a day appointed for public thanksgiving or mourning; or (g) only in respect of Northern Ireland, 12 July.

- (2) A reference to an 'Article' or a 'Part' is a reference to an article or part of this Order.
- (3) The headings used in this Order are for convenience and have no legal effect.
- (4) The Interpretation Act 1978 applies to this Order except where the relevant words and expressions are expressly defined by the Order.

PART 2

Funeral Directors price, commercial information and transparency

3 Price information for Customers

- (1) A Funeral Director must display the following price information in a clear and prominent manner within each of its Branches if it has any Branches, and on its website(s) if it has any website(s):
 - (a) The Standardised Price List.
 - (b) The Additional Options Price List.
 - (c) The price information provided to it by Crematorium Operators in accordance with Article 8.
- (2) Subject only to Article 3(3), a Funeral Director must display and supply, in accordance with the requirements of Article 3, the Standardised Price List using the exact terms and structure set out in Part A of Schedule 1 to this Order.

- (3) The Standardised Price List to be used by a Funeral Director must be amended in accordance with the instructions set out in Part B of Schedule 1 to this Order.
- (4) If a Funeral Director offers Attended Funerals, it must display a separate price for each of the six listed items of the CMA Attended Funeral on the Standardised Price List and the associated CMA Attended Funeral Price, which corresponds to the sum of those items.
- (5) A Funeral Director must display, where practicable, the Standardised Price List in the window of each of its Branches if it has any Branches.
- (6) If a Funeral Director does not have a website but markets itself using other online channels or platforms, it must display the Standardised Price List, and the price information of Crematorium Operators specified in Article 3(1)(c), in a clear and prominent manner on those other online channels or platforms.
- (7) When a Funeral Director displays the Standardised Price List on its website(s), it must do so in a PDF titled 'Standardised Price List'. This PDF must be displayed on a page no more than one click away from the homepage, with any link to that page prominently labelled on the homepage so the nature of the information to which it leads is clear.
- (8) A Funeral Director must supply to a Customer upon request a physical or electronic copy of the Standardised Price List and the price information of Crematorium Operators specified in Article 3(1)(c).
- (9) A Funeral Director must offer to supply to a Customer a physical copy of the Standardised Price List and the price information of Crematorium Operators specified in Article 3(1)(c) to any Customer who is unable to visit the Branch and does not have access to the website or online channel or platform.
- (10) Unless and to the extent that Article 3(11) applies, a Funeral Director must offer the CMA Attended Funeral and, if a Customer wishes to purchase an Attended Funeral as described on the Standardised Price List, the Funeral Director must supply it to the Customer.
- (11) A Funeral Director who only offers Unattended Funerals (Crematorium Unattended Services and/or Direct Burials) is not required to offer the CMA Attended Funeral.
- (12) A Funeral Director who offers Unattended Funerals must offer the CMA Unattended Funeral. If a Customer wishes to purchase an Unattended

Funeral as described on the Standardised Price List, the Funeral Director must supply it to the Customer.

- (13) A Funeral Director may also offer products and services to Customers which are alternative or additional to those on the Standardised Price List, provided those products and services are disclosed on the Additional Options Price List.
- (14) If a Customer requests a Funeral Director to supply any bespoke products or services which are not on the Standardised Price List or on the Additional Options Price List, the Funeral Director may only provide those bespoke products or services after it has disclosed prices for them to the Customer.
- (15) The CMA may modify the minimum standards relating to the CMA Attended Funeral and the CMA Unattended Funeral set out in Schedule A to the Explanatory Note to this Order if:
 - (a) The CMA has published a Modification Notice, setting out:
 - (i) the proposed modification and what it entails;
 - (ii) the reason for the proposed modification;
 - (iii) the date from which the proposed modification is intended to apply (which may not be less than six months from the publication date of the Modification Notice); and
 - (iv) a period of not less than 30 days within which representations may be made in relation to the Modification Notice.
 - (b) The CMA has considered any representation made in response to the Modification Notice; and
 - (c) No fewer than 12 months have elapsed since any previous modification has entered into force.
- (16) In the event that the information referred to in Article 3(1)(c) is not available to a Funeral Director by the date Part 2 comes into effect, the obligations in Article 3(1)(c) and, in so far as they relate to the information referred to in Article 3(1)(c), the obligations in Articles 3(6), 3(8) and 3(9) apply 15 working days after the date Part 2 comes into effect.

4 Terms of business

- (1) A Funeral Director must display in a clear and prominent manner at each of its Branches if it has any Branches, and on its website(s) if it has any websites(s), details of the following:
 - (a) the size of any deposit which is required;
 - (b) the times by when any deposit and final balance must be paid;
 - (c) the options, including interest charged, which a Funeral Director offers to a Customer in respect of payment of any deposit made and final balance; and
 - (d) any charges which the Funeral Director will make for late payment of sums due.
- (2) If a Funeral Director does not have a website but markets itself using other online channels or platforms, it must display the information in Article 4(1) in a clear and prominent manner on those other online channels or platforms.
- (3) A Funeral Director must supply to a Customer upon request, in good time prior to the Customer entering a contract with the Funeral Director, a physical or electronic copy of the information in Article 4(1).
- (4) A Funeral Director must offer to supply to any Customer who is unable to visit the Branch and does not have access to the website or online channel or platform, a physical copy of the information in Article 4(1).

5 Disclosure of interests

- (1) A Funeral Director must display in a clear and prominent manner at each of its Branches if it has any Branches, and on its website(s) if it has any website(s), the following information:
 - (a) The Ultimate Owner;
 - (b) Any business or material financial interest the Funeral Director has in a price comparison website which compares Funeral Director Services and/or Crematoria Services and their respective prices; and
 - (c) A register providing details of any material:
 - (i) charitable donation to a third party;
 - (ii) charitable contribution or payment of a gratuity to a third party; or

- (iii) other form of payment to a third party that does not relate to a cost incurred or a service provided by the third party on behalf of or to the Funeral Director,

which has been made by or on behalf of the Funeral Director.

- (2) If a Funeral Director does not have a website but markets itself using other online channels or platforms, it must display in a clear and prominent manner the information in Article 5(1) on those other online channels or platforms.
- (3) For the purposes of Article 5(1)(a), 'Ultimate Owner' means the company name at the registered company address and/or the ultimate owner of the business if either of these are different from the trading name of the Branch or the web-based Funeral Director Services.
- (4) Where there is a change in the Ultimate Owner, a Funeral Director must update the information in the Branch and on its website(s) within 15 working days of the change taking place.
- (5) For the purposes of Article 5(1)(b), 'any business or material financial interest in a price comparison website' means any ability materially to influence the management, strategic direction or commercial objectives of the price comparison website which compares Funeral Director Services and/or Crematoria Services and their respective prices.
- (6) Where a Funeral Director acquires or disposes of a business or material financial interest in such a price comparison website, a Funeral Director must update the information in the Branch and on its website(s) within 15 working days of the change taking place.
- (7) For the purposes of Article 5(1)(c):
 - (a) 'material' means any individual or cumulative payment of a kind referred to in Article 5(1)(c) to the same third party of £250 or more within any 12-month period;
 - (b) a 'gratuity' includes a payment or tip given to third parties; and
 - (c) 'third party' means a party connected to the funerals sector such as a hospital, hospice, care home, provider of bereavement services in a hospital setting or provider of palliative care, or other similar institution.
- (8) The register in Article 5(1)(c) must include details of any payment referred to in Article 5(1)(c) made in the previous 12 months which, individually or

cumulatively, is material and must include the name of the third party involved, the amount concerned and when it was made.

- (9) A Funeral Director is required to disclose on the register in Article 5(1)(c) a charitable donation made by another Branch or by another company within the same group of companies to which that Funeral Director belongs when made on behalf of or in consultation with that Funeral Director.
- (10) The register in Article 5(1)(c) must be published on the first working day of October 2021 and updated on the first working day of April 2022 to cover any payments made since the date on which this Order was made. Thereafter, the register in Article 5(1)(c) must be updated on the equivalent working day every 6 months to cover any payments made in the preceding 12 months.

PART 3

Prohibited practices

6 Inducements and referrals

- (1) A Funeral Director is prohibited from entering into any arrangement with another party which could reasonably be understood to encourage, incentivise or require that party to refer Customers or potential Customers to the Funeral Director or give that Funeral Director preference over other Funeral Directors.
- (2) For the purposes of Article 6(1):
 - (a) 'arrangement' means any contractual or non-contractual agreement, relationship or practice, including any exchange of services with, or benefits or gifts to, another party;
 - (b) 'another party' means a person in a position of trust providing goods or services to a Customer or potential Customer including but not limited to hospitals, hospices, care homes and providers of bereavement services in a hospital setting or providers of palliative care.
- (3) A Funeral Director is prohibited from soliciting potential Customers in the course of providing any services to a coroner or the police.

7 Termination of practices

- (1) A Funeral Director must terminate forthwith any arrangement, exchange of services or payments prohibited by Article 6.
- (2) A Funeral Director must also ensure that any arrangement, exchange of services or payments prohibited by Article 6, that cannot cease immediately on termination, cease within three months of this Order being made.

PART 4

Crematorium Operators price information and transparency

8 Price information

- (1) A Crematorium Operator shall supply local Funeral Directors with the price information specified in this Article and keep such price information updated by notifying those local Funeral Directors of any change in the price information no later than 15 working days before such change has effect.
- (2) In this Article, 'local Funeral Director' means a Funeral Director whose Branch is within a 30-minute, cortege-speed driving distance from a crematorium. Where there is not a Funeral Director within a 30-minute, cortege-speed driving distance from the crematorium, the Crematorium Operator must provide its price information to the nearest Funeral Director.
- (3) A Crematorium Operator shall upon request supply to any Funeral Director the price information specified in this Article.
- (4) A Crematorium Operator must take reasonable steps to ensure that the price information that it provides to Funeral Directors is received.
- (5) In this Article, 'price information' means the charge made by a Crematorium Operator for:
 - (a) a Crematorium Standard Fee Attended Service;
 - (b) a Crematorium Unattended Service if offered by the Crematorium Operator; and
 - (c) a Crematorium Reduced Fee Attended Service if offered by the Crematorium Operator.
- (6) A Crematorium Operator shall include in the price information:

- (a) a description of what is included in and is excluded from the Crematoria Services provided;
 - (b) the length of time permitted for a cremation service, and whether this includes the time allowed for mourners to gather and leave the crematorium;
 - (c) any additional charges for a cremation service taking place on particular days or at a particular time (e.g. for services taking place on a weekend);
 - (d) any charge made for exceeding the permitted time or late arrival and/or departure of the cortege; and
 - (e) where possible, a breakdown of the headline price into the total price for all core services (e.g. cremation forms and environmental levies and any other elements that are necessary for the cremation service), and the individual prices for any optional services, including, but not limited to, the purchase of additional cremation service time; use of music facilities; webcasting; organists; visual tributes; memorials; a container for ashes; scattering of ashes, storage of ashes; collection of ashes (by a Funeral Director or the bereaved from the crematorium); and delivery of ashes (by the crematorium to a Funeral Director or the bereaved).
- (7) A Crematorium Operator shall upon request supply to a Customer the price information specified in this Article.
- (8) A Crematorium Operator must display in a clear and prominent manner at each crematorium, and on each crematorium website if it has one, the price information specified in this Article.
- (9) Where a Crematorium Operator does not have a website, but markets itself using other online channels or platforms, it must make the information in this Article available in a clear and prominent manner on those other online channels or platforms.
- (10) When a Crematorium Operator displays any of the information in this Article on its website, it must do so in a PDF titled 'Price Information', which must be displayed on a page no more than one click away from the homepage, with any link to that page prominently labelled on the homepage so the nature of the information to which it leads is clear.

PART 5

Information required by the CMA

9 Information required by the CMA from Funeral Directors

- (1) On the first working day of October 2021 a Funeral Director operating from five or more Branches must supply the CMA with:
 - (a) the total number of funerals it has arranged for Customers in the period commencing on the day on which this Order was made up to and including 31 August 2021; and
 - (b) the total revenue (excluding disbursements) gained from the provision of Funeral Director Services in the period commencing on the day on which this Order was made up to and including 31 August 2021.
- (2) On the first working day of each April starting in 2022 a Funeral Director operating from five or more Branches must supply the CMA with:
 - (a) the total number of funerals it has arranged for Customers in the 6-month period commencing on the preceding 1 September (i.e. the period from 1 September up to and including the last day in February); and
 - (b) the total revenue (excluding disbursements) gained from the provision of Funeral Director Services in the 6-month period commencing on the preceding 1 September.
- (3) On the first working day each October starting in 2022, a Funeral Director operating from five or more Branches must supply the CMA with:
 - (a) the total number of funerals it has arranged for Customers in the 6-month period commencing on the preceding 1 March (i.e. the period 1 March – 31 August); and
 - (b) the total revenue (excluding disbursements) gained from the provision of Funeral Director Services in the 6-month period commencing on the preceding 1 March.
- (4) The information in Articles 9(1), (2), and (3) must be provided separately for each Branch and in aggregate form for all Branches as set out in Part A of Schedule 2.

- (5) On the first working day of October 2021, a Funeral Director operating from ten or more Branches must supply the CMA with the information specified in Article 9(1) in aggregated form and also in disaggregated form, showing the totals for:
 - (a) CMA Attended Funerals;
 - (b) any other Attended Funerals supplied by the Funeral Director;
 - (c) CMA Unattended Funerals; and
 - (d) any other Unattended Funerals supplied by the Funeral Director.
- (6) On the first working day of April 2022 and thereafter the equivalent working day every subsequent April and October, a Funeral Director operating from ten or more Branches must supply the CMA with the information specified in Articles 9(2) and (3) in aggregated form and also in disaggregated form, showing the totals for:
 - (a) CMA Attended Funerals;
 - (b) any other Attended Funerals supplied by the Funeral Director;
 - (c) CMA Unattended Funerals; and
 - (d) any other Unattended Funerals supplied by the Funeral Director.
- (7) The information required under Articles 9(5) and (6) must be supplied in accordance with the corresponding time periods as set out in Articles 9(1), (2) and (3).
- (8) The information in Articles 9(5) and (6) must be provided separately for each Branch and in aggregate form for all Branches as set out in Part B of Schedule 2.
- (9) For a Funeral Director subject to Articles 9(5) and (6), if the total number of funerals and the total revenue provided in accordance with Articles 9(1), (2) and (3) do not equate to the disaggregated information provided in accordance with Articles 9(5) and (6) for the corresponding time periods, the Funeral Director must provide an explanation of the variance.
- (10) A Funeral Director operating from fewer than five Branches must supply the information specified in Articles 9(1), (2) and (3) if requested to do so in a notice from the CMA in accordance with the timeframes specified in that notice.

- (11) A Funeral Director operating from fewer than ten Branches must supply the information specified in Articles 9(5) and (6) if requested to do so in a notice from the CMA in accordance with the timeframes specified in that notice.
- (12) If a Funeral Director opens a Branch or Branches that results in it operating from five or more Branches, it must notify the CMA within 28 days of it opening its fifth Branch. On the earlier of the first working day of the following April or October, the Funeral Director must supply the CMA with:
- (a) the total number of funerals it has arranged for Customers; and
 - (b) the total revenue (excluding disbursements) gained from the provision of Funeral Director Services
- for the corresponding time periods as set out in Articles 9(1), (2) and (3), as applicable, following from when it begins operating from five or more Branches.
- (13) If a Funeral Director opens a Branch or Branches that results in it operating from ten or more Branches, it must notify the CMA within 28 days of it opening its tenth Branch. On the earlier of the first working day of the following April or October, the Funeral Director must supply the CMA with:
- (a) the total number of funerals it has arranged for Customers; and
 - (b) the total revenue (excluding disbursements) gained from the provision of Funeral Director Services
- for the corresponding time periods as set out in Articles 9(1), (2) and (3), as applicable, following from when it begins operating from ten or more Branches. The information must be supplied in aggregated form and also in disaggregated form, showing the totals for:
- (c) CMA Attended Funerals;
 - (d) any other Attended Funerals supplied by the Funeral Director;
 - (e) CMA Unattended Funerals; and
 - (f) any other Unattended Funerals supplied by the Funeral Director.
- (14) The information in Articles 9(12) and 9(13) must be provided separately for each Branch and in aggregate form for all Branches as set out in Part A or Part B of Schedule 2, as applicable.
- (15) For a Funeral Director subject to Article 9(13), if the total number of funerals and the total revenue provided in accordance with Articles 9(1), (2) and (3),

as applicable, does not equate to the disaggregated information provided in accordance with Article 9(13), the Funeral Director must also provide an explanation of the variance.

- (16) If a Funeral Director subject to Articles 9(1), (2), (3), (5), (6), (12) or (13) ceases to have the relevant number of Branches, it may notify the CMA and, subject to receiving confirmation in a notice from the CMA, it will no longer be required to provide the information specified in the corresponding Articles unless Article 9(10) or 9(11) applies.

10 Information required by the CMA from Crematorium Operators

- (1) On the first working day of October 2021, a Crematorium Operator must supply the CMA with the total number of cremations it has carried out and the total revenue it has gained from Crematoria Services in the period commencing on the day on which this Order was made up to and including 31 August 2021.
- (2) On the first working day each April, starting in April 2022, a Crematorium Operator must supply the CMA with the total number of cremations it has carried out and the total revenue it has gained from Crematoria Services in each of the two preceding three-month periods (quarters) commencing September (i.e. the period from 1 September up to and including 30 November) and December (i.e. the period from 1 December up to and including the last day of February).
- (3) On the first working day each October, starting in October 2022, a Crematorium Operator must supply the CMA with the total number of cremations it has carried out and the total revenue it has gained from Crematoria Services in each of the two preceding three-month periods (quarters) commencing March (i.e. the period from 1 March up to and including 31 May) and June (i.e. the period from 1 June up to and including 31 August).
- (4) Each Crematorium Operator shall provide the information in Articles 10(1), (2) and (3) separately for each quarter for each crematorium it operates as set out in Part C of Schedule 2.
- (5) Each Crematorium Operator shall supply the information in Articles 10(1), (2) and (3) in aggregate form and also in disaggregated form, showing the totals for:
 - (a) Crematorium Standard Fee Attended Services;

- (b) Crematorium Reduced Fee Attended Services if offered by the relevant Crematorium Operator;
 - (c) Crematorium Unattended Services if offered by the relevant Crematorium Operator; and
 - (d) any other services provided by the Crematorium Operator that are not captured by (a), (b) and (c).
- (6) The revenue information provided in accordance with Articles 10(1), (2) and (3) must include all revenue generated from Crematoria Services and exclude burial services. Each Crematorium Operator must provide revenue from memorials related to Crematoria Services separately and explain how they have allocated this memorial revenue to Crematoria Services. If the disaggregated information does not equate to the aggregate information provided, the Crematorium Operator must provide an explanation of the variance.

PART 6

Enforcement

11 Compliance statements

- (1) By no later than the last working day of April 2022, a Funeral Director operating from ten or more Branches must supply the CMA by email (or by post if email is not available) a compliance statement confirming compliance with the information requirements of Articles 3, 4 and 9, the disclosure requirements of Article 5 and the prohibition requirements in Articles 6 and 7 from the day each of those Articles came into force to 31 March 2022.
- (2) By no later than the last working day of April 2023 and the equivalent day each year thereafter, a Funeral Director operating from ten or more Branches must supply the CMA by email (or by post if email is not available) a compliance statement confirming compliance with the information requirements of Articles 3, 4 and 9, the disclosure requirements of Article 5 and the prohibition requirements in Articles 6 and 7 during the preceding reporting year of 1 April to 31 March.
- (3) A Funeral Director operating from fewer than ten Branches must supply a compliance statement in accordance with the requirements set out in Articles 11(1) and (2) if requested to do so by the CMA.

- (4) By no later than the last working day of April 2022, a Crematorium Operator must supply the CMA by email (or post if email is not available) a compliance statement confirming compliance with the pricing requirements of Article 8 and the information requirements of Article 10 from the day those Articles came into force to 31 March 2022.
- (5) By no later than the last working day of April 2023 and the equivalent day each year thereafter, a Crematorium Operator must supply the CMA by email (or post if email is not available) a compliance statement confirming compliance with the pricing requirements of Article 8 and the information requirements of Article 10 during the preceding reporting year of 1 April to 31 March.
- (6) In the case of a Funeral Director who operates as a body corporate, the compliance statement must be signed by one of the following:
 - (a) Chief Executive Officer;
 - (b) Managing Director;
 - (c) Any Non-Executive Director; or
 - (d) Any Senior Director.
- (7) In the case of a Funeral Director who operates as a sole trader or in a partnership, the compliance statement must be signed by either the:
 - (a) owner(s) of the business; or
 - (b) any other individual with decision-making authority.
- (8) If a Funeral Director or a Crematorium Operator is aware that it is not compliant with any part of this Order, it must report this non-compliance to the CMA within 14 days of becoming aware that it is not compliant.

12 Investigation powers

- (1) Section 174 of the Act has effect as regards the enforcement functions of the CMA under this Order.

13 Directions

- (1) The CMA may give directions falling within Article 13(2) to:
 - (a) a person specified in the directions; or

- (b) a holder for the time being of an office so specified in any body of persons corporate or unincorporated.
- (2) The directions referred to in Article 13(1) are directions in writing:
 - (a) to take such action as may be specified or described in the directions for the purpose of carrying out, or ensuring compliance with, this Order; or
 - (b) to do, or refrain from doing, anything so specified or described which the person is required by this Order to do or refrain from doing.
- (3) The CMA may vary or revoke any directions so given.

14 Supply of information to the CMA

- (1) Any person to whom this Order applies is required to provide any information and documents required by the CMA for the purposes of enabling the CMA to monitor the carrying out of this Order or any provisions of this Order and/or to review the effectiveness of the operation of this Order, or any provision of this Order.
- (2) Any person to whom this Order applies may be required by the CMA to keep and produce those records specified in writing by the CMA that relate to the operation of any provisions of this Order, other than information or documents covered by legal professional privilege.
- (3) Any person to whom this Order applies and whom the CMA believes to have information which may be relevant to the monitoring or the review of the operation of any provisions of this Order may be required by the CMA to attend and provide such information in person.
- (4) Subject always to Part 9 of the Act, the CMA may publish any information or documents that it has received in connection with the monitoring or the review of this Order or any provision of this Order for the purpose of assisting the CMA in the discharge of its functions under or in connection with this Order.

(signed)

MARTIN COLEMAN

Group Chair

16 June 2021

Schedule 1 – Price information

Part A – Standardised Price List

Please see the next page for the Standardised Price List.

STANDARDISED PRICE LIST

All funeral directors are legally required to publish this Price List for a standardised set of products and services. This is to help you think through your options and make choices, and to let you compare prices between different funeral directors (because prices can vary).

ATTENDED FUNERAL (funeral director's charges only)	[£xxxx] [Not offered]
This is a funeral where family and friends have a ceremony, event or service for the deceased person at the same time as they attend their burial or cremation.	
Taking care of all necessary legal and administrative arrangements	[£xxx] [-]
Collecting and transporting the deceased person from the place of death (normally within 15 miles of the funeral director's premises) into the funeral director's care	[£xxx] [-]
Care of the deceased person before the funeral in appropriate facilities. The deceased person will be kept at [both] the funeral director's [branch premises] [and at other] [non-branch premises]	[£xxx] [-]
Providing a suitable coffin – this will be made from [insert description of the coffin]	[£xxx] [-]
Viewing of the deceased person for family and friends, by appointment with the funeral director (where viewing is requested by the customer)	[£xxx] [-]
At a date and time you agree with the funeral director, taking the deceased person direct to the agreed cemetery or crematorium (normally within 20 miles of the funeral director's premises) in a hearse or other appropriate vehicle	[£xxx] [-]

UNATTENDED FUNERAL

This is a funeral where family and friends may choose to have a ceremony, event or service for the deceased person, but they do not attend the burial or cremation itself.

Burial (funeral director's charges only)	[£xxxx] [Not offered]
Cremation (funeral director's charges plus the cremation fee)²	[£xxxx] [Not offered]

FEES YOU MUST PAY

For an Attended or Unattended burial funeral, the **burial fee**.¹ **[£xxx-£xxx]**
[Not offered]

In this local area, the typical cost of the burial fee for local residents is:

For a new grave, you will also need to pay for the plot; for an existing grave with a memorial in place, you may need to pay a removal/replacement fee. In addition, the cemetery may charge a number of other fees.

For an Attended cremation funeral, the **cremation fee**.² **[£xxx-£xxx]**
[Not offered]

In this local area, the typical cost of a cremation for local residents is:

Please discuss any **specific religious, belief-based and/or cultural requirements** that you have with the funeral director.

ADDITIONAL FUNERAL DIRECTOR PRODUCTS AND SERVICES

This funeral director may be able to supply a range of optional, additional products and services, or to arrange (on your behalf) for a third party to supply them. Examples include:

Additional mileage (price per mile)	[£xx] [Not offered]
Additional transfers of the deceased person's body (e.g. to their home, to a place of worship etc.) (price per transfer)	[£xx] [Not offered]
Collection and delivery of ashes	[£xx] [Not offered]
Embalming	[£xx] [Not offered]
Funeral officiant (e.g. celebrant, minister of religion etc.)	[Prices on request] [Not offered]
Services supplied outside of normal office hours	[Prices on request] [Not offered]

The funeral director can give you a full list of what they can supply. They are likely to charge for these additional products and services, so you may choose to take care of some arrangements without their involvement, or you can use a different supplier.

¹ This fee (which is sometimes called the interment fee) is the charge made for digging and closing a new grave, or for reopening and closing an existing grave.

² In England, Wales and Northern Ireland, you will usually need to pay doctors' fees as well. This is the charge for two doctors to sign the Medical Certificates for Cremation.

Part B – Guide to changes that must be made to the terms and format of the Standardised Price List

1. Where a Funeral Director offers:
 - (a) Attended Funerals, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Attended Funeral (funeral director's charges only)':
 - (i) Delete the square brackets ([]) around **£xxxx**, substitute the price for **xxxx**, and delete **[Not offered]**; and
 - (ii) Delete the square brackets ([]) around each £xxx, substitute the price for each item instead of each xxx, and delete each [-].
 - (b) Direct Burials, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Unattended Funeral':
 - (i) In the line that reads 'Burial (funeral director's charges only) [£xxxx] [Not offered]', delete the square brackets ([]) around **£xxxx**, substitute the price for **xxxx**, and delete **[Not offered]**.
 - (c) Crematorium Unattended Services, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Unattended Funeral':
 - (i) In the line that reads 'Cremation (funeral director's charges plus the cremation fee [£xxxx] [Not offered]', delete the square brackets ([]) around **£xxxx**, substitute the price for **xxxx**, and delete **[Not offered]**.
2. Where a Funeral Director does not offer:
 - (a) Attended Funerals, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Attended Funeral (funeral director's charges only)':
 - (i) Delete [£xxxx] and delete the square brackets ([]) around Not offered; and
 - (ii) Delete each [£xxx] and delete the square brackets ([]) around each - .
 - (b) Direct Burials, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Unattended Funeral':

- (i) In the line that reads 'Burial (funeral director's charges only) [£xxxx] [Not offered]', delete [£xxxx] and the square brackets ([]) around **Not offered**.
 - (c) Crematorium Unattended Services, the Funeral Director must make the following changes to the Standardised Price List in the section titled 'Unattended Funeral':
 - (i) In the line that reads 'Cremation (funeral director's charges plus cremation fee) [£xxxx] [Not offered]', delete [£xxxx] and the square brackets ([]) around **Not offered**.
3. On the Standardised Price List (under the heading 'Attended Funeral'):
- (a) The item 'Care of the deceased person before the funeral in appropriate facilities' must be amended to indicate where the body of the deceased will be kept, as follows:
 - (i) In circumstances where the body of the deceased will be kept only at the Funeral Director's Branch premises, the text should be amended to read:

Care of the deceased person before the funeral in appropriate facilities. The deceased person will be kept at the funeral director's branch premises.
 - (ii) In circumstances where the body of the deceased will be kept only at the Funeral Director's Non-branch premises, the text should be amended to read:

Care of the deceased person before the funeral in appropriate facilities. The deceased person will be kept at the funeral director's non-branch premises.
 - (iii) In circumstances where the body of the deceased will be kept at both the Funeral Director's Branch and Non-Branch premises, the text should be amended to read:

Care of the deceased person before the funeral in appropriate facilities. The deceased person will be kept at both the funeral director's branch premises and at other non-branch premises.
 - (b) The item 'Providing a suitable coffin' should be amended by replacing [insert description of the coffin] with a brief description of what the coffin will be made from (for example, oak wood-effect veneer).

4. On the Standardised Price List, the Funeral Director must make the following changes to the section titled 'Fees You Must Pay':
- (a) For the line that reads 'For an Attended or Unattended burial funeral, the burial fee. In this local area, the typical cost of the burial fee for local residents is: [£xxx-£xxx] [Not offered]':
- (i) A Funeral Director who offers an Attended burial Funeral or Direct Burial should delete the square brackets ([]) around **£xxx-£xxx**, substitute the price range for **£xxx-£xxx**, and delete **[Not offered]**.
- (ii) A Funeral Director who does not offer an Attended burial Funeral or Direct Burial should delete **[£xxx-£xxx]** and delete the square brackets ([]) around **Not offered**.
- (b) For the line that reads 'For an Attended cremation funeral, the cremation fee. In this local area, the typical cost of the cremation fee for local residents is: [£xxx-£xxx] [Not offered]':
- (i) A Funeral Director who offers an Attended cremation Funeral should delete the square brackets ([]) around **£xxx-£xxx**, substitute the price range for **£xxx-£xxx**, and delete **[Not offered]**.
- (ii) A Funeral Director who does not offer an Attended cremation Funeral should delete **[£xxx-£xxx]** and delete the square brackets ([]) around **Not offered**.
5. On the Standardised Price List, the Funeral Director must make the following changes to the section titled 'Additional Funeral Director Products and Services':
- (a) For each listed item which is offered:
- (i) delete the square brackets ([]) around £xx, substitute the price for xx, and delete [Not offered]; or
- (ii) delete the square brackets ([]) around Prices on request and delete [Not offered].
- (b) For each listed item which is not offered:
- (i) delete [£xx] and delete the square brackets ([]) around Not offered; or
- (ii) delete [Prices on request] and delete the square brackets ([]) around Not offered.

Part C – CMA Attended Funeral

1. Taking care of all necessary legal and administrative arrangements.
2. Collecting and transporting the deceased person from the place of death (normally within 15 miles of the Funeral Director's premises) into the Funeral Director's care.
3. Care of the deceased person before the funeral in appropriate facilities.
4. Providing a suitable coffin.
5. Viewing of the deceased person for family and friends, by appointment with the Funeral Director.
6. Provision of a hearse or other appropriate vehicle to take the deceased person direct to the agreed cemetery or crematorium (normally within 20 miles of the Funeral Director's premises) at a date and time agreed between the Customer and Funeral Director.

Part D – CMA Unattended Funeral

1. Taking care of all necessary legal and administrative arrangements.
2. Collecting and transporting the deceased person from the place of death (normally within 15 miles of the Funeral Director's premises) into the Funeral Director's care.
3. Care of the deceased person before the funeral in appropriate facilities.
4. Providing a suitable coffin.
5. Transportation of the deceased person to a cemetery or crematorium at a date and time determined by the Funeral Director and clearly described to the Customer.

Schedule 2 – Information required by the CMA¹

Part A – Funeral directors with five or more branches: for each Branch and for all Branches

Category	Previous six months
Total revenue (excluding disbursements)	£x
Total number of funerals arranged	x

Part B – Funeral Directors with ten or more Branches: for each Branch and for all Branches

Category	Previous six months			
	CMA Attended Funerals	Other Attended Funerals	CMA Unattended Funerals	Other Unattended Funerals
Total revenue (excluding disbursements)	£x	£x	£x	£x
Total number of funerals arranged	x	x	x	x

Part C – All Crematoria Operators: for each crematorium

Category	First quarter in the previous six months				
	Standard Fee Attended Services	Reduced Fee Attended Services	Unattended Services	Other services	Total
Total revenue	£x	£x	£x	£x	£x
Total revenue from memorials					£x
Total number of cremations carried out	x	x	x	x	x

Category	Second quarter in the previous six months				
	Standard Fee Attended Services	Reduced Fee Attended Services	Unattended Services	Other services	Total
Total revenue	£x	£x	£x	£x	£x
Total revenue from memorials					£x
Total number of cremations carried out	x	x	x	x	x

1. For the initial information submission to be provided to the CMA in October 2021, the relevant period is from the date the Order was made up to and including 31 August 2021.