



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART II

PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

Ancillary

28 Burial or cremation of the dead.

- (1) A local authority may cause to be buried or cremated the body of any deceased person who immediately before his death was in the care of, or receiving assistance from [^{F1}or was a child being looked after by,], the authority:

Provided that the authority shall not cause the body to be cremated where cremation is not in accordance with the practice of the person's religious persuasion.

- (2) An authority may recover from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred under subsection (1) of this section . . . ^{F2}

- [^{F3}(3) In subsection (1) of this section, the reference to a child being looked after by a local authority shall be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.]

Textual Amendments

F1 Words in s. 28(1) inserted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(12)(a)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))

F2 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 88, **Sch. 11**

F3 S. 28(3) added (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(12)(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))

Status: Point in time view as at 12/12/1996.

Changes to legislation: Social Work (Scotland) Act 1968, Cross Heading: Ancillary is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 28 applied by **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:2), s. 413(3)** as substituted by **Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), s. 59(3)**

29 Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.

- (1) A local authority may make payments to any parent, relative or other person connected with ^{F4}—
- (a) a person, other than a child, in the care of the authority or receiving assistance from the authority; or
 - (b) a child who is being looked after by the authority,
- in respect] of travelling, subsistence or other expenses incurred by the parent, relative or other person in visiting the person ^{F5}or child], if it appears to the authority that the parent, relative or other person would not otherwise be able to visit ^{F6}him] without undue hardship and that the circumstances warrant the making of the payments.
- (2) A local authority may make the like payments and in the like circumstances to any parent, relative or other person connected with ^{F7}—
- (a) a person, other than a child, who had been in the care of the authority or receiving assistance from the authority; or
 - (b) a child who had been looked after by the authority,
- for] the purpose of that parent, relative or other person attending the funeral of the person.
- ^{F8}(3) In subsections (1) and (2) above, references to a child looked after by a local authority shall be construed as is mentioned in subsection (3) of section 28 of this Act.]

Textual Amendments

- F4** Words in s. 29(1) substituted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(13)(a)(i)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F5** Words in s. 29(1) inserted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(13)(a)(ii)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F6** Word in s. 29(1) substituted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(13)(a)(iii)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F7** Words in s. 29(2) substituted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(13)(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F8** S. 29(3) added (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(13)(c)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))

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Modifications etc. (not altering text)

- C2** S. 29 applied by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:2), s. 413(3) as substituted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), s. 59(3)

Status:

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