

Act No. 9, 1901.

An Act to consolidate the enactments relating
to Anatomy. [3rd October, 1901.]

ANATOMY.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary.

1. This Act may be cited as the "Anatomy Act, 1901," and is divided into Parts, as follows:—

PART I.—*Preliminary, ss. 1-4.*

PART II.—*Schools and practice of Anatomy, ss. 5-17.*

PART III.—*Legal procedure, rules and regulations, ss. 18-23.*

2. (1) The Act forty-four Victoria number twenty-five is hereby repealed.

(2) All persons appointed under the Act hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed hereunder. Officers under Act hereby repealed.

(3) All rules, regulations, and orders made under the authority of the Act hereby repealed and being in force at the time of the passing of this Act shall be deemed to have been made under the authority of this Act. Rules, regulations, and orders under Act hereby repealed.

(4) All schools of anatomy established under the Act hereby repealed shall be deemed to have been established under this Act. Schools of anatomy.

(5) All licenses granted under the Act hereby repealed and being in force at the time of the passing of this Act, shall be deemed to have been granted under this Act. Licenses.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation. 44 Vic. No. 25, s. 2.

"anatomy" means anatomy of the human body only;

"body" means dead human body;

"legally qualified medical practitioner" means any person duly registered under the provisions of the Acts in force for the time being for that purpose.

4. Nothing in this Act contained shall be construed to prohibit any *post mortem* examination of any body required or directed to be made by any competent legal authority. Post Mortem examination. Ibid. s. 17.

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PART II.

Schools and practice of anatomy.

Governor may
authorise establish-
ment of schools of
anatomy.

44 Vic. No. 25, s. 3.

5. The Governor may authorise the establishment of schools of anatomy where the study and practice of anatomy may be carried on in connection with any University or School of Medicine, in such places and upon such conditions as he thinks fit, and may at any time revoke such authority.

Governor may grant
licenses to practise
anatomy.

Ibid. s. 4.

6. Upon application for the purpose made by—
(a) any graduate or licentiate in medicine or surgery; or
(b) any legally qualified medical practitioner; or
(c) any medical practitioner in New South Wales; or
(d) any legally qualified professor, or teacher of anatomy, medicine, or surgery; or
(e) any student attending any such school of anatomy,
the Governor may grant such applicant a license to practise anatomy in any such school of anatomy, on such conditions, for such period, and subject to revocation in such manner as may be therein expressed: Provided that every such application shall be countersigned by two justices of the peace, certifying that to their knowledge or belief such applicant is a person fit to be so licensed.

Inspectors of schools
of anatomy.

Ibid. s. 5.

7. The Governor may appoint inspectors of schools of anatomy, and may direct what schools every such inspector shall superintend, and in what manner he shall transact the duties of his office.

Powers of inspectors.

Ibid. s. 7.

8. Every such inspector may visit and inspect at any time any school of anatomy of which he is appointed inspector.

Inspectors to make
quarterly returns.

Ibid. s. 6.

9. Every such inspector shall make a quarterly return to the Registrar-General of every body that has been removed for anatomical examination to any such school of anatomy, distinguishing the sex and, as far as is known, the name and age of each person whose body was so removed.

Powers of persons in
custody of bodies to
permit anatomical
examinations.

Ibid. s. 8.

10. Any executor or other person having lawful possession of the body of any deceased person, and not being an undertaker or other person entrusted with the body for the purpose only of interment, may permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other person, such deceased person expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife or any known relative of the deceased person requires the body to be interred without such examination.

Provision in case of
persons directing
anatomical
examinations after
their death.

Ibid. s. 9.

11. If any person directs, in writing attested by two or more witnesses, that his body be examined anatomically, or nominates any person by this Act authorised to examine bodies anatomically to
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make such examination, and if, before the burial of the body of such person, such direction or nomination becomes known to the person having legal possession of the body then such last-mentioned person shall, in the one case, direct such examination to be made, or in the other case, shall request and permit the person nominated as aforesaid to make such examination unless the surviving husband or wife or one or more of the nearest known relatives of the deceased person requires the body to be interred without such examination.

12. (1) In no case shall the body of any person be removed for anatomical examination from the place where such person died until after twelve hours from the time of such person's decease, and unless—

Conditions to be observed before bodies are removed for anatomical examinations.

44 Vic. No. 25, s. 10.

(a) notice of such intended removal has been given, six hours at least before such removal, to the inspectors of the district, or, if no such inspector has been appointed, or no such inspector resides within ten miles of the place of death, then to the legally qualified medical practitioner or police magistrate nearest to the place of death; and

(b) a certificate, stating in what manner such person came by his death, has previously to the removal of the body been signed by the legally qualified medical practitioner who attended such person during the illness whereof he died, or if no such practitioner so attended such person then by some such practitioner, not concerned in examining the body anatomically, or some stipendiary magistrate, who shall be called in after the death of such person to view his body, and who shall state the manner or cause of death according to the best of his knowledge and belief.

(2) In every case of such removal such certificate shall be delivered, together with the body, to the person receiving the body for anatomical examination.

Certificate to be delivered.

13. Any legally qualified medical practitioner, or any professor, teacher, or student of anatomy, medicine, or surgery, having a license from the Governor, may receive or possess for anatomical examination, or examine anatomically any body, if permitted or directed so to do by a person who, at the time of giving such permission or direction, had lawful possession of the body, and had power in pursuance of the provisions of this Act to permit or cause the body to be so examined, and if such person delivers with the body such certificate as aforesaid.

Who may receive bodies for anatomical examination. *Ibid.* s. 11.

14. Every person so receiving a body for anatomical examination shall—

Duties of such persons.

Ibid. s. 12.

(a) demand and receive together with the body a certificate as aforesaid; and

(b) within twenty-four hours after he receives the body transmit to the inspector of the district in which he receives the body such certificate, and also a return stating at what day and hour and from

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from whom the body was received, the date and place of death, the sex, and, as far as is known at the time, the christian name and surname, age, and last place of abode of the person whose body is so received; or, if no such inspector has been appointed, to the legally qualified medical practitioner or stipendiary magistrate residing nearest to the place at which the body is received; and

- (c) enter or cause to be entered the aforesaid particulars relating to such body, and a copy of the certificate he received therewith, in a book to be kept by him for that purpose; and
- (d) produce such book whenever required so to do by any inspector under this Act.

Removal and interment of bodies.
44 Vic. No. 25 s. 15.

15. Every such body removed for the purpose of examination shall, before such removal, be placed in a decent coffin or shell, and be removed therein, and the person removing the same or causing the same to be removed shall make provision that—

- (a) such body, after undergoing anatomical examination, shall be decently interred in consecrated ground, or in some public burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and
- (b) a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received, or within such other time as the Governor, by notice in the Gazette, may appoint.

Anatomical examinations to be only in authorised places.

Ibid. s. 13.

Anatomy to be practised in a decent manner.

Ibid. s. 14.

16. No person shall receive or possess for anatomical examination, or examine anatomically any body, except at such places as are authorised for that purpose, as provided for in the fifth section hereof.

17. Every person who practises anatomy shall do so in such a way as to avoid unnecessary mutilation of any body he examines anatomically, and shall conduct every anatomical examination in an orderly, quiet, and decent manner.

PART III.

Legal procedure, rules and regulations.

Offences.

Ibid. ss. 14, 19.

18. Any person offending against any provision of this Act shall be deemed guilty of a misdemeanour, and shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, and may be deprived of his license.

Non-liability of licensees.

Ibid. s. 16.

19. No person having a license under this Act shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having

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having in his possession for anatomical examination, or for examining anatomically any body, if the possession of such body be in accordance with the provisions of this Act.

20. (1) Any action or suit for anything done in pursuance of this Act shall be commenced within six months after the cause thereof accrued. Limitations of actions. 44 Vic. No. 25, s. 18.

(2) The defendant in every such action or suit may plead the general issue and give the special matter in evidence. General issue.

21. (1) In all cases in which no provision or no sufficient provision is, in the opinion of the Governor, made by this Act, the Governor may make and prescribe all such regulations and orders, either general or applicable to particular cases only, as he thinks fit, and may impose a penalty not exceeding five pounds for any breach thereof. Regulations and orders. Ibid. s. 20.

(2) All such regulations and orders shall be published in the Gazette, and being so published shall have the force of law.

22. The governing authorities of any authorised school of anatomy may, with the approval of the Governor, make rules for enabling the study and practice of anatomy to be properly carried out and discipline to be properly maintained at such school, and may impose a penalty not exceeding five pounds for any breach thereof. Governing authorities of schools of anatomy may make rules. Ibid. s. 21.

All such rules shall fix a date on which they shall come into force, and upon the date so fixed and after their publication in the Gazette they shall be in force in the school to which they relate.

23. Penalties authorised by the last two preceding sections may be recovered in a summary manner before any two justices of the peace in accordance with the Acts in force for the time being regulating summary proceedings before justices. Recovery of penalties. Ibid. s. 22.