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Anatomy Act

R.S.O. 1990, CHAPTER A.21

Consolidation Period: From June 22, 2006 to the [e-Laws current date](#).

Note: July 1, 2012 has been named by proclamation as the day on which the amendments made by 2002, c. 33, s. 140 come into force.

Last amendment: 2006, c. 19, Sched. C, s. 1 (2).

Definitions

1. In this Act,

“disposition” means any disposition that may be made of a body under the *Cemeteries Act*, and “dispose” has a corresponding meaning; (“disposition”, “disposer”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “disposition” is amended by the Statutes of Ontario, 2002, chapter 33, section 140 by striking out “*Cemeteries Act*” and substituting “*Funeral, Burial and Cremation Services Act, 2002*”. See: 2002, c. 33, ss. 140, 154.

“general inspector” means the general inspector of anatomy; (“inspecteur général”)

“local inspector” means a local inspector of anatomy having jurisdiction, and includes the general inspector; (“inspecteur local”)

“private morgue” means a place where bodies are customarily retained before their disposition, other than a public morgue; (“morgue privée”)

“public morgue” means a place under the control and management of a municipal corporation where bodies are retained before their disposition; (“morgue publique”)

“regulations” means the regulations made under this Act; (“règlements”)

“school” means an institution designated as a school by the regulations. (“école”) R.S.O. 1990, c. A.21, s. 1.

General inspector

2. (1) The Lieutenant Governor in Council may appoint a general inspector of anatomy who shall perform such duties as are assigned to him or her by this or any other Act, and may perform any of the duties of a local inspector anywhere in Ontario. R.S.O. 1990, c. A.21, s. 2 (1).

Local inspectors

(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 or her under this or any other Act in the area in his or her jurisdiction, under the supervision and direction of the general inspector. R.S.O. 1990, c. A.21, s. 2 (2).

Termination of office

(3) When a local inspector ceases to be a coroner, the appointment as local inspector is terminated. R.S.O. 1990, c. A.21, s. 2 (3).

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. 1990, c. A.21, s. 2 (4).

Notice to local inspector, etc.

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 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*,

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. R.S.O. 1990, c. A.21, s. 3 (1).

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 or her control for the purposes of this Act. R.S.O. 1990, c. A.21, s. 3 (2).

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 an undertaking to dispose of the body. R.S.O. 1990, c. A.21, s. 3 (3).

Bodies for anatomical dissection

4. (1) Subject to the *Coroners Act*, the local inspector may cause a body under his or her control to be delivered to a teacher of anatomy or surgery in a school, for the purpose of anatomical dissection. R.S.O. 1990, c. A.21, s. 4 (1).

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. 1990, c. A.21, s. 4 (2).

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. R.S.O. 1990, c. A.21, s. 5 (1).

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 or she has obtained such particulars of the body as the local inspector may require. R.S.O. 1990, c. A.21, s. 5 (2).

Order of Ontario Court of Justice

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 Ontario Court of Justice for an order, and the court may make the order in the prescribed form. R.S.O. 1990, c. A.21, s. 6; 1997, c. 39, s. 1; 2006, c. 19, Sched. C, s. 1 (2).

Disposition of bodies by school

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. 1990, c. A.21, s. 7.

Records by school

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. 1990, c. A.21, s. 8.

Inspection

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. R.S.O. 1990, c. A.21, s. 9 (1).

Orders of general inspector

(2) The general inspector may make such orders in writing as he or she 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 or her discretion, suspend delivery of bodies to the school for such periods as he or she may determine. R.S.O. 1990, c. A.21, s. 9 (2).

Duties of local inspector

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 the control of the local inspector or of whose body he or she 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 or she requires. R.S.O. 1990, c. A.21, s. 10.

Duty of municipality to bury

11. Subject to this Act, any unclaimed body found within the limits of a regional municipality or of a local municipality that is not situated within a regional municipality 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. 1990, c. A.21, s. 11; 2002, c. 17, Sched. F, Table.

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. R.S.O. 1990, c. A.21, s. 12 (1).

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. 1990, c. A.21, s. 12 (2).

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. R.S.O. 1990, c. A.21, s. 13 (1).

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. 1990, c. A.21, s. 13 (2).

Regulations

14. (1) 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.
- R.S.O. 1990, c. A.21, s. 14; 1997, c. 39, s. 2 (1).

Same

(2) The Minister responsible for the administration of this Act may by regulation prescribe the form of the order that may be made under section 6. 1997, c. 39, s. 2 (2).

Forms

(3) Subject to subsection (2), the Minister responsible for the administration of this Act may require that forms approved by the Minister be used for any purpose of this Act. 1997, c. 39, s. 2 (2).

FORM Repealed: 1997, c. 39, s. 3.

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