

Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fifth Marshalled List]

Amendment
No.

Clause 95

LORD THOMAS OF CWMGIEDD

186A★

Page 83, line 31, at end insert –

“(2A) The Code must provide that regular inspections by HM Inspectorate of Constabulary and HM Inspectorate of the Crown Prosecution Service are undertaken as to –

- (a) compliance with the provisions in the code of practice as to the giving of discretionary and community cautions, and
- (b) the consistency of application of the Code of practice as between different police forces or Crown Prosecution Areas.”

After Clause 170

BARONESS BRINTON

292K★

Insert the following new Clause –

“Desecration of a corpse

- (1) A person (‘D’) is guilty of an offence if –
 - (a) D acts with severe disrespect to a corpse, and
 - (b) D knows that, or is reckless to whether, their acts are one of severe disrespect.
- (2) In subsection (1)(a), disrespect to a corpse includes but is not limited to –
 - (a) dismembering a corpse, including –
 - (i) removing or attempting to remove identifiable body parts such as teeth, or fingers;
 - (ii) decapitation or attempted decapitation;
 - (b) destroying or attempting to destroy a corpse by means or burning or the use of chemicals.
- (3) For the purposes of subsection (1)(a), whether an act is one of severe disrespect is to be judged according to the standard of the reasonable person.
- (4) A person is not guilty of an offence under this section if –

After Clause 170 - continued

- (a) the act would otherwise be criminal under section 1 of the Human Tissue Act 2004,
 - (b) the act is also a criminal offence under section 70 of the Sexual Offences Act 2003 (sexual penetration of a corpse), or
 - (c) the act is a lawful cremation under the Cremation (England and Wales) Regulations 2008.
- (5) A person guilty of an offence under this section is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years.”

Member’s explanatory statement

The current common law offence of preventing a lawful and decent burial is rarely used. This amendment therefore creates a specific criminal offence of desecration of a corpse to address intentional acts of disrespect towards a deceased person’s remains.

292L★ Insert the following new Clause –**“Concealment of a body**

- (1) A person (‘D’) is guilty of an offence if –
 - (a) D conceals or attempts to conceal the deceased body of another person, and
 - (b) D intends to obstruct a coronial investigation, or
 D conceals a death to facilitate another criminal offence.
- (2) In subsection (1) concealment of the deceased includes but is not limited to –
 - (a) burying a corpse;
 - (b) submerging a corpse in water; or
 - (c) otherwise preventing an official burial or cremation by the deceased’s family.
- (3) For the purposes of subsection (1)(b), the circumstances in which a coronial investigation is required are set out in section 1 of the Coroners and Justice Act 2009.
- (4) For the purposes of subsection (1)(b), concealment of a homicide will be conclusive evidence of an intent to obstruct a coronial investigation.
- (5) A person guilty of an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years.”

Member’s explanatory statement

The common law offence of obstructing the coroner is rarely used. This amendment therefore creates a specific criminal offence of concealment of a body to address circumstances where an offender refuses to co-operate in the recovery of their victims’ remains.

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2 November 2021
