



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE.

Mortuaries, &c.

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 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.

Status: This is the original version (as it was originally enacted).

- (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.