



# 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.
- [<sup>F1</sup>(2) Any council which is the local authority for the purposes of the 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 1 of the Care Act 2014.
- (2A) A local authority within the meaning of the Social Services and Well-being (Wales) Act 2014 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 4 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>F2</sup>... expenses incurred under subsection (1) or subsection (2) above, <sup>F3</sup>...

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*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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- (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.
- (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** S. 46(2)(2A) substituted for s. 46(2) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **41**
- F2** 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)
- F3** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, **Sch. 11**

#### Modifications etc. (not altering text)

- C1** S. 46 modified (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C2** S. 46 modified (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C3** S. 46 modified (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C4** S. 46 applied (with modifications) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C5** S. 46: functions transferred and modified (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**
- C6** S. 46: functions etc. assigned to the port health authority and modified (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))
- C7** S. 46: functions etc. assigned to the Port Health Authority (7.11.2024) by [The London Port Health Authority Order 2024 \(S.I. 2024/1161\)](#), arts. 1(1), 4(2), **Sch.** (with arts. 4(3), 5(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 46.