

From the Chief Executive  
Mark Lloyd

Covid-19 Muslim Lawyers Pro Bono Group

28 April 2020

Dear Sir/Madam

Schedule 28 to the Coronavirus Act 2020 – transportation, storage and disposal of dead bodies

Thank you for your letter of 12<sup>th</sup> April 2020 concerning Schedule 28 to the Coronavirus Act 2020 and its impact on Muslim communities sent to Local Authorities Chief Executives and copied to me.

Local Authorities are very conscious of the important issue your letter refers to. They have taken careful note of the terms of Schedule 28, including the powers and duties given to them in relation to the disposal of bodies.

Specifically, as you point out, Schedule 28 states that in carrying out their functions under the Schedule, 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 religion or beliefs, if known.*

The same applies to the exercise by designated local authorities of their functions under s 46(1) and (2) of the Public Health (Control of Disease) Act 1984.

You will probably also now have seen the statutory guidance, published by the Government on 17 April, on Schedule 28.

Everyone, Government, Local Authorities and all those involved in deaths management wants to honour the obligations set out in the Schedule when considering a deceased person's wishes, religion or beliefs, where known, of the method used for their final committal. Local Authorities fully recognise the sensitivity and importance of the issues your letter raises and will be approaching the exercise of their functions under Schedule 28 accordingly.

As I think your letter recognises, it is worth reminding ourselves that Schedule 28 does not impose a duty on Local Authorities to ensure that a dead person's body or other remains are disposed of in accordance with the person's wishes, or otherwise in a way that appears consistent with the person's religion or beliefs, if known. The legislation requires Local Authorities to have regard to the desirability of doing so. This recognises that the current pandemic may possibly give rise to circumstances in some Local Authority areas where very unwelcome decisions might have to be

made about the manner of final committal. That said, we are clear, as is the statutory guidance, that making a direction that goes against an individual's wishes, religion or beliefs would only be a last resort, such as there being a severe public health risk in not doing so.

We also appreciate the efforts, to which your letter refers, of the Muslim community to respond to the needs of individuals in the current very difficult circumstances. We have heard of several examples across the country of excellent engagement between Councils and Muslim and other faith groups during this difficult time.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Lloyd', with a horizontal line underneath the name.

Mark Lloyd  
Chief Executive