



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

### PART III

#### *Disposal of Dead Bodies*

#### **46 Burial and cremation.**

- (1) It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- (2) Any council which is the local authority for the purposes of the <sup>M1</sup>Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part III of the <sup>M2</sup>National Assistance Act 1948 by, or by arrangement with, the council or was living in a hostel provided by the council under section 29 of that Act.
- (3) An authority shall not cause a body to be cremated under subsection (1) or (2) above where they have reason to believe that cremation would be contrary to the wishes of the deceased.
- (4) Subsections (1) and (2) above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- (5) An authority may recover from the estate of the deceased person <sup>F1</sup>... expenses incurred under subsection (1) or subsection (2) above, . . . <sup>F2</sup>.
- (6) Without prejudice to any other method of recovery, a sum due to an authority under subsection (5) above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.

*Status: Point in time view as at 24/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Part III. (See end of Document for details)*

- (7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section.
- (8) The Secretary of State may by order made by statutory instrument direct that this section, in its application to the Isles of Scilly, shall have effect subject to exceptions, adaptations and modifications.

#### Textual Amendments

- F1** Words in s. 46(5) repealed (6.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 147(1)(g), 170(3)(4), [Sch. 15 Pt. 5](#) (with [Sch. 13](#)); S.I. 2009/462, art. 4(a)(c); S.I. 2009/631, art. 2(a)(c)
- F2** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 11](#)

#### Modifications etc. (not altering text)

- C1** S. 46 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, [Sch.](#)
- C2** S. 46 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, [Sch.](#) (with art. 2)
- C3** S. 46 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)
- C4** S. 46 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, [Sch. 2](#)

#### Marginal Citations

- M1** 1970 c. 42.
- M2** 1948 c. 29.

## 47 Regulations about dead bodies.

- (1) The Secretary of State may make regulations imposing any conditions and restrictions—
- (a) with respect to means of disposal of dead bodies otherwise than by burial or cremation,
  - (b) as to the period of time a body may be retained after death on any premises, or
  - (c) with respect to embalming or preservation,
- which may appear to be desirable in the interests of public health or public safety.
- (2) The power to make regulations under this section shall be exercisable by statutory instrument.

#### Modifications etc. (not altering text)

- C5** S. 47 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2)(3), [Sch. 2](#)  
S. 47 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2)(3), [Sch. 2](#)
- C6** S. 47: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8(1)(3), [Sch. 2](#)  
S. 47: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8(1)(3), [Sch. 2](#)

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## **48 Removal of body to mortuary or for immediate burial.**

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a certificate of the proper officer of the local authority for the district in which a dead body lies, that the retention of the body [<sup>F3</sup>in any place would endanger the health of any person], he may order—
  - (a) that the body be removed by, and at the cost of, the local authority to a mortuary, and
  - (b) that the necessary steps be taken to secure that it is buried within a time limited by the order or, if he considers immediate burial necessary, immediately.
- (2) Where an order is made under subsection (1) above, relatives or friends of the deceased person shall be deemed to comply with the order if they cause the body to be cremated within the time limited by the order or, as the case may be, immediately.
- (3) An order under this section shall be an authority to any officer named in it to do all acts necessary for giving effect to the order.

### **Textual Amendments**

- F3** Words in s. 48(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 7](#); [S.I. 2010/708, art. 6\(e\)](#) (with [Sch. 2](#)); [S.I. 2010/1547, art. 2\(e\)](#) (with [Sch. 1](#))

### **Modifications etc. (not altering text)**

- C7** S. 48 applied by [S.I. 1988/1546, reg. 3, Sch. 1](#)
- C8** S. 48 modified (7.8.1991) by [S.I. 1991/1773, art. 8\(2\)\(3\), Sch. 2](#)  
S. 48 modified (10.1.1992) by [S.I. 1991/2913, art. 8\(2\)\(3\), Sch. 2](#)
- C9** S. 48: certain functions transferred (7.8.1991) by [S.I. 1991/1773, art. 8\(1\)\(3\), Sch. 2](#)  
S. 48: certain functions transferred (10.1.1992) by [S.I. 1991/2913, art. 8\(1\)\(3\), Sch. 2](#)
- C10** S. 48 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\), arts. 1, 4, Sch.](#)
- C11** S. 48 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\), arts. 1\(1\), 4, Sch.](#) (with [art. 2](#))
- C12** S. 48 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\), arts. 1\(1\), 4, Sch.](#)
- C13** S. 48 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\), arts. 1\(1\), 4, Sch.](#)
- C14** S. 48 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\), arts. 1\(1\), 4, Sch.](#)
- C15** S. 48 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 9, Sch. 2](#)

**Status:**

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**Changes to legislation:**

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