Dead Bodies

Repealed
by Chapter P-37.1 Reg 11 (effective April 17, 2003).

Formerly
Saskatchewan Regulations 257/70
(effective October 15, 1970).

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APPENDIX A

NOTE:
The consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
SASKATCHEWAN REGULATION 257/70
under The Public Health Act

Interpretation

1 In these regulations “hermetically sealed” means closed in such a way as to prevent the escape of gaseous and liquid substances.

16 Oct 70 SR 257/70 s1.

Prompt burial; burial permit

2(1) All burials shall be made within a reasonable time after death and without unnecessary delay, following the issue of a burial permit in accordance with the provisions of The Vital Statistics Act and regulations made thereunder:

Provided that if during the period November 1 to April 30 the weather or soil conditions are such that it is impossible to transport the body to the cemetery, the body may be deposited in a receiving vault and kept therein only until soil conditions permit burial in the cemetery. During the period of temporary storage the burial permit shall be retained by the embalmer, undertaker or other person having charge of the disposal of the body.

(2) When the body has been interred in the cemetery, the burial permit shall be dealt with in accordance with the provisions of The Vital Statistics Act and regulations made thereunder.

16 Oct 70 SR 257/70 s2.

Licences

3(1) Except persons in possession of an embalmer’s licence under The Saskatchewan Embalmers Act, no person shall conduct or take charge of the disposal of the dead for fee or reward unless he is in possession of an undertaker’s licence obtained from the Minister of Public Health for the current year.

(2) The application for an undertaker’s licence shall name the establishment in which the undertaking work is to be conducted, describe the facilities and equipment contained therein, and state such other matters as may be required by the minister and shall be accompanied by a licence fee of $2.00.

(3) A public health inspector of the department shall forthwith inspect the premises of the applicant for the purpose of viewing the state of the sanitary conditions prevailing therein.

(4) Upon consideration of the application and the report of the public health inspector, the minister may accept or reject the application If the application is approved, a licence will be issued to the applicant for the year for which the licence is requested. If the application is rejected, the applicant will be notified to that effect and the licence fee will be refunded.
(5) An undertaker’s licence for each succeeding year will be issued only on receipt and approval of a new application together with the licence fee previously mentioned and a report from a public health inspector of the department that the premises are being operated in a sanitary manner.

16 Oct 70 SR 257/70 s3.

Smallpox, cholera, plague or anthrax

4(1) The body of any person dying of smallpox, cholera, plague or anthrax shall not be embalmed but shall be wrapped in a sheet thoroughly saturated in a ten per cent formalin solution and shall be placed in a metal or metal-lined coffin or casket which shall be sealed by welding or soldering.

(2) The coffin or casket shall not subsequently be opened.

(3) Unless otherwise approved by the medical health officer, the coffin or casket shall be interred in the cemetery nearest to the place where death occurred.

(4) Such body shall not be accompanied by any person or article which has been exposed to infection from the disease unless certified by the medical health officer to have been properly disinfected and any person accompanying the body shall produce a certificate from the medical health officer to the effect that he has not been exposed to infection through association with the diseased person.

16 Oct 70 SR 257/70 s4.

Other communicable disease

5(1) The body of any person who has died of any communicable disease other than a communicable disease mentioned in section 4 of these regulations shall be embalmed and placed in a sound coffin or casket or, in the absence of such embalming, shall be placed in a metal or metal-lined coffin or casket which shall be hermetically sealed.

(2) The coffin or casket shall not subsequently be opened.

16 Oct 70 SR 257/70 s5.

Mausoleum

6(1) A mausoleum being erected shall be constructed in accordance with a plan approved by the minister.

(2) When a body is placed in a crypt of a mausoleum, the crypt shall be hermetically sealed in a manner approved by the minister.

16 Oct 70 SR 257/70 s6.

Transportation of bodies

7(1) The bodies of persons who have died from causes or diseases other than those mentioned in section 4 or 5 of these regulations and which have to be transported by public conveyance whether by rail, road, boat or plane, shall, subject to subsection (2), either be:

(a) embalmed and placed in a sound casket or coffin; or
(b) if not embalmed, wrapped in a sheet thoroughly saturated in a ten per cent formalin solution and placed in a metal container or metal-lined casket or coffin which shall be hermetically sealed.

(2) Where the ultimate destination cannot be reached within ninety-six hours after death the body whether embalmed or not shall be wrapped and enclosed in the manner set out in clause (b) of subsection (1) of this section.

(3) The transportation of the body by any public conveyance shall be subject to the approval of the medical health officer or a public health inspector who immediately prior to giving approval shall examine the death certificate and a copy of the statement of approval shall be retained by that official.

(4) There shall be affixed to each casket to be transported by railway, boat or other public conveyance, a certificate in the following form:

PART I
Certificate of Embalmer or Funeral Director for Transportation of Remains of Deceased Person

I hereby certify that this casket contains the dead body of _____________________ of ___________________________ who died on the day of _____________________, 19______; that a burial permit has been issued in respect thereof and that the said body has been prepared and other related procedures complied with strictly in accordance with the laws of the Province of Saskatchewan.

________________________________________
Print Name of Embalmer or Funeral Director

________________________________________
Signature

________________________________________
Licence Number

Transportation by Common Carrier Approved and recorded by me:

________________________________________
(Medical Health Officer)

________________________________________
(Public Health Inspector)
PART II
Shipping Instructions

The casket is consigned to __________________________________________________

Name

Address __________________________________________

destination _______________________________________

Province or State__________________________________

via _______________________________________________

Carrier ___________________________________________

and is received subject to the terms and conditions of Carrier’s current tariffs.

__________________________________________
Shipper

__________________________________________
Agent or Carrier

16 Oct 70 SR 257/70 s7.

Forms; certificates

8(1) No registrar of vital statistics shall issue a burial permit for the removal of a
body by any public conveyance until the applicant therefor has furnished him with a
certificate in Form C.D.11(A) in the appendix hereto attached marked “Appendix A”,
and also, where the circumstances so require, a certificate in Form C.D.11(B) in
the said appendix.

(2) In case the first mentioned certificate states that the body has been embalmed
and the embalming is not done by the applicant for the burial permit, he shall
obtain from the embalmer a certificate in Form C.D.11(B) and file it with the
registrar along with the said certificate in Form C.D.11(A).

16 Oct 70 SR 257/70 s8.

Disinterment permit

9(1) The Minister of Public Health may, upon written request, issue a disinterment
permit for the purpose of reburial of the body or for any other laudable purpose.

(2) The application to the Minister of Public Health for disinterment of a body for
reburial or other laudable purpose shall be accompanied by a death certificate
obtained from the vital statistics authorities of the province or state in which the
death occurred and particulars as to where reburial or other disposition of the
body is to be made:

Provided that if a death certificate cannot be obtained and the Minister of Public
Health believes that the circumstances warrant such action he may dispense with
the requirement that such certificate be produced.
(3) On receipt of the written permission of the Minister of Public Health that the body may be disinterred, reburial or other disposition of the body shall take place in such manner and in such location as the Minister of Public Health shall direct.

(4) Where permission is granted for the disinterment of a body, the coffin or casket shall not be opened except on an order of the Attorney General for medical-legal, identification, or other laudable purpose.

(5)(a) The application for a disinterment permit shall be made by the next of kin, widow, widower, or personal representative of the deceased.

(b) Notwithstanding the provisions of paragraph (a) the Minister of Public Health may issue a disinterment permit under subsection (1):

(i) where there is no next of kin, widow, widower or personal representative of the deceased; or

(ii) where the next of kin, widow, widower or personal representative of the deceased cannot be found and the Minister of Public Health is satisfied that a reasonable attempt has been made to locate them; or

(iii) where a body is interred in a cemetery or in any part or portion thereof which has been closed pursuant to The Cemeteries Act; or

(iv) where a body is interred in land which has been expropriated under the provisions of any Act;

provided that in the case of a permit issued in the circumstances mentioned in clauses (i), (ii) or (iii), payment of the costs of disinterment and reburial including compensation for damage to any monument, tombstone or other grave marker, shall first be guaranteed by the party requesting the permit, and, in the case of a permit issued in the circumstances mentioned in clause (iv) payment of the aforementioned costs shall first be guaranteed by the expropriating party where that party has requested the permit unless payment of the said costs has otherwise been ordered in the course of the expropriation proceedings or unless payment of the said costs has otherwise been agreed upon between the expropriating party and the next of kin, widow, widower or personal representative of the deceased.

Disinterred body to be transported

10 Every disinterred body, if the same is to be transported by any public conveyance, shall be immediately enclosed in a metal or metal-lined box or casket and the box or casket shall be hermetically sealed.

Offence and penalty

11 Any person who violates any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction to a fine of not less than $5.00 and not more than $100.00 and in default of payment thereof to imprisonment for a period not exceeding fourteen days.
APPENDIX A

Form C.D. 11 (A)
CERTIFICATE OF APPLICANT FOR BURIAL PERMIT
FOR THE PURPOSE OF REMOVAL

I, _________________________________________________________________________
of the ___________________________ of ___________________________________
in the Province of Saskatchewan, do hereby certify that:

1. The body of ____________________________________________________________
   late of the _______________________ of ___________________________________
in the Province of Saskatchewan, who died at _____________________________
in the said province on the ________ day of __________________ , 19 _____
is to be buried at _______________________________________________________
in the Province of ________________________________________________________.

2. The body has been prepared for burial in accordance with the regulations of
   the Department of Public Health of the Province of Saskatchewan.

3. The body has been embalmed by _________________________________________
of the ___________________________ of ___________________________________
in the Province of Saskatchewan, who is a duly licensed embalmer in the
Province of Saskatchewan and whose certificate (Form C.D. 11 (B)) is hereto
attached.

   (NOTE – Strike out the words which are inapplicable.)

   Signature __________________________________
   (The signature must be that of an individual and not of a firm.)
Form C.D. II (B)
CERTIFICATE OF EMBALMER

I, ____________________________________________
of the _____________________________ of ___________________________________
in the Province of Saskatchewan; do hereby certify that the body of __________
_________________________________________
late of _______________________________________________________________________
in the Province of Saskatchewan, who died at ________________________________
in the said Province on the ___________ day of _____________________ , 19 ___
has been embalmed by me.
I further certify that I am a duly licensed embalmer in the Province of
Saskatchewan.

Signature _________________________________

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