
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Health Protection (Local
Authority Powers) Regulations 2010**

Restriction of access to dead bodies

- 10.**—(1) This regulation applies where a local authority is satisfied that—
- (a) a dead body is or may be infected or contaminated;
 - (b) the infection or contamination is one which presents or could present significant harm to human health;
 - (c) there is a risk that the dead body might infect or contaminate people;
 - (d) it is necessary to restrict entry to the room in which the dead body is located in order to remove or reduce that risk; and
 - (e) prohibiting any person from entering the room in which the dead body is located is a proportionate response to the risk presented by that dead body.
- (2) The local authority may serve on the person (M) having charge or control of the premises in which the dead body is located a notice prohibiting any person from entering the room in which the dead body is located.
- (3) On receipt of a notice served under paragraph (2), M must arrange for a copy of the notice to be conspicuously displayed at each of the entry points to the room without delay.
- (4) The notice must include—
- (a) a statement to the effect that entering the room in which the dead body is located is prohibited;
 - (b) a statement to the effect that breach of the prohibition is a criminal offence;
 - (c) contact details for an officer of the local authority who is able to discuss the notice; and
 - (d) the legal authority for the prohibition.
- (5) An offence is committed if, without reasonable excuse—
- (a) M fails to arrange for a copy of the notice to be displayed at each of the entry points to the room in accordance with paragraph (3);
 - (b) any person removes or defaces a notice displayed under paragraph (3); or
 - (c) any person fails to comply with a notice displayed under paragraph (3).
- (6) An offence is not committed under paragraph (5)(c) if—
- (a) the person has the local authority's consent to enter the room in which the dead body is located; or
 - (b) the person is exercising the functions of a coroner or is acting under the authority of a coroner.
- (7) Any person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale.