



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART III

#### GENERAL PREVENTION AND MITIGATION OF DISEASE.

##### *Mortuaries, &c.*

**68 Power of local authority to provide mortuaries.**

Every local authority may provide and fit up a proper place or places for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for the use of the same.

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

(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 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
- (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; or
- (d) any dead body found within the district is unclaimed or no sufficient person undertakes to bury it,

a sheriff, magistrate or justice may, on a certificate signed by a 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, magistrate or justice ; and may if it is the body of a person who has died

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*Status: This is the original version (as it was originally enacted).*

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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 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, magistrate, or justice, under this section, he shall be liable to a penalty not exceeding five pounds.

**70 Power of local authority to provide places for post-mortem examinations.**

- (1) Any local authority may provide and maintain a proper building (otherwise than at a poorhouse) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a lawful authority, and may make regulations-with respect to the management of such building.
- (2) Any such building may be provided in connexion with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

**71 Power to sanitary authorities to unite for providing mortuary.**

Any local authorities may, with the approval of the Board, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.