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C.P.J. Field.

More than a funeral director since 1690.

17th May 2021

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Dear

**The Funerals Market Investigation Order 2021 ("Draft Order") April 2021 & Explanatory Note
Consultation Response from CPJ Field & Co Ltd**

We, C.P.J. Field & Co. Limited ("**CPJ Field**"), have been operating as a funeral director in England for over 300 years. CPJ Field is both a competitor in the funeral market and an active member of the National Association of Funeral Directors ("**NAFD**").

We write in response to the consultation posed by the CMA on the Draft Order and Explanatory Note, following the Market Investigation Reference ("**MIR**") undertaken by the CMA under its powers under sections 131 and 133 of the Enterprise Act 2002 (the "**Act**") and reports provided by the CMA following the MIR and earlier consultations. On 18 December 2020, the Inquiry Group published its Final Report on the Market Investigation, entitled Funerals Market Investigation: Final report. The CMA filed a Notice of intention to make an Order under section 165 of, and Schedule 10 to, the Enterprise Act 2002 and public consultation on the Draft Order (on 15 April 2021). The draft Order and Explanatory Note cover those remedies that the CMA is introducing following the publication of its Final Report in December 2020.

Any defined terms used herein have the same meaning as given in the Draft Order and Explanatory Note (unless otherwise defined hereunder). We also refer to our previous responses to earlier parts of the consultation process, where relevant.

Our thoughts on these areas are set out in the tables below, noted against the Part of the Order or paragraph within the Explanatory Note. We also attach (as a separate document) our responses to "The Funerals Market Investigation Order 2021 - Consultation questions", as detailed on the CMA website as part of this consultation.

We note the intention of the CMA to further consult on a future market investigation when the impact and consequences of COVID-19 on the funerals sector are sufficiently understood and the sector is more stable. We would welcome the opportunity to review and respond to any future consultation and proposals for further changes to the operation of the sector.

Yours sincerely

Jeremy Field
Managing Director, CPJ Field & Co Ltd

Draft Order

<p>Part 1 (Preliminary), 2(1) Interpretation “Additional Funeral Director Products and Services” and “Additional Options Price List”</p>	<p>The definition relates to ‘additional products and services typically offered by Funeral Directors which are included in the Standardised Price List’. As pointed out in previous responses, the services or packages which may be offered by Funeral Directors differ significantly in some instances, particularly where smaller Funeral Directors have to buy in services from third parties and therefore are not a directly offered service. This will make it hard to include a definitive list of all services and prices for these on a Standardised Price List, as such third party costs may vary. This also means that the ‘Additional Options Price List’ will potentially vary depending on the structure of the Funeral Director business and what services it can offer. We suggest that the Standardised Price List is amended to reflect the differentials between Funeral Directors on how they offer their services, taking into account other feedback from industry bodies such as the NAFD, prior to finalising the lists that will be part of the Order.</p>
<p>Part 1 (Preliminary), 2(1) Interpretation “CMA Attended Funeral” and “CMS Unattended Funeral”</p>	<p>We note that the definitions cross-refer to Parts B and C of Schedule 1 to the Order (respectively), however the definition refers to minimum standards set out in Schedule A to the Explanatory Note, as may be changed from time to time in accordance with Article 3(13). Article 3(1) states that the CMA can merely publish a Modification Notice to set out changes to the minimum standards. We would suggest that any changes to minimum standards that the sector will be required to comply with should be subject to a consultation, rather than merely a response to a Modification Notice within 30 days of notice of this. The CMA is only required to consider representations in response to a proposed Modification Notice, therefore it may implement minimum standards which may not be appropriate for the sector and there is no ability for those subject to the minimum standards to have any relief from compliance. We respectfully request the CMA to consider this more carefully and amend Article 3(13) to ensure that there is either a long lead-time for Funeral Directors to comply with any altered minimum standards, or ideally consult on these prior to such changes becoming subject to the effects of the Order.</p>
<p>Part 1 (Preliminary), 2(1) Interpretation “Crematorium Unattended Service”</p>	<p>This definition is vague. If someone does turn up does that become an attended service? If so should the price increase, as it is no longer an unattended service. Is it clear to consumers that they could have gone to crematorium without incurring extra cost? People will turn up to watch the hearse arrive and the coffin taken into the crematorium. Should this be prevented, as such attendance would presumably make this an attended service? Such prevention may be considered harsh in the circumstances where bereaved persons wish to simply watch the hearse arrive and coffin go into the crematorium. Further detail is needed here, in order to confirm what happens in the event a direct cremation becomes an attended service, including the impact on price/charges.</p>
<p>Part 1 (Preliminary), 2(1) Interpretation “Disbursements”</p>	<p>The costs listed (cremation and burial fees, Medical Referee (doctor’s) fee, and minister’s or celebrant’s fees) are just some of the costs associated with a funeral and this needs to be clear that this is a non-exhaustive list of such costs. There may be other third party costs (as mentioned in our previous responses), which could be easily listed here, eg, costs of transportation of the deceased, vehicle hire, ceremonial/celebrant requirements, church fees, cemeteries etc).</p>

<p>Part 1 (Preliminary), (1) Interpretation “Funeral Director” (also “Attended Funeral” and “Unattended Funeral”)</p>	<p>The confusion about attended or unattended funerals and funeral director expression could be eased by looking at the dictionary definition of a funeral. “A ceremony or service held shortly after a person’s death, usually including the person’s burial or cremation”. Separating the ceremony/service from the burial or cremation in definitions would help define what is a funeral director also what is a CMA stipulated funeral and a CMA stipulated cremation or burial. If AEC’s are to be addressed, being clear in the use of language is essential.</p>
<p>Part 1 (Preliminary), (1) Interpretation “Funeral Director Services”</p>	<p>There is a non-exhaustive list of what could be classified as Funeral Director Services, but as mentioned in our previous responses, some Funeral Directors will not provide all of these services and others will provide additional services. It is important for the Order to reflect the fact that there are different operators in the sector and the Explanatory Note should confirm that this non-exhaustive list should not indicate that all Funeral Directors provide these services, so such a list would not be considered as ‘standard services’. This goes to the route of our previous responses, about making sure that there are like for like comparisons made for Funeral Director Services and therefore the price and quality for such services are assessed accurately and fairly as between Funeral Directors.</p>
<p>Part 2 (Price, information and transparency), 3, Price information for Customers</p>	<p>The prescribed format of the Standardised Price List and Additional Options Price List is extremely strict (ie, a Funeral Director must display these “using the exact terms and structure set out in Part A of Schedule 1 to this Order”). It also needs further work around the content of the list and how and what prices should be displayed. As mentioned above, if a Funeral Director does not provide certain services itself and uses third parties to provide certain services, then such prices cannot be accurately displayed, as the Funeral Director has no control over those third party fees and therefore cannot accurately display those elements of the fees. This has not been allowed for in the Order and needs to be addressed, to ensure that it is fair to all Funeral Directors, who may not deal with all elements of services in-house. It would seem over-zealous to have to display these prices in Branch, as they can be made available to Customers upon request (as is allowed for at 3(6)), and can easily be displayed on a Funeral Director’s website for Customers to view there. Funeral Directors may not have current fees of Crematorium Operators to be able to display such items in a price list, as such services are generally provided by a third party Crematoria, therefore we think specific reference to these and other third party costs should be adjusted to confirm that up-to-date third party costs will be obtained and provided to a Customer as soon as possible, as part of the estimating process for funeral services.</p>
<p>Part 2 (Price, information and transparency), 3 (8)</p>	<p>The Order states that a Funeral Director “must offer the CMA Attended Funeral”. Not all Funeral Directors would be able to offer all the elements of this without involving third party providers. We suggest this is relaxed, to confirm that they will seek to offer this, where possible. Standardising the requirements for an ‘Attended Funeral’ (which the Order states must be supplied to a Customer) does not take into account the different elements that might make up a funeral and the bespoke nature of this that Customers will no doubt require. We appreciate that the CMA is seeking to put some standards in place for an Attended Funeral or Unattended Funeral, but the only way that bespoke adjustments to an Attended Funeral or Unattended Funeral can be made are if those products and services are listed on the Additional Options Price List (3(10)) or a Funeral</p>

	<p>Director has disclosed prices for such bespoke services (3(11)). Whilst we would normally provide the Customer with a bespoke price in any event, we think this needs some further thought and adjustment to the wording so as not to restrict consumer choice or mean that a Customer cannot obtain the bespoke funeral that they want for the deceased person.</p>
<p>Part 2 (Price, information and transparency), 4 (1)</p>	<p>Please see point above relating to display of information in Branch. A Funeral Director should be able to easily include their Terms of Business on their website and it may be impractical to display a full set of the Terms of Business in Branch. We would suggest these are only required to be made available on the website, or sent to a Customer on request, plus keep a copy in Branch that can be made available to a Customer to review whilst in Branch if they wish (without having to specifically display the Terms of Business in Branch).</p>
<p>Part 2 (Price, information and transparency), 5 (1)</p>	<p>The information required to be displayed in Branch is fairly onerous, but could easily be provided on a 'company information' page on a Funeral Director's website (which can be provided together with additional statutory information required under <i>The Companies (Trading Disclosures) Regulations 2008</i>. The requirement to display details of charitable donations or contributions is also onerous – we feel it would be sufficient for a Funeral Director to just be required to keep a record of this and make it available to anyone on request, as part of a Funeral Director's Corporate Social Responsibility records. We assume that any charitable donations detailed at 5(1) do not include individual fund raising by employees, etc, and just relate to material donations to third parties connected to the funerals sector (5(7)), but please confirm.</p>
<p>Part 3 (Prohibited practices)– 6</p>	<p>This prohibition is very wide and as currently drafted, could potentially prohibit CPJ Field from continuing with some of its supporting activities in the community. The prohibition on all Funeral Directors would be on: 1) entering into or conducting certain arrangements with another party 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 2) soliciting for business through coroner and police contracts.</p> <p>As mentioned in previous responses, CPJ Field does not have any issue with, what it presumes is, the premise of this prohibition (being, to tackle the issue where a Funeral Director collects a deceased person, prior to the family electing its "chosen" Funeral Director, which could be a different Funeral Director, meaning the original Funeral Director would not be able to invoice for such collection). However, the language used in this suggested prohibition and how it will be defined is problematic as it stands. We would also like to note that we, along with the majority of the sector, carefully follow the Bribery Act 2010, which we take very seriously, and feel already covers off this area.</p> <p>Our concern around this prohibition is that it could impact CPJ Field's initiatives that it currently runs alongside nursing homes, by way of corporate social responsibility ("CSR") projects. For example, "Never Alone" in Buckinghamshire which tries to tackle social isolation of those going into nursing homes by (pre COVID-19) nursing homes exchanging people with one another, to help residents meet more people. CPJ Field of course has an interest in such initiatives (as any business does in CSR projects), but the aim of this CSR project is not to generate business, but to help address loneliness and social isolation in society, as we recognise that retirement, bereavement and relocating to assisted living or a care/nursing home are triggers that can lead to such feelings, which have</p>

	<p>proven links to shortened life expectancy. We therefore would like to request that the CMA ensures that such initiatives are not impacted, and more information on how this remedy would be applied and its intended consequences is needed, as this is not sufficiently covered in the Explanatory Note. This type of activity is also not referred to the excluded examples in paragraph 80 of the Explanatory Note, therefore we need confirmation that the above mentioned activity would still be allowed and would not be prohibited under the Order. If there are required steps that a Funeral Director would need to undertake in order to remain involved in such activities, then the CMA must provide guidance on this, so that CSR and other community activities can be maintained.</p>
<p>Part 4 (Crematorium Operators price information and transparency) - 8 (1)</p>	<p>How must notification be given and how frequently (or just when there are any price changes)? It must be compulsory to proactively contact Funeral Directors by email and letter as well as updating their websites etc and this should be included in the wording at 8(1).</p>
<p>Part 4 (Crematorium Operators price information and transparency) - 8 (3)</p>	<p>There is a definition of what a 'local Funeral Director' is here, however if reference is going to be made to cortege speed, there should be a definition for what it is (which does not appear in the Draft Order at present). We would suggest that this range be subject to annual review in the event of changes in road layouts or building of new roads.</p>
<p>Part 4 (Crematorium Operators price information and transparency) - 8 (5) (b)</p>	<p>Should a charge for the use of the chapel before a burial be shown here? In the interest of transparency and ready comparison it should be clear that the time shown includes entering and leaving the chapel and is not the actual time available for the service/ceremony prior to cremation.</p>
<p>Part 4</p>	<p>The focus on crematorium costs fails to address the highly complicated area of cemetery fees and much higher cost implications of the lack of transparency in this area, such as out of area fees which can be as much as double or quadruple the normal fee. For example, in Eastbourne cemetery the cost of a plot for burial if you are resident is more than the cremation fee at the crematorium run by the same authority. If you are out of area it is double the normal fee. More than twice what it would cost to be cremated. There is need for flexibility and transparency and this should be addressed in the Draft Order.</p>
<p>Part 5 (Information required by the CMA) - 9 (1)</p>	<p>What is a funeral for the purposes of this section, in relation to provision of numbers of funerals? Does this include funerals for infants, non-viable fetuses, funerals paid for by funeral plans etc? A higher percentage of these lower revenue funerals could skew the data CMA receive. This should be clarified, perhaps with a definition for 'Funerals' to make it clear what data this is intended to capture.</p>
<p>Part 5 (Information required by the CMA) - 9 (2) and (3)</p>	<p>Reference is made to the information being provided in aggregated and disaggregated form, but it is not clear what this means. Is the CMA intending to get information at Branch level and then as a collective group, or is it intended for reporting information to be provided in a specific format?</p>
<p>Schedule 1 - Price information, Part A standard price</p>	<p>It is not clear if this is a line by line costing of the constituent parts of the CMA Attended Funeral or a separate standard price list. Please confirm. Please also see comments above about items on this list and third party</p>

list	<p>cost elements.</p> <p>If it is a standard price list is there a requirement to provide only one type of coffin? If not then which should be included?</p> <p>Like for like comparison is impossible without definitions of expressions such as "private ambulance" under description of vehicles.</p> <p>Is it suggested that the transport to and from the place of death should be a separate charge to the process of handling the deceased person at the place of death? This is not achieving transparency in our view.</p> <p>It is not clear where an Unattended Funeral would be. What standards need to be in place for this? How should it be facilitated? Would it be on the same site? There needs to be more information here.</p> <p>The details as currently drafted do not make it easy for consumers to make a ready like for like comparison of services here.</p>
Part A - Standard Price List CMA Unattended Funeral	If this includes the crematorium fee should it stipulate which crematorium will be used?
Part A - Standard Price List FEES	There are a lot of other third party fees (grave purchase, interment fees, reopening fees for example) that should be included here for complete transparency (as mentioned above). Price ranges aren't acceptable in Funeral Directors fees, therefore why are they acceptable in third party fees?
Part A - Standard Price List ADDITIONAL FUNERAL DIRECTORS PRODUCTS AND SERVICES Disposal of ashes	<p>This covers too many alternatives to be covered in one line. It's not transparent enough.</p> <p>This is a long way short of being a definitive list of evenly commonly used Funeral Director services.</p> <p>Receiving and processing charitable donations, newspaper notices, funeral service page on website, take the coffin home before the funeral, take the coffin into church before the funeral, etc.</p>
Part B – CMA Attended Funeral 1	If this is split out in the definition of the Attended Funeral why isn't it shown in the same way on the Standard Price List?
2	Is it not necessary here to stipulate location of the mortuary (onsite/offsite) and availability of refrigerated storage?
6	Where should this be? What standards? How should it be facilitated? On the same site? There needs to be more information here.
7	There is too much leeway in expression "hearse or other appropriate vehicle". This does not create a like for like comparison for consumers to make an informed choice.
Part C – CMA Unattended	Same issue about transportation leading to duplication.

Funeral 12/13	
14	<p>The transportation to the crematorium to be supplied must be stipulated or clearly communicated. It could be a hearse with one coffin loaded. It could be a private ambulance with more than 1 coffin on board. There is an element of informed choice required here to make a ready comparison. If the date, time and location is agreed with the Funeral Director how do they prevent them from attending? If they attend (the definition of what it is to attend isn't clear) must this be charged as an attended funeral? If so, is the Funeral Director in breach of the Order for not offering the services stipulated under the attended funeral? Further clarification is needed here so that Funeral Directors know what they can and can't offer or charge for in this instance.</p>

Explanatory note

Point	Comments
5. (d)	<p>How will this be possible without mandatory registration for Funeral Directors? Whose responsibility would it be to create and curate this?</p> <p>Without a universal approach across devolved administrations how would this ensure compliance with 5.(c)?</p>
5. (e) (i)	<p>Without the standards regulation from UK Govt this will result in a complete focus on price and revenue at the expense of service. Who can this be meaningful beyond that?</p>
5. (e) (ii)	<p>Without more detail on the areas the report will cover and the level of detail it will contain it's not possible to provide feedback.</p>
5. (e) (iii)	<p>Comment on how effective this measure will be isn't possible without any indication of the form that engagement will take.</p>
7. and 8.	<p>The definition of on whom the duty falls to comply with the Order doesn't make it clear whether this responsibility is on an individual person or the company they work for. We assume it is the Funeral Director company that would be responsible, not individual officers or employees, but please confirm.</p>
12. (e)	<p>This must come with inspection powers to be enforced properly. This doesn't appear to be covered in the Order.</p>
13. (b)/(c)	<p>Whose responsibility would it be to create and curate this?</p>
22.	<p>There appears to be an assumption that every funeral home has a window big enough for the purpose. What about the locations where this is not the case? Which is "the" shop window? This appears separate to the requirement to display other information in a window "prominently" which isn't required here.</p>
28.	<p>Whilst every funeral home has windows not every one has windows large enough to display this information. The volume of information that would be required to be included for some locations (with lots of nearby crematoria for example) would make this impractical even for locations with large windows.</p>
39.	<p>If it is accepted that the CMA Attended Funeral will achieve what it is intended to achieve (which we don't) the terms on which it is possible to adjust the elements included and adjust the price must be defined. Like for like comparison between Funeral Directors would be impossible.</p>
41.	<p>It is not clear what the purpose of this point is. It seems to permit a Funeral Director to not provide certain services on an "a la carte" basis even if the CMA Attended Funeral definition says that the Funeral Director should offer them as part of that service. It isn't clear what AEC this is trying to prevent/address. Particularly if the Funeral Director is permitted to remove services from the CMA Attended Funeral and apply a discount.</p>

44.	Part 2 (6) of the Order says that a Funeral Director must offer the CMA Attended Funeral. It doesn't differentiate between Funeral Directors or separate types of Funeral Directors in the definitions (as mentioned above). Therefore, a Funeral Director that provides only Crematorium Unattended Services or Direct Burials is still a Funeral Director from the point of view of the Order. It is our view that the use of the expression "Funeral Director" in these circumstances is wrong. Equally that the expression "Unattended Funeral" is wrong and won't be well understood by consumers. See comments on the definition of Funeral Director in our section on the Draft Order.
49.	Given the extent of most terms of business is this practical or should it be just certain key aspects of the terms of business? Transparency won't be aided by long wordy documents publicly displayed (see comments above under Draft Order section).
60. (a) and 67.	Will this require details of each specific shareholder to be displayed, or just records to be available upon request? The information may be updated frequently and recorded at Companies House. Our view is that the requirement to provide this information and particularly to display details about an 'Ultimate Owner' clearly and prominently is onerous and not necessary in seeking to achieve transparency and fairness to customers in the sector – it feels like additional red tape that does not achieve anything.
60. (b)	What is a material financial interest? Is a paid for listing a financial interest?
60. (c)	The requirement for the disclosure of payments made to charities for the greater good by the company must not prevent in memoriam donation collection for client families. It needs to be clear whether this includes volunteer hours/fund raising activities by employees of the funeral director.
69.	It isn't clear what this means. Does it include fund raising by individuals? What about volunteer hours?
70.	This catch all final sentence could prohibit legitimate activities such as hosting trainee doctors or providing training to people in caring roles from hospices, care homes etc
76.	Please see comments above under Draft Order section. The note infers that any such activities may have an adverse affect on consumers, which cannot be the case when some such activities promote wellbeing in the community. We would suggest this whole section is revisited and reliance is placed on Anti-Bribery legislation for the purposes of compliance with relevant rules on ensuring there are no untoward practices.
81.	Coroner's collection contracts often include this clause. Policing and enforcement is the issue. It is incredibly hard to prove allegations of wrongdoing.
82.	It isn't clear when / how often crematoria have to provide this information or whose duty it is to ensure that the information the Funeral Director has is up-to-date. This has to sit with the crematorium.
84.	As mentioned above, what is the definition of cortege speed? In some areas this a very large amount of information particularly if it is to be displayed on min A2 posters in "the shop window".

86.(d)	It must be clear (if late arrival charges fees are included) who is liable for paying them. Many crematoria suggest this is a fine on the Funeral Director, not a fee intended to be passed on to the Customer. There are many occasions when this is not something within the Funeral Director's control. If it's to be advertised it must be clear who it applies to.
87.	What is a clear and prominent location at a crematorium? Does it need to be a public area? If they have windows should they use them?
96.	The expression "funeral services" isn't defined in the Order. It isn't clear what information should be included in revenue from the provision of funeral services when disclosing to the CMA.
Schedule A - 1.	Why wood veneer? Is there a suggestion that other constructions are not of sufficient standard for the CMA?
Schedule A - 2	Where do Funeral Directors find out what is "fit for purpose"? Who will set the standard?
Schedule A - 3	How long does a deceased person have to be kept at any site before it must be disclosed? If there is a possibility that a deceased person will be stored temporarily in a number of locations (for convenience to GPs, for example) must they all be disclosed? How long must a deceased person be stored in a fridge to count as a location with refrigerated storage? 1 hour? Until the day of the funeral? Where are "normal industry standards" set out?
Schedule A - 4	See previous comments about "fit for purpose" and "normal industry standards". This is an Explanatory Note so should set out how to comply with this by either setting out what they are or signposting where to find them.

CPJ Field & Co Ltd

17 May 2021

FUNERALS MARKET INVESTIGATION

The Funerals Market Investigation Order 2021 - Consultation questions

We are seeking written representations on the whole of the Draft Order and draft Explanatory Note. However, to assist interested persons in making written representations, we have set out below some questions on areas we are particularly interested in obtaining views.

1. Is the Standardised Price List (see Part A to Schedule 1 of the draft Order) appropriately presented?

The challenges with the proposed standard price list are not particularly related to its presentation (please see further comments below)

2. Does the Standardised Price List appropriately describe the items that are included under the Attended Funeral?

We do not believe that the proposed Standardised Price List is a long way from achieving the stated aims of the document, ie, to make it easier for customers to access details about 'standard' services and create transparency. As highlighted in our full response to the consultation, the proposed price list does not allow for differentials in quality of services, nor does it ensure that a customer gets a clearer picture of the total cost of a funeral. We would suggest that you consider other feedback on the Standardised Price List that the CMA receives from industry bodies, such as the NAFD, to ensure that there is a more appropriate Standardised Price List used as part of the proposed Order, to better reflect industry specifics.

We do believe that the expression "deceased" is not advised in bereavement counselling circles with other alternatives such as "person who has died" or "deceased person" being preferred. Language and how we talk about the dead have implications for the grief bereaved people experience. This should be addressed within the draft Order and Explanatory Note.

3. Do you agree with the items that are included under the Attended Funeral and Unattended Funeral (see Part B and Part C to Schedule 1 of the draft Order)?

We do not agree with how this is currently dealt with in the draft Order and Explanatory Note. In its current form it could be believed that there has been no workshop or



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consultation including bereavement groups, funeral directors and other organisations (QSA, FSCSR, for example) in creating this. It doesn't seem to be in plain English or very relatable to the ways in which funeral directors describe their work. We would be willing to join a workshop intended to create a meaningful definition.

There is a further issue about where deceased people will be kept. There are funeral directors who will leave the deceased person in hospital until the day of the funeral. The specification only requires them to disclose where the deceased person will be kept once they've been collected. Consequently it wouldn't uncover the fact that they provide no or insufficient mortuary facilities and consequently the body was left at a hospital or public mortuary for some time before the funeral took place.

4. Funeral Directors must maintain a register of any material charitable donations, contributions or payment of gratuities. Material has been defined as any individual or cumulative donation, contribution or payment within any 12-month period of £250 or more (see Article 7 of the draft Order and paragraph 71 of the draft Explanatory Note). Is £250 an appropriate de minimis figure?

There is a problem in that the figure is being used across all types of payments mentioned above (ie, charitable donations and gratuities). For payment of gratuities, £250 would certainly be a de minimis figure for an individual payment of this kind. For charitable donations, £250 seems low for an individual corporate donation or cumulative amount. It's also not clear what a "charitable" donation is. Does it relate only to donations made to a registered charity? Is it intended to apply to any gift to anyone by the funeral director? Further clarity is needed on this point to ensure that funeral directors are aware of what they can and cannot do under the draft Order, to align with its CSR policy and other charitable work (see full response to consultation for further details).

In addition to the above points, the draft Order and the Explanatory Note do not make it clear about what the position is when a charitable donation or gratuity is below the £250 de minimis figure. Without further clarity, there is a suggestion that payments for referral work can be made to, say, a care home, etc, which are under £250 and such amounts would not have to be declared. In addition to clarity needed around the allowed activities of Funeral Directors, this point needs to be addressed, so that there are clear guidelines on what charitable donations or gratuities can or cannot be paid (whether under the proposed £250 de minimis figure or not).

5. Crematorium Operators must provide price information to local funeral directors and customers on a Crematorium Standard Fee Attended Service; a Crematorium Unattended Service if offered by the Crematorium Operator; and a Crematorium Reduced Fee Attended Service if offered by the Crematorium Operator (see Article 8(5) of the draft Order). Do these names appropriately identify the three services?



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It isn't clear what 'unattended' means. Could it be "cremation with no funeral ceremony" is a more transparent title?

Is an 'unattended funeral' unattended if someone stands on the drive of the crematorium to watch the hearse go past?

Is a funeral ceremony prior to a cremation performed in full yet attended by no-one other than the celebrant (religious or non-religious) but is streamed and viewed online either live or recorded an 'attended service'?

It isn't clear in the current pricing provided by crematoria that the fee includes more than just the cost of cremating the body (use of a service room, medical referee's fee, provision of chapel attendants and the charge for cremating the body at least). Sometimes the crematorium will include the use of other facilities (photos on screens, music, organist, live streaming etc) in the quoted "cremation fee" others will not, thus making like for like comparison for consumers difficult.

6. Articles 9 and 10 of the Order require Funeral Directors with five or more branches and ten or more branches to provide certain information to the CMA. Schedule B and Schedule C to the Explanatory Note list funeral directors with five or more branches and ten or more branches respectively. Please inform us if you consider your own or another Funeral Director business is erroneously included or excluded from the lists in these schedules.

No comment needed.

7. If a party is aware that it is not compliant with any part of the Order, it must report this non-compliance to the CMA within 14 days of becoming aware that it is not compliant (see Article 11(6) of the draft Order). Is 14 days sufficient time for parties to report non-compliance to the CMA? If not, please give reasons.

14 days should be sufficient.

8. The substantive requirements of the Order will come into force three months after the Order is made. Does this allow sufficient time for parties to make the necessary changes to their systems and processes so that they are in a position to comply with the requirements of the Order? If not, please give reasons.

Given the deficiencies of the current suggested service and product price lists explaining those to funeral directors not yet engaged in the process and then giving sufficient time for changes to be made to achieve compliance is probably not long enough. We would suggest that a period of at least six months would be more appropriate.



C.P.J. Field.

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From the point of view of CPJ Field & Co we do not think this will be a problem, as we have been engaged throughout the consultation and have the appropriate resources to be able to implement any revised system and process changes in that time period. This may be harder for smaller funeral directors.

CPJ Field &Co

17 May 2021