



# 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.

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*Status: Point in time view as at 06/04/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 46. (See end of Document for details)*

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- F1** Words in s. 46(5) repealed (6.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 147(1)(g), 170(3)(4), [Sch. 15 Pt. 5](#) (with [Sch. 13](#)); S.I. 2009/462, art. 4(a)(c);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

#### **Marginal Citations**

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

**Status:**

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**Changes to legislation:**

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