



# 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<sup>[F1]</sup>—
    - (i) is satisfied that no arrangements have been or are being made under section 65(2) or 66(2) of the Burial and Cremation (Scotland) Act 2016 for disposal of the body; or
    - (ii) considers that appropriate arrangements have not <sup>[F2]</sup>otherwise] 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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*Status: Point in time view as at 04/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 92. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 92(1)(b)(i) and sub-para reference (ii) inserted (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 1 para. 2(a)** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
- F2** Word in s. 92(1)(b) inserted (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 1 para. 2(b)** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
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#### **Commencement Information**

- I1** 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Point in time view as at 04/04/2019.

**Changes to legislation:**

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