



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.