

*Status: Point in time view as at 10/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Paragraph 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 28

#### TRANSPORTATION, STORAGE AND DISPOSAL OF DEAD BODIES ETC

#### [<sup>F1</sup>PART 2

#### DIRECTIONS AND OTHER MEASURES TO ADDRESS LACK OF CAPACITY

##### Textual Amendments

- F1** Sch. 28 Pt. 2 suspended (E.N.I.) (21.4.2021) by [The Coronavirus Act 2020 \(Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies\) Regulations 2021 \(S.I. 2021/486\)](#), regs. 1(2), 3

##### *Directions to do things calculated to facilitate dealing with dead bodies etc*

- 5 (1) A designated local authority may give a direction requiring a person to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains in the local authority's area or from its area.
- (2) The appropriate national authority may give a direction requiring a person to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains if—
- (a) one or more local authorities are designated under paragraph 4, and
  - (b) the appropriate national authority considers that, in respect of any matter, a regional or national response is appropriate, instead of leaving it to individual local authorities to give directions under sub-paragraph (1).
- (3) A direction under this paragraph may, in particular—
- (a) require a person to provide services;
  - (b) require a person to provide facilities, premises, vehicles, equipment or anything else within the person's possession or under the person's control;
  - (c) require a person to exercise any right they have to require others to do things (including things within other paragraphs of this sub-paragraph);
  - (d) direct whether a dead body or other human remains must be buried by the person or cremated by the person;
  - (e) make provision about how or where a person is to bury or cremate a dead body or other human remains;
  - (f) in the case of a direction by a local authority, require a person to do things outside the local authority's area;
  - (g) make provision about how or when things are to be done in accordance with the direction;

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- (h) make provision about the supervision of anything required to be done in accordance with the direction;
  - (i) require a person to provide information about things done in response to a direction.
- (4) A direction may require a person to do things even if they would involve the person breaching a contract or incurring other liabilities (but the right of any other person to claim damages for such a breach or to enforce such a liability is not affected by the direction).
- (5) A direction under this paragraph may not be given to—
  - (a) an individual, or
  - (b) a public authority.
- (6) In exercising its functions under this paragraph a designated local authority or the appropriate national authority must have regard to the effect that any direction is likely to have on the ability of any person to carry on their normal business.
- (7) 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.
- (8) A person commits an offence if the person fails without reasonable excuse to comply with a direction under this paragraph.
- (9) A person guilty of an offence under this paragraph is liable on summary conviction—
  - (a) in England and Wales, to a fine;
  - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (10) A direction under sub-paragraph (1) lapses on the revocation of the designation under paragraph 4 of the local authority that gave the direction.
- (11) A direction under sub-paragraph (2) lapses if there are no designated local authorities.]

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