

Natural History Museum Human Remains Policy.

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This policy applies to all NHM employees, contractors, Associates, affiliated students and volunteers. Sections of this policy also apply to formal visitors and users of the collections, particularly in respect to Collections Access and Information.

This policy was approved by the Board of Trustees on 23 November 2021 and shall remain in place until a revision is issued by the Head of Registry.

NHM Human Remains Policy

1. Overview of Policy.

- (a) Human remains have a unique status within museum collections which places a special responsibility on those museums that hold them. These responsibilities include additional policy requirements to be in place in line with the Human Tissue Act 2004 (Appendix A). The purpose of this policy is to articulate and update the general principles concerning the human remains in the Natural History Museum's collection, to indicate where their management follows the Museum's Policy framework – Introduction and Governance of the Natural History Museum Collections, Collections Development, Collections Access and Information and Collections Care Policies and to provide additional information specific to Human Remains.

2. Scope.

- (a) The policy covers:
 - i. the care, management and development of the human remains collection in the Museum;
 - ii. access to the Museum's collection for scientific and other purposes;
 - iii. how requests for return of human remains will be dealt with by the Museum.
- (b) For the purposes of this Policy, Human Remains are defined as the bodies or body parts of individuals of Homo sapiens who were living during the past 10 000 years. The definition includes body parts or elements integral to living or dead persons including skeletal tissue; teeth; hair; nails; soft tissues such as organs and skin; as well as material intimately associated with the body in life such as calculus. This policy also covers blood and preparations or derivatives of the materials listed above (such as slide preparations; or chemical or molecular extracts such as DNA) entering the Museum temporarily or to form part of the permanent collection.
- (c) For the purposes of requests for return to countries of origin, only those human remains that are less than 1,000 years old may be considered.
- (d) The Human Tissue Act 2004 makes provisions with respect to the deaccession of Human Remains 1000 years old or less and the public display of Human Remains 100 years old or less: the Museum is subject to this legal and regulatory framework and holds a Human Tissue Authority Licence.
- (e) This policy applies to all human remains that enter the Museum.

3. The Human Remains in the Museum's Collections.

- (a) The Museum holds human remains in its collection and aims to maintain high collections management standards. The material is maintained as an essential reference resource, for scientific study. The Museum is convinced that there is continuing scientific value in the curated collections of human remains, and that they should continue to be the focus of active research.
- (b) There are approximately 26,000 individuals represented in the Museum's collections, ranging from complete and partial skeletons to individual bones and teeth. These come from all over the world, some dating back many thousands of years. More than half the remains are from the British Isles. The Museum regards it as important to have a collection which is comprehensive and therefore useful for comparative research, for comparing human populations over time and from different places.

- (c) Some of the remains represent named individuals. Specific practices are adopted in relation to their care and access in recognition of this sensitivity.

3.1 Scientific research

- (a) The Museum is founded on the principle that all items in the collection should be retained for the purposes of study and research for the benefit of all humankind. The Museum is committed to the scientific study of humans as part of its mission to promote the discovery and understanding of the natural world.
- (b) Human remains constitute 'material memory' of past peoples. They represent a unique source of information on the genetic and physiological responses of past peoples to the challenges posed by their natural and socio-cultural environments. Human remains are used in a range of applied and academic disciplines including archaeology, anthropology, clinical research, forensics and genomics. Examples of the type of research undertaken include
- DNA analysis can be used to reveal patterns of population movement throughout prehistory and more recent times. Specific issues that can be addressed include population origins and continuity, as well as dispersal and admixture between groups and population size at a given time.
 - Functional genomics can reveal specific adaptations of a population to the local environment or diet. Examples include lactase persistence (conferring ability to digest milk as adults, adaptations to living at high altitude or variation in disease resistance genes (such as malaria and tuberculosis).
 - Migratory individuals have traditionally been recognised from their morphology and can now be identified by a difference in the chemical signatures of their bones and teeth. This can help us to understand patterns of population movement, cultural exchange and individual life histories in past communities.
 - Past populations have been studied to evaluate the impact of changing settlement and subsistence patterns, and political circumstances on human health and social inequality. Transitions that have been and could be studied include the development of sedentism, domestication of food crops and animals, colonisation and industrialisation.
 - Detailed recording of the dentition, including dental disease, dental crowding and malocclusion can provide evidence for the effect of changing diet on human oral health. Analysis of the DNA of oral bacteria preserved in dental calculus can provide direct evidence for changes in bacterial communities, and their effect on caries susceptibility and other diseases.
 - Documentation of the effects of repeated activity on the skeleton can help improve understanding of occupational hazards. Repeated activity patterns linked to hunting, fishing, gathering and farming activities, and also to more specialized tasks such as weaving, rowing or basket making, can result in characteristic changes in the skeleton and dentition.
 - Ongoing studies of skeletal collections are resulting in an improvement of identification techniques including sex, age at death, population affinity and other distinguishing traits. These techniques can be employed by forensic anthropologists when assisting with criminal cases.

3.2 Collaboration and partnerships

- (a) The Museum advocates the need for national and international collaboration and partnership in furthering its objectives, on both a practical and policy level. The Museum will continue to be proactive in its development of policy for human

remains and welcomes wide-ranging discussion and policy collaboration that can inform thinking on policy and practice.

3.3 Access to the Collection

- (a) The Museum is committed to the principle of access to its collections, scientific, intellectual and information resources. This applies to human remains just as to any other items in the Museum's collection. Access is given in various ways: many visiting research scientists work directly on the collection, the wider scientific community benefits from specialist publications and the public are given access through popular publications, exhibitions, considerable media coverage, and via the Internet. However, while one view might be that human remains are no different to the remains of any other species, the Museum recognises that because of their human origin there are particular sensitivities concerning the care and management of the human remains collection. The Museum therefore adopts specific practices concerning access to human remains in recognition of this sensitivity.

3.4 Cultural perspectives on human remains

- (a) While the Museum is committed to its collection and enabling knowledge about the natural world to be gained by current and future generations, the Museum is also sensitive to the views expressed by others about retention of certain remains in its collection. The Museum recognises that the significance of human remains differs between individuals and cultures and that there is a wide range of views as to the values which should inform the treatment of them. These different views lead to a range of perspectives on appropriate custody, care, location and use of remains and duties in respect of them. The presence of human remains in the Museum is seen by some as a source of benefit through scientific study; and by others as a cause for concern.

3.5 Dialogue, engagement and development of policy

- (a) The Museum acknowledges that there are various understandings of meanings, significance, values or duties with respect to the remains of particular people.
- (b) The Museum will discuss and work with those with an interest in:
 - i) return of remains to places or communities of origin;
 - ii) development of information resources;
 - iii) involvement of indigenous peoples in determining the use of remains held by the Museum;
 - iv) systems of care for remains in the Museum;
 - v) access for community groups and cultural or lineal descendants to the remains; and
 - vi) other issues.
- (c) The Museum has found that these dialogues lead to better understanding of its role, enables Museum staff to learn from the experience of others in this context, and supports the development of mutually acceptable solutions in areas where there are conflicting views.

3.6 Requests for return to places of origin

- (a) The Museum acknowledges that there are different views on appropriate custody, care, location and use of remains. Under the provisions of Section 47 of the Human Tissue Act 2004 the Museum can consider requests for changes in custody or location of remains for individuals who died 1000 years ago or less

and this may include the return of human remains to places, communities or countries of origin.

4. Legislation and Guidance relating to the Care of Human Remains.

- (a) The Museum's Collections Management Policies and Procedures apply to human remains unless otherwise defined in this policy or in the related procedures for human remains. In developing the Museum's approach to Human Remains the following legislation is observed.
- i) Human Tissue Act 2004
<http://www.legislation.gov.uk/ukpga/2004/30/contents> and associated Human Tissue Authority codes of practice.
<http://www.hta.gov.uk/legislationpoliciesandcodesofpractice.cfm>
 - ii) Burial Act of 1857. <http://www.legislation.gov.uk/ukpga/Vict/20-21/81/contents> and associated guidance issued by the Ministry of Justice
<http://www.justice.gov.uk/coroners-burial-cremation/burials>
- (b) Cases of non-conformance with the Human Tissue Act 2004 must be reported to the Designated Individual who will maintain a log of instances and ensure causes of non-compliance are identified and remedied.

5. Governance.

- (a) Details of the governance by Trustees and The Director of the Museum including the management of the collection can be found in Governance Principles of the Natural History Museum which was last reviewed and approved by the Trustees in March 2013 (currently under review). Introduction and Governance of the NHM Collections was last reviewed and approved by the Trustees in February 2019, this provides detail of the day to day governance of the Museum's Collections. For Human Remains the Governance principles are as follows -
- *Trustees*: - The authority and responsibilities of the Trustees are set out in the British Museum Act 1963 as amended by subsequent legislation. Trustees are responsible for the consideration of requests for the repatriation of human remains as provided for in the Human Tissue Act, 2004.
 - *Director and Executive Director of Science*: - The Director and the Executive Director of Science are responsible for overseeing development and implementation of the Museum's policy and procedures on human remains. The Director is also the Museum's Corporate licence holder under the Human Tissue Act.
 - *Head of Earth Sciences and Head of Earth Science Collections*: - Head of Earth Sciences and Head of Collections are responsible for the management of the collection of human remains and for overseeing access, use, information collection and provision, and development of procedures to implement policy in these areas of activity. This is delegated to the Senior Curator in Charge for Anthropology on a day to day basis.
 - *Head of Registry*: - The Head of Registry is the Designated Individual for the purposes of regulation under the Human Tissue Act 2004. The Senior Curator in Charge for Anthropology is a Person(s) Designated under the Act and supports the Designated Individual with regard to compliance with the Act and Human Tissue Authority Codes of Practice and Standards.

6. Collections Development.

- (a) The Introduction and Governance of the Natural History Museum Collections and Collections Development Policy set out the Museum's statement of purpose and

its approach to the development of the collections. This section of the Human Remains Policy indicates where the collections management of our Human Remains collections differs from the Collections Development Policy and where the approach to collections management policy is the same.

6.1 Themes and Priorities for Future Collecting

- (a) In fulfilling its scientific role, the Museum may acquire human remains and incorporate them formally into the collection. The Museum will add remains to the collection when it is satisfied that the remains have an established provenance, a clear potential value for scientific research, and are held legally. The primary goals for acquiring items are the same as those outlined in Section 2 of the Collections Development Policy:
- Bridging or filling gaps in collections, to ensure an appropriate breadth and depth of coverage;
 - Scientific (or scholarship) importance;
 - Fulfilment of a research need;
 - Significance to the history of the discipline;
 - Potential for public exhibition or education.

6.2 Legal Assessments of Potential Acquisitions and Due Diligence

In making decisions to acquire human remains and add them to the collection, the Museum will make full consideration of all relevant issues including the relevant legal framework as outlined in Section 4 and the Due Diligence approach detailed in Section 7 of the Collections Development Policy. In respect of human remains less than 100 years old the Human Tissue Act 2004 and the relevant code of practice as issued by the Human Tissue Authority will apply. Consent is of fundamental importance to the Human Tissue Authority's Codes of Practice and Standards, through ensuring informed consent organisations maintain public confidence in the use of human bodies and body parts for the purposes of display and research. The Museum will only acquire relevant material that is covered by the Human Tissue Act if it meets the consent requirements set out by the Human Tissue Authority in their Codes of Practice [see also Section 9 on Import of Human Remains].

6.3 Legal Framework for Disposal

- (a) The Museum is governed by the 1963 British Museum Act¹, details of constraints placed on the Museum by the Act are outlined in the Collections Development Policy. The Human Tissue Act 2004 gave the Trustees the power to remove human remains from the collection if the person concerned died less than one thousand years ago. Details of the Museum's policy towards decision making by the Trustees regarding requests for changes in custody are given in Section 6.5.

6.4 Documenting disposal

- (a) Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic

¹ Full text of the British Museum Act 1963 can be found at <http://www.legislation.gov.uk/ukpga/1963/24/contents>

records where practicable in accordance with SPECTRUM 5.0² Procedure on deaccession and disposal.

6.5 Requests for changes in custody or location of human remains, including return to countries of origin³ for remains 1000 years old or less.

- (a) Trustees may consider and decide to act upon requests for changes in custody or location of remains that may include the return of human remains to places, communities or countries of origin. Requests will be addressed on a case-by-case basis.
- (b) Respect for all points of view is of particular importance in considering such requests. The Museum will communicate with those making requests for return and supports openness, consultation and transparency of action to make negotiations as equitable as possible. A degree of formality is inevitable in order to ensure consistency and accountability in ultimate decision-making pursuant to a formal request for return.

Formal requests for return

- (c) Formal requests for the return of remains should be made by a letter to the Director from a designated representative of the appropriate group, family or organisation. The Museum may publish and alter from time to time guidance relating to the procedure for making requests and the criteria which the Museum may take into account.
- (d) Consultation and communication with those making the request and others with interests or expertise will be conducted to ensure adequate information and to identify mutually acceptable outcomes. The Museum may hold meetings with appropriate representatives or may communicate or consult in writing.
- (e) The Museum will, where appropriate, consult with the national government or other relevant authorities in the country of origin to confirm that those making the request would have authority to do so in the country of origin; on confirmation of this status, the Museum will proceed to consider the request.

Information needed in considering a request

- (f) Information will be gathered to enable advice to Trustees to be developed. This will draw upon the evidence in the original claim, and would normally involve the gathering of new evidence concerning the request from Museum sources, those making the request, relevant experts and from other parties where appropriate. The Museum may request information from other relevant authorities or similar institutions to assist in determining any request.
- (g) Information on the nature, age and origin of the remains will be gathered and the history of the remains in the collections. The relevance for scientific study will be clarified. When a request is received for remains, a provenancing research project will be undertaken that may involve archival research, physical examination and documentation, and invasive techniques (the use of which would be discussed with the community making the request for return and their views taken into account in deciding on use). A report on the research will be shared with those making the request for return.
- (h) Information will be sought: on the cultural and spiritual values of the interested individuals or communities making the request and the strength of their relationship to the remains in question; on the cultural, spiritual and religious significance of the remains; on the scientific, educational and historical value,

² <https://collectionstrust.org.uk/spectrum/spectrum-5/>

³ Procedures relating to requests for changes in custody, care, location or use of human remains, including return to countries of origin will be made available to complement policy.

importance and potential of the remains; and on possible plans for the future of the remains if returned. The Museum may also consider or request information concerning the legal status of the remains.

Trustees consideration and decision

- (i) Information will be presented to Trustees to allow them to consider the request. Trustees may, before reaching a decision, ask for further information or further discussion on particular issues with those making the request. Trustees may decide to seek specialist advice for example to consider ethical, legal or other relevant issues. Specialist advice shall not be binding on Trustees, who may decide to take action other than that recommended. Museum officials may also make such a request before inviting Trustees' decision.

6.6. Removal, transfer and disposal of human remains that are not the subject of requests for return.

- (a) Trustees may consider removal, transfer and disposal of human remains for reasons other than a request for return to the country of origin: for example, in rare instances of deterioration beyond further scientific use. In this case Section 13 of the Collections Development Policy - Legal Framework for Disposal will apply.
- (b) In such cases, the possibility of future requests for return from genealogical descendants or communities of origin will be assessed. If there is a reasonable possibility of such future requests, the remains will be retained until a decision is made by Trustees to return in response to such a request, or the likelihood of a request for return is for whatever reason considered to be substantially reduced.
- (c) The scientific, cultural, historical, public engagement and other actual and potential values of the remains will be assessed to inform decisions concerning removal, transfer or disposal. This assessment will include reference to relevant issues in law, ethics, regulation, government guidance and good practice. Disposals will be made with reference to guidance and codes of practice relating to the Human Tissue Act 2004.
- (d) Options for the eventual location and responsibility of remains should be defined and may include:
 - (i) Another appropriate institutional collection. This may be in an institution outside the UK or a UK museum or research collection;
 - (ii) Reburial, respectful storage or disposal in accordance with law and regulation and informed by good practice.
- (e) Options and recommendations will be presented to Trustees for decision.

7. Collections Access and Information.

- (a) A due diligence review will be undertaken for all requests to access human remains for research, display or other purposes.

7.1 Temporary Storage

- (a) The Museum may hold some human remains on a temporary basis for the purposes of scientific research or for the purposes of consultancy. These remains must have proper documentation, have an established provenance confirmed by due diligence checking (as described in Section 9 of the Collections Access and Information Policy) and clear potential value for scientific research, be held legally and comply fully with the Human Tissue Act 2004 and be guided by the relevant code of practice. Documentation of temporary holdings

will follow the requirements set out in the Collections Access and Information Policy; this is particularly important for items covered by the Human Tissue Act which must be recorded for Human Tissue Authority auditing purposes.

- (b) Under certain circumstances the Museum may consider entering into an agreement with another organisation to temporarily store Human Remains on their behalf. Such agreement will be subject to an agreed contract and, where relevant, a suitable licence from the Human Tissue Authority.

7.2 Storage and Security

- (a) The Museum will hold human remains in dedicated secure storage areas. Access to these areas, to adjoining workrooms, and to the remains themselves is allowed only to authorised staff or to visitors with specific permission and under agreed supervisory arrangements.

7.3 Access to the Collections

Access by Visitors.

- (a) Access to and use of human remains in the Museum for academic research is provided, subject to approval, to bona fide appropriately qualified scientific academic research workers affiliated to universities, governments and/or associated institutions.
- (b) Access under defined conditions to human remains may be approved in response to a request from genealogical descendants or representatives of communities of origin with confirmed connexions to particular human remains.
- (c) Access is not normally permitted outside these parameters.

Images, film and digital reproduction.

- (d) Digital reproduction (including the creation of physical reproductions from the digital data), photography or filming of human remains that are not on display will only be permitted where there is a clearly demonstrable benefit in terms of scientific enquiry, public understanding of science including public display, or public understanding of the role of the Museum. Any proposal for digital reproduction, photography or filming of remains will be subject to approval following consideration of relevant legal, regulatory, ethical and other issues. Whilst photography and the taking of electronic images is not in the scope of the Human Tissue Act the Human Tissue Authority issue best practice within the Code of Practice and Standards for Public Display; it is the role of the Designated Individual to ensure compliance with these. The Museum takes this into account when making decisions regarding digital reproduction, photography, filming or capturing of an electronic image.

7.4 Access to Collections Information

- (a) The Museum is committed to the principle of access to its information resources, and will respond positively to those requesting information on the human remains in the collection. The Museum will work with the enquirer to determine how their information needs may be best satisfied.
- (b) Requests for access to existing data will be considered under the same conditions as for the remains themselves and in line with Section 7 of the Museum's Collections Access and Information Policy.

7.5 Research Loans, Exhibition Loans and Public Display

Public Display

- (a) Public display includes but is not restricted to
- Exhibition in the Natural History Museum's galleries
 - Exhibition at another museum
 - Events organised through the Natural History Museum such as learning activities or face-to-face science communication
 - Events organised by other institutions e.g. for face to face science communication.
- (b) Proposals for the public display of remains will be subject to approval following consideration of relevant legal, regulatory, ethical and other issues, including the Human Tissue Act 2004 and the terms of the Natural History Museum public display licence in respect of remains 100 years old or less. Particular attention will be paid to compliance with consent requirements and the validity and authenticity of the documentation provided for assurance [see also Section 9 on Import of Human Remains].

Exhibition Loans

- (a) The Museum may make and receive loans of human remains for the purposes of public display if there is clearly demonstrable benefit in terms of communicating the results of science or another aspect of culture, public understanding of science, or public understanding of the role of the Museum. This includes the public display of Human Remains in the Museum's Collections areas.
- (b) Proposals to use remains for the purpose of public display will be subject to approval following consideration of relevant legal, regulatory, ethical and other issues, including the Human Tissue Act 2004 and the terms of the Natural History Museum public display licence in respect of remains 100 years old or less.
- (c) Any exhibition loan would be subject to compliance with legal, ethical and practical considerations. Exhibition loans of human remains are made with reference to the Museum's general policies on loans contained in Sections 9-11 of the Collections Access and Information Policy but separately defined procedures for human remains will be used. If loans are made or received of human remains 100 years old or less then the provisions of the Human Tissue Act 2004 will be applied together with the relevant code of practice. Particular attention will be paid to compliance with consent requirements and the validity and authenticity of the documentation provided for assurance [see also Section 9 on Import of Human Remains].

Research Loans - Outgoing

- (a) The Museum does not, except under exceptional circumstances, loan items from the Human Remains Collection for the purposes of research. It may however, provide samples for analysis which are sent as a loan on the understanding that data will be returned in-lieu of the physical item along with any residual material including extracts and preparations. The Museum's policy on destructive and invasive sampling applies, and can be found in Section 14 of the Collections Development Policy. This applies when a request for destructive/ invasive sampling of human remains is received from any member of staff, external person or institution.
- (b) If loans are made of human remains 100 years old or less then the provisions of the Human Tissue Act 2004 will be applied together with the relevant code of practice.

Research Loans - Incoming

- (a) Receipt of any loans of human remains for the purposes of research are subject to compliance with legal, ethical and practical considerations. Incoming loans of human remains are received with reference to the Museum's general policies on loans as detailed in Section 14 of the Collections Access and Information Policy but separately defined procedures for human remains will be used.
- (b) If loans are received of human remains 100 years old or less then the provisions of the Human Tissue Act 2004 will be applied together with the relevant code of practice, compliance with consent requirements is of particular importance [see also Section 9 on Import of Human Remains].

8. Temporary Entry.

- (a) Remains may enter the Museum on a temporary basis for example for identification, consultancy or analysis in the Museum's Core Research Laboratories. Any remains entering the Museum temporarily must be notified to the Designated Individual and Person Designated in advance of entry to ensure appropriate due diligence and compliance activities are undertaken.

9. Import of Human remains.

- (a) The Human Tissue Authority considers that the same consent expectations (as set out in paragraphs 37 to 40 in their Code D Public Display Code of Practice and Standards) should apply for imported bodies and body parts as for those from within England, Wales, and Northern Ireland, unless the Human Tissue Authority is satisfied that there are exceptional circumstances for not doing so. Consequently, for best practice and ethical reasons the Museum expects consent to be aligned with the requirements set out in Code D when human bodies and body parts enter the Museum regardless of whether the purpose of entry is for public display, research (including research loan in), consultancy, or another purpose. Any requests that diverge from this policy will be reviewed by the Designated Individual on a case by case basis and require an explicit justification for the exception.

10. Collections Care.

- (a) The Museum will care for and store human remains in conditions designed to preserve their physical integrity and scientific value, in accordance with defined collections standards which are indicated in the Museum's Collections Care Policy.
- (b) Staff and visitors are required to follow handling and good practice guidelines as set out in the Museum's Human Remains Procedures and to treat the remains with respect.

11. Policy review procedure.

The Human Remains Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted below. Changes to the previous version are shown below.

Document Owner:

Head of Registry

Name of governing body:

Trustees of the Natural History Museum

Date of approval by governing body:

23 November 2021

Date at which this policy is due for review: 19 February 2024

Appendix A. Section 47 of the Human Tissue Act 2004.

47 Power to de-accession human remains

(1) This section applies to the following bodies—

- The Board of Trustees of the Armouries
- The Trustees of the British Museum
- The Trustees of the Imperial War Museum
- The Board of Governors of the Museum of London
- The Trustees of the National Maritime Museum
- The Board of Trustees of the National Museums and Galleries on Merseyside
- The Trustees of the Natural History Museum
- The Board of Trustees of the Science Museum
- The Board of Trustees of the Victoria and Albert Museum.

(2) Any body to which this section applies may transfer from their collection any human remains which they reasonably believe to be remains of a person who died less than one thousand years before the day on which this section comes into force if it appears to them to be appropriate to do so for any reason, whether or not relating to their other functions.

(3) If, in relation to any human remains in their collection, it appears to a body to which this section applies—

- (a) that the human remains are mixed or bound up with something other than human remains, and
- (b) that it is undesirable, or impracticable, to separate them, the power conferred by subsection (2) includes power to transfer the thing with which the human remains are mixed or bound up.

(4) The power conferred by subsection (2) does not affect any trust or condition subject to which a body to which this section applies holds anything in relation to which the power is exercisable.

(5) The power conferred by subsection (2) is an additional power.