

# **Health (Burial) Regulations 1946**

(SR 1946/132)

PURSUANT to the Health Act 1920, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

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**Note**

**These regulations are administered in the Department of Health.**

## Part 1

### Preliminary

1

These regulations may be cited as the Health (Burial) Regulations 1946.

2

The regulations contained in Part 2 hereof shall come into force on the 1st day of June 1947, and except as aforesaid these regulations shall come into force on the 1st day of September, 1946.

3

In these regulations, unless inconsistent with the context,—

**Approved disinfectant** means one of the disinfectant substances named in Schedule 1 hereto

**Burial** includes interment, cremation, and burial at sea; and **bury** has a corresponding meaning

**Coffin hermetically sealed** means a coffin with a lining of zinc, copper, lead, galvanised iron, or other suitable metallic substance hermetically sealed as soon as the body is deposited therein

**District** means the area within the jurisdiction of a local authority

**Funeral director** means a person who in the course of his business carries out burials and matters incidental thereto, and includes a person who holds himself out as prepared to carry out burials

**Local authority** means the Council of a borough, county, or independent town district

Local authority: this definition was substituted, as from 16 March 1973, by regulation 2 Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57).

**Mortuary** means a room regularly used or intended to be regularly used for the preparation of dead bodies for burial or for the embalming of dead bodies or the examination or treatment of dead bodies prior to burial: but does not include premises so used or intended to be used exclusively in or in connection with a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001),

or a school of anatomy established under the authority of the Governor-General in Council

Mortuary: this definition was amended, as from 1 January 2001, by section 111(2) New Zealand Public Health and Disability Act 2000 (2000 No 91) by substituting the words “district health board, or in connection with a private hospital licensed under the Hospitals Act 1957” for the words “Hospital Board or separate institution established under the Hospitals Act 1926, or in connection with a private hospital licensed under that Act”.

Mortuary: this definition was amended, as from 1 October 2002, by section 58(3) Health and Disability Services (Safety) Act 2001 (2001 No 93) by substituting the words “or in connection with a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001” for the words “one or more of the following ways—namely, by a Hospital Board or separate institution established under the Hospitals and Charitable Institutions Act 1926, or in connection with a private hospital licensed under that Act”.

**Reception-room** means a place other than a mortuary used for the reception of dead bodies pending burial.

## Part 2

### Requirement of registration

4

No person not being the personal representative of a deceased registered funeral director carrying on the business of the deceased person or the receiver or liquidator of an incorporated company carrying on the premises of the company or the assignee of a bankrupt carrying on the bankrupt’s business shall carry on the business of funeral director in any district if such person is not for the time being registered as a funeral director of that district.

5

No personal representative of a deceased funeral director shall, without being registered, carry on the funeral director’s business of the deceased person for a period exceeding 3 months from the date of his death.

6

No receiver or liquidator of an incorporated company registered as a funeral director and no assignee of a bankrupt registered as a funeral director shall, without being registered, carry on the funeral director’s business of the company or the bankrupt respectively for a period exceeding 14 days from the date when he became receiver or liquidator or assignee.

**7**

No person for the time being required by these regulations to be registered as a funeral director of a district shall carry on the business of a funeral director in the district in any premises in respect of which he is not for the time being so registered.

**8**

No person not being the personal representative of a deceased funeral director or the receiver or liquidator of an incorporated company carrying on a funeral director's business or the assignee of a bankrupt carrying on a funeral director's business for a respective period of 3 months or 14 days herein-before mentioned shall, in the course of his business, use any premises for the purpose of a mortuary unless he is registered as a funeral director and unless the premises are registered for his use as a mortuary.

**9**

No person shall be deemed to carry on the business of a funeral director solely by reason of the fact that he carried out the burial of a body lying dead more than 32 kilometres from the nearest place of business of a registered funeral director or carries out a burial by interment at a place more than 32 kilometres from the nearest place of business of a registered funeral director or carries out a burial in any case where the services of a registered funeral director are for any reasonable cause not available.

Regulation 9 was amended, as from 24 January 1975, by regulation 2(a) Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2), by substituting the words "32 kilometres" for the words "twenty miles" wherever they appear.

**10**

No person duly registered as a funeral director of a district shall be deemed to carry on the business of a funeral director in another district solely by reason of the fact that he carries out at a place in the last-mentioned district an actual interment or the delivery of a dead body at a crematorium.

### **Part 3**

#### **Registration**

**11**

Every person desiring to be registered as a funeral director in any district shall make application in writing to the local authority in or to the effect of the form numbered 1 in Schedule 2 hereto setting out the name of the applicant and the full postal address of every place in the district where the business is to be carried on and stating whether any such place is to be used by the applicant as a mortuary.

**12**

Every application shall be signed by the applicant, or in the case of a partnership firm shall be signed by one of the members thereof, or in the case of an incorporated body shall be under the common seal thereof or signed by the manager or secretary or other responsible servant thereof.

**13**

The applicant shall, with his application, pay to the local authority such fee as the local authority, by resolution, from time to time prescribes.

Regulation 13 was substituted, as from 16 March 1973, by regulation 3(1) Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57).

**14**

Every local authority shall maintain a register of funeral directors in the form numbered 2 in Schedule 2 hereto, and upon receipt of any application complying with the requirements herein set out, but subject to the provisions of the next succeeding regulation, shall cause the name of the applicant and the other particulars indicated in the said form numbered 2 to be entered in the register.

**15**

If the application refers to any premises to be used as a mortuary, registration shall not be effected unless a certificate of fitness in or to the effect of the form numbered 3 in Schedule 2 hereto signed by an Inspector of Health or Sanitary Inspector is submitted with the application or has been submitted upon a previous application made (whether by the same or another applicant) in respect of the same premises.

**16**

Upon registration of an applicant the local authority shall cause to be issued to the applicant under the signature of its clerk a certificate or registration in the form numbered 4 in Schedule 2 hereto.

**17**

A separate certificate of registration shall be issued in respect of every place which is situated in the district and at which the business is to be carried on.

**18**

Every registration shall expire on the 31st day of May next following the date in respect of which registration is effected.

**19**

Every registered funeral director proposing to carry on business at any additional or substituted place within the district shall make a fresh application for registration in respect of that place and pay the prescribed fee in respect of the application, and the local authority shall cause a fresh entry to be made in the register and a fresh certificate to be issued.

#### **Part 4 Mortuaries**

**20**

No Inspector of Health or Sanitary Inspector shall grant a certificate of fitness in respect of a mortuary unless in his opinion it complies with the requirements of the next succeeding regulation.

**21**

Every mortuary shall comply with the following requirements:

- (a) It shall be erected on a ground floor:
- (b) It shall be substantially built and in good repair and so constructed as to prevent, as far as possible, the harbourage of rats and other vermin:
- (c) The floor shall be constructed of cement concrete, mineral asphalt, or similar impervious material finished with a smooth even surface and graded and drained so that any liquid falling on the floor shall be discharged into a trapped drain outside the building:

- (d) The angles between the walls and the floor shall be coved to a radius of not less than 25 mm and shall be formed by carrying the floor material up the wall to a height of not less than 75 mm, or by substituting therefor some other material that is impervious to moisture and is finished off in a similar manner to the floor and with a smooth and even surface:
- (e) The internal surface of the walls shall be constructed of material impervious to water and having a smooth surface:
- (f) The walls and ceilings shall be so constructed as to be easily cleaned and to prevent, as far as possible, the lodgment of dust:
- (g) It shall be adequately ventilated and the windows or other openings shall be provided with fly-proof screens, and with louvres or blinds so arranged as to be capable of excluding direct sunlight:
- (h) Slabs on which bodies are placed shall be of marble or other non-absorbent material and shall have a smooth even surface. The edges of all such slabs shall be raised, and a suitable outlet shall be provided for liquids to discharge into a channel in the floor or into a suitable receptacle. All angles of the slabs, both internal and external, shall be rounded:
- (i) It shall be adequately provided with hot and cold water services, an ablution basin for the cleansing of hands, and a suitable sink for the cleansing of appliances.

Regulation 21(d) was amended, as from 24 January 1975, by regulation 2(b) Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2), by substituting the expressions “25 mm” and “75 mm” for the expressions “1 in” and “3 in” respectively.

## 22

If after a certificate of fitness has been granted in respect of any mortuary the mortuary is re-erected, repaired, altered, or extended, then no person shall thereafter use it for the purposes of a mortuary until a fresh certificate of fitness has been granted and produced to the local authority.

**23**

Any person proposing to erect a mortuary may submit particulars of site and plans and specifications to an Inspector of Health or Sanitary Inspector discharging his functions in the district, and such Inspector may approve the same with or without modification; and if the erection of the mortuary upon the said site and according to the plans and specifications so approved is completed within two years of the approval thereof, such person shall be entitled to receive in respect of the mortuary a certificate of fitness for the purpose of these regulations.

**24**

The provisions of the last preceding regulation shall, with the necessary modifications, apply to the re-erection, repair, alteration, or extension of a mortuary.

**Part 5****Maintenance of mortuaries****25**

The occupier of a mortuary shall keep the mortuary at all times in good repair, clean condition, and well ventilated, and shall treat any walls and ceilings not covered with tiles with fresh coatings of paint or calcimine whenever an Inspector of Health or Sanitary Inspector shall so require.

**26**

The occupier of a mortuary shall at all times provide at the mortuary adequate and convenient supplies of hot and cold water and of approved disinfectant for cleansing the hands of the attendants and of clean towels and overalls for the use of attendants.

**27**

The occupier of a mortuary shall comply with the following requirements:

- (a) After removal of a coffin containing a dead body from any slab on which the coffin has rested, the slab shall forthwith be treated with approved disinfectant:
- (b) After a dead body has been embalmed or otherwise treated by post-mortem work, the slab on which the

work was done and the floor of the mortuary shall immediately be washed and treated with approved disinfectant, and all appliances used in the work shall be cleansed and disinfected by boiling or by steeping in approved disinfectant.

**28**

No person shall use a mortuary or cause or permit a mortuary to be used for any other purpose than as a mortuary or reception-room.

**29**

A person who has embalmed a dead body shall, if so required by a Medical Officer of Health, give him particulars of the process he has carried out and shall carry out such further treatment of the body as the Medical Officer of Health may direct.

## **Part 6**

### **Burials at sea**

**30**

Regulation 30 was revoked, as from 1 July 1954, by regulation 3 Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

**31**

Regulation 31 was revoked, as from 1 July 1954, by regulation 3 Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

## **Part 7**

### **Handling and transportation of dead bodies**

**32**

No funeral director shall, except by the authority of a Coroner, Medical Officer of Health, or officer of police, place or keep any dead body in a place other than a mortuary or a reception-room or carry out a process of embalming a dead body or a post-mortem examination of a dead body in a place other than a mortuary.

**33**

No person shall use as a reception-room any place which is not—

- (a) Clean and in good repair:
- (b) Adequately lighted and ventilated:

- (c) Provided with adequate ablution facilities:  
or any place of which—
- (d) The interior walls and ceilings are not made of smooth impermeable material:
- (e) The floor of which is not made either of smooth-imperious material or of smooth close-jointed tongued-and-grooved boarding.

**34**

No funeral director shall use a reception-room or cause or suffer a reception-room to be used for any purpose except the purposes of a reception-room and other purposes connected with the calling of a funeral director.

**35**

Every person undertaking the preparation of a human body for burial—

- (a) Shall before a nuisance is created by decomposition, unless a Coroner, Medical Officer of Health, or officer of police otherwise orders in writing, cause it to be buried or removed pending burial to a mortuary or reception-room or placed in a coffin hermetically sealed:
- (b) If the body is in such a condition that fluids are likely to escape from it before burial shall cause it to be cavity-embalmed or placed in a coffin with sufficient absorbent material to absorb all such fluids, and in either case if a Medical Officer of Health or Inspector of Health or Sanitary Inspector directs, place it in a coffin hermetically sealed.

**36**

Every person undertaking the preparation for burial or conducting the burial of the body of a person known or believed by him or stated to him by a responsible person to have died of a communicable disease—

- (a) Shall, unless a Coroner otherwise orders, cause the body to be buried within forty-eight hours of death:
- (b) Shall cause the body to be placed in a coffin and entirely wrapped therein in a sheet saturated with an approved disinfectant:

- (c) Shall place in the coffin absorbent material sufficient in quantity and so disposed as to prevent any liquids from escaping from the coffin:
- (d) Shall cause the coffin forthwith to be closed and not thereafter to be opened except on the order of a Coroner:
- (e) Shall make such arrangements that, unless the coffin is hermetically sealed, the transport of the body from the place where it is prepared for burial to the place of burial shall not occupy more than 5 hours:

Provided that a Medical Officer of Health or Inspector of Health may, by notice in writing, grant a written exemption from the requirements of this paragraph to such extent and subject to such conditions as may be specified in the notice:

- (f) Shall duly comply with any conditions of a written exemption granted under the last preceding paragraph.

Regulation 36 was amended, as from 1 July 1954, by regulation 2(1) Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86), by substituting the words “a communicable” for the words “an infectious”.

**37**

No person shall remove or cause or permit to be removed the body of a person known or believed by him or stated to him by a responsible person to have died of a communicable disease to any place or premises other than a mortuary, a reception-room, or the place of burial:

Provided that if the body has been treated as required by paragraphs (b) and (c) of the last preceding regulation and the coffin is closed, then the removal of the body to a church or other premises for the purpose of a ceremony prior to burial shall not be deemed to be a breach of this regulation.

Regulation 37 was amended, as from 1 July 1954, by regulation 2(2) Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86), by substituting the words “a communicable” for the words “an infectious”.

**38**

No person shall remove a dead body from a mortuary except in a coffin or other suitable receptacle of a kind usually used by funeral directors.

**39**

Any person in possession of a vehicle in which a dead body has been transported and which has been fouled by discharge from the coffin shall forthwith cause the fouled portion to be cleaned and disinfected with an approved disinfectant.

**40**

Any person who commits a breach of or fails to comply with these regulations is liable to a fine not exceeding \$100.

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**Schedule 1**  
**Approved disinfectants**

A Mixture of One Part of	In Parts of Water
Carbolic acid .....	20
Formalin .....	10
Izal.....	50
Kerol.....	50
Lysol.....	20
Mercury perchloride (corrosive sublimate)	1,000

A mixture of 38 grams of chloride of lime in 1 litre of water.

Schedule 1 was amended, as from 24 January 1975, by regulation 2(c) Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2), by substituting the expressions “38 grams” and “1 litre” for the expressions “6 oz” and “1 gallon” respectively.

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## Schedule 2

### Form 1

#### **The Health (Burial) Regulations 1946**

##### APPLICATION FOR REGISTRATION AS FUNERAL DIRECTOR

Full name of applicant: .....

Name or style under which the business is to be carried on: .....

Full postal address of every place where the business is to be carried on:.....

Address of any place of business to be used as a mortuary: .....

Application is hereby made for registration of the above-named applicant as a funeral director in respect of the above-named premises for a period from the [*Date of application, or 1st day of [June], 19...*] until the 31st day of May, 19...

*Date of application:* .....

*Signature:* .....

Capacity in which application is signed [*As owner of business, partner, manager of company, or as case may be*]:

NB-The prescribed fee ... must accompany the application.

Form 1 of Schedule 2 was amended, as from 1 July 1954, by regulation 4 Health (Burial) Regulations, Amendment No 1 (SR 1954/86), by substituting the word "June" for the word "April".

Form 1 was further amended, as from 16 March 1973, by regulation 3(2) Health (Burial) Regulations, Amendment No 2 (SR 1973/57), by omitting the words "of 5s".

### Form 2

#### Register of funeral directors

Con- secu- tive Num- ber	Name of Per- son Regis- tered (1)	Name or Style of Busi- ness	Place(s) of Busi- ness (2)	Place(s), if any, used as Mortu- ary (ies) (2)	Date of Regis- tration	Date of Ex- piry of Regis- tration: 31st May (3)

Form 2—*continued*

Con- secu- tive Num- ber	Name of Per- son Regis- tered (1)	Name or Style of Busi- ness	Place(s) of Busi- ness (2)	Place(s), if any, used as Mortu- ary (ies) (2)	Date of Regis- tration	Date of Ex- piry of Regis- tration: 31st May (3)
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(1) Insert full name; for a partnership firm, insert full name of every partner.

(2) Insert full postal address.

(3) Insert year on the 31st day of May of which the registration expires.

## Form 3

**The Health (Burial) Regulations 1946**

## CERTIFICATE OF FITNESS OF A MORTUARY

I HAVE inspected the premises of ....., intended to be used by ..... as a mortuary, and certify that in my opinion they comply in every respect with the requirements of the above-entitled regulations.

Dated this ..... day of ..... 19 ..

*Signature of Inspector* .....

## Form 4

**The Health (Burial) Regulations 1946**

## CERTIFICATE OF REGISTRATION AS FUNERAL DIRECTOR

[*Full name(s) of person(s) registered*] (is) (are) registered as (a) funeral director(s) of the [*City, borough, town district, county, road district*] of ..... until the 31st day of May 19 ..... in respect of a business carried on at [*Full postal address*] (and in respect of a mortuary situated at [*Full postal address*]).

Dated this ..... day of ..... 19 .....

*Signature of Local Authority:* .....

W O HARVEY,

Reprinted as at  
3 September 2007

**Health (Burial) Regulations 1946**

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Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.

Date of notification of principal regulations in *Gazette*: 8 August 1946

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