

12th April 2020

Re: Coronavirus Act 2020 Schedule 28 – Transportation, Storage and Disposal of Dead Bodies and Compliance with Islamic Burial Rites

We are a group of non-partisan lawyers working closely with other professionals and the Muslim communities of the UK. This includes groups such as the National Burial Council, Muslim Council of Britain, Muslim Scholars and Faith Groups across the country.

We have convened to respond to the impact of Covid-19 on Muslim communities and write to you with regard to the above Schedule 28.

You will be aware that Part 4 of the Schedule was an amendment following intervention on behalf of Naz Shah MP. This amendment was critical to respect the rights of a number of faith groups including Muslim, as the Islamic principles of faith strictly prohibit the cremation of a deceased's body.

Section 13A(1) states;

"In carrying out functions under this Schedule local authorities and the appropriate national authorities *must have regard to the desirability* of disposing of a dead person's body or other remains-

- (a) In accordance with the person's wishes, if known, or
- (b) Otherwise in a way that appears consistent with the person's religious beliefs, if known."

Subsection (2) states

"In carrying out functions under the legislation listed in sub paragraph (3), designated local authorities *must have regard to the desirability* of disposing of a dead person's body or other remains-

- (a) In accordance with the person's wishes, if known, or
- (b) Otherwise in a way that appears consistent with the person's religious."

It is therefore critical that local authorities carry out their responsibilities in these very difficult circumstances, still respecting the wishes of the deceased and of their beliefs/faith.

Ms Penny Mourdant MP stated quite clearly in House of Commons debate on 23rd March 2020, that ***no one would be buried or cremated in a manner that was not in accordance with their religious belief.***

It is therefore important that all efforts are made to ensure that any deceased Muslim is provided with the burial necessary with the principles of the Islamic faith prior to any powers granted under Part 4 of Schedule 28 are exercised. We understand that there will be difficult circumstances, but we can assure you that there has been a nationwide effort amongst the Muslim community, Islamic organisations, mosques and scholars to prepare and be ready to respond to the needs of any Muslim who falls victim to the virus to be buried. These efforts have included:

- Establishing within each local authority adequate burial space and
- Developing a list of providers who can carry out the religious washing of the body in accordance with the Public Health England position.

If you are experiencing any difficulty in this then, following the requirement under Part 1 of Schedule 28, we would be grateful if you would request the information as per the requirement in Part 1 of the Act who will be under a statutory duty to comply with the request.

It is essential that the spirit of the amendment as referred to in Part 4 and echoed by Ms Penny Mourdant MP is honoured throughout any part of Schedule 28 being exercised. We would also ask that in accordance with the provision:

“Designated local authorities and the appropriate national authority must keep such records relating to directions under this paragraph for such time as they consider appropriate.”

That such clear records are kept throughout the lifetime of the local authority exercising its powers under Schedule 28 as it is envisaged that this will be an issue which will be scrutinised in the future, should it be the case, that decisions are made which some might consider are not in line with the public statement by Ms Mourdant MP.

Lastly, we do hope that the required information is requested and provided in a timely manner to ensure that this does not become dangerous or unduly cumbersome on the authority and the wishes of the deceased are respected. We shall, for the record, emphasise the importance on those individuals or organisations who have the required information within the Muslim community to adhere to their statutory obligations under Schedule 28 in a timely manner.

Should you require any further information or assistance then please contact Ms Ifath Nawaz by email muslimlawyerscovid19@gmail.com or telephone 07780604931.

We appreciate your ongoing efforts to deal with the very difficult situation we find ourselves in and trying to continue to safeguards the diverse community needs.

Yours sincerely

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Covid19 Muslim Lawyers Pro Bono Group

Cc Mr Matt Hancock MP, Minister of Health

Chair, Local Government Association