

Version
as at 5 April 2023



Cremation Regulations 1973 (SR 1973/154)

Denis Blundell, Governor-General

Order in Council

At the Government Buildings at Wellington this 18th day of June 1973

Present:

The Hon H Watt presiding in Council

Pursuant to section 37 of the Burial and Cremation Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes 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

1 Title and commencement

- (1) These regulations may be cited as the Cremation Regulations 1973.
- (2) These regulations shall come into force on 1 January 1974.

2 Interpretation

In these regulations, unless the context otherwise requires—

Act means the Burial and Cremation Act 1964

approved crematorium means a crematorium—

- (a) erected in accordance with approval given under section 38(2) of the Act or any corresponding former provision; and
- (b) approved for use for the purpose of cremation under subclause (1) of regulation 3 and not for the time being subject to a closing notice under subclause (3) of that regulation or under section 41(2) of the Act

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

biomechanical aid means a cardiac pacemaker or any electronic device that is battery operated

coroner includes—

- (a) the chief coroner, an acting chief coroner, a deputy chief coroner, or a relief coroner under the Coroners Act 2006; or
- (b) an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

crematorium authority means any person or body of persons for the time being having the control and management of a crematorium

Medical Officer of Health and **health protection officer** have the same meanings as in the Health Act 1956

Medical Referee means a person for the time being holding office as a Medical Referee pursuant to regulation 6, and, subject to subclause (3) of that regulation, includes a Deputy Medical Referee and a Second Deputy Medical Referee

near relative, in relation to a deceased person, means—

- (a) the spouse, civil union partner, or de facto partner of the deceased, but only if the spouse, civil union partner, or de facto partner was living together with the deceased immediately before his or her death; and
- (b) a parent of the deceased; and
- (c) any child of the deceased who is aged 16 years or over; and
- (d) any other relative of the deceased who usually resided with him or her.

Regulation 2 **associate coroner**: inserted, on 5 April 2023, by section 36 of the Coroners Amendment Act 2023 (2023 No 8).

Regulation 2 **biomechanical aid**: inserted, on 1 November 1980, by regulation 2 of the Cremation Regulations 1973, Amendment No 1 (SR 1980/208).

Regulation 2 **coroner**: replaced, on 5 April 2023, by section 36 of the Coroners Amendment Act 2023 (2023 No 8).

Regulation 2 **Medical Officer of Health** and **health protection officer**: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Regulation 2 **medical practitioner**: revoked, on 30 March 2018, by regulation 4 of the Cremation Amendment Regulations 2018 (LI 2018/47).

Regulation 2 **near relative**: inserted, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

3 Establishment and closing of crematoria

- (1) No person shall begin to use any crematorium for the purpose of cremation without the approval in writing of the Minister. This subclause applies notwithstanding that the site, plans, and specifications of the crematorium have been approved by the Minister pursuant to section 38(2) of the Act.
- (2) No person shall continue to use any crematorium for the purpose of cremation after the Minister has directed, pursuant to subclause (3), that the crematorium be closed.
- (3) Without prejudice to subsection (2) of section 41 of the Act, the Minister may at any time, by notice in the *Gazette*, direct that a crematorium, other than a crematorium situated within the boundaries of a closed cemetery or closed burial ground or a crematorium to which subsection (3) of that section applies, be closed if—
 - (a) the crematorium authority, or any member, servant, or agent thereof, has been convicted of an offence under section 56 of the Act in relation to that crematorium; or
 - (b) the local authority within whose area the crematorium is situated so requests and the Minister is satisfied that such closure is expedient in the

interests of health or by reason of a change in the character of the locality.

- (4) Every crematorium authority shall maintain every crematorium under its control in good working order and in a clean and orderly condition and shall provide such competent attendants as may be necessary.
- (5) On the closing of a crematorium otherwise than pursuant to subsection (2) of section 41 of the Act or subclause (3) of this regulation, the crematorium authority shall forthwith give notice of such closure to the Minister in writing.
- (6) Without prejudice to section 52 of the Act, or to section 128 of the Health Act 1956, any Medical Officer of Health or any health protection officer or any other person authorised in writing in that behalf by the Medical Officer of Health may at all reasonable times enter and inspect any crematorium.

Regulation 3(6): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

4 Restrictions on cremation

- (1) Except with the permission of the Medical Officer of Health, no cremation shall be carried out elsewhere than in an approved crematorium.
- (2) Except as provided in these regulations or in any other enactment, no cremation shall be carried out without the permission of the Medical Referee in form F, or of the Medical Officer of Health in form G, of Schedule 1, as the case may require.
- (3) In relation to cremation elsewhere than in an approved crematorium, a Medical Officer of Health shall in respect of the cremation have all the powers, duties, and discretions conferred on a Medical Referee by regulation 7 so far as the same are applicable.
- (4) In the case of a body that has been buried for not less than 1 year, the Minister, or any person to whom the powers conferred on the Minister by section 51 of the Act have been delegated under clause 5 of Schedule 6 of the Public Service Act 2020, may, in any licence authorising the disinterment of the body, authorise the cremation of the body without the permission of the Medical Referee or the Medical Officer of Health and may impose such conditions as he sees fit with respect to that cremation, and, in any such case, the provisions of these regulations shall be read subject to any such authority or conditions.
- (5) Except as provided in subclause (4), nothing in these regulations shall affect or derogate from the provisions of section 51 of the Act.
- (6) Notwithstanding anything in subclause (2), the body of a stillborn child may be cremated without the permission of the Medical Referee if there is delivered to the crematorium authority either a written certificate or a statutory declaration in accordance with and containing the particulars required by section 46A(1)(a) or (b) of the Burial and Cremation Act 1964.

Regulation 4(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Regulation 4(6): amended, on 25 January 2009, by regulation 5(3) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 4(6): amended, on 20 November 2008, by regulation 5(2) of the Cremation Amendment Regulations 2008 (SR 2008/410).

5 Application for cremation

- (1) No cremation shall be carried out unless application therefor has been made in form A of Schedule 1 and the information indicated in that form has been duly furnished and the form has been duly signed.
- (2) Subject to subclause (3), the application shall be signed by an executor or a near relative of the deceased person.
- (3) The application may be signed by a person other than a person referred to in subclause (2) if the crematorium authority is satisfied that that person may reasonably make the application and that sufficient reason is given on the application why it is not signed by an executor or a near relative.
- (4) The applicant's signature shall be made or acknowledged by him in the presence of a witness who shall himself sign the application in that capacity. The witness shall add to his signature his place of residence and calling or description.
- (5) If it is intended that the cremation shall take place at a crematorium, the application shall be addressed to the crematorium authority, and, if it is intended that the cremation shall take place elsewhere than at a crematorium, the application shall be addressed to the Medical Officer of Health.

6 Appointment of Medical Referees

- (1) Every crematorium authority shall have, in respect of every crematorium under its control, a Medical Referee and a Deputy Medical Referee, and may, if and to the extent that the Minister thinks fit, have a Second Deputy Medical Referee in respect of any such crematorium.
- (1A) Without limiting the powers of the Referees appointed under subclause (1), every crematorium authority may, if and to the extent that the Minister thinks fit, appoint, in respect of any crematorium under its control, a Medical Referee, a Deputy Medical Referee, and a Second Deputy Medical Referee to exercise the respective functions of those officers in any specified place.
- (2) No person shall be appointed to be a Medical Referee, a Deputy Medical Referee, or a Second Deputy Medical Referee, unless he is a medical practitioner of not less than 5 years standing and possesses such experience and qualifications as will fit him for the discharge of the duties imposed on him by these regulations.
- (3) A Deputy Medical Referee shall act under these regulations only when the Medical Referee, whose deputy he is, is absent, incapacitated, or otherwise

unavailable, or in any case in which the Medical Referee has been the medical attendant of the deceased, and a Second Deputy Medical Referee shall so act only when both the Medical Referee and the Deputy Medical Referee are absent, incapacitated, or otherwise unavailable, or in any case where one of them is absent, incapacitated, or otherwise unavailable, and the other of them has been the medical attendant of the deceased.

- (4) A Medical Referee or Deputy Medical Referee or Second Deputy Medical Referee may, if otherwise qualified, be a person holding the office of coroner or Medical Officer of Health or medical superintendent of a hospital or any other office.
- (5) Each Medical Referee, Deputy Medical Referee, and Second Deputy Medical Referee shall be appointed by the crematorium authority for which he will act, subject to the approval of the Director-General of Health in each particular case:

provided that it shall not be necessary for any such approval to be obtained in the case of Medical Referees, Deputy Medical Referees, and Second Deputy Medical Referees, holding office as such at the commencement of these regulations.
- (6) A Medical Referee, Deputy Medical Referee, or Second Deputy Medical Referee, appointed by one crematorium authority in respect of one crematorium, may be appointed as Medical Referee, Deputy Medical Referee, or Second Deputy Medical Referee by another crematorium authority or in respect of any other crematorium.
- (7) The Minister may at any time suspend a Medical Referee, Deputy Medical Referee, or Second Deputy Medical Referee from discharging any duties under these regulations, and no person shall act in any such capacity while so suspended or if he ceases to be registered as a medical practitioner or is suspended from practice as a medical practitioner.
- (8) A Medical Referee, or (in the circumstances set out in subclause (3)) a Deputy Medical Referee or a Second Deputy Medical Referee, may act under these regulations for a crematorium authority other than the crematorium authority by which he has been appointed or in respect of any crematorium, but no crematorium authority shall act on the permission of any person who is not known to it to be a Medical Referee or with whose signature it is unfamiliar.
- (9) Every Medical Referee, Deputy Medical Referee, and Second Deputy Medical Referee shall be remunerated in accordance with such arrangements, if any, as may be made between him and any crematorium authority for which he acts.
- (10) Every Medical Referee, Deputy Medical Referee, and Second Deputy Medical Referee holding office as such at the commencement of these regulations shall be deemed to have been appointed under these regulations.

- (11) Notwithstanding anything in subclauses (1) to (10), a Medical Officer of Health may, in any case of emergency, exercise the powers, duties, and discretions conferred on a Medical Referee by regulation 7.

Regulation 6(1): replaced, on 1 November 1980, by regulation 3 of the Cremation Regulations 1973, Amendment No 1 (SR 1980/208).

Regulation 6(1A): inserted, on 1 November 1980, by regulation 3 of the Cremation Regulations 1973, Amendment No 1 (SR 1980/208).

7 Duties of Medical Referee

- (1) A Medical Referee must not permit any cremation unless a certificate in form AB of Schedule 1 has been given by a medical practitioner or nurse practitioner, and unless—
- (a) the death has not been, and is not required to be, reported under the Coroners Act 2006 to a coroner, and a certificate in form B of Schedule 1 has been given by a medical practitioner or nurse practitioner who is required or permitted by section 46B, 46C, or 46CA of the Burial and Cremation Act 1964 to give a certificate of cause of death (as defined in section 2(1) of that Act) for the death; or
 - (b) the death has been reported under the Coroners Act 2006 to a coroner, and a certificate in form C of Schedule 1 has been given by a coroner.
- (2) The Medical Referee shall, in every case where he considers it necessary, require to be delivered to him a statutory declaration or other evidence as to the identity of the deceased.
- (3) The Medical Referee shall not act in any case in which he attended the deceased as a medical practitioner during the deceased's last illness, but this subclause shall not apply in the case of a person dying in a hospital carried on by Health New Zealand established by the Pae Ora (Healthy Futures) Act 2022, of which the Medical Referee is the medical superintendent, if the deceased has been attended also by another medical practitioner, whether a member of the hospital staff or not.
- (4) The Medical Referee shall discharge the following further duties:
- (a) he shall, before permitting a cremation, examine the application and certificates and ascertain that they are in conformity with these regulations and that the inquiry made by any person giving a certificate in the said form B has been adequate. The Medical Referee may make any inquiry with regard to the application and any certificate that he may think necessary;
 - (b) in any case in which a coroner has not given a certificate in the said form C, the Medical Referee shall not permit the cremation unless he is satisfied that the fact and cause of death have been definitely ascertained;
 - (c) if it appears that death was due to poison, to violence, to any illegal operation, or to privation or neglect, or if there is any suspicious circum-

stance whatsoever, whether revealed in the certificates or otherwise coming to his knowledge, or if for any other reason the death has been or ought to be reported to a coroner under the Coroners Act 2006 or any other enactment, he shall not permit the cremation until a certificate has been given in the said form C or the coroner has otherwise notified the Medical Referee that he does not intend to open an inquiry.

- (5) If in any case—
- (a) to which paragraph (c) of subclause (4) does not apply; or
 - (b) to which the said paragraph (c) applies and in which the coroner has notified the Medical Referee that he does not intend to give a certificate in the said form C—
 - (c) *[Revoked]*

the Medical Referee is not satisfied that the cause of death has been definitely ascertained, the Medical Referee shall not permit the cremation unless a post-mortem examination has been made by a medical practitioner expert in pathology appointed by a crematorium authority, or, in case of emergency or in case of cremations taking place elsewhere than in an approved crematorium, by a medical practitioner expert in pathology appointed by the Medical Referee, and a certificate as to the cause of death has been given by such medical practitioner in form E of Schedule 1.

- (6) The Medical Referee may, unless he attended the deceased as a medical practitioner during the deceased's last illness, give a certificate in the said form C, if he is a coroner, or a certificate in the said form E, if he has made a post-mortem examination of the body pursuant to subclause (5).
- (7) In the case of a person who has died in any place outside New Zealand, the Medical Referee may accept a declaration containing the particulars required by form A of Schedule 1, if it purports to have been made before any person having authority in that place to administer an oath or take a declaration, and he may accept certificates in the said form B or the said form E or certificates which, in his opinion, are substantially equivalent thereto, signed by any person shown to his satisfaction to possess qualifications substantially equivalent to those required by these regulations to be possessed by any person giving any such certificate in New Zealand.
- (8) If the Medical Referee decides to permit any cremation he shall complete form F of Schedule 1 in duplicate and shall send one copy to an attendant at the crematorium and retain the other copy with the application.
- (9) Notwithstanding anything in these regulations a Medical Referee may refuse to permit a cremation without stating any reason.

Regulation 7(1): replaced, on 20 November 2008, by regulation 6(1) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(1): amended, on 30 March 2018, by regulation 5 of the Cremation Amendment Regulations 2018 (LI 2018/47).

Regulation 7(1)(a): amended, on 6 November 2021, by section 41 of the End of Life Choice Act 2019 (2019 No 67).

Regulation 7(1)(a): amended, on 30 March 2018, by regulation 5 of the Cremation Amendment Regulations 2018 (LI 2018/47).

Regulation 7(1)(a): amended, on 31 January 2018, by section 11 of the Burial and Cremation Amendment Act 2016 (2016 No 74).

Regulation 7(1)(a): amended, on 25 January 2009, by regulation 6(2) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(3): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 7(4)(c): amended, on 20 November 2008, by regulation 6(3)(a) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(4)(c): amended, on 20 November 2008, by regulation 6(3)(b) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(4)(c): amended, on 20 November 2008, by regulation 6(3)(c) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(5)(b): amended, on 20 November 2008, by regulation 6(4) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(5)(c): revoked, on 20 November 2008, by regulation 6(5) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Regulation 7(6): amended, on 20 November 2008, by regulation 6(6) of the Cremation Amendment Regulations 2008 (SR 2008/410).

8 Disposal of ashes

- (1) After a cremation the crematorium authority may deliver the ashes into the charge of the person who applied for the cremation if he makes application in that behalf.
- (2) If not so delivered, they shall be retained by the crematorium authority, and, in the absence of any special arrangement for their burial or preservation, they shall, at the discretion of that authority, be retained in a columbarium at the crematorium or be decently interred in some cemetery or burial ground or in land adjoining the crematorium reserved for the burial of ashes.
- (3) In the case of ashes left temporarily in the charge of the crematorium authority, and not removed within a reasonable time, a fortnight's notice shall be sent by registered letter addressed to the person who applied for the cremation before the ashes are interred.
- (4) In the case of an application for the delivery of ashes made by any person other than the person who applied for the cremation or, if objection be made by any person to the delivery of the ashes to the person who applied for the cremation, the crematorium authority shall satisfy itself of the propriety of any delivery of the ashes required of it and shall act accordingly.
- (5) A receipt for the delivery of ashes shall be signed by the person receiving the same, and retained with the records relating to the cremation.
- (6) This regulation shall not apply to cremations taking place elsewhere than in an approved crematorium.

9 Records and register

- (1) The crematorium authority shall appoint a registrar who shall keep in form H of Schedule 1 a register of all cremations taking place at the crematorium. He shall make the entries relating to each cremation immediately the cremation has taken place, except the final entries, which he shall make as soon as the ashes have been delivered to any person or otherwise finally disposed of.
- (2) The Medical Referee shall, after determining an application for cremation, deliver to the registrar all documents held by him in connection with the application (whether or not he permits the cremation) except the copy of the form of permission to cremate sent to an attendant pursuant to subclause (8) of regulation 7.
- (3) All applications, certificates, statutory declarations, and other documents relating to any cremation, whether that cremation is carried out pursuant to these regulations or pursuant to another enactment, shall be marked with a number corresponding to the number in the register, and shall be filed in order and shall be carefully preserved by the cremation authority. All such registers and documents shall be open to inspection at any reasonable hour by any constable, Medical Officer of Health, health protection officer, or any other person appointed for that purpose by the Minister.
- (4) When any crematorium is closed the crematorium authority shall send all registers and documents relating to the cremations which have taken place therein to the Minister, or otherwise dispose of them as he may direct.
- (5) In the application of this regulation to cremations taking place elsewhere than in an approved crematorium, the Medical Officer of Health shall carry out the duties thereby imposed on registrars as nearly as may be.

Regulation 9(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 9(3): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

10 Duty of attendant

The attendant or other person in charge of a crematorium at the time of any cremation shall take all reasonable steps to satisfy himself that the body presented to him for cremation is the body referred to in the copy of the permission to cremate sent to him pursuant to subclause (8) of regulation 7 and for that purpose may require the opening of any coffin or casket and the delivery to him of a statutory declaration or other evidence as to the identity of the deceased.

11 Cremation elsewhere than in a crematorium

- (1) If it is represented in the application for cremation that the deceased belonged to a religious denomination whose tenets require the burning of the body to be carried out as a religious rite elsewhere than in an approved crematorium, the

Medical Officer of Health may permit the cremation to be carried out at such place as he may appoint for the purpose.

- (2) Any permission given under subclause (1) shall be in form G of Schedule 1 and may be expressed to be subject to such conditions as the Medical Officer of Health may consider necessary in the interests of health and decency with regard to the time of the cremation, the circumstances attending the cremation, and the subsequent disposal of the ashes and other material connected with the cremation.
- (3) Where any such permission is granted for cremation in a cemetery or burial ground, the cremation shall be carried out in the particular place and under the conditions imposed either generally or in respect of any particular case by the local authority or other person or body of persons having the control and management of that cemetery or burial ground.
- (4) Every person making application for cremation pursuant to this regulation shall comply with any conditions imposed by the Medical Officer of Health under subclause (2) as well as with any condition referred to in subclause (3) that may be applicable.

12 Provision for special circumstances

Notwithstanding anything in these regulations—

- (a) if the Medical Referee is satisfied that any deceased person was at the time of his death suffering from anthrax, plague, cholera, small-pox, or yellow fever, he may, with the approval of the Medical Officer of Health, permit the cremation of the body without an application under regulation 5 and without complying with regulation 7:
- (b) the Minister may, in the event of an epidemic or for other sufficient reason, permit cremations to be carried out, or authorise Medical Referees to permit cremations to be carried out, in any place, without an application under regulation 5 and without complying with regulation 7, either generally within the district of a local authority or in relation to particular cases or classes of cases or particular places subject to such exceptions or conditions as he may see fit to specify or impose, and any such permission or authorisation shall have effect according to its tenor.

13 Revocations

The regulations specified in Schedule 2 are hereby revoked.

Schedule 1

Forms

rr 4, 5, 7, 9, 11

Schedule 1 heading: replaced, on 30 March 2018, by regulation 6 of the Cremation Amendment Regulations 2018 (LI 2018/47).

Form A

Application for cremation

r 5

Cremation Regulations 1973

Consecutive number [to be inserted on receipt of application]

I, [full name of applicant], [address], [occupation], apply to the crematorium authority of the [name] Crematorium (or as the case may be) to undertake the cremation of the body of [full name of deceased], [address], [occupation], [age], [sex], [relationship status, ie, whether the deceased was or had been married, in a civil union, or in a de facto relationship; or was the surviving spouse or partner of a marriage, civil union, or de facto relationship; or had never been married, in a civil union, or in a de facto relationship].

The true answers to the questions set out below are as follows:

- 1 Are you an executor of the deceased? [specify]
- 2 Are you a relative of the deceased? [specify]
If so, state the relationship:
If you are not an executor or a near relative*, state why this application is being made by you and not by an executor or a near relative*:
- 3 Have the near relatives* of the deceased been informed of the proposed cremation? [specify]
- 4 If the application is not made by an executor, is there an executor of the deceased? [specify]
If there is an executor has he been informed of the proposed cremation? [specify]
- 5 To the best of your knowledge and belief has any near relative or executor of the deceased expressed any objection to the proposed cremation? [specify]
If so, on what ground? [specify]
- 6 What, to the best of your knowledge and belief, was the date and hour of the death of the deceased?
Date:
Hour:
- 7 Where did the deceased die? [Give address, and say whether own residence, lodgings, hotel, hospital, nursing-home, etc]

- 8 Do you know or have you any reason to suspect that the death of the deceased was due, directly or indirectly, to—
- (a) violence:
 - (b) poison:
 - (c) privation or neglect:
 - (d) illegal operation? [*specify*]
- 9 Do you know any reason whatever for supposing that an examination of the body of the deceased may be desirable? [*specify*]
- 9A Do you know or have you any reason to suspect that the body of the deceased contains a cardiac pacemaker or other biomechanical aid? [*specify*]
- 10 Give the name and address of the ordinary medical practitioner or nurse practitioner of the deceased:
- 11 Give the names and addresses of all the medical practitioners or nurse practitioners who attended the deceased during his (*or* her) last illness:
- 12 Who were the persons (if any) present at the time of death? [*specify*]
- 13 Was the deceased a member of a religious denomination whose tenets require the burning of the body to be carried out as a religious rite elsewhere than in an approved crematorium? [*specify*]

If so, give the name by which that religious denomination is known. [*specify*]

I hereby certify, with a view to procuring the cremation of the body of the above-named deceased, that all the particulars stated above are true, and that to the best of my knowledge and belief no material particular has been omitted.

Date:

Signature:

Witness to Signature:

Name:

Occupation:

Address:

***Note**

The term **near relative** as used in this form, means—

- (a) the spouse, civil union partner, or de facto partner of the deceased, but only if the spouse, civil union partner, or de facto partner was living together with the deceased immediately before his or her death; and
- (b) a parent of the deceased; and
- (c) any child of the deceased who is aged 16 years or over; and
- (d) any other relative of the deceased who usually resided with him or her.

Schedule 1 form A heading: replaced, on 30 March 2018, by regulation 7(1) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form A: amended, on 30 March 2018, by regulation 7(2) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form A: amended, on 30 March 2018, by regulation 7(3) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form A: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 1 form A: amended, on 1 November 1980, by regulation 5 of the Cremation Regulations 1973, Amendment No 1 (SR 1980/208).

Form AB
Certificate in relation to pacemakers and other biomechanical aids

r 7(1)

The Cremation Regulations 1973

I hereby certify that I have examined the body of [*full name*], [*address*], [*occupation*].

*I am satisfied that the body does not contain a cardiac pacemaker or any other biomechanical aid.

*I have removed from the body a cardiac pacemaker or other biomechanical aid, namely:

*Delete whichever is inapplicable.

Date:

Signature:

Registered qualifications:

Address:

Schedule 1 form AB: inserted, on 1 November 1980, by regulation 6 of the Cremation Regulations 1973, Amendment No 1 (SR 1980/208).

Schedule 1 form AB heading: amended, on 20 November 2008, by regulation 7 of the Cremation Amendment Regulations 2008 (SR 2008/410).

Form B
Certificate of medical practitioner or nurse practitioner

r 7

Cremation Regulations 1973

I am informed that application is about to be made for the cremation of the body of [full name of deceased], [address], [occupation].

As a medical practitioner or nurse practitioner who is required or permitted by section 46B, 46C, or 46CA of the Burial and Cremation Act 1964 to give a certificate of cause of death (as defined in section 2(1) of that Act) for the death, and who has seen and identified the body after death, I give the following answers to the questions set out below:

- 1 On what date and at what hour did he (or she) die? [specify]
- 2 Where did the deceased die? [Give address and say whether own residence, lodgings, hotel, hospital, nursing-home, etc]
- 3 Are you a relative of the deceased? [specify]
If so, state the relationship:
- 4 Have you, so far as you are aware, any pecuniary interest in the death of the deceased? [specify]
- 5 Were you the ordinary medical practitioner or nurse practitioner of the deceased? [specify]
If so, for how long? [State how many weeks, months, or years.]
- 6 Did you attend the deceased before the deceased's death?
If so, for how long? [state how many weeks, months, or years]
- 7 If you attended the deceased before the deceased's death, when did you last see the deceased alive? [state how many hours or days before death]
- 8 (a) How soon after death did you see the body? [specify]
(b) What steps did you take to satisfy yourself as to the fact of death? [specify]
(c) How did you establish the identity of the deceased person? [specify]
- 9 What were the causes of death? Period elapsing between onset of each condition and death (years, months, or days).
(a) immediate cause—the disease, [specify] injury, or complication that caused the death, or assisted dying? [specify]
(b) morbid conditions (if any) giving [specify] rise to the immediate cause (place

the conditions in chronological order beginning with the most recent)? *[specify]*

- (c) other conditions (if any) contributing to death—pregnancy, parturition, over-exertion, dangerous occupation? *[specify]*

State how far your answers as to the causes of death and the duration of such causes are founded on your own observations or on statements made by others. If on statements made by others, give their names and their relationship to the deceased. *[specify]*

- 10 What was the mode of death if other than by assisted dying? *[specify]*
- 11 Did the deceased undergo any operation during the final illness or within a year before death; if so, what was its nature, and who performed it? *[specify]*
- 12 By whom was the deceased nursed during his (*or* her) last illness? *[If the death occurred in a hospital, this question may be answered by referring generally to the nursing staff in a specified ward, but otherwise give names and say whether professional nurse, relative, etc. If the illness was a long one, this question should be answered with reference to the period of 4 weeks before death.]*
- 13 By what medical practitioners or nurse practitioners (besides yourself, if applicable) was the deceased attended during his (*or* her) last illness? *[specify]*
- 14 In view of your knowledge of the deceased's habits and constitution, do you feel any doubt whatever as to the cause of the deceased's death? *[specify]*
- 15 Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to—
- (a) violence:
 - (b) poison:
 - (c) privation or neglect:
 - (d) illegal operation:
- 16 Have you any reason whatever to suppose a further examination of the body to be desirable? *[specify]*
- 17 Have you given the certificate of cause of death (as defined in section 2(1) of the Burial and Cremation Act 1964) for the death? *[specify]*

I certify that the answers given above are true and accurate to the best of my knowledge and belief, and that there is no circumstance known to me that can give rise to any suspicion that the death was due wholly or in part to any other cause than that stated that makes it desirable that the body should not be cremated.

Date:

Signature:

Registered qualifications:

Address:

Note

This certificate must be handed or sent in a closed envelope by the medical practitioner or nurse practitioner who signs it to a Medical Referee.

Schedule 1 form B heading: replaced, on 30 March 2018, by regulation 8(1) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form B: amended, on 6 November 2021, by section 41 of the End of Life Choice Act 2019 (2019 No 67).

Schedule 1 form B: amended, on 30 March 2018, by regulation 8(2) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form B: amended, on 30 March 2018, by regulation 8(3) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form B: amended, on 30 March 2018, by regulation 8(4) of the Cremation Amendment Regulations 2018 (LI 2018/47).

Schedule 1 form B: amended, on 31 January 2018, by section 11 of the Burial and Cremation Amendment Act 2016 (2016 No 74).

Schedule 1 form B: amended, on 25 January 2009, by regulation 8(2)(a) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Schedule 1 form B: amended, on 25 January 2009, by regulation 8(2)(b) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Schedule 1 form B: amended, on 20 November 2008, by regulation 8(1)(a) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Schedule 1 form B: amended, on 20 November 2008, by regulation 8(1)(c) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Schedule 1 form B: amended, on 20 November 2008, by regulation 8(1)(d) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Schedule 1 form B: amended, on 20 November 2008, by regulation 8(1)(e) of the Cremation Amendment Regulations 2008 (SR 2008/410).

Form C
Coroner's certificate

r 7(1)(b)

Regulation 7(1)(b), Cremation Regulations 1973

I certify that—

- (a) a death has been reported under the Coroners Act 2006 to a coroner, and the details of the death are as follows:

Full name of deceased:

Late of: [*full residential address*]

Occupation:

Sex: [*male or female*]

Date of birth:

Date of death:

Place of death:

- (b) I am satisfied that there are no circumstances likely to call for an examination or, as the case may be, a further examination, of the body.

Signed

Signed at [*location*] on [*date*]

Signature:

Name:

(Coroner)

Schedule 1 form C: replaced, on 20 November 2008, by regulation 9 of the Cremation Amendment Regulations 2008 (SR 2008/410).

Form D
Justice's certificate

[Revoked]

r 7(1)(c)

Schedule 1 form D: revoked, on 20 November 2008, by regulation 10 of the Cremation Amendment Regulations 2008 (SR 2008/410).

Form E
Certificate after post-mortem examination

r 7(5)

The Cremation Regulations 1973

I hereby certify that, acting under the instructions of *[full name], a Medical Referee under the Cremation Regulations 1973, I made a post-mortem examination of the body of [full name], [address], [occupation].

The result of the examination is as follows:

I am satisfied that the cause of death was [specify] (and that there is no reason for making any toxicological analysis or for reporting the death to the coroner).†

Date:

Signature:

Registered qualifications:

Address:

*Where the Medical Referee himself gives the certificate, strike out the words “under the instructions of” and insert “as”.

†The words “for making any toxicological analysis or” should be deleted where a toxicological analysis has been made and its result is stated in this certificate or in a certificate attached to it, and the words “or for reporting the death to the coroner” should be deleted if the death has already been so reported.

Form F
Permission to cremate

rr 4(2), 7(8)

The Cremation Regulations 1973

Whereas application has been made for the cremation of the body of [full name], [address], [occupation].

And whereas I have satisfied myself—

- 1 that all the requirements of the Burial and Cremation Act 1964 and the Cremation Regulations 1973 have been complied with; and
- 2 *that the cause of death has been definitely ascertained (*or* that a certificate in form C has been given by a coroner); and
- 3 that no reason exists for any further inquiry or examination:

Now, therefore, I hereby permit the cremation authority of the crematorium at [location] to cremate the said body.

Date:

Signature:

*Medical referee (*or* Deputy Medical Referee *or* Second Deputy Medical Referee *or* Medical Officer of Health).

Note

- 1 Delete all inappropriate alternatives in both places where an asterisk appears.
- 2 This permission should be signed in duplicate; one copy to be retained with the application papers and the other sent by the Medical Referee to the attendant at the crematorium. The Medical Referee should attach to the application papers a statement of any special inquiries which he may have seen fit to make before issuing the permission to cremate.

Form G

Permission to cremate elsewhere than in an approved crematorium

rr 4(2), 11(2)

The Cremation Regulations 1973

Whereas application has been made for the cremation of the body of [full name], [address], [occupation]:

And whereas I have satisfied myself—

- 1 that all the requirements of the Burial and Cremation Act 1964 and the Cremation Regulations 1973 have been complied with; and
- 2 *that the cause of death has been definitely ascertained (*or* that the child was stillborn *or* that a certificate in form C has been given by a coroner); and
- 3 that no reason exists for any further inquiry or examination:

And whereas it has been represented to me that the said deceased belonged to a religious denomination whose tenets require the burning of the body to be carried out as a religious rite elsewhere than in an approved crematorium:

Now, therefore, I hereby permit the body of the said deceased to be cremated at [location] subject to the following conditions:

Conditions

Date:

Signature:

Medical Officer of Health

Note

- 1 Delete all inappropriate alternatives where the asterisk appears.
- 2 This permission should be signed in duplicate; one copy to be retained with the application papers and the other delivered to the person or persons signing the application.

Form H
Register of cremations

r 9(1)

The Cremation Regulations 1973

Consecutive number of application for cremation:

Full name of deceased:

Sex:

Age:

Date of death:

Place of death:

Date of Medical Referee's permission or other authority:

Date of cremation:

Method of disposal of ashes:

Date of disposal of ashes:

Signature of person receiving ashes:

Ground of recipient's claim. (ie, *applicant for cremation; relative of deceased—relationship to be stated, etc*)

Schedule 2
Regulations revoked

r 13

Cremation Regulations 1939 (SR 1939/228) (Reprinted with amendments Nos 1 and 2 (SR 1949/122))

Cremation Regulations 1939, Amendment No 1 (SR 1945/182)

Cremation Regulations 1939, Amendment No 3 (SR 1954/118)

Cremation Regulations 1939, Amendment No 4 (SR 1957/160)

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 June 1973.

Notes

1 *General*

This is a consolidation of the Cremation Regulations 1973 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
Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104
Public Service Act 2020 (2020 No 40): section 135
End of Life Choice Act 2019 (2019 No 67): section 41
Cremation Amendment Regulations 2018 (LI 2018/47)
Burial and Cremation Amendment Act 2016 (2016 No 74): section 11
Cremation Amendment Regulations 2008 (SR 2008/410)
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Relationships (Statutory References) Act 2005 (2005 No 3): section 12
Health Amendment Act 1988 (1988 No 99): section 2(5)
Cremation Regulations 1973, Amendment No 1 (SR 1980/208)