



**DEATH IN MALAYSIA
GUIDE FOR BEREAVED FAMILIES**

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Deaths in Malaysia

The death of a relative or a friend can be a traumatic experience. When the death occurs overseas, family and friends in the UK can feel additional distress as they are unfamiliar with foreign procedures and perhaps are unable to communicate in the language of the country where the death occurred.

The Consular Directorate of the Foreign and Commonwealth Office and our Consular Team in Malaysia are ready to help as far as they can. You may be uncertain about what to do next or who to contact for advice. These notes are designed to help you through the practical arrangements you will need to make. You should be aware that in Malaysia procedures differ significantly to those in the United Kingdom and that, while we understand your need for arrangements to be made quickly, this is not always possible.

The information contained in this document is not meant to be a definitive statement of the law, nor is it to be taken as a substitute for independent legal advice.

Autopsies / Post Mortems

Post mortems are not routinely performed except if the death is due to suspicious circumstances or trauma. However, the police have the power to order a post mortem inquiry for any death.

When a person dies of natural causes but was not hospitalised at the time of their death, a police report must be made. The police will ask the next of kin (NOK) for all the relevant medical and other records of the deceased. In these circumstances the police will usually request a post mortem to determine the actual cause of death. The pathologist will forward the completed report with the cause of death to the police who will then decide if any further action is needed.

During a post mortem in Malaysia some of the deceased's organs are sometimes retained without the consent of the next of kin. In the case of the death of a British Citizen, the British High Commission will write to request that this does not happen.

Malaysian death certificates always state the cause of death. Post mortem reports can be obtained (upon payment of a fee) from the medical records office of the hospital concerned. But these are only available to the NOK or their representatives and will not be released without the written consent of the deceased's family.

Mortuary Facilities

Mortuary facilities similar to those in the UK are available in general hospitals in Malaysia and in some funeral houses. Separate facilities are available for Muslims.

Repatriation and Burial

Death in hospitals

When a death occurs in a government-registered hospital, the medical practitioner concerned will certify the cause of death. The hospital will be required to register the death within 24 hours. The hospital will issue the following documents:

- (a) National Registration Department (NRD) Death Registration Form;
- (b) Burial permit (only required if the remains of the deceased are to be buried or cremated in Malaysia).

Once the local funeral director has obtained these certificates, he will proceed with the arrangements for burial, cremation or repatriation, according to the instructions of the next of kin.

Death outside hospital

When a person dies of natural causes but was not hospitalised at the time of death, a police report must be made. The NOK must give all the relevant medical records and documentation to the police.

The police may request a post mortem to determine the actual cause of death. The pathologist will forward the completed report with the cause of death to the police and the police will decide if any further action is needed. The investigating police officer will register the death and issue the burial permit. Once the funeral director obtains clearance from the police, he will proceed with the arrangements for burial, cremation or repatriation, according to the instructions of the next of kin. If a local burial or cremation takes place, there will be no inquest carried out in the UK.

Repatriation

After examining all the relevant documents, the officer from the local health department will grant permission to export the remains of a deceased person to the designated country. The funeral director will liaise with the airline (normally Malaysia Airlines as they fly directly to the UK) to arrange an appropriate flight. Once the flight is confirmed, the funeral director will arrange for the casket to be sealed. An officer from the local health authority is required to be present at this point to personally witness the sealing of the casket.

The British High Commission will also provide a letter of no objection, which gives permission for the deceased to be repatriated to the UK.

Registration of the death
Malaysian National Registration Department

The Malaysian National Registration Department (NRD) is required to issue a death certificate within 24 hours of the death being reported. The death certificate will normally state the cause of death.

The details of the deceased will be recorded in the NRD central database, which can be searched by any Registration Officer. An extract copy of the Malaysian Death Certificate may be obtained from any NRD office upon payment of a fee.

The local funeral director will usually arrange to obtain the extract of the Malaysian Death Certificate on behalf of the next of kin.

Consular Death Registration with the British High Commission

The NOK may wish to register the death with the British High Commission in Kuala Lumpur. This is an optional service whereby a permanent record of the death is made at the General Register Office in the UK. An extract of this registration is provided in the form of a British consular death certificate. This can be useful to assist with any legal or practical arrangements in the UK.

The following documents must be provided in order for the British High Commission to register the death of the deceased:

- 1) Original Malaysian Death Certificate;
- 2) Passport of the deceased.
- 3) Proof that the informant is the lawful next of kin e.g. marriage certificate, birth certificate etc.

A fee is charged for this service.

After the death certificate is issued, the passport of the deceased will be cancelled by the Consular Officer and be returned to the NOK.

Return of Personal Effects

If the NOK is in Malaysia to make funeral or repatriation arrangements, the personal effects of the deceased will be handed over to the NOK, either by the police or by the funeral director. If NOK is not in Malaysia the funeral director will usually arrange to send the personal belongings back to the UK together with the deceased's remains.

Police/Judicial Inquiries

When the death is under suspicious circumstances, the police will lead the investigation. The initial police report is a public record to which the NOK will have access.

If further police investigation leads to a criminal prosecution, the NOK will need to request a copy of the police report. Whether the police release a copy of the report is entirely at their discretion.

In the event of death due to a road traffic accident the traffic police will conduct the investigation. Once the investigation is complete the NOK or his/her representative may apply to the police for a copy of the full report, together with photographs and a sketch plan.

Legal Aid

The Malaysian Legal Aid Bureau is a government body that provides legal assistance for those who are not capable of appointing or hiring a private lawyer to represent them in court. Provision of legal aid is means tested.

Please refer to ANNEX I for further details of Legal Aid.

Compensation

There are no formal government compensation schemes available, although damages can be claimed from the accused, and a decision will be made by the Judge when the case is heard.

Annex I - Legal Aid **Legal Aid Bureau**

The Malaysian Government has a **Legal Aid Bureau**, also known as BBG (Biro Bantuan Guaman), which has a panel of lawyers who are assigned to represent people falling into the following categories:

Qualification

- (i) Those with a source of income not exceeding RM 25,000 per year qualify for free Legal Aid;
- (ii) Those with a source of income exceeding RM 25,000 per year but not exceeding RM 30,000 per year qualify for legal aid upon payment of a RM300 contribution to the Chief Director of the Legal Aid Bureau;
- (iii) Those not falling into one of the above categories may apply to the Chief Director of the Legal Aid Bureau for special legal assistance. Special exceptions are considered on a case by case basis.

The Legal Aid Bureau can be contacted at the following address:

Legal Aid Bureau - Biro Bantuan Guaman
Jabatan Perdana Menteri
Aras 1, Blok B7, Parcel B, Pusat Pentadbiran, Kerajaan Persekutuan,
62502 Putrajaya
Tel:03 8888 1117, Fax: 03 8888 3791
<http://www.bheuu.gov.my/>

Government-funded legal aid is only available for the following types of legal cases:

- (1) Syariah Family Cases
- (2) Civil Family Cases
- (3) Civil Cases
 - i. Employee compensation
 - ii. Paddy plantation
 - iii. Small estate matters
 - iv. Road accident claim
 - v. Loan
 - vi. Hire-purchase
 - vii. Application Grant of Probate & Letter of Administration
 - viii. Adoption
 - ix. Consumer claim
- (4) Criminal Cases
 - (i) Confession of crime
 - (ii) Juvenile cases
 - (iii) Minor offences
- (5) Legal advice in all law related issues.

Malaysian Bar Council Legal Aid Scheme

The Malaysian Bar Council also has a **legal aid scheme**, provided by volunteer lawyers who are all members of the Bar. The Bar Council has a number of legal aid centres where free legal advice can be sought. Details are available from the Malaysian Bar Council at the following address:

Malaysian Bar Council
No. 13, 15 & 17,
Leboh Pasar Besar
50050 Kuala Lumpur
Tel: +603-20313003
Fax: +603-20261313

Website: www.malaysianbar.org.my

Email: council@malaysianbar.org.my

Legal advice and assistance is given only in cases involving

- Family matters - Custody of children, divorce, maintenance, matrimonial property, rights of inheritance
- Industrial accidents
- Employment
- Housing and Tenancy matters
- Detention
- Consumer problems
- Criminal matters

As the Scheme is meant only for the poor and needy, every person seeking legal aid is required to undergo a mandatory means test. To qualify for the assistance under the Scheme the applicant will be asked their income and their expenditure in order to ascertain their disposable income. Another criteria considered is their assets. Applicants who own assets of above a certain level may not qualify for legal aid. In addition to the mean test, certain applications may also be considered under the Merit Test.

You must apply for legal aid either from your nearest Legal Aid Centre or by making a direct request for assistance in writing to the Malaysian Bar Council at the above address.

Annex II – Local Undertakers / Funeral Directors

1. **Casket Paradise & Funeral Care Sdn Bhd,**
19 B, Jalan Lapangan Terbang Lama,
50460, Kuala Lumpur, Malaysia.

Tel No: 2148 5776/ 2148 4855

Fax No: 2143 1442

Contact Person: **Mr Bob Chew Sin Fong** Tel No: 012 333 4646

Contact Person: Mr Peter Lee Kong Meng

Tel No: 019-777 5537

Contact Person: Mr Ernest Wong Fook Way

Tel No: 012-3334 899

2. **PJ Modern Casket & Funeral Parlour Sdn Bhd,**
Jalan 229, Section 51A,
46100 , Petaling Jaya, Selangor.

Tel No: 603- 7876 1067/7876 0744/ 7877 2328

Fax No: 603- 7874 9313

Contact Person: Mr Robert Lim Cheng Loy

Tel No: 019-333 9218

Malaysian I/C: 580416-08-5559

Contact Person: Mr Eric Lim Chee Hing

3. **MI Casket Sdn Bhd,**
No.12, Jalan Pahang Barat,
53000, Kuala Lumpur.

Tel No: 603- 4021 9150 / 4021 9140

Fax No: 603- 4021 9160

E-Mail: micasket@time.net.com

Website: www.micasket.8m.com.my

Contact Person: Mr Parama Sarathy Naidu A/L Supramaniam (Appu)