



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 6

#### MORTUARIES ETC.

##### *Protection of public from risks arising from bodies*

#### **92 Application for order in relation to bodies retained in premises**

- (1) This section applies where—
- (a) the body of a person is being retained in premises;
  - (b) the local authority in whose area the premises are considers that appropriate arrangements have not been made for the disposal of the body; and
  - (c) that authority is satisfied that, as a result—
    - (i) there is a significant risk to public health; and
    - (ii) it is necessary, to avoid or minimise that risk, for the body to be appropriately disposed of.
- (2) The authority may apply to the sheriff for its area for an order under section 93(1).
- (3) An application under subsection (2) must be accompanied by a certificate—
- (a) stating that a local authority competent person is satisfied as to the matters mentioned in subsection (1); and
  - (b) signed by that person.
- (4) In this section, “premises” does not include—
- (a) a mortuary or other similar premises; or
  - (b) a hospital.

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#### **Commencement Information**

**II** S. 92 in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

**Status:**

Point in time view as at 01/10/2009. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 92.