

Section 58 and Schedule 28 to the Coronavirus Act 2020:

Local death management

Templates for local authorities. These form part of the statutory guidance for local authorities on Schedule 28 and the Powers in Relation to Transportation, Storage and Disposal of the Deceased.

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| These templates form part of the statutory guidance for local authorities on Schedule 28 and the Powers in Relation to Transportation, Storage and Disposal of the Deceased. Local authorities should refer to the guidance for further information on how the Schedule 28 powers and these templates should be used.  |

# Annex B: Template for using the information-sharing powers (Part 1)

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| **Local authorities should use this template when requesting information using the information-sharing powers in Part 1 of Schedule 28 to the Coronavirus Act 2020.****As set out in paragraph 2.5 of the guidance, local authorities can seek information without using these powers – in most cases this will be the fastest way of getting information, and industry and other organisations have already demonstrated willingness to support data collection efforts. However, these powers can be used if normal processes are not working, or these powers are considered likely to be the most effective way of getting information.**  |

**To:** [*Organisation / individual’s name*]

[*Organisation / individual’s address/email address*]

**Request for Information under paragraph 1(1) of Part 1 of Schedule 28 to the Coronavirus Act 2020**

[*Local authority*] requires you to provide the information set out below in the form and manner specified [which it requires]for the purposes of ascertaining capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains. This request is made under paragraph 1(1) of [Part 1 of ] Schedule 28 to the Coronavirus Act 2020 (“the Act”).**[[1]](#footnote-2)**

Information requested

1. Please provide the information specified below to the recipients listed in paragraph 2 and [*by the date* ***OR*** *by the dates* ***OR*** *as set out*] in paragraph 3:
	1. [*Please list the information you are requesting here. Be as specific and clear as possible with any information requests to help ensure the information you receive is useful. Examples of the type of information that you could request are set out in* ***Annex B(i).*** *The list of examples should not be included in the information request that is sent out.*]

Recipients

1. The recipient[s] mentioned in paragraph 1 are:
	1. [*Insert recipient name and address/email address*]
	2. [*Insert recipient name and address/email address]*

Deadline for provision of information

1. The information specified in paragraph 1 must be provided [by date] [by date and then at weekly intervals] [It is mandatory to state when the information must be provided. This may be a specific date (where the request is made on a one off basis) or at specific intervals (where the request is made on an ongoing basis).”

Other requirements

1. Please provide this information [*specify how the information is to be provided [mandatory] and in what form [optional]*]

Important information relating to this notice

1. It is an offence to fail, without reasonable excuse, to comply with this request or to knowingly or recklessly give false information in response to this request.[[2]](#footnote-3)
2. Information provided in response to this request may only be used or disclosed for:

(a) the purpose stated at the start of this request, or

(b) the purpose of complying with an enactment.

It is an offence for the local authority or any other person who holds the information provided in response to the request to use or disclose it otherwise.[[3]](#footnote-4)

This request does not require or authorise you to disclose any information the disclosure of which would contravene the data protection legislation[[4]](#footnote-5) or be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

Confidential and market-sensitive information will be treated appropriately and confidentially. Data will be handled, stored and destroyed in line with the data protection legislation.

If you have any questions about this request, please contact [*relevant contact at local authority*].

[*Name and job title*]

[*Local authority*]

ANNEX B(i)**:** Examples of types of information that could be requested -

 *[N.B. Delete this list before sending the request out]*:

1. *Information about capacity of burial grounds, including space for individual plots available for use for burials.*
2. *Baseline storage capacity[[5]](#footnote-6) and type – e.g. freezer, refrigeration or cold room.*
3. *Information about any staff shortages, considering the necessary training levels of those staff working for a Funeral Director including staff qualifications, training undertaken, and experience.*
4. *Data on current and anticipated capacity from Funeral Directors.*
5. *Data on practices being undertaken at funerals, such as number of attendees.*
6. *Information on available land for potential burial sites.*
7. *Information on available slots for cremations.*
8. *Number of vehicles available.*
9. *Details on standard operating hours.*
10. *Details on the geographical area generally served.*

# Annex C: Templates for making, varying or revoking directions (Part 2) - Suspended

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| **Local authorities should use these templates when making, varying or revoking directions under Part 2 of Schedule 28.**  |

**EXAMPLE DIRECTION FOR USE BY A LOCAL AUTHORITY**

[NAME OF THE LOCAL AUTHORITY]

**Coronavirus Act 2020 Transportation, storage and disposal of dead bodies or other human remains (***insert* **addressee) [(No. [x])** *insert number if this is not the first Direction given to the addressee)***]****Direction**

**[***insert name of***LOCAL AUTHORITY]** (“**the Authority**”), in exercise of the powers conferred by section 58 of and paragraphs 5(1) and 10 of Part 2 of Schedule 28 to the Coronavirus Act 2020[[6]](#footnote-7) (“**the Act**”), gives the following direction.

The **[***delete as appropriate* ***Secretary of State for Levelling Up, Housing and Communities* /Minister for the Cabinet Office**][[7]](#footnote-8) is of the view that:-

1. as a result of coronavirus disease, there is or is likely to be, insufficient capacity within the area of the Authority to transport, store or dispose of dead bodies or other human remains; and
2. the powers conferred by Part 2 of Schedule 28 to the Act are likely to be an effective means of addressing that lack of capacity,

and the **[***delete as appropriate**S****ecretary of State for Levelling Up, Housing and Communities* /Minister for the Cabinet Office[[8]](#footnote-9)]** made a designation to that effect under paragraph 4 of Part 2 of Schedule 28 to **the Act** on **[***insert***DATE];**

Before giving this direction the Authority has had regard to—

1. the effect that this direction is likely to have on the ability of any person to carry on their normal business; and
2. the desirability of disposing of a dead person’s body or other remains in accordance with the person’s wishes, if known, or otherwise in a way that appears consistent with the person’s religion or beliefs, if known.

**DIRECTION**

Person directed

1. This direction is given to **[***insert* **NAME OF PERSON]** (“**the addressee**”).
2. This direction will take effect from *[the point of issue / XX time XX date]*

Directed actions

1. The addresseemust[[9]](#footnote-10):
	1. **[provide the following service(s)[[10]](#footnote-11)]**
	2. **Provide in the manner specified in this direction the following [***insert as appropriate***[[11]](#footnote-12) services/facilities/premises/vehicles/equipment ]**
	3. **[to bury or cremate a dead body or other human remains in the manner and location specified] [[12]](#footnote-13)**

[SUPPLEMENTAL MATTERS]

Record keeping

1. The addresseemust keep a record of the steps it has taken in response to the direction in paragraph 2 and retain [those] records for a period of three years from the date of the steps taken.

Provision of information

1. The addressee must, if requested to do so by [the national authority/the Authority[[13]](#footnote-14)], provide information to [the national authority/the Authority[[14]](#footnote-15)] about the steps taken in response to the direction in paragraph 2. The information must be provided within 7 days of the date on which the addressee receives the request.

Conflicts

1. For the avoidance of doubt, and as set out in paragraph 7 of Schedule 28 to the Act if this direction conflicts with any direction given by [*insert:* **national authority**] under either paragraph 5(2) of Part 2 of Schedule 28 to the Act (powers of Ministers to direct regional or national response), or in reliance on paragraph 6 of Part 2 of Schedule 28 to the Act (“powers of Ministers to step in”), this direction is of no effect to the extent of that conflict.

Duration

1. This direction has effect until —
2. its revocation by the National Authority by a further direction under paragraph 5(2) of Part 2 of Schedule 28 to the Act, or

(b) if earlier, it lapses (see paragraph 5(11) of Part 2 of Schedule 28 to the Act).

Compensation

1. Paragraph 8(2) of Schedule 28 to the Act requires that companies and organisations to whom a direction is given under paragraph 5 of Schedule 28 are paid:
* a reasonable sum in respect of anything provided by the person in accordance with the direction;
* compensation in respect of
	1. losses;
	2. liabilities to pay damages for breach of contract; or
	3. any other liabilities

incurred by the person as a result of the direction.

1. For further information on compensation, including eligibility and submitting claims, please see the Schedule 28 Compensation Scheme [LINK].
2. All queries relating to compensation should be submitted to [ADD LOCAL AUTHORITY CONTACT NAME AND CONTACT DETAILS] and / or [ADD NAMED ALTERNATE AND CONTACT DETAILS].

Signed by, or on the authority of, [NATIONAL AUTHORITY]

XXXX

[NAME IN PRINT AND JOB TITLE]

DAY MONTH 2020

**EXAMPLE DIRECTION FOR USE BY A LOCAL AUTHORITY TO VARY DIRECTIONS**

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| This form can be used to vary directions given by a local authority. We suggest that the title of a variation uses the following formulation:“[Title of the Direction being varied] (Variation) Direction”.If a second or subsequent variation to the original direction is required then a number should be added to the title of the variation direction, so that the addressee can keep track. For example:“[Title of the Direction being varied] (Variation) (No [x]) Direction”" |

[NAME OF THE LOCAL AUTHORITY]

**Coronavirus Act 2020 Transportation, storage and disposal of dead bodies or other human remains [**insert **addressee] (Variation) [(No. [x])** *insert* **Title of the Direction being varied] (Variation) [(No. [x])** *insert number if this is the second or subsequent variation of the original Direction]* **Direction**

**[***insert name of***LOCAL AUTHORITY]** (“**the Authority**”), in exercise of the powers conferred by section 58 of and paragraphs 5(1), 10 and 11 of Part 2 of Schedule 28 to the Coronavirus Act 2020 (“**the Act**”), gives the following direction.

The **[***delete as appropriate* ***Secretary of State for Levelling Up, Housing and Communities* /Minister for the Cabinet Office**][[15]](#footnote-16) is of the view that:-

1. as a result of coronavirus disease, there is or is likely to be, insufficient capacity within the area of the Authority to transport, store or dispose of dead bodies or other human remains; and
2. the powers conferred by Part 2 of Schedule 28 to the Act are likely to be an effective means of addressing that lack of capacity,

and the **[***delete as appropriate* ***Secretary of State for Levelling Up, Housing and Communities*/Minister for the Cabinet Office[[16]](#footnote-17)**] made a designation to that effect under paragraph 4 of Part 1 of Schedule 28 to **the Act** on **[***insert***DATE];**

Before giving this direction the Authority, has had regard to—

1. the effect that this direction is likely to have on the ability of any person to carry on their normal business; and
2. the desirability of disposing of a dead person’s body or other remains in accordance with the person’s wishes, if known, or otherwise in a way that appears consistent with the person’s religion or beliefs, if known.

**DIRECTION**

* + - 1. This direction varies the direction [*insert title of original direction here]* given on **[***insert original direction* **DATE].**
			2. This direction will take effect from *[the point of issue / XX time XX date]*
			3. The earlier direction mentioned in paragraph 1 is varied as follows.
			4. *[to replace an existing provision with a new one]* For paragraph [x], substitute:

“[new text of paragraph [x].”

* + - 1. *[to omit an existing provision without replacement]* Omit paragraph [y].
			2. *[to insert a new provision*] After paragraph [z] insert:
			3. *[to replace the body of a direction with extensively revised text]* Omit from paragraph [a] to [f] and insert as follows”

“[*text of new paragraphs*]”

[INCIDENTAL ETC. PROVISION][[17]](#footnote-18)

Signed by, or on the authority of, [LOCAL AUTHORITY]

XXXX

[NAME IN PRINT AND JOB TITLE]

DAY MONTH 2020

**EXAMPLE DIRECTION FOR USE BY A LOCAL AUTHORITY TO REVOKE A DIRECTION OR MULTIPLE DIRECTIONS**

[NAME OF THE LOCAL AUTHORITY]

**Coronavirus Act 2020 Transportation, storage and disposal of dead bodies or other human remains (Revocation) Direction**

**[LOCAL AUTHORITY]**, in exercise of the powers conferred by section 58 of and paragraphs 5(1), 10 and 11 of Part 2 of Schedule 28 to the Coronavirus Act 2020, hereby revokes the following direction[(s)]:

REVOCATION

1. **[insert name of Direction]** given on **[***insert* **date of direction].**
2. **[insert name of Direction]** given on **[***insert* **date of direction].**
3. **[insert name of Direction]** given on **[***insert* **date of direction].**
4. This direction takes effect on [*insert* **DATE**].
5. [Transitional provisions[[18]](#footnote-19)]

Signed by, or on the authority of, [LOCAL AUTHORITY]

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[NAME IN PRINT AND JOB TITLE]

DAY MONTH 2020

# Annex D: Template for record keeping - Suspended

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| **This form is to help local authorities keep the appropriate records of directions (see paragraphs 3.27 – 3.29 and 5.10), and should be filed alongside copies of the relevant designation forms (Annex C).** **These records should be kept for three years from the date of direction. However, under the GDPR as implemented by the Data Protection Act 2018, personal data, such as next of kin details, should not be kept for longer than it is needed.** |

**RECORD OF DIRECTION**

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| --- | --- |
| **Title of direction / reference:** | **Date** |
| *Include detail of who was directed and what the direction was.* |  |

**Rationale for direction**

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| *Describe the rationale for the direction, including:** *decisions regarding the directions required made and rationale for those decision, e.g. how it addresses the capacity problem outlined in the designations;*
* *Which stakeholders have been consulted (if applicable)*
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**Impact on business**

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| *Set out how the effect of the direction on carrying out normal business has been considered. This should include any discussions held with LRFs or government on this issue.*   |

**Due regard to individuals’ wishes, religion or beliefs**

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| *Set out how regard to the deceased’s wishes, religion and beliefs have been considered, in line with guidance set out in Section 5. This should include:** *recording the steps taken to find out an individual’s wishes, religion or beliefs;*
* *recording the steps taken to comply with an individual’s wishes, religion or beliefs;*
* *recording the decisions taken, including the rationale, for departing from the deceased’s wishes, religion or beliefs (if that has become necessary – see paragraphs 5.13 – 5.14 of guidance).*
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**Public Sector Equality Duty**

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| *Set out any considerations relating to requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the local authorities to pay due regard to the need to:* * *eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act*
* *advance equality of opportunity between people who share a protected characteristic and those who do not*
* *foster good relations between people who share a protected characteristic and those who do not.*

*The protected characteristics which should be considered are:* * *age*
* *disability*
* *sex*
* *gender reassignment*
* *marriage or civil partnership*
* *pregnancy and maternity*
* *race*
* *religion or belief*
* *sexual orientation.*
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**Other information**

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| *Please use this section to any other information relevant to the designation. This could include:** *Discussions with other local authorities where a designation has affected another area.*
* *How safety considerations have been taken into account, in line with Public Health Guidance.*
* *Any discussion with government or LRFs relating to the designation.*
 |

1. The Coronavirus Act can be accessed at <http://www.legislation.gov.uk/ukpga/2020/7/schedule/28/enacted> [↑](#footnote-ref-2)
2. See paragraph 1(3) of Schedule 28 to the Coronavirus Act 2020. [↑](#footnote-ref-3)
3. See paragraphs 1(4) - (6) of Schedule 28 to the Coronavirus Act 2020. [↑](#footnote-ref-4)
4. “The data protection legislation” has the same meaning as the Data Protection Act 2018 (s.3). [↑](#footnote-ref-5)
5. Normal storage capacity without additional temporary measures. [↑](#footnote-ref-6)
6. 2020 c. 7. [↑](#footnote-ref-7)
7. Just delete to leave the name of the relevant minister who made the designation – could also be another SoS if neither or the two named were available at the time it was made. [↑](#footnote-ref-8)
8. As above reflect the name of the person who made the designation, will be same as above. [↑](#footnote-ref-9)
9. The following list are just examples of directions that may be given rather than an exhaustive list. [↑](#footnote-ref-10)
10. List what services you require the addressee to provide, be specific and precise so that the addressee knows what is required of them. [↑](#footnote-ref-11)
11. These are only examples taken from the wording of the Act but are not an exhaustive list. List here clearly and specifically what you want the addressee to provide and how they are to provide that, for example be clear about the extent of any premises, where vehicles or equipment are required to be taken or if they will be collected etc.. [↑](#footnote-ref-12)
12. Specify whether it is a direction to bury or cremate and where. [↑](#footnote-ref-13)
13. Insert here either authority or national authority or both if relevant [↑](#footnote-ref-14)
14. As above. [↑](#footnote-ref-15)
15. As above, amend to reflect the relevant minister who made designation. [↑](#footnote-ref-16)
16. As above amend to reflect the relevant minister who made designation [↑](#footnote-ref-17)
17. Include here any information necessary as a result of the variation. [↑](#footnote-ref-18)
18. Include details of any transitional arrangements, for example what happens to things that are in the process of being done under the now revoked direction. [↑](#footnote-ref-19)