Bereavement Information for Italy

Prepared by

British Embassy Rome
and
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www.gov.uk/government/world/italy

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BEREAVEMENT INFORMATION

Information Source: Consular Guidance & Local information

The death of a relative or a friend is always a distressing experience. When the death occurs overseas, family and friends can feel additional distress as they are unfamiliar with foreign procedures and are unable to communicate in the language of the country where the death occurred. You may be uncertain about what to do next or who to contact for advice. Consular Directorate at the Foreign and Commonwealth Office and our consular offices in Italy are ready to assist and provide advice where they can. We offer help which is appropriate to the individual circumstances of each case. We will make an assessment of the needs you have, based on who you are, where you are, and the support available to you. Our assessment will help us define the type of support that we can offer.

These notes are designed to help you through the practical arrangements you will need to make. You should be aware that Italian 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.

Whilst care has been taken in compiling these notes, no legal liability for their contents is accepted by the British Embassy, British Consulates in Italy or HM Government.

The use of the terms body, body parts, remains, deceased etc. are not meant to offend you in any way. We realise that we are referring to your loved one and we mean no disrespect to the person you have lost.

STANDARD PROCEDURES

When someone dies in Italy and the next of kin is in the UK or abroad, Italian authorities normally notify the British Consulate in the area where the person has died. British Consulates will do whatever they can to trace the next of kin as soon as possible and would ask the UK police to pass on the sad news. However you might also be notified about the death directly by someone else, for example a tour operator, an Italian doctor or police officer.

Under Italian law, 24 hours must pass from the time of death before the body can be prepared for burial or repatriation. In certain circumstances immediate burial or repatriation may not always be possible. For example an autopsy might be performed to ascertain the cause of death.

A relative or a formally appointed representative must instruct a local funeral director in Italy or an international funeral director in the UK for a body to be repatriated to the UK or buried or cremated in Italy. However if the deceased was insured you should immediately contact the insurance company to establish if they are able to cover for the repatriation expenses and make the necessary arrangements. If this is the case, you should not appoint your own funeral director or be pressurised by local funeral agencies to do so. It will be the insurance company that will appoint the funeral director both locally and in the UK. If there is no insurance cover, funds for repatriation or burial will need to be met by
the family. Neither the Foreign and Commonwealth Office nor our consular offices in Italy have budgets to meet these costs.

**Be aware you may be put under pressure by local funeral agents, hospitals or police to appoint funeral services at short notice. Do not feel pressurised to do so until you can make an informed decision.**

A list of International Funeral Directors in the UK is available at this link: [https://www.gov.uk/government/publications/international-funeral-directors-in-the-uk](https://www.gov.uk/government/publications/international-funeral-directors-in-the-uk)

A list of International Funeral Directors in Italy is available here: [https://www.gov.uk/government/publications/italy-list-of-funeral-directors](https://www.gov.uk/government/publications/italy-list-of-funeral-directors)

In Italy it is not normally necessary for the deceased to be identified by the next of kin. Identification can be carried out by means of documentation such as a passport or driving licence or by fingerprints. However, when an inquest is opened, the relevant magistrate may request an identification in person by a family member or known associate. In the case of doubt as to the identification of the deceased, a Judge may order DNA testing and/or request information from Police channels from abroad. This process could take several months.

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.

**CONSULAR DEATH REGISTRATION AND LOCAL DEATH CERTIFICATE**

A death is registered at the ‘comune’ (town hall) in the locality in which it occurred. In Italy there is no central registry corresponding to the General Registry Office in the UK.

If the death occurred in hospital, the registration will be carried out automatically by the hospital. Alternatively, the death can be registered by a relative, by the local undertaker or by any other person who has been informed of the death, upon presentation of the doctor’s certificate stating the cause of death. However, the Italian death certificate issued by the Town Hall will not show the cause of death. The cause of death will only appear on the ISTAT certificate, issued by the local health authority (ASL). Your local undertaker will be able to advise you on how to obtain a copy of this. In the case of death under unusual or suspicious circumstances, an authorisation from the Court will also be required. The death must normally be registered within 24 hours but there are also provisions for late registrations.

Please note that, although the death is always registered with the Italian registry office, a death certificate is not issued automatically. Local undertakers will normally order copies of the international death certificate and have them accompany the remains. However we strongly advise requesting copies of the international death certificate when discussing repatriation arrangements with the international or the local undertaker.

Although not obligatory, it is possible to register the death of a British national who has died in Italy with UK authorities. Full information on how to apply for the registration of a death is available at this link: [https://www.gov.uk/register-a-death](https://www.gov.uk/register-a-death)
BRITISH PASSPORT CANCELLATION

In order to avoid identity fraud a deceased person's passport should be sent to the nearest British Consulate in Italy together with the death certificate and D01 form - which can be obtained from your nearest consulate - or to Her Majesty Passport Office in the UK. Next of kin can request the passport to be returned after cancellation. Likewise, if the passport has been lost or mislaid, relatives should get in contact with either the nearest Consulate or passport office for instructions on reporting the loss of the passport.

REPATRIATION

If the deceased was covered by travel insurance, the insurance company will normally have a standing agreement with an international funeral director in the UK to arrange repatriation. If the deceased was not covered by insurance, you will need to appoint a local undertaker in Italy or an international funeral director in the UK. A list of British companies is included in this document and a list of those in Italy is attached.

The majority of undertakers in Italy are equipped to carry out repatriation procedures and will provide full information about the process. Although the undertaker cannot begin preparing the body for the first 24 hours, the agent can provide guidance and can organise the necessary Italian documents. A consular certificate giving permission to transfer the body to the UK is required by Italian authorities. This also applies to the repatriation of ashes. In Italy this service is offered by the Consular Section of the British Embassy in Rome. The local funeral director will be able to request this certificate from the Consular Section on behalf of the next of kin. Local formalities for repatriation normally take between 3 to 10 days to complete. For repatriation abroad, Italian law requires a basic preservative treatment of the remains. Embalming, which is a more complicated procedure, is optional and more expensive. Please note that in the case of a sudden death, when a UK Coroner might request an autopsy in the UK, embalming might hinder some of the autopsy results.

Before repatriation ensure that the undertaker returns all valuables, such as jewellery and personal effects, to you, or that you collect them from the local authorities.

LOCAL BURIAL

If you choose to proceed with a local burial, you will need to instruct a local funeral director. A religious ceremony can normally be organised by the funeral director/undertaker. Please note that humanist funerals are not common in Italy but can be arranged via your local undertaker or by contacting UAAR, the Italian Humanist Society. Please note that in Italy 'burial' often means an above-ground niche (tumulazione). Rights to this are normally held for 20 to 30 years, unless specifically purchased in perpetuity, depending on the regulation of the city council. Rights to burial beneath the ground (inumazione) are normally held for 10 years. After this time, the city council will inform you about the date of the exhumation so that you can be present if you wish to. You can then decide to pay for a private ossuary otherwise the remains will be kept in a common one, at no extra cost.
LOCAL CREMATION

Cremation has recently become common practice in Italy. Cremation procedures can vary depending on the local council regulations. If you are thinking of arranging a local cremation, please take advice from your local funeral director/ undertaker. Crematoriums are not located in every region therefore there might be longer waiting times depending on the area where the death occurred.

Please note that most crematoriums in Italy don't have facilities to host a funeral service of any description. The service will need to take place either in Italy (in a church or other location) before the cremation or in the UK after the ashes have been repatriated. Therefore if you wish for a funeral service to be carried out prior to repatriation of the ashes, you should make specific arrangements with your funeral director.

Normally the repatriation of the ashes will be arranged by your funeral director. If you wish to transport the ashes to the UK in person you can do so. We advise to check in advance with the airline about specific airline restrictions.

If you live in Italy you might be able to keep the ashes of your loved one at home or scatter them. However, please be aware that this is not always possible as it depends on your local council regulations and you will need to obtain prior authorisation from your Town Hall.

In Italy the authorisation for the cremation is given by the local Registrar (Ufficiale di Stato Civile) who acts on behalf of the local Mayor. The authorisation for the cremation can be issued upon production of a medical certificate stating that the death did not occur under suspicious circumstances and there is no objection to the cremation. In cases of unexpected or sudden deaths which have been subject to an investigation, the authorisation must be granted by the Court. The local Registrar will also need to be satisfied that it was the will of the deceased, and not of the family, to be cremated. In order to satisfy this requirement the Registrar will accept either the deceased's signed last will or a statutory declaration from the next of kin signed in front of the local Registrar. If the next of kin lives abroad, the Registrar might require that the statutory declaration is signed in front of a Public Notary. A list of Public Notaries that can work in the Italian language is normally available on the website of the Italian Consulate of the country where you are.

In Italy the order of priority for next of kin is spouse, children, parents, brothers and sisters up until the sixth grade of relationship. In cases where several family members are entitled to make a decision, the Italian law requires that the majority of them (50% plus one) give consent. In cases where family members do not reach an agreement, they should seek legal advice. A consular certificate giving permission to transfer the ashes to the UK is required by Italian authorities. In Italy this service is offered by the Consular Section of the British Embassy in Rome. Please note that a certificate authorising a cremation is not issued by the British Embassy in Rome and is not a requirement for Italian authorities. The British Embassy have produced an Informative Note on cremations in both English and Italian which NOK may find helpful when dealing with the local authorities (https://www.gov.uk/notarial-and-documentary-services-guide-for-italy)
INQUESTS

If the circumstances of the death were not unusual (see below), registration of the death with local authorities is permitted and the remains will be released for repatriation, burial or cremation after 24 hours. However, if an Examining Magistrate is not satisfied after a preliminary examination of the facts, a post-mortem may be required, delaying registration. Further investigations and interviews with witnesses may also be called for before a decision is made as to cause of death.

In cases of sudden or unexpected death, whether by accident or misadventure, or where a person dies alone, the Examining Magistrate will prepare a summary report of his investigation after which the deceased will be released for burial, cremation or repatriation. Official reports will be retained by the Court and may be released to the family or to the lawyer representing the family. However, if death was caused by a criminal act, the police will be ordered to conduct a full investigation. The State Prosecutor will then decide whether to prosecute. This can delay the release of the body for burial, cremation or repatriation.

POST-MORTEM / REMOVAL OF ORGANS

Post-mortems are normally performed when the death is not by natural causes. A doctor in a state hospital may also request a post-mortem for a death by natural causes when the cause of death is unclear.

In some cases it may be necessary to have a further autopsy in the UK even though one has been carried out overseas. When repatriation is planned to England or Wales, it is probable that the coroner will wish to hold an inquest. The decision to hold a post mortem is entirely taken by the Coroner. They will often take into account next of kin views but the Coroner’s decision is final.

Post-mortems are carried out by forensic doctors appointed by the hospital or by the court. During a post-mortem, small tissue samples and organs may be removed and retained for testing, including toxicological studies, at the discretion of the doctor, without consent of next of kin. Next of kin are not informed about the removal of any organs. The deceased can be buried or cremated in Italy or returned to the UK before tests on removed organs are completed. Any organs removed are retained for the duration of the tests, and are then put in storage for a period of time and are likely to be disposed of. Organs cannot be removed for any purpose other than testing without prior consent of the deceased (for research) or next of kin (transplants). Next of kin may be informed of retained organs by the local funeral director or local pathologist though this does not happen in all cases.

USUAL PROCEDURE FOR THE REPATRIATION OF ORGANS

The next of kin may request the return of any removed organs via the offices of the UK Coroner, by contacting the local Consulate or by instructing their legal advisor in Italy if they have one.
The Foreign and Commonwealth Office are not able to meet the costs of the repatriation of organs for families. It is worth contacting the insurance company if the deceased had one as they may be able to assist. If the family wish to proceed with repatriation of organs then the request can be forwarded to the appropriate Consulate for action. The Consulate will make a formal request to the relevant Italian Court or the hospital asking on behalf of the family, for the return of the missing organs. Once the Forensic Laboratory has completed its tests and the Consulate is notified by the Court that the organs are available for collection, the Consulate will inform the family advising them to instruct their Funeral Director to collect the organs and arrange for their repatriation or local disposal in accordance with families wishes.

If the family decide against repatriation, burial or cremation the organs will eventually be destroyed by the Forensic Laboratory.

If the request for the return of the organs is made through the family’s local Italian Lawyer much of the same procedures will apply but it is the lawyer who will make the formal approach to the Court and the Consulate would have no standing to get involved with the Court.

CLOTHING AND PERSONAL BELONGINGS

Personal belongings found on the deceased at the time of death are either handed over to the family if they are present or taken by the police to be handed over to the Court. If the next of kin chooses repatriation, it is advisable to instruct the local undertaker to ship personal belongings together with the body.

If there is an investigation, the deceased’s clothing is normally retained as evidence and is not returned until the court case is finished.

ORGAN DONATION

The donation of organs in Italy is overseen by the Centro Nazionale Trapianti (National Transplant Centre: www.trapianti.salute.gov.it) which coordinates regional and local offices.

According to Italian law a person can become a donor by:

- registering a willingness to become a donor prior to death, in which case the next of kin cannot oppose this decision. Information on how to register as a donor is available on the website of the Centro Nazionale Trapianti or
- the next of kin authorising the transplant if the deceased person did not explicitly deny consent to transplant

DONATION OF BODIES TO MEDICAL SCIENCE

In Italy there is the possibility of donating your body to medical science after your death. To find out more you need to contact the Italian Ministry of Health. Written consent must be given prior to death.
UNCLASSIFIED

RELEASE OF INFORMATION

Access to information concerning a death, other than post-mortem and police reports, is restricted. The Italian authorities might not provide this information directly to next of kin, or to third parties including our Consulates.

The Consulate can advise you on how to make requests for post-mortem and police reports. If you have a lawyer, they should be able to assist you in obtaining these. Our consular staff can provide lists of English speaking lawyers throughout Italy. The release of any information can take many months, and the documents will be issued in Italian. When an inquest in Italy has been opened, the local authorities will normally not release any related reports before the conclusion of the preliminary investigation.

UK CORONERS

The Coroner in England and Wales is obliged by law to hold an inquest into the cause of any unnatural or violent death of a person whose remains lie in his or her area, even if the death occurred overseas and a post-mortem has already been carried out before repatriation of the remains to the UK. In Italy 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 second post mortem (i.e. subsequent to the first post mortem carried out abroad), as part of the inquest and it is at this stage that families are often made aware that organs have been removed and not replaced.

Coroners can request copies of post-mortem and police reports from the Italian authorities via the Foreign Office. However, these will only be provided once any judicial proceedings are completed. In some instances this can take many months. UK coroners can compel witnesses to give evidence from England and Wales but not from abroad.

In Scotland, the Crown Office and Procurator Fiscal Service (COPFS) deals with the investigation of all sudden, suspicious, accidental, unexpected and unexplained deaths which occur in Scotland. However, the COPFS does not have the jurisdiction to investigate deaths that occur outside Scotland apart from in a few limited circumstances. Generally, those circumstances include terrorism, cases where the death may have been caused in Scotland but the person died outside Scotland and cases where the death was as a result of murder or culpable homicide caused by another British citizen or subject.

Coroners in Northern Ireland are 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.

There will be no Coroner’s inquest when the remains are buried or cremated locally.

Further information about the role of UK Coroners is available on the FCO publication: Guide for Bereaved Families.
LEGAL AID

Anyone resident in the UK seeking help to pursue a criminal case should appoint a lawyer in Italy. Legal aid (patrocinio gratuito) may be available in penal cases. The Embassy’s list of English-speaking lawyers details those which offer Legal Aid. You may submit a request to the judge to authorise the State to pay for your lawyer, but only if you can prove earnings of less than € 10,766.33 per year. It is a complicated procedure and therefore you should consult your lawyer in the first instance. You will be expected to provide documentation as proof of your financial circumstances.

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