

1980

c 21 Anatomy Act

Ontario

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CHAPTER 21

Anatomy Act

1. In this Act,

Interpre-
tation

- (a) "disposition" means any disposition that may be made of a body under the *Cemeteries Act*, and "dispose" has a corresponding meaning; R.S.O. 1980, c. 59
- (b) "general inspector" means the general inspector of anatomy;
- (c) "local inspector" means a local inspector of anatomy having jurisdiction, and includes the general inspector;
- (d) "private morgue" means a place where bodies are customarily retained before their disposition, other than a public morgue;
- (e) "public morgue" means a place under the control and management of a municipal corporation where bodies are retained before their disposition;
- (f) "regulations" means the regulations made under this Act;
- (g) "school" means an institution designated as a school by the regulations. R.S.O. 1970, c. 21, s. 1.

2.—(1) The Lieutenant Governor in Council may appoint a general inspector of anatomy who shall perform such duties as are assigned to him by this or any other Act, and may perform any of the duties of a local inspector anywhere in Ontario. ^{General inspector}

(2) The Lieutenant Governor in Council may appoint persons who are coroners as local inspectors of anatomy for such areas in Ontario as is considered advisable, and each local inspector shall perform such duties as are assigned to him under this or any other Act in the area in his jurisdiction, under the supervision and direction of the general inspector. ^{Local inspectors}

(3) When a local inspector ceases to be a coroner, his appointment as local inspector is terminated. ^{Termination of office}

Fees

(4) The general inspector and local inspectors are entitled to the fees required to be paid to them under this Act. R.S.O. 1970, c. 21, s. 2.

Notice to local inspector, etc.

R.S.O. 1980, c. 93

3.—(1) Subject to the *Coroners Act*, the person having possession of the body of a deceased person that,

(a) is unclaimed by a relative or *bona fide* friend within twenty-four hours after the death; and

(b) has not been or will not be used for a purpose authorized under the *Human Tissue Gift Act*,

R.S.O. 1980, c. 210

shall notify the local inspector and shall furnish the local inspector with such information respecting the deceased person as is within the knowledge of the notifier and as the local inspector may require.

Bodies under control of local inspector

(2) A body of which the local inspector is notified under subsection (1) shall be deemed to be under his control for the purposes of this Act.

Claiming bodies

(3) A body, while under the control of the local inspector, may be claimed by a relative for disposition or by any other person who gives a *bona fide* undertaking to dispose of the body. R.S.O. 1970, c. 21, s. 3.

Bodies for anatomical dissection

4.—(1) Subject to the *Coroners Act*, the local inspector may cause a body under his control to be delivered to a teacher of anatomy or surgery in a school, for the purpose of anatomical dissection.

Idem

(2) No body upon which a *post mortem* examination has been performed shall be delivered to a teacher of anatomy or surgery in a school unless the school is first informed of the *post mortem* examination and consents to accept the body. R.S.O. 1970, c. 21, s. 4.

Claiming of bodies after delivery to school

5.—(1) A school that receives a body under section 4 shall keep and preserve the body for not fewer than fourteen days, and, if the body is claimed within that time by a person entitled to claim the body under section 3, the school shall deliver the body to such person upon payment of the transportation costs actually incurred by the school, or such part of the costs as the school requires, and shall notify the general inspector of the fact.

Donated bodies

(2) A school that receives a body for the purpose of anatomical dissection, other than under section 4, shall immediately notify the local inspector and shall not begin a

dissection of the body until the local inspector has certified in writing that he has obtained such particulars of the body as he may require. R.S.O. 1970, c. 21, s. 5.

6. Where doubt exists as to whether a person is entitled to claim a body under section 3 or 5, the person claiming the body may apply to the provincial offences court having jurisdiction in the locality where the body is found for an order (Form 1), and the court may make the order. R.S.O. 1970, c. 21, s. 6, *revised*.

7. A school receiving a body shall dispose of the body at the expense of the school after it has served the purpose for which it was received, but, before disposing of the body, the school shall give notice of the disposition to the general inspector. R.S.O. 1970, c. 21, s. 7.

8. Every school shall keep such records as are prescribed by the regulations, and the records shall be open at all times to inspection by the general inspector or a local inspector. R.S.O. 1970, c. 21, s. 8.

9.—(1) The general inspector may inspect the methods and facilities of a school for handling, preserving, storing, dissecting, and disposing of bodies and the parts thereof.

(2) The general inspector may make such orders in writing as he considers necessary requiring a school to provide and maintain any of the methods and facilities referred to in subsection (1) in accordance with good anatomical practices, and, where an order is not complied with, the general inspector may, in his discretion, suspend delivery of bodies to the school for such periods as he may determine. R.S.O. 1970, c. 21, s. 9.

10. Every local inspector shall,

(a) keep a register showing,

(i) the name, sex, age, birthplace and last place of residence of every person whose body is under his control or of whose body he has been notified under subsection 5 (2), and

(ii) the name of the school to which the body was delivered and the date of the delivery; and

(b) furnish the general inspector with such information as he requires. R.S.O. 1970, c. 21, s. 10.

Duty of
municipality
to bury

11. Subject to this Act, any unclaimed body found within the limits of a city, town, village or township shall, at the request of the local inspector or, where there is no local inspector appointed under subsection 2 (2), of a coroner, be disposed of at the expense of the corporation, but the corporation may recover the expense thereof from the estate of the deceased or from any person whose duty it was to dispose of the body. R.S.O. 1970, c. 21, s. 11.

Storage in
morgues

12.—(1) A local inspector or, where there is no local inspector, a coroner may order a body to be stored in a public morgue or retained in a private morgue until other arrangements are made.

Security in
morgues

(2) Every person in charge of a public or private morgue shall ensure that bodies in the morgue are secure against unlawful interference. R.S.O. 1970, c. 21, s. 12.

Offence

13.—(1) Every person who contravenes this Act is guilty of an offence and on conviction is liable, if a corporation, to a fine of not more than \$2,000 or, if not a corporation, to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Liability of
corporation
of which
school a
part

(2) For the purposes of subsection (1), where an institution that is designated as a school for the purposes of this Act is part of a college or university that is a corporation, a duty imposed by this Act on the school shall be deemed to be imposed on the corporation. R.S.O. 1970, c. 21, s. 13.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) designating schools for the purposes of this Act;
- (b) prescribing the records that shall be kept by schools;
- (c) prescribing the duties of the general inspector and the local inspectors in addition to the duties imposed by this Act;
- (d) requiring the payment of fees to the general inspector and local inspectors for services performed under this Act and the regulations, and prescribing the amounts thereof;
- (e) prescribing forms for the purposes of this Act and providing for their use. R.S.O. 1970, c. 21, s. 14.

FORM 1

(Section 6)

Anatomy Act

To whom it may concern :

Whereas *A.B.* of (*here state the residence and occupation of the person by whom or on whose behalf the order is applied for*) has satisfied me that he is a relative (*or is a bona fide friend, or has given a bona fide undertaking to dispose of the body*) of *C.D.*, deceased, and is entitled to have the body delivered to him for the purpose of disposition.

I hereby authorize and order every person and authority having the present custody or control of the body forthwith upon presentation of this order to deliver it to the said *A.B.* for disposition.

Witness my hand as a justice of the Provincial Offences Court of the

.....of

this day of, 19....

.....

R.S.O. 1970, c. 21, Form 1.

