



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 6

#### MORTUARIES ETC.

##### *Provision of mortuaries*

#### **87 Provision of mortuaries by local authorities**

- (1) Each local authority must provide or ensure the provision for its area of such—
  - (a) premises and facilities for the reception and temporary storage of the bodies of persons who die in the authority's area; and
  - (b) premises and facilities for the post-mortem examination of such bodies, as it considers appropriate.
- (2) Subsection (1) does not apply in relation to the bodies of persons mentioned in section 88(2).
- (3) An authority may enter into an agreement with any person for the provision by that person of the premises and facilities referred to in subsection (1).
- (4) Premises and facilities provided under subsection (1) need not be in the area of the local authority providing them or ensuring their provision.

#### **Commencement Information**

**II** S. 87 in force at 1.4.2009 by S.S.I. 2009/9, art. 2(b), Sch. 2

#### **88 Provision of mortuaries by health boards**

- (1) Each health board must provide or ensure the provision for its area of such—
  - (a) premises and facilities for the reception and temporary storage of the bodies of persons mentioned in subsection (2); and
  - (b) premises and facilities for the post-mortem examination of such bodies, as it considers appropriate.

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*Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Cross Heading: Provision of mortuaries. (See end of Document for details)*

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- (2) Those persons are persons—
- (a) who die in a hospital in the board's area; or
  - (b) who die elsewhere and whose bodies are brought to such a hospital.
- (3) Subsection (2) does not apply in relation to bodies of persons the reception, storage or post-mortem examination of which is required for the purposes of the functions or under the authority of the procurator fiscal.
- (4) In this Part, “mortuary” means premises and facilities provided by virtue of this section or section 87.

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**Commencement Information**

**I2** [S. 88](#) in force at 1.4.2009 by [S.S.I. 2009/9](#), art. 2(b), [Sch. 2](#)

**89 Co-operation by local authorities and health boards**

Local authorities and health boards must co-operate with one another in complying with their respective duties under section 87(1) or, as the case may be, 88(1).

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**Commencement Information**

**I3** [S. 89](#) in force at 1.4.2009 by [S.S.I. 2009/9](#), art. 2(b), [Sch. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008,  
Cross Heading: Provision of mortuaries.