

Changes to Cremation Regulations 1973 and registration of deaths

As a result of the Coroners Act 2006, consequential amendments to the Cremation Regulations 1973 and the Burial and Cremation Act 1964 (both administered in the Ministry of Health) come into force on 25 January 2009. As mentioned in the September issue, from 25 January 2009 there will be changes in how medical practitioners and funeral directors deal with medical certificates and Coroners orders.

Amendments to the Cremation Regulations 1973

Most of the amendments to the regulations result from the enactment of the Coroners Act 2006 and the Coroners (Forms) Regulations 2008. In summary, the substantive amendments:

- amend regulation 7(1) to clarify what certificates are required before a medical referee may permit a cremation as well as updating references to Acts;
- enables the required medical practitioner's certificate to be given by any medical practitioner required or permitted to give a doctor's certificate for the death (given that disposal of a body without a doctor's certificate for the death, or an authorisation by a coroner for the release of the body, is prohibited) under the Burial and Cremation Act 1964;
- align the medical practitioner's certificate (form B of Schedule 1) with the amendments to regulation 7(1);
- provide a new certificate (new form C of Schedule 1) that may be given if a death has been reported under the Coroners Act 2006 to a coroner, and a coroner is satisfied there are no circumstances likely to call for an examination or, as the case may be, a further examination, of the body;
- revoke but do not replace, Form D.

The amendments in regulations 5 and 7 replace references to enactments now repealed.

For full details of the amendment may be accessed from

<http://www.legislation.govt.nz/regulation/public/2008/0410/latest/DLM1689110.html>

Changes to the registration of deaths

Various sections in the Births, Deaths, Marriages, and Relationships Registration Act 1995 dealing with the reporting of deaths transfer to the Burial and Cremation Act 1964 from 25 January 2009. See the section below on amendments to the Burial and Cremation Act.

This will impact on the handling of forms currently sent to the Registrar of Births, Deaths and Marriages.

Forms

Forms that must be sent to the Ministry of Health from 25 January 2009 have been revised (you may, however, continue to use old stocks of the BDM forms):

- Medical Certificate of Causes of Death form – HP4720 (previously BDM 50). This form has been slightly revised but has been kept in much the same format.
- Medical Certificate of Causes of Fetal and Neonatal Death form – HP4721 (previously BDM 167). This form has been slightly revised but has been kept in much the same format.

The above forms should be sent direct to:

Mortality Administration
Information Directorate
Ministry of Health
PO Box 5013
Wellington 6145

Details about these changes, including the names of the new medical certificate of causes of death forms, and where to obtain supplies of the new forms, will be posted on the Ministry of Health website <http://www.moh.govt.nz/moh.nsf> in January 2009.

Funeral directors will still be required to complete the Notification of Death for Registration form (BDM 28) before sending it to BDM.

Amendments to Burial and Cremation Act 1964

Amendments to the Burial and Cremation Act 1964 include some new definitions and other changes:

- section 46AA provides that a body must not be buried, cremated, or otherwise disposed of unless the person in charge of the disposal has obtained a doctor's certificate or a coroner's authorisation. The person in charge of the disposal must send a copy of the doctor's certificate or coroner's authorisation to the Ministry of Health.
- section 46A continues to set out the requirements in relation to still-born children.
- section 46B sets out the procedures for a doctor's certificate (previously section 37 of the BDM Act).
- section 46C sets out the procedures for a doctor's certificate in relation to accidents involving elderly persons (previously section 38 of the BDM Act).
- section 46D provides that the Crown is not liable for costs incurred by a person supplying information required by section 46AA, 46A, 46B, or 46C.
- section 46E provides that bodies must be disposed of or transferred within a reasonable time (previously section 39 of the BDM Act).
- section 46F sets out the requirement for the transfer of bodies (previously section 40 of the BDM Act).
- section 54AA sets out offences concerning doctor's certificate or a certificate relating to a still-birth. A person who contravenes or fails to comply with section 46AA or 46A commits an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.