

INTERNAL AFFAIRS



*Te Tari Taiwhenua*

## Before Burial or Cremation





# Introduction

Anyone – not just a funeral director – can organise the burial or cremation of a body.

This brochure sets out what must be done before a body is buried or cremated in New Zealand or transported to another country. It also deals with situations that involve organ donation, medical education or research.

If you are the person responsible for disposal of the body, you are also responsible for notifying Births, Deaths and Marriages of the death – in which case, be sure to read the notes on the death registration process (pages 11 to 17).



# Organising a burial or cremation

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Before a body is buried or cremated, either:

- A doctor must sign a medical certificate showing the cause of death, or
- A coroner must authorise the release of the body.

If the body is to be cremated, it is also necessary to obtain a Certificate of Medical Practitioner (signed by a doctor), a Permission to Cremate (signed by a medical referee) and an Application for Cremation (signed by the person who is applying for the cremation). You need to file these forms with the crematorium authority. This must be done before the body is cremated. Contact the crematorium for full details of this and the other documentation you will need.

Although it is customary to have a ceremony or service before burial or cremation, there is no legal requirement to do so. And such a ceremony or service does not need to be conducted by a funeral celebrant or minister of religion.

If you need assistance finding a funeral celebrant contact a funeral director, hospital social worker (if the death occurred in the hospital), Citizens Advice Bureaux, the Celebrants Association of New Zealand or legal advice centre.

Newspapers will not generally publish a death notice – except from a funeral director – without evidence (e.g. a medical certificate) to prove the death.

## NOTE

Funeral director means a person whose business is or includes the burial and/or cremation of bodies.

## MEDICAL CERTIFICATES SHOWING CAUSES OF DEATH

In general, when someone dies as the result of an illness, the attending doctor signs a Medical certificate of cause of death (HP4720) and funeral arrangements can go ahead immediately.

A Medical certificate of causes of foetal and neonatal death (HP4721) is used in the case of a liveborn baby dying within 28 days of birth, and for a stillbirth.

## STILLBIRTH AND INFANT DEATH

When arranging a funeral for a stillborn baby or an infant, you will need to follow the procedures outlined in this brochure for preparing and moving a body and for choosing a place for burial or cremation.

A stillbirth must be notified jointly by the parents using a Notification of Birth for Registration (BDM27) form – Do Not use the BDM28.

### NOTE

A stillbirth is legally defined as a dead foetus weighing at least 400 grams when it issued from its mother, or issued from its mother after the 20th full week of pregnancy. Foetal death is death of the foetus prior to the completion of the birth. Neonatal death is defined as a liveborn infant dying within 28 days of birth.

## WHEN A CORONER IS INVOLVED

A coroner is called in if a doctor has been unable to determine the cause of death, or if a death has occurred in violent or unnatural circumstances.

All deaths occurring during medical procedures or while a person is in the care or custody of the state are also reported to the coroner. Any death that occurred while the woman concerned was giving birth, or was as a result of being pregnant or giving birth must be reported to the coroner.

Coroners are appointed by the Governor-General and have the legal duty to enquire into all deaths reported to them. They make enquiries, carry out inquiries and/or hold inquests.

Further information about the Coronial Services of New Zealand is available at [www.justice.govt.nz/coroners/](http://www.justice.govt.nz/coroners/)

## POST-MORTEM (AUTOPSY)

The Coroner may first order a post-mortem – also known as an autopsy. These can only be performed by pathologists approved by the Chief Coroner. This medical procedure consists of a thorough examination of the body to determine the cause and manner of the person's death and to evaluate any disease or injury that may be present.

If the post-mortem shows that the death was due to natural causes, the coroner may decide not to continue further enquiries and not to open an inquest.

## INQUEST

An inquest is a legal hearing at which a coroner hears evidence to establish:

- The identity of the deceased person;
- When and where the person died; and
- The causes and circumstances of the death.

An inquest may occur several months after the person's death.

Following an inquest, the coroner may draw public attention to unsafe items and practices, with the intention of preventing similar deaths in future.

Where a person is charged with criminal offences relating to the death, a second post-mortem may be required.

## RELEASE OF THE BODY

A post-mortem may delay release of the body for burial or cremation. While most enquiries are simple and straightforward, there are sometimes complications that may delay release of the body.

Burial or cremation can take place before an inquest is held, provided that the coroner has signed a Coroners authorisation for release of body (Cor 3).

## MOVING A BODY

When a body is moved from the place of death, the person in charge of the body is required by law to sign a Transfer of charge of body (BDM39). The funeral director or other person in charge of the funeral keeps this form as evidence that responsibility for the body was transferred appropriately.

The medical certificate of causes of death (either HP4720 or HP4721) or a coroner's authorisation (Cor 3), is to be held by the person in charge of the body.

If you are not a funeral director and you are transferring the body to a funeral director, a BDM39 is not needed. You must, however, give the funeral director a medical certificate of causes of death or a coroner's authorisation, if you have one.

BDM39 forms are available from funeral directors, hospitals and Births, Deaths and Marriages.



## PREPARING THE BODY

When being taken from the mortuary, a body must be placed in a coffin or other appropriate container.

There are certain hygiene procedures that must be followed by the person preparing the body for burial or cremation. This is particularly important in cases involving infectious diseases.

Embalming is not essential if the body is to be buried or cremated within two or three days after the death.

A funeral director will be able to advise you on these matters.

## PLACES FOR BURIAL OR CREMATION

The body must be buried or cremated in an area permitted by law.

City and district councils provide, maintain and administer existing public burial and cremation facilities.

You must get permission from the local council to conduct a burial or cremation, unless the burial or interment of ashes is in a denominational burial ground or an existing private cemetery.

Contact your local council for information about burials, cremations and cemeteries.

## SCATTERING OR INTERRING ASHES

Some councils have bylaws or policies on the scattering or interring of ashes.

It is important to consult your local council on the matter. In some instances, you will need permission from local Iwi. You will generally need permission to scatter ashes in a cemetery – and a charge may be levied.

Please be considerate and sensitive to the feelings of other people when scattering ashes in public.

## NOTE

\*In accordance with the Human Tissue Act 2008.

## BURIAL AT SEA

When arranging a burial at sea, contact the Ministry of Health or Maritime New Zealand for details of the legal requirements and safety precautions.

## BURIAL OR CREMATION OVERSEAS

Where a body is to be removed from New Zealand for burial or cremation, the Notification of death for registration (BDM28) must be given or posted to a Registrar of Deaths at Births, Deaths and Marriages before removing the body.

## MEDICAL RESEARCH

Where a body is to be used for therapeutic purposes (including organ donation)\* or for purposes of medical education or research\*, the Notification of death for registration (BDM28) must be given or posted to a Registrar of Deaths before the body is removed.

# Registering a death – what the law requires

The Births, Deaths, Marriages, and Relationships Registration Act 1995 requires that all deaths in New Zealand are notified within three working days after the burial or cremation of the body.

If a funeral director is in charge of the burial or cremation, they will collect all of the information required for registration and forward it to Births, Deaths and Marriages.

Where no funeral director is involved, the person responsible for the burial or cremation of the body is responsible for notifying Births, Deaths and Marriages of the death.

To obtain a Notification of death for registration (BDM28):

- Phone Births, Deaths, and Marriages on Freephone 0800 22 52 52; or
- Write to:  
Births, Deaths, and Marriages  
PO Box 10526  
Wellington 6143

## NOTE

In exceptional circumstances, urgent registration of the death may be required. For further information, Freephone 0800 22 52 52 (within New Zealand only) or +64 4 474 8150 (from overseas).

## Completing the notification form

The Notification of death for registration includes questions about the person who died, their parents, the date and place of disposal, and also about the person filling out the form.

Please follow the instructions on the front of the Notification of death for registration form, including those about recording the causes of death and where to post the HP4720, HP4721 or coroner's authorisation (Cor 3).

If you have any difficulties in completing the form please Freephone 0800 22 52 52 for further advice.

The Notification of death for registration form should be posted within three working days after the burial or cremation, to:

Births, Deaths and Marriages  
PO Box 10526  
Wellington 6143

There is no fee payable to BDM for notification of a death for registration, but a fee applies when you request a death certificate.

# Requesting a death certificate

A New Zealand Death Certificate is an official document containing registered information about a person's death.

An order form on the back of the Notification of death for registration form enables you to order death certificates at the time of notifying the death. The fee payable for a death certificate is stated on the notification form.

Death certificates can also be ordered at any time after the death has been registered, using a Request for New Zealand Death Certificate and/or Death Printout Order Form (BDM93D), which can be printed out from [www.bdm.govt.nz](http://www.bdm.govt.nz). Send the completed request form to:

Births, Deaths and Marriages  
PO Box 10526  
Wellington 6143

Alternatively, you can visit one of the Births, Deaths and Marriages offices – Auckland, Manukau, Wellington or Christchurch.

## Who uses this information?

Births, Deaths and Marriages holds and uses the information collected on the notification form in accordance with the Births, Deaths, Marriages, and Relationships Registration Act 1995 and the Privacy Act 1993. Births, Deaths and Marriages may also release it to certain organisations, as authorised by law.

For example, information from the Notification of Death for Registration (BDM28) is passed to Statistics New Zealand and to the Ministry of Health for statistical use. The statistical information collected on the BDM28 is very important for the analysis of health status and population change within New Zealand. An important aspect of this is information about the ethnicity of the deceased. Data from the death notification form feeds directly into population estimates and projections, mortality rates and life expectancies. These indirectly affect a host of other measures of community wellbeing. The quality and completeness of the information you collect when notifying a death will impact on your local community by helping to ensure its current and future needs are met. Moreover, by understanding the local communities which make our nation, we improve our understanding of our nation's past, present and future.

The Births, Deaths, Marriages, and Relationships Registration Act 1995 governs access to registered death information. Information about a person's rights to access and, where appropriate, correct the information, is available on our website [www.bdm.govt.nz](http://www.bdm.govt.nz), or by phoning us on Freephone 0800 22 52 52.

## Additional information

The information in this brochure meets the requirements of the Births, Deaths, Marriages, and Relationships Registration Act 1995.

For specialised advice or assistance, you may wish to talk to a –

- funeral director
- crematorium staff member
- doctor
- hospital social worker (if the death occurred in the hospital)
- priest or minister of religion
- member of the police
- legal advice centre, or
- lawyer

### NOTE

Professional fees may apply in some instances.

## Documentation checklist

### BEFORE BURIAL OR CREMATION

- ☒ If the body is to be cremated, first obtain a Certificate of Medical Practitioner, a Permission to Cremate and an Application for Cremation.
- ☒ Obtain a Notification of death for registration form (BDM28).
- ☒ Obtain one of the following documents:
  - Medical certificate of cause of death (HP4720); or
  - Medical certificate of causes of fetal and neonatal death (HP4721); or
  - Coroners authorisation for release of body (Cor 3).
- ☒ Include payment or credit card details if requesting one or more death certificates.



## WITHIN THREE DAYS

Within three working days following the burial or cremation, you are required to:

- ☒ Complete the Notification of death for registration (BDM28), answering all questions as fully as you can, and following the instructions on the front of the Notification of death for registration form, including those about recording the causes of death;
- ☒ Post the BDM28 to Births, Deaths and Marriages, PO Box 10526, Wellington 6143;
- ☒ After notifying the death, post the HP4720, HP4721 or Cor 3 to Mortality Administration, Information Directorate, Ministry of Health, PO Box 5013, Lambton Quay, Wellington 6145.





## INTERNAL AFFAIRS



Te Tari Taiwhenua

PLEASE CONTACT US IF YOU REQUIRE DETAILS OF FEES, APPLICATION FORMS OR ADVICE CONCERNING THE BIRTHS, DEATHS, MARRIAGES, AND RELATIONSHIPS REGISTRATION ACT 1995

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- Talk to a Registrar of Deaths (in Auckland, Manukau, Wellington or Christchurch)  
Visit our website: [www.bdm.govt.nz](http://www.bdm.govt.nz)
- E-mail the Births, Deaths and Marriages Office:  
[bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)
- Freephone 0800 22 52 52  
(New Zealand only)
- Call +64 4 474 8150  
(outside New Zealand)
- Write to: Births, Deaths and Marriages  
PO Box 10526, Wellington 6143