



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

PART III **S**

GENERAL PREVENTION AND MITIGATION OF DISEASE

Mortuaries, &c.

^{F1}68 Power of local authority to provide mortuaries. **S**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

69 Power of sheriff, &c. in certain cases to order removal of dead body to mortuary. **S**

(1) Where either—

- (a) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or
- (b) the body of a person who has died of any infectious disease is retained without the sanction in writing of the [^{F2}designated medical officer] or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom; or

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Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897, Cross Heading: Mortuaries, &c.. (See end of Document for details)

- (c) any dead body is retained in any house or room or ship under circumstances which, if continued, may endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building; . . . ^{F3}
- (d) . . . ^{F3}
a sheriff . . . ^{F4} or justice may, on a certificate signed by a [^{F2}designated medical officer] or other legally qualified medical practitioner, direct that the body be removed, at the cost of the local authority, to any available mortuary, and be buried within the time limited by the sheriff, . . . ^{F4} or justice; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.
- (2) Unless the friends or relations of the deceased undertake to bury, and do bury, the body within the time so limited, it shall be the duty of the local authority to bury such body, and any expense so incurred may be recovered by them in a summary manner from any person legally liable to pay the expenses of such burial.
- (3) It shall not be lawful to transport the body of any person who has died of any infectious disease by railway or other public conveyance, not being a conveyance reserved for such purpose, unless and until the [^{F2}designated medical officer] or other legally qualified medical practitioner, has certified that every precaution necessary for the public safety has been adopted to his satisfaction, and any undertaker or other person who shall without such certificate knowingly remove or assist in removing, and any person who shall procure or endeavour to procure the removal of such dead body without having obtained such certificate shall be liable to the penalty herein-after mentioned in this section.
- (4) If any person obstructs the execution of any direction given by a sheriff, . . . ^{F4} or justice, under this section, he shall be liable to a penalty not exceeding [^{F5}level 1 on the standard scale].

Textual Amendments

- F2** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 55](#)
- F3** Word and s. 69(1)(d) repealed by [National Assistance Act 1948 \(c. 29\), Sch. 7 Pt. III](#)
- F4** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27](#)
- F5** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

- C1** [S. 69](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

^{F1}70 Power of local authority to provide places for post-mortem examinations. **S**

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), sch. 3 Pt. 1](#) (with s. 127); [S.S.I. 2009/9, art. 2\(b\), sch. 2](#), [S.S.I. 2009/319, art. 2\(a\), sch. 1](#) (with art. 3, sch. 2 para. 2), [S.S.I. 2009/404, art. 2\(3\), sch. 3](#)

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F1 71 Power to sanitary authorities to unite for providing mortuary. S

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

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