Offences Against Dead Bodies - Terms of Reference

1.1 This project will review the operation of the criminal law on conduct towards a dead body or human remains.

1.2 The project will identify gaps in the current law and make recommendations to ensure that the criminal law provides consistent, effective and appropriate protection for dead bodies and human remains after death.

1.3 This will include, but is not limited to, the following:

(1) dismemberment, mutilation and other interference with a dead body or human remains;

(2) taking, making, sharing and possessing images of a dead body or human remains;

(3) sexual abuse (including image-based abuse) of a dead body or human remains;

(4) concealment of a dead body or human remains, and of information relating to the location of a dead body or human remains; and

(5) any other conduct which treats a dead body or human remains without dignity or respect.

1.4 The project will also consider peri-mortem (around the time of death) conduct towards a victim (whether alive or dead). In particular, where:

(1) it is not clear whether the conduct occurred before or after death; but

(2) the conduct in question would have amounted to an offence had it occurred prior to death.

1.5 This project will not make recommendations in relation to:

(1) the regulation of the death care sector;

(2) the regulation of the sale and display of dead bodies and human remains;

(3) property offences (for example, theft and fraud); or

(4) offences related to the Law Commission's "Burial, Cremation and New Funerary Methods" project

except in so far as relevant for the purposes set out above.