



Competition and Markets Authority

Funerals Market Order 2021



Frequently Asked Questions

June 2021



CMA Funerals Market Order: Your Questions Answered 29 June 2021

These questions and answers have been checked with the CMA.

Completing the Standardised Price List (SPL)

Q: It is difficult to define the “typical” burial fee in a local area. Burial fees are so variable.

A: In the “FEES YOU MUST PAY” section of the Standardised Price List, funeral directors can display a price range for the burial fee and the price range displayed is to be for cemeteries in the local area for a weekday, single-depth, ‘lawn’ grave interment in a coffin, for (if applicable) a resident of the local authority, and where “interment” means the charge for digging and filling in the grave.

Q: With regards to cremation and burial fees is it sufficient to provide the link to the authority website? Some of their price lists run to several pages!

A: No. You need to complete the Standardised Price List as shown and this will require you to calculate the price ranges for cremation and burial fees based on the information provided to you by local crematoria and cemeteries. Moreover, as it will be displayed on posters, in branch windows and supplied in physical copies (see paragraphs 40 and 41 of the Explanatory Note), a link is not suitable.

In terms of the detailed crematoria information, beyond the headline prices (which must be on an A2 poster/display, unless space does not permit, in which case no smaller than A3), this must also be in a ‘clear and prominent manner’ (see paragraph 42 of the Explanatory Note) and could be available within a “clearly labelled folder in close proximity to the poster display” that is easily accessible for customers.

Q: Where the Attended Funerals mentions “a date/time” you agree with the funeral director, does this mean that the funeral must give the client a genuine choice of options in relation to when the service could take place?

A: Yes. If your client chooses the “attended funeral” from the Standardised Price List, it must be provided as stipulated. This means they must be given the choice of when they would like the service to take place.

Q: In Northern Ireland, a gratuity’ is a discretionary payment to a minister (as the church doesn’t charge in NI). The minister sets this charge, it’s not always levied and the amount can vary. How do funeral directors express this in the Fees You Must Pay’ section?

A: The ‘Fees You Must Pay’ section of the Standardised Price List covers burial and cremation fees and not minister’s fees, which should be included under ‘Funeral Officiant’ under ‘Additional Funeral Director Product and Services’. As the price of this category is ‘Prices on request’, the funeral director can discuss with the customer whether a fee is payable and the amount of that fee.

Q: Why is the Doctor’s fee ‘hidden’ in the small print at the bottom? This is a fee that the majority of people will have to pay.



A: This is because the Order applies in Scotland too where the system for certificating death no longer requires the payment of doctor's fees.

Q: The CMA Attended Funeral does not allow for any staffing costs. How should we show these?

A: The Attended Funeral Price is intended to reflect the price for an at-need funeral for an adult (age 18+) of standard size in the UK and include all relevant staff costs. Therefore, the price of the individual elements of the Attended Funeral (and the overall price) should include the staff costs associated with each individual element and the provision of the Attended Funeral.

Q: As we are not allowed to put £0 against any item, does this mean we must now introduce charges for services we have always offered at no cost to the family (e.g. viewing their loved one in the Chapel of Rest)?

A: The price of each individual item of the CMA Attended Funeral must be greater than £0. This does not mean that funeral directors must now introduce charges for services that are offered at no cost to the family, but the price of each individual element of the Attended Funeral will, at a minimum, reflect the cost to the funeral director of providing each individual element. For the avoidance of doubt, there is no requirement for a funeral director to levy charges for any of the individual elements of the CMA Attended Funeral, but a funeral director can do so if they wish.

Q: There is no mention, in the Order, of the services provided by FDs at the funeral service (bearing the coffin in, directing mourners, supporting the family, liaising with the minister/celebrant, at the graveside etc.). Should such services be included under the section 'Additional Funeral Director Products or Services', so it is clear that an additional charge may be levied for such services on top of the headline price for the CMA Attended Funeral? Or should any funeral package including such services simply be listed on the Additional Options price list?

A: The Attended Funeral Price is intended to reflect the price for an at-need funeral for an adult (age 18+) of standard size in the UK and include all relevant staff costs; the funeral director's presence to coordinate events on the day of the service; and a sufficient number of staff to transfer the coffin from the hearse or other appropriate vehicle into the building where the service will take place or to the graveside, using a wheeled bier or other appropriate equipment. Therefore, these services must be included in the Attended Funeral Price. For the avoidance of doubt, the Standardised Price List must be displayed using the terms and format set out in Part A of Schedule 1 to the Order and therefore, additional products and services cannot be included on the Standardised Price List.

Q: How do we show the differences in staffing numbers between burial and cremation as the two types of funeral are different.

A: The price for the individual elements of the Attended Funeral displayed on the Standardised Price List, as well as the price of the Attended Funeral and Unattended Funeral, must be one price and not a range. There is no requirement for the Standardised Price List to show differences in the funeral director's charges between burial and cremation funerals due to staffing costs. To the extent that a funeral director's charges differ between burial and cremation funerals due to staffing costs, this can be discussed with the customer.

Q: The standardised price list for the CMA attended funeral does not allow for the difference in costs and services between a simple funeral service and a bespoke service. How do we state this?



A: The “attended funeral” must be delivered as per the specifications set out in Schedule 1 of the Order if requested by your client. The Standardised Price List is designed to show the price of your services against CMA specified criteria. All other package, service or product options should be contained in a separate ‘Additional Options Price List’ and any differences in price between the CMA Attended Funeral and any bespoke service (and the reasons for these differences) can be discussed with the Customer.

Publishing the information

Q: For those with Georgian windows/properties that have panes smaller than A4, how should they display the information?

A: The Order says that “Funeral Directors must display, where practicable, the Standardised Price List in the window of each of its Branches.” In the Explanatory Notes it goes on to say “unless the Branch window is too small or is inaccessible.” Funeral Directors must use their best efforts to display the Standardised Price List on their branch windows and it is unclear why having small window panes would prevent this.

Q: For those firms with leases which forbid anything being attached to windows, how should they display the information?

A: The use of screens of suitable size positioned inside the window but not attached to it to display the information is also acceptable, but the ‘clear and prominent’ requirements detailed in the Explanatory Note still apply.

Q: For those whose properties are behind gates that are closed out of hours, how should they display the information?

A: The Order says that “Funeral Directors must display, where practicable, the Standardised Price List in the window of each of its Branches.” In the Explanatory Notes it goes on to say, “unless the Branch window is too small or is inaccessible.” The Order does not stipulate that the location of the window or that it must be accessible 24 hours a day.

Q: Does the poster need to be in every customer location (reception, in each arranging room etc.) or is one customer-facing location enough?

A: You are only required to have one set of posters which are displayed in an area frequented by customers and not behind a counter. Also they must be clear and prominent (by this, the CMA means “legible and written in plain and intelligible language; easy to find, prominent within its particular location; and brought to the Customer’s attention in such a way that the average Customer would be aware of it.”)

Q: Does each item of information in branch need to be on a separate A2 poster?

A: The Order stipulates that there must be at least 2 posters and these should be of A2 size. One displays the Standardised Price List; the other will show Crematorium Operator information, Terms of Business and Disclosure of Interest Information. It is not at the funeral director’s discretion to display this information.



You may feel that the latter of the two posters should be split down further to achieve the prominence and clarity required. Anything less than an A2 poster, or similarly prominent digital display, is not considered clear and prominent. If space doesn't allow, then A3 posters may be used.

In terms of the other crematoria information, beyond the headline prices (which must be on an A2 poster/display, unless space does not permit, in which case no smaller than A3), this could be available within a "clearly labelled folder in close proximity to the poster display" that is easily accessible for customers and must also be 'clear and prominent'.

Q: Can you still use/publish your existing price list alongside the new 'standardised' price lists

A: Yes. You must display and make Customers aware of the Standardised Price List, but you should also publish your existing price list (referred to by the CMA as the 'Additional Options Price List') too. All other products or services not covered by the 'Standardised Price List' that you offer must be included on the 'Additional Options Price List'.

The 'Additional Options Price List' must feature on your website and be available in branch (but does not have to be on a poster), for example, it could be a leaflet. It is for the funeral director to determine the appropriate format of the Additional Options Price List.

A funeral director can also publish and display packages/service offerings as alternatives to those required on the Standardised Price List. This is not restricted to only being presented in the Additional Options Price List.

Q: Do you have to physically display the register or can it just be on a website?

A: The register must be displayed in your branch "in a clear and prominent manner."

The register made available to Customers in the Branch must cover any charitable donation, contribution or payment of a gratuity made by that 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 Branch.

The register made available to Customers on the website of any Branch must cover any charitable donations, contributions or payments of gratuities made by all Branches.

Inside a Branch, the disclosure of interests in Article 5 must be displayed in an area frequented by Customers and not, for example, behind a counter. The display of the disclosure of interests in Article 5 on anything less than an A2 poster or similarly prominent digital display is not considered clear and prominent. The exception to this would be if there is insufficient available space inside the Branch to display an A2 poster or similarly prominent digital display. Under these circumstances, the Funeral Director must display the required information on no smaller than an A3 poster.

Q: Do we have to have posters, or can we just have leaflets?

A: You are required to use posters, in the specified sizes, to ensure that the information is displayed in a 'clear and prominent manner'. The only exception to this is the 'Additional Options Price List', which does not have to be displayed on a poster.



You must supply to a Customer upon request a physical or electronic copy of the “Standardised Price List’ but these must be in addition to the posters/displays not instead of. The Order does not prevent you from also providing the information using leaflets.

Q: Is there a required location, format and size for the publication of all of the CMA’s required information?

	Branch window	Online (own website)	Online (other website)	Inside the branch	Hard copy/ Email copy
Standardised Price List	Required (unless not practicable) At least A4.	Required (unless no website exists)	Only required if you do not have your own website but use other online services to market your business.	Required – A2 poster or display unless space does not permit, then at least A3 Must be the only info on this poster.	Required
Crematorium Operator information	Not required	Required (unless no website exists)	Only required if you do not have your own website but use other online services to market your business.	Headline prices must be on A2 poster or display unless space does not permit, then at least A3. Rest of the information can be in an easily accessible folder. Can be co-located with Terms of Business and disclosure of information requirements.	Required
Additional Options Price List	Not required.	Required (unless no website exists)	Only required if you do not have your own website but use other online services to market your business.	Must be available but does not have to be displayed on a poster.	Required
Terms of Business (payment terms)	Not required	Required (unless no website exists)	Required, if not on own website	Required – A2 poster or display unless space does not permit, then at least A3.	Required



				Can be co-located with disclosure of information/ headline crematorium information)	
Disclosure of Information (including the Register of Charitable Donations/ Gratuities/Gifts	Not required	Required (unless no website exists)	Required, if not on own website	Required – A2 poster or display unless space does not permit, then at least A3. Can be co-located with payment terms/ headline crematorium information)	Required

Q: As far as posters are concerned, what sizes apply to firms using their private residence as part of their service?

A: The Order defines a branch or funeral home as somewhere that is ‘open to customers and from which a funeral director sells its products and services’. If you are inviting Customers into your home for the purposes of arranging a funeral service, then you are required to display the information on the specified services in your window and in an area frequented by customers. You are also required to ensure the information is legible and written in plain and intelligible language; (b) easy to find irrespective of whether it is displayed in a physical format or online; (c) prominent within its particular location; and (d) brought to the Customer’s attention in such a way that the average Customer would be aware of it. This means you must actively draw the information to the Customer’s attention in an appropriate manner.

In terms of size of posters, it is A4 for the Standardised Price List in the branch window and A2 for all posters in the branch (unless there is not sufficient space, in which case A3 is acceptable).

Q: Some listing websites include our details without our permission or knowledge. Will we be held accountable for these websites having pricing information?

To meet the CMA requirements, you must display the CMA-required information on: (a) your website if you have a website; (b) other online channels or platforms if you do not have a website but have other online channels or platforms. If you have a website and other online channels or platforms, you must display the CMA-required information on your website and can choose whether to also display the CMA-required information on your other online channels or platforms.

The Order does not include any requirements regarding the provision of price information on listing websites.

Q: I only have a holding page as a website and I can’t change it. Will this mean I am not compliant?



A: Yes. You need to update it by adding the required information. If this is not possible, you may wish to take it down from the internet and put your information on another online channel instead.

Q: I don't have a website and I don't use any online services. Does this mean I don't have to put my prices online?

A: As an NAFD member you are listed on funeral-directory.co.uk. NAFD members are required to put their pricing on *Funeral-Directory*, the NAFD member directory under the Funeral Director Code. We can help you do this. Please contact the NAFD for advice and support.

Q: Do Facebook and other social media accounts account as websites/online marketing services?

A: If a Funeral Director does not have a website, it must display the price and business information specified in the Order on any other online channels or platforms from which it markets itself. Online channels or platforms from which it markets itself means any channels or platforms where a Funeral Director provides information to Customers on its products and services, such as Facebook or Instagram.

Q: If I have one A2 poster inside with all details and A4 leaflets for people to take away (standardised pricelist/ownership etc) does this become acceptable?

A: No. You are required to have at least two A2 posters inside the branch (one for the Standardised Price List, plus at least one for the crematorium information, payment terms and disclosure information) in branch. The Standardised Price List must be displayed in the branch window too and this must be on an A4 poster.

You must also to supply a physical copy of the Standardised Price List and the price information of Crematorium Operators to any Customer who is unable to visit the Branch and does not have access to the website or online channel or platform. These can be in leaflet form.

Q: Is the CMA pricelist effectively a simple funeral that we can then give the family our current bespoke list afterwards - as opposed to the standard additional services on the current CMA standard pricelist?

A: The 'attended funeral' is similar to the simple funeral and is part of the 'Standardised Price List' which you need to complete in full and exactly as specified, including the 'Additional Funeral Director Products and Services' section. The Attended Funeral must be offered to Customers as specified and priced on the Standardised Price List and must use the prescribed terms and format. Your Additional Options Price List must contain all other services, prices and options you offer. A funeral director may also provide bespoke products or services if a Customer requests them.

Q: Does the poster just need to be in the entrance to the building? or in more than one place?

A: There will need to be at least 2 posters – one for the Standardised Price List and at least one for the crematorium price information, terms of business and disclosure of interests (although this information can be displayed on separate posters). If the entrance to the building is an area frequented by customers then, yes. There is no need to display them in more than one place. The best location will depend on the layout and size of each funeral home, in order to meet the CMA's objective that the information is:



- legible and written in plain and intelligible language;
- easy to find irrespective of whether it is displayed in a physical format or online;
- prominent within its particular location; and
- brought to the Customer's attention in such a way that the average Customer would be aware of it. This means that a Funeral Director must actively draw the information to the Customer's attention in an appropriate manner.

Q: Is there any requirement on font size/face to use?

A: No. The Order requires the information to be legible and written in plain and intelligible language. You can brand the posters in your company style, although, as illustrated on the Standardised Price List template, you are urged to choose simple type faces and avoid ornate 'script' fonts as these are less easy to read.

Q: What is classed as "Not enough size for A2 poster" – many funeral premises are small. If an A2 poster would take up most of the wall space, is this classed as acceptable for substitution with an A3 poster?

A: The aim of the Order is for the information to be clear and prominent – and therefore as large as possible. If you are able to include the required two A2 posters on your walls (one for the Standardised Price List and one for the crematorium information/payment terms and disclosure information), you should seek to do so.

Q: In branch, can the Standardised Price List, Terms of Business and Disclosure information all be on one poster or should there be an A2 poster for each?

A: No. You will need to display two posters in branch at least. The Standardised Price List must be displayed on a dedicated separate A2 poster or similarly prominent digital display.

It is for the Funeral Director to determine whether the other information (i.e. the price information provided to it by Crematorium Operators, Terms of Business and Disclosure of Interests) is displayed together or on separate A2 posters.

Prohibited practices

Q: Does prohibition from soliciting business include coroners removals?

A: Article 6(3) of the Order does not preclude Funeral Directors from identifying themselves to the bereaved when collecting the body of the deceased, but a Funeral Director must not actively market their services (eg provide prices or discuss funeral arrangements). Article 6(3) does not prevent a Funeral Director from providing its services to the bereaved, provided that it does not offer Funeral Director Services unless requested to do so by the bereaved.

Disclosure of interests

Q: What is meant by ultimate owner?



A: The CMA has not included a definition in the Part 1, (2) Interpretation, instead using the following in part 2 to apply to Article 5(1) -

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.

This is further explained in the Explanatory Note (P16, 79).

The disclosure of the Ultimate Owner is intended to capture, in particular, a change of business ownership, where a large Funeral Director acquires, or has previously acquired, an independent Funeral Director and the acquired business trades under the name of the independent Funeral Director. 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.

Terms of Business

Q: Do we have to put all our Terms of Business up on a poster?

A: No. You are required to publish:

- the amount of any deposit;
- when any such deposit and the final balance must be paid;
- the payment options, including whether interest is payable, which the Funeral Director offers to a Customer in respect of payment of any deposit made and final balance; and
- any charges which the Funeral Director will make for late payment of sums due.

You can choose to display other Terms of Business information on the poster, but it is not a requirement of the Order to do so. You are required to make customers aware of all of your terms of business and terms and conditions to the extent required under consumer law.

Q: Do you have to display costs of a third party debt collector for late payments?

A: If the charges of a third party debt collector for late payments is passed on to the customer, then this should be included under 'any charges which the Funeral Director will make for late payment of sums due'.

Q: How do you deal with the situation where you only take a deposit to cover the costs of graves at certain local authorities who require this, when the client is seeking payment from DWP or when the client chooses the most expensive casket? In all other cases we do not take deposits.

A: You must publish details of your deposit policy which would include when they are or are not required. CMA please advise.

Enforcement

Q: How will enforcement take place?



A: The CMA has a statutory duty to keep under review orders made under the Enterprise Act 2002. The CMA's approach to an investigation into breaches of an order will depend on the nature and severity of the breach.

For breaches where formal enforcement powers are considered necessary, the CMA will typically publish an open letter to the firm concerned and will add the breach to its public register of breaches. The CMA may subsequently direct the firm to take specific compliance action and may impose additional enhanced compliance monitoring processes.

If firms fail to comply with the CMA's directions, the CMA can enforce these directly through the courts. If a firm were to ignore a court order, the CMA could pursue contempt of court proceedings. Contempt of court is an offence which includes disobeying or ignoring a court order, and can result in a fine, or imprisonment of up to two years (or both).

An Order can be enforced not just by the CMA but also by any person who has sustained loss or damage by seeking from the High Court an injunction or for interdict or for any other appropriate relief or remedy.

Q: How will the CMA identify those tiny businesses who only do a small number of funerals and may be registered as another type of business?

A: They may come to light when/if they're reported for a breach of the Order or a complaint to the CMA. However, it is important to remember that the Order contains a general provision which requires you to provide any information and documents required by the CMA for the purposes of enabling the CMA to monitor compliance with its terms.

The Order includes a requirement for funeral directors operating from ten or more branches to provide annual compliance reports to the CMA. The Order also includes a requirement for other funeral directors to provide compliance reports to the CMA if requested by the CMA. The CMA may also undertake exercises, such as compliance research, to understand the extent and nature of any non-compliance across the sector. Further, the public facing nature of the requirements means customers, funeral directors or crematoria operators will be able to identify non-compliance and report this to the CMA.

For further information, please refer to the CMA's [guidance](#) on reporting, investigation and enforcement of potential breaches of merger and markets remedies.

General

Q: Can we tell customers that every funeral director should have the standardised price list and their other price lists?

A: Yes. From 16 September 2021 it will be a legal requirement for all funeral firms in the UK to display the Standardised Price List and Additional Options Price List – in branch and online.

**Don't forget that you
must be compliant on,
or before...**

