

CHAPTER 23 - BURIALS*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation.
3. Register to issue certificate for burial
4. Coroner may authorise burial before registration.
5. Registrar's certificate and coroner's order to be delivered to person burying.
6. Prohibition against burial without proper sanction.
7. Time within which dead bodies are to be buried.
8. Burial of deceased child as still-born.

Appointment of Burial Grounds

9. Power to appoint burial grounds.
10. Control and management of public burial grounds.
11. Where public burial ground provided no burial elsewhere.

Burials Generally

12. On whom duty of burial falls.
13. No burial at less depth than four feet.
14. Power of court to close dwelling-house near which corpse is buried.
15. (1) Search warrant for corpse buried near a dwelling-house.
(2) Removal and burial of corpse buried in contravention of Law.
16. Exhumation.
17. Offences registrars.
18. Power to make regulations.

SCHEDULE

Forms

A LAW TO REGULATE THE BURIAL OF PERSONS WHOSE DEATHS ARE REGISTRABLE AND OF STILL-BORN CHILDREN WHOSE BIRTHS IF THEY HAD BEEN BORN ALIVE WOULD HAVE BEEN REGISTRABLE.

[1 April 1918]

1. This Law may be cited as the Burials Law.

2. In this Law:-

"occupier" includes the officer in charge of any prison hospital, lunatic asylum or public or charitable institution and, apartments, any person residing in such house who is the person under

whom such separate lodgings or apartments are immediately held or his agent;

"registrable" means registrable under the provisions of the Births and Deaths (Compulsory Registration) Act 1979;

"registrar" means a registrar appointed or deemed registrar, under the provisions of the aforesaid Act and includes a deputy registrar;

"relative" includes a connection by marriage.

3. Immediately upon registering any death or receiving information of the birth of any child still-born, the registrar shall issue his certificate in the Form A in the Schedule for the burial of the body:

Provided that a registrar shall not, without the written authority of a coroner, issue such certificate in any of the following cases:-

(a) if it shall appear to the registrar that there is reason to believe that the deceased died either a violent or unnatural death, or died suddenly from a cause unknown, or whilst confined in a lunatic asylum or in prison;

(b) if the registrar shall consider that the circumstances connected with any death require investigation; or

(c) if he shall be informed that a report concerning the death in question has been or is about to be made to the coroner.

4. Where a coroner has made an order for burial under the provisions of the Coroners Law such burial may take place notwithstanding the fact that the death of the deceased person has not been registered.

5.—(1) Every certificate of the registrar under section 3 and every order of the coroner made under the provisions of the Coroners Law shall be delivered by the person to whom it is issued to the person who buries, or the person who performs any funeral service over the body of the deceased.

(2) Any person contravening the provisions of subsection (1) of this section shall be liable to a fine of four naira.

6. —(1) Unless a magistrate or medical officer of health shall in writing order otherwise, no body of a deceased person whose death is registrable or a still-born child whose birth if he had been born alive would have been registrable shall be buried or otherwise disposed of until a certificate shall have been granted by the registrar or an order shall have been made by the coroner, and any person contravening the provisions of this subsection shall be liable to a fine of one hundred naira.

(2) A magistrate or medical officer of health may, subject to the like restrictions as are imposed on the registrar by the proviso to section 3, make such order in any case in which he may consider it to be necessary in the interest of the public health, but shall in every case notify the registrar in the Form B in the Schedule of such order having been made.

7. —(1) Every body of a deceased person or of a still-born child shall be buried within twenty-four hours of the issue of the registrar's certificate or the making of the order of the coroner,

magistrate or medical officer of health.

(2) Any person contravening the provisions of subsection (1) of this section shall be liable to a fine of one hundred naira.

8.—(1) Any person who shall wilfully bury or otherwise dispose of or procure to be buried or otherwise disposed of the body of any deceased child as if it were still-born shall be liable to a fine of fifty naira.

(2) A registrar shall not issue his certificate for the burial of any still-born child before there is delivered to him either:-

(a) a written certificate in one of the Forms C in the Schedule that such child was not born alive, signed by a qualified medical practitioner who was in attendance at the birth, or who has examined the body of such child; or

(b) a declaration in the Form D in the Schedule signed by some person who would, if the child had been born alive, have been required to register the birth, to the effect that no medical certificate can be obtained, and that the child was not born alive.

Appointment of Burial Grounds

9. The Government may by order:—

(a) declare any burial ground to be a public burial ground for any area specified in such order;

(b) appropriate any public burial ground to persons of any class, nationality or religious denomination mentioned in the order;

(c) order that any burial ground, whether a public burial ground or not, named in such order shall from a date specified be discontinued either wholly or subject to any exceptions or qualifications mentioned in such order.

10. Every public burial ground shall be under the control or management of such person or body of persons as the Commissioner may direct.

11. Where one or more burial grounds have been declared for any area either by the Governor under this law or by a local government by-law made under the Local Government Law, no corpse shall be buried in any place within such area other than a place within such burial grounds, except with the written consent of the secretary to the local government of the area and any person contravening the provisions of this section shall be liable to a fine of one hundred naira.

Burial Generally

12.—(1) The duty of causing the body of a deceased person to be buried is imposed on the persons following:-

(a) the executors of the deceased;

(b) in the absence or default of an executor each and every one of the relatives of the deceased; and

(c) in the absence or default of the relatives, the occupier of the premises on which the body lies: Provided that any person who shall cause a body to be buried shall be entitled to be paid all reasonable expenses incurred out of the property of the deceased in priority to all other charges.

(2) The duty of causing the body of a still-born child to be buried is imposed on the parent and in default of the parent the occupier of the premises on which the body lies.

13. Except with the consent of a medical officer no corpse shall be buried at a less distance than four feet from the surface of the ground and any person contravening the provisions of this section shall be liable to a fine of fifty naira or to imprisonment for two months.

14.—(1) A court may on the application of a health officer order that any dwelling-house in which, or within a hundred yards of which, a corpse has been buried be closed until the same is fit for habitation, and may if necessary authorise any police officer to remove from such house the occupants thereof.

(2) Any person inhabiting a dwelling-house so closed shall be liable to a fine of ten naira and a further fine of five naira for each day that such habitation continues.

(3) No order shall be made under this section if the corpse has been buried in a public burial ground.

15. —(1) Upon the information of a health officer or any person authorised by him that a corpse has been buried in any dwelling-house or in any place, not being a public burial ground, within one hundred yards from any dwelling-house, a court may issue a warrant, authorising any member of the police or any officer of the court to search, and, if necessary, to dig up any ground in any such dwelling-house, or within one hundred yards from such dwelling-house, for the purpose of ascertaining if any corpse has been buried.

(2) Any corpse found in the execution of a warrant issued under Removal this section shall be removed and buried by such person or persons as the court may direct, and the costs of such removal and burial shall be paid by the persons by whom such corpse has been buried or caused to be buried in the place from which it has been removed or otherwise as the court may direct.

16. —(1) The Commissioner may by writing under his hand order the exhumation of any body buried in any place within the State and may direct that any such exhumation shall be carried out in the presence of, and in a manner approved by, a medical officer and give such other directions with regard to any such exhumation as he may think fit.

(2) Save as provided in subsection (1), no corpse shall be taken up, exhumed, transferred or removed from a public burial ground:

Provided that nothing in the Law shall be deemed to affect the power of a coroner to order exhumation under the provisions of the Coroners Law.

(3) Any person contravening the provisions of subsection (2) shall on conviction be liable to a fine of five hundred naira or imprisonment for two years.

17. Every registrar who:-

(a) refuses or fails, without reasonable excuse, to deliver or issue in accordance with this Law any certificate as certified copy; or

(b) delivers or issues any certificate which he is prohibited from delivering or issuing, shall be liable to a fine of one hundred naira.

18. The Governor may make regulations:-

- (a) for the government and guidance of the registrar;
- (b) for adding to or altering the forms in the schedule;
- (c) for regulating burials in public burial grounds;
- (d) for the protection of memorials of the dead in public burial grounds;
- (e) for regulating the size, the position of and prices to be paid for spaces for graves and burials;
- (f) for prescribing the duties of keepers of burial grounds;
- (g) generally for the better carrying into effect the provisions of this Law.

SCHEDULE
FORM A
BURIALS LAW
(Chapter 23)

Certificate for Burial

This is to certify that the death of _____ late of _____, deceased, has been duly registered at page _____ of volume _____ of the Register of Deaths at _____ (or that I am credibly informed that a child of _____, of _____, and _____, his wife, born on the _____ day of _____, 19____, was still-born); and I hereby give permission for interment of the body.

Given under my hand at _____ this _____ day of _____, 19____.

(Signature)

(Registrar of Births and Deaths).

FORM B
BURIALS LAW
(Chapter 23)

*Notice to Registrar by the Magistrate or Medical Officer of Health ordering
Burial of Body*

I, the undersigned, hereby give notice that on the _____ day of _____, 19____, I ordered the body of _____ of _____ to be buried.

The persons responsible for the registration of the death are (*set out names and addresses*).

(Signature and office)

To the Registrar of Births and Deaths at _____

FORM C
BURIALS LAW
(Chapter 23)
(1)

Certificate that Child was Still-born, by Medical Practitioner who was in attendance at the Birth

I, the undersigned medical practitioner, hereby certify that I was present at _____ on the _____ day of _____, 19____, when _____ of _____ (or, if the child was born in wedlock, say, _____, the wife (or widow) of _____, of _____), gave birth to a male (or female) child, and that the said child was not born alive.

DATED at _____, the _____ day of _____, 19____
(Signature)
(Additions)
(Address)

(2)

Certificate that Child was Still-born, by Medical Practitioner who has examined the Body

I, the undersigned medical practitioner, hereby certify that I have examined the body of a male (or female) child to which as I am informed and believe _____ of _____ (or, if the child was born in wedlock, say _____, the wife (or widow) of _____, of _____), gave birth at on the _____ day Of _____, 19____, and that in my opinion, the said child was not born alive.

DATED at _____, the _____ day of _____, 19____.
(Signature)
(Additions)
(Address)

FORM D
BURIALS LAW
(Chapter 23)

Declaration by Informant that Child was Still-born

I, the undersigned, hereby declare that a male (or female) child was born to _____, of _____ (or, if the child was born in wedlock, say _____, the wife (or widow) of _____, of _____), at _____ on the _____ day of _____, 19____, that the said child was not born alive, and that no medical practitioner was present at the

birth (or, and that no medical certificate of the said child not having been
born alive can be obtained).

DATED_____ at the_____ day of_____, 19__.

(Signature, description and address of declarant).