

Third Session Third Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 28 of 1989

[L.S.]

AN ACT to provide for the establishment and control of schools of anatomy, the granting of licences to practise anatomy, and for other matters incidental thereto.

[Assented to 20th July, 1989]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

1. This Act may be cited as the Anatomy Act, 1989.

Short title

Interpretation

2. In this Act—

“anatomy” means human anatomy;

“body” means a dead human body;

“Minister” means the Minister to whom responsibility for health is assigned;

“nearest relative” means—

(a) a spouse; or

(b) where there is no spouse, or where the spouse is unavailable, a son or daughter at least eighteen years of age; or

(c) where there is no son or daughter at least eighteen years of age, or where any sons or daughters at least eighteen years of age are unavailable, a parent or legal guardian; or

(d) where there is no parent or legal guardian, or where the parent or parents or the legal guardian or legal guardians is or are unavailable, a brother or sister at least eighteen years of age who is available;

“teacher of medicine” means and includes any person who is employed or engaged as a professor or teacher of anatomy, pathology, medicine, surgery or obstetrics in any school of anatomy established under this Act.

Establishment of schools of anatomy

3. The Minister may from time to time authorise the establishment of schools of anatomy where the study and practice of anatomy may be carried out.

Licence to practise anatomy

4. (1) The Minister may, subject to such conditions as he thinks fit, grant a licence to practise anatomy to any person who is appointed to a school of anatomy established under this Act as a teacher of medicine in such school, or to any student attending any such school, on application from any such person.

(2) No person shall receive or have in his possession for anatomical examination, or for examination anatomically, any body, unless he is the holder of a licence under subsection (1).

(3) Every such licence shall state the school at which it shall be lawful for the licensee to practise anatomy.

5. (1) The Minister may from time to time appoint one or more Inspectors for every school, and direct in what manner any such Inspector shall transact the duties of his office.

Appointment of
Inspector of school
of anatomy

(2) Every Inspector shall continue in office for one year or until some other person is appointed in his place.

(3) Where an Inspector dies or is removed from office, or neglects or refuses or becomes unable to act, the Minister may appoint another person in his place.

6. Every Inspector of a school of anatomy shall make a quarterly return to the Minister of every body which during the preceding quarter has been removed for anatomical examination to such school, or which may have been removed to any other place under the provisions of section 11, distinguishing the sex, name and age of the person whose body was so removed.

Inspector to make
returns

7. The Inspector may visit and inspect at any time the school of anatomy for which he is appointed Inspector.

Inspector to
inspect schools

8. (1) Any person having lawful custody of a body and not being an undertaker or other person entrusted with the body for the purpose only of interment or cremation may permit the body to undergo anatomical examination, unless to his knowledge the deceased had expressed a desire, either in writing at any time, or orally in the presence of two or more witnesses during the illness whereof he died, that his body after death should not undergo such examination, or unless his nearest relative requires the body to be interred or cremated without such examination.

Person having
lawful custody of
body may permit
anatomical
examination

(2) Without prejudice to the generality of subsection (1), it is hereby declared that for the purposes of this Act the following persons shall be persons having the lawful possession of bodies as herein mentioned, that is to say—

- (a) the Senior Medical Officer of any hospital and the Superintendent of any prison, in respect of the body of any person who dies in such hospital or prison;
- (b) the keeper of any public establishment wherein destitute persons are housed, in respect of the body of any person who dies therein.

Person directing anatomical examination of his body

9. (1) Subject to subsection (2), where any person, either in writing at any time, or orally in the presence of two or more witnesses during his last illness—

- (a) directs that after his death his body be examined anatomically, or
- (b) nominates any person licensed to practise anatomy under this Act to make such examination,

then the person in lawful custody of the body shall allow such examination to be made by the nominee or in his absence, by any other person licensed to practise anatomy under this Act.

(2) No anatomical examination under subsection (1) shall be conducted where the nearest relative of the deceased requires the body to be interred or cremated without such examination.

Removal of body for anatomical examination, and provision for burial

10. (1) Every body which is to be examined anatomically shall be embalmed and thereafter shall be transported to the place of examination in a coffin or shell.

(2) No body shall be examined anatomically until after one week from the time of death, nor until after twenty-four hours' written notice has been given to an Inspector of the intention so to examine the body.

(3) Unless the Minister otherwise directs, all human remains resulting from the anatomical examination of any body shall be interred or cremated in accordance with the written instructions of an Inspector.

(4) Every school of anatomy shall keep a register recording therein the date of the reception of the body, the place from which it was received, the sex, name and age of the person whose body had undergone anatomical examination in the school and the date of interment or cremation of such body.

(5) Every school shall send to the Inspector, every year in the month of November, a return specifying therein the particulars referred to in subsection (4).

Anatomical examination to be conducted only at authorised places

11. (1) No person shall—

- (a) teach anatomy by means of the dissection of any body,
- (b) receive or possess any body for anatomical examination, or

(c) examine anatomically any body,
at any place except a school of anatomy established under
section 3.

(2) Nothing in this section shall prevent any person,
being the holder of a licence under section 4, who obtains
the permission in writing of an Inspector and of the proper
authorities of the school at which he is licensed to practise
anatomy, from removing any body or portion of a body to
any other place for the purpose of teaching or studying
anatomy.

12. A person who practises anatomy under this Act shall do so in such a way as to avoid unnecessary mutilation of any body during the anatomical examination and shall conduct such examination in an orderly manner.

Person practising
anatomy to do so
in orderly manner

13. Nothing in this Act shall be construed as extending to or prohibiting any post mortem examination of any body required or directed to be performed by any competent legal authority.

Post mortem
examination not
prohibited

14. (1) Without prejudice to section 13, the foregoing provisions of this Act shall not be construed as applying to any post mortem examination carried out for the purpose of establishing or confirming the cause of death or of investigating the existence or nature of abnormal conditions.

Post mortem
examination

(2) No post mortem examination shall be carried out otherwise than by or in accordance with the instructions of a registered medical practitioner, and no post mortem examination which is not directed or requested by the Coroner or any other competent legal authority shall be carried out without the authority of the person in lawful custody of the body.

(3) The person in lawful custody of the body may authorize the carrying out of a post mortem examination where, having made such reasonable enquiry as may be practicable, he has no reason to believe—

(a) that the deceased had expressed an objection to the carrying out of a post mortem examination of his body, and had not withdrawn it; or

(b) that the nearest relative of the deceased objects to the carrying out of such post mortem examination.

(4) Where a person has reason to believe that an inquest may be required to be held on any body or that a post mortem examination of any body may be required by the Coroner, he shall not, except with the consent of the Coroner—

(a) give an authority under this section for a post mortem examination; or

(b) act on the authority given by any other person.

(5) Nothing in this section shall be construed as giving authority for a post mortem examination to any person entrusted with a body for the purpose only of its interment or cremation or custody.

(6) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section for a post mortem examination may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by such hospital, nursing home or other institution.

Offences

15. (1) Every person who contravenes this Act is guilty of an offence and on summary conviction liable to a fine of ten thousand dollars and to imprisonment for six months.

(2) It shall be lawful for the Minister, in addition to the penalties provided in subsection (1) to revoke the licence of any person who contravenes this Act.

Regulations

16. The Minister may make regulations generally for giving effect to the provisions of the Act.

Rules

17. The governing authorities of a school of anatomy may from time to time, with the approval of the Minister, make rules enabling the study and practice of anatomy to be properly carried out, and may impose a fine not exceeding five hundred dollars for the breach thereof.

Passed in the House of Representatives this 19th day
of May, 1989.

J. E. CARTER

Clerk of the House

Passed in the Senate this 27th day of June, 1989.

N. COX

Acting Clerk of the Senate