

ACT 280
ANATOMY ACT, 1965

ARRANGEMENT OF SECTIONS

1. Licence for examination.
2. Permission for examination.
3. Directions applicable after death.
4. Executor prohibited from permitting examination.
5. Unclaimed bodies of deceased individuals.
6. Bodies not to be removed for twenty-four hours.
7. Requirements for removal of body.
8. Requirements for receipt of body.
9. Retention of the whole or part of a body.
10. Saving.
11. Offences.
12. Regulations.
13. Interpretation.

ACT 280
ANATOMY ACT, 1965(1)

AN ACT to regulate the examination and dissection of the bodies of deceased individuals and to provide for related matters.

1. Licence for examination

(1) The Minister may grant a licence authorising the carrying out, in accordance with this Act, of the matters specified in subsection (2).

(2) A licence referred to in subsection (1) shall authorise a licensee, in relation to the body of a deceased individual, to

- (a) receive that body in a medical school or institution,
- (b) keep or possess that body in a medical school or institution,
- (c) examine that body in a medical school or institution,
- (d) dissect that body in a medical school or institution, or
- (e) carry out any other matter specified in the licence which the Minister is of opinion is in the interest of medical science.

(3) A person who is not a licensee shall not carry out any of the matters referred to in subsection (2).

2. Permission for examination

(1) The executor or any other person who has lawful possession of the body of a deceased individual, and who is not an undertaker or a person entrusted with that body for the purpose only of interment, may permit a licensee to carry out, in relation to that body, a matter referred to in subsection (2) of section 1.

(2) Subsection (1) does not apply

- (a) where, to the knowledge of that executor or that other person, the deceased individual had expressed before death a contrary desire, in writing at any time before the death, or by word of mouth in the presence of at least two witnesses during the illness of which the deceased individual died; or
- (b) where the surviving husband or wife, or in the absence of the husband or wife, a known relative of the deceased individual who falls within the prescribed class of relatives of that individual is opposed to the matter being carried out.

3. Directions applicable after death

(1) Where an individual in writing during the life of that individual or by word of mouth, in the presence of at least two witnesses during the illness of which that individual died, directs that a licensee shall carry out in relation to the body of that individual after death a matter specified in subsection (2) of section 1, and before the burial or cremation of the body the direction is made known to the executor or any other person having lawful possession of the body, then the executor or that other person shall permit the licensee to carry out that matter.

(2) Subsection (1) does not apply where the surviving husband or wife, or in the absence of the husband or wife, a known relative of the deceased individual who falls within the prescribed class of relatives of that individual, is opposed to that matter being carried out.

4. Executor prohibited from permitting examination

An executor or any other person who has lawful possession of the body of a deceased individual, shall not permit a person to carry out, in relation to that body, a matter referred to in subsection (2) of section 1, if, during life that individual has expressed a contrary desire in the manner set out in section 2, or if the surviving wife or husband or a known relative, is opposed to that matter being carried out.

5. Unclaimed bodies of deceased individuals

The medical head of a hospital may donate the body of a deceased individual to the head of a medical school or institution for carrying out by the head of the medical school or institution or any other licensee in relation to that body, a matter referred to in subsection (2) of section 1, where

- (a) the head of the hospital is satisfied that the body has not been claimed by the surviving wife or husband, or
- (b) in the absence of the wife or husband, by a known relative of that individual falling within the prescribed class of relatives of that individual for a period which, in the opinion of the head of the hospital, has been unreasonably long.

6. Bodies not to be removed for twenty-four hours

A licensee shall not remove the body of a deceased individual for the purpose of carrying out in

relation to that body a matter referred to in subsection (2) of section 1,

- (a) unless at least twenty-four hours have elapsed since the death of that individual, and
- (b) unless
 - (i) a certificate stating the cause of death has been signed by the medical practitioner who attended the deceased individual during the last illness; and
 - (ii) in the absence of that practitioner, a certificate stating the cause of death has been signed by a medical practitioner who has been summoned to view the body after death.

7. Requirements for removal of body

(1) A licensee shall not remove the body of a deceased individual for carrying out a matter specified in subsection (2) of section 1 unless that body is placed in a decent coffin or shell and is removed in that coffin or shell.

(2) A licensee shall

- (a) make provision that, after finishing with the body of the deceased individual, the body shall be decently interred in a public cemetery, and
- (b) transmit a certificate of the interment of that body, issued by the competent authority, to the Minister or to any other person appointed by the Minister.

8. Requirements for receipt of body

(1) A licensee shall not receive the body of a deceased individual for the purpose of carrying out in relation to that body a matter referred to in subsection (2) of section 1 unless

- (a) the licensee receives with that body the certificate of the cause of death referred to in section 6, and
- (b) within twenty-four hours of the receipt of that body, the licensee enters or causes to be entered in a book maintained for the purpose
 - (i) the day and hour when the body was received,
 - (ii) the name and address of the person from whom the body was received,
 - (iii) the date and place of death,
 - (iv) the sex of the deceased individual,
 - (v) the name and age of the deceased individual, if known,
 - (vi) the last address of the deceased individual, if known, and
 - (vii) any other prescribed particulars.

(2) The head of a medical school or institution shall produce the book referred to in subsection (1), whenever required to do so by the Minister.

9. Retention of the whole or part of a body

The head of a medical school or institution may cause to be retained the whole or part of the body of a deceased individual if

- (a) the head is satisfied that the retention is in the interests of medical science, and
- (b) the competent authority has consented to the retention.

10. Saving

This Act does not prohibit a post-mortem examination of a human body required or directed to be made by a competent legal authority.

11. Offences

(1) A person who contravenes a provision of this Act, other than subsection (3) of section 1, commits an offence and is liable, on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

(2) A person who contravenes subsection (3) of section 1 commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

12. Regulations

The Minister may, by legislative instrument, make Regulations

- (a) for prescribing anything authorised by this Act to be prescribed, or should be prescribed or is intended to be prescribed;
- (b) for providing the form for a licence or certificate issued under this Act; and
- (c) for any other matter that appears to the Minister to be necessary for carrying into effect the provisions of this Act.

13. Interpretation

In this Act, unless the context otherwise requires,

“competent authority” means the executor or any other person who has lawful possession of the body of the deceased individual, the surviving wife or husband, a known relative of the deceased individual who falls within the prescribed class of relatives of the deceased individual;

“licensee” means

- (a) the head of a medical school or institution, to whom a licence has been granted under section 1;
- (b) a teacher and medical practitioner employed in that medical school or institution; or
- (c) a student working under the supervision of a person referred to in paragraph (a) or (b);

“medical practitioner” means a medical practitioner registered under the Medical and Dental Act, 1972,2(2)

“medical school or institution” means a medical school or any other medical institution recognised by the Minister for the purposes of this Act;

“Minister” means the Minister responsible for Health;

“prescribed” means prescribed by Regulations made under section 12.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 9th April, 1965.

2 (Popup - Footnote)

2. [N.R.C.D. 91](#).