

INFORMATION ON DEATHS INVOLVING BRITISH NATIONALS IN SRI LANKA

The death of a relative or friend is always distressing. But if it happens abroad the distress can be made worse by practical problems. Consular Directorate in the Foreign and Commonwealth Office and the British High Commission in Colombo are ready to help in any way that they can. You may be uncertain 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. While care has been taken in compiling these notes, no legal liability for their contents is accepted by the British High Commission in Colombo, or HM Government.

You should be aware that Sri Lankan procedures differ significantly from those in the United Kingdom. While we understand your need to make arrangements as quickly as possible, this may not always be possible.

Experience has shown and advice from established funeral directors in Sri Lanka is that within the first 24-48 hours the following actions should be completed without delay:

- **If the deceased had travel insurance the company needs immediate notification of the death.**
- **Decide on the appropriate mortuary and funeral options.**

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.

Mortuary Facilities

There are mortuaries at most private hospitals in Sri Lanka, and at some government hospitals. The standards applied, for example in relation to storage temperature, vary from hospital to hospital. Unlike the UK, most rural areas have no refrigerated mortuaries. Given the extremely hot weather and humidity in Sri Lanka, it is therefore important that decisions on repatriation or local arrangements are made quickly, particularly if the deceased is to be preserved for repatriation to the UK. If there is likely to be a delay in decisions regarding the type of repatriation to be made, the lack of modern and well-equipped undertakers outside of the main cities means that it is advisable to move the deceased's body to the nearest city undertaker as an interim measure.

In cases of the death of a foreign national, local authorities expect the High Commission to make arrangements for the removal of the deceased's body immediately (if no family member/friend is available in Sri Lanka to take the responsibility). Regrettably, we cannot do this, and have made this clear to them.

To avoid delays it is essential that the travel insurance company are notified as soon as possible of the death and asked to appoint a funeral director/undertaker who can collect and store the body appropriately. Attached is a note you may wish to pass on to your insurance company to help facilitate a swift decision. Some insurers will ask for a cause of death before committing to pay. Since it may not be possible to get this in a reasonable time frame, we advise you discuss this with them and, if necessary, consider making alternative interim arrangements to pay, and claim back the cost at a later date. If the deceased is not covered by travel insurance the next of kin will have to bear all associated costs.

Autopsies (Post Mortems)

If the local police or the family is not satisfied after a preliminary examination of the facts surrounding the deceased's death, they can request an autopsy. [Further details on Police/Judicial Inquiries are on page 4].

Autopsies are carried out by appointed Judicial Medical Officers attached to the government hospitals. During an autopsy, complete organs or organ samples can be removed for testing, including toxicological studies, at the discretion of the doctor and coroner, **without** the consent of next of kin. You are not routinely informed about the removal of any organs. Any organs removed are stored before they are sent for a chemical or biological analysis report to ascertain the cause of death. They are then routinely destroyed. In some cases, it has taken over two years for the organs to be tested before they were destroyed. **Please note, the British High Commission cannot guarantee that organ samples will be taken.**

Organs cannot be removed for any purpose other than for investigation purposes without prior consent of the deceased (for research) or next of kin (transplants). If you find that organs have been removed and you would like them repatriated to the UK please let the British High Commission know as soon as possible. We can then make a request that the organs are returned once all testing has been completed. This will be a special request and organs will be returned only wherever possible. **You will have to notify the travel insurance company that the organs are going to be repatriated separately and seek their agreement to meet the additional costs.**

The interim report of the autopsy is usually available soon after the post mortem is carried out; however, there can be delays in obtaining a copy of the report. In most cases, the cause of death is listed as 'under investigation'. Unfortunately, it is normal for toxicology tests to take **at least** a year to be processed by the local authorities in Sri Lanka. This is because all samples are sent to a limited number of Forensic Laboratories throughout Sri Lanka, where lengthy backlogs exist due to the volume of samples sent for processing and a lack of staff to undertake the work. Where biological testing is done by a Judicial Medical Officer, or Medical research Institute or Pathological departments of the hospital the delay may not be as long as a chemical analysis which is done only at the Government Analyst Department and will incur a delay.

Funeral Options

Following the death of a British national in Sri Lanka, the next of kin, or a formally appointed representative, must decide whether to

- i) repatriate the deceased to the UK;
- ii) have a local cremation and the ashes repatriated to the UK or scattered in Sri Lanka;
- iii) have a local burial.

If the deceased was covered by travel insurance, it is important for next of kin to contact the insurance company immediately. If there is no insurance cover, the cost of repatriation or burial will need to be met by the family. Neither the Foreign and Commonwealth Office nor the British High Commission in Colombo have budgets to meet these costs.

Consular staff in London will pass on to the British High Commission in Colombo the wishes of the next of kin about the arrangements for the deceased's body, and details of who is taking responsibility for the costs involved. We will do our best to ensure these wishes are carried out.

It is important to remember that if the deceased was travelling with a tour operator, they can be a valuable source of assistance and advice.

If a local burial or cremation takes place, there will be no inquest carried out in the UK.

Repatriation

A body can normally be released for burial, cremation or repatriation once the autopsy is complete.

If the deceased was covered by travel insurance, the insurance company will normally have a standing agreement with an international funeral director in Britain to arrange repatriations. If the deceased is not covered by insurance, the next of kin will need to appoint an international funeral director themselves in the UK. A list of companies is attached at the end of this document.

There are local undertakers in Sri Lanka who are equipped to carry out repatriation procedures and will provide the special caskets required for the international carriage of human remains. A doctor's death certificate, a certificate of embalming, and a certificate giving permission to transfer the remains to the UK is required to ship the body. This will be arranged by the local undertaker. Local formalities for repatriation normally take three to four working days to complete. Sri Lankan undertakers may need certain documentation from the British High Commission in Colombo to complete the local formalities for repatriation.

In certain circumstances repatriation may not always be possible. Our consular staff will try and inform next of kin as soon as possible if this is the case.

Local Burial

If next of kin choose to proceed with a local burial they will need to inform Consular Directorate at the FCO. The British High Commission in Colombo can provide a list of funeral directors on request, including indications of costs, and can help with practical arrangements.

Local Cremation

Cremation in Sri Lanka is normally done at the crematorium. Main cities have electric crematoriums. If the next of kin choose local cremation and wish to take the ashes back to the UK themselves, they can do so. If not, local undertakers will be able to arrange the necessary paperwork and airfreight the ashes. Ashes cannot be sent by courier.

Contact details for local Undertakers can be provided upon request.

Registration of the death

Deaths of British nationals overseas are not automatically recorded in the UK Register Office, nor is there any obligation for the death overseas of a British national to be registered with the British High Commission in Colombo.

However, next of kin may find that there are advantages in doing so: a British form of death certificate is then available, and a record of the death is afterwards held at the General Register Office in the UK.

To apply from within the UK, you should complete the necessary paperwork and send it to:

Consular Death Registrations
Foreign and Commonwealth Office
Rm. K4.9
King Charles Street
London
SW1A 2AH.

If you are applying from Sri Lanka, you should contact the British High Commission in Colombo (details below).

You will need the following documents to register the death at the British High Commission in Colombo:

- The local death certificate of the deceased (with a notarised English translation where applicable). See * below.
- Doctor's/hospital report detailing the cause of death
- Passport of the deceased
- Evidence of the deceased's claim to British Nationality: full length (A4) British birth certificate OR certificate of naturalisation or registration as a British National
- Completed death registration form

* A local death certificate is required to register the death. These can be difficult to obtain and long delays have occurred in the past. Next of kin or a locally appointed representative can apply for the local death certificate from the Registrar. This can be done only after a Notice of death has been issued by the JMO or doctor. A local undertaker can also provide this service for an additional charge if this has not already been agreed with the UK undertaker or insurance company.

Return of Personal Effects

Personal effects are normally returned to next of kin, or their authorised representative, without any formalities. If personal effects need to be returned to the UK and next of kin are not present in Sri Lanka, the High Commission can assist with making arrangements by commercial means. All costs will have to be borne by the family or insurance company.

Police/Judicial Inquiries / Inquests

If the circumstances of the death are not unusual, the body will be released for repatriation, burial or cremation without much delay. If the local police or family are not satisfied after a preliminary examination of the facts surrounding the death, they can request an autopsy. Further investigations and examinations of the witnesses

may also be necessary before the Inquirer into deaths / Coroner makes a decision on the cause of death.

In cases of sudden or unexpected death, whether by accident or misadventure or where a person dies unattended, the police will prepare an initial report of their findings and only after an inquiry will the body be released for burial/cremation. ALL reports by the Inquirer into deaths / Coroner's will be submitted to the Magistrates Court. However, if death was caused by a criminal act the police will be ordered to conduct a full investigation.

UK Coroners

When a body is repatriated to England or Wales, a coroner will hold an inquest only if the death was violent or unnatural, or if the death was sudden and the cause unknown. In some countries the cause of death is not given on the death certificate, and coroners do not generally have access to judicial files from other countries. Consequently coroners may order a post-mortem as part of the inquest.

Coroners can request copies of post mortem and police reports from the Indian authorities via the FCO in London. In some instances this can take several months.

In Scotland, the Scottish Executive is the responsible authority. However, they are not obliged to hold an inquest into cause of death. Coroners in Northern Ireland are also not obliged to hold an inquest into cause of death. However, next of kin can apply for a judicial review if no inquest is held.

Release of Information

Post mortem reports are usually released soon after the post mortem is conducted. Requests for police investigation reports must be made through a legal representative. Our consular staff can provide lists of English speaking lawyers throughout Sri Lanka. However, any release of information may take months, and the documents will be in a local language. The British High Commission in Colombo may be able to arrange an English translation. If this is the case, we will advise you of the approximate cost in advance.

Legal Aid

Legal Aid is not available to British nationals outside of Europe. If you have any queries, you should direct these to The Legal Services Commission in London (tel: 020 7759 0000).

Contact Details

British High Commission,
389, Baudhaloka Mawatha,
Colombo 7,
Sri Lanka

Tel: 00 94 11 5390639

Foreign and Commonwealth Office, London
Sri Lanka Desk, Consular Directorate
Tel: +44 20 7008 0140/0098

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International Funeral Directors

Funeral Director	Address	Tel/Fax	Email/web
Co-Operative Funeral Services	119 Paisley Road Glasgow G5 8RL	Tel: 0141 3086217 Fax: 0141 4294169	cfsi@letsco-operate.com
Kenyon Air Transportation	81 Westbourne Grove London W2 4UL	Tel: 020 7258 1130 Fax: 020 7243 3125	katuk@dial.pipex.com www.gnf24.dial.pipex.com
Phoenix International	13 The Broadway Gunnersbury Lane London W3 8HR	Tel: 020 8993 8767	
Rowland Brothers International	299-305 Whitehorse Rd Croydon CR0 2HR	Tel: 020 8684 2324 Fax: 020 8684 8000	info@rowlandbrothersinternational.co.uk www.rowlandbrothersinternational.co.uk
National Association of Funeral Directors	618 Warwick Road Solihull B91 1AA	Tel: 0121 711 1343 Fax: 0121 711 1351	info@nafd.org.uk

Please note that the listing of the companies above does not represent FCO endorsement of their services.

Support agencies you might find useful:

The Compassionate Friends: 0117953 9639

Cruse Bereavement Care: 020 8940 4818

Samiritans: 08457 909090

