

Version
as at 5 April 2023



Health (Burial) Regulations 1946 (SR 1946/132)

B C Freyberg, Governor-General

Order in Council

At the Government House at Wellington this 7th day of August 1946

Present:

His Excellency the Governor-General in Council

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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Health.

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Regulations

Part 1
Preliminary

1

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

2

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

3 Interpretation

In these regulations, unless inconsistent with the context,—

approved disinfectant means 1 of the disinfectant substances named in Schedule 1

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

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

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

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

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 so 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

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

Regulation 3 **associate coroner**: inserted, on 5 April 2023, by section 36 of the Coroners Amendment Act 2023 (2023 No 8).

Regulation 3 **coroner**: inserted, on 5 April 2023, by section 36 of the Coroners Amendment Act 2023 (2023 No 8).

Regulation 3 **local authority**: replaced, on 16 March 1973, by regulation 2 of the Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57).

Regulation 3 **mortuary**: amended, on 1 October 2002, by section 58(3) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

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 business 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.

4

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 hereinbefore 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 carries 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: amended, on 24 January 1975, by regulation 2(a) of the Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2).

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 form 1 in Schedule 2 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 1 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 Registration fee

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: replaced, on 16 March 1973, by regulation 3(1) of the Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57).

14

Every local authority shall maintain a register of funeral directors in form 2 in Schedule 2, 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 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 form 3 in Schedule 2 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 form 4 in Schedule 2.

17

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

18

Every registration shall expire on 31 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 of registration 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 lodgement 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): amended, on 24 January 1975, by regulation 2(b) of the Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2).

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 2 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**

[Revoked]

Part 6: revoked, on 1 July 1954, pursuant to regulation 3 of the Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

30

[Revoked]

Regulation 30: revoked, on 1 July 1954, by regulation 3 of the Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

31

[Revoked]

Regulation 31: revoked, on 1 July 1954, by regulation 3 of the 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 constable, 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.

Regulation 32: amended, on 1 October 2008, pursuant to section 116(a)(v) of the Policing Act 2008 (2008 No 72).

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 impervious 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 constable 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.

Regulation 35(a): amended, on 1 October 2008, pursuant to section 116(a)(v) of the Policing Act 2008 (2008 No 72).

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 48 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: amended, on 1 July 1954, by regulation 2(1) of the Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

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: amended, on 1 July 1954, by regulation 2(2) of the Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

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.

Schedule 1
Approved disinfectants

A mixture of 1 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: amended, on 24 January 1975, by regulation 2(c) of the Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2).

Schedule 2

Forms

Form 1

Application for registration as funeral director

Health (Burial) Regulations 1946

Full name of applicant: *[name]*

Name or style under which the business is to be carried on: *[specify]*

Full postal address of every place where the business is to be carried on: *[address]*

Address of any place of business to be used as a mortuary: *[address]*

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 *[date of application, or 1 June [year]]* until 31 May *[year]*.

Date of application:

Signature:

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

Note—The prescribed fee must accompany the application.

Schedule 2 form 1: amended, on 16 March 1973, by regulation 3(2) of the Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57).

Schedule 2 form 1: amended, on 1 July 1954, by regulation 4 of the Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86).

Form 2
Register of funeral directors

Consecutive number	Name of person registered⁽¹⁾	Name or style of business⁽²⁾	Place(s) of business⁽²⁾	Place(s), if any, used as mortuar(y)(ies)⁽²⁾	Date of registration	Date of expiry of registration: 31 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 31 May of which the registration expires.

Form 3

Certificate of fitness of a mortuary

Health (Burial) Regulations 1946

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

Date:

Signature of Inspector:

Form 4
Certificate of registration as funeral director

Health (Burial) Regulations 1946

[*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 [*place*] until 31 May [*year*] in respect of a business carried on at [*full postal address*] (and in respect of a mortuary situated at [*full postal address*]).

Date:

Signature of local authority:

W O Harvey,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification of regulations in *Gazette*: 8 August 1946.

Notes

1 *General*

This is a consolidation of the Health (Burial) Regulations 1946 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Coroners Amendment Act 2023 (2023 No 8): section 36

Policing Act 2008 (2008 No 72): section 116(a)(v)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(3)

Health (Burial) Regulations 1946, Amendment No 3 (SR 1975/2)

Health (Burial) Regulations 1946, Amendment No 2 (SR 1973/57)

Health (Burial) Regulations 1946, Amendment No 1 (SR 1954/86)