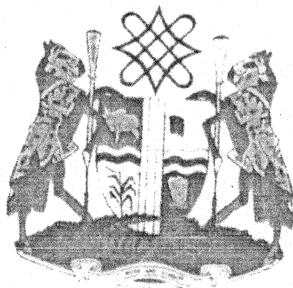


**A LAW TO REGULATE THE BURIAL OF PERSONS WHOSE DEATHS ARE REGISTRABLE AND OF STILL-BORN CHILDREN WHOSE BIRTHS IF THEY HAD BEEN BORN ALIVE WOULD HAVE BEEN REGISTRABLE**



( 4 )

Date of Commencement

**BE IT ENACTED** by the Kaduna State House of Assembly as follows: Enactment

**PART I**

**PRELIMINARY**

1. This Law may be cited as the Kaduna State Burials' Law, 2019. Short title
2. This Law shall come into operation on the.....<sup>29<sup>th</sup></sup>.....day of.....<sup>May</sup>..... 2019 Commencement
3. In this Law:- Interpretation

**"Commissioner"** means the Commissioner responsible for health matters in the State;

**"Coroner"** means any person empowered to hold inquests under the provisions of the Coroners Law;

**"Governor"** means Governor of the State;

**"Registrable"** means the category of persons or bodies stipulated under the provisions of the Births and Deaths (Compulsory Registration) Act 1992;

**"Registrar"** means a registrar appointed under the provisions of the Births and Deaths (Compulsory Registration) Act and includes a deputy registrar;

**"Relative"** includes a connection by marriage;

**"State"** means Kaduna State of Nigeria.

## PART II

### REGISTRATION AND ISSUANCE OF CERTIFICATE FOR BURIAL

4. (1) The birth of a still born child and the death of any child or person shall be registered by the Registrar of Births and Deaths of the Local Government Area.
- (2) Immediately upon registering any death or receiving information of the birth of any still-born child, the Registrar shall issue a certificate in Form A of the Schedule to this Law for the burial of the body;

Registration and issuance of certificate for burial as in Form A of the Schedule

**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 appears to the Registrar that there is reason to believe the deceased died either a violent or unnatural death, or died suddenly from a cause unknown, or whilst confined in a psychiatric facility or in prison;
- (b) if the registrar considers that the circumstances connected with any death requires investigation; or
- (c) if he is informed that a report concerning the death in question has been or is about to be made to the Coroner.
5. 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.

Coroner may Authorise burial before registration of death

6. (1) Every certificate of the Registrar issued under section 4 of this Law 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. Registration Certificate and Governor's order to be delivered to person burying
- (2) Any person contravening the provisions of subsection (1) of this section shall on conviction be liable to a fine of not less than Fifty Thousand Naira Only (₦50,000.00)
7. (1) Unless a Magistrate or Medical Officer 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 off until a certificate is granted by the Registrar or an order is made by the Coroner, and any person contravening the provisions of this subsection shall on conviction be liable to a fine of not less than Fifty Thousand Naira Only (₦50,000.00). Prohibition against burial without Certificate of order the coroner
- (2) A Magistrate or Medical Officer may, subject to the like restrictions as are imposed on the Registrar by the proviso to section 4 of this law, 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 Form B in the Schedule to this Law of such order having been made.
8. (1) The body of a deceased person or of a still-born child shall be buried within a reasonable time of the issuance of the registration certificate or the making of the order of the Coroner. Time within which dead bodies are to be burial
- (2) Any person contravening the provisions of subsection (1) of this section shall on conviction be liable to a fine of not less than Fifty Thousand Naira Only (₦50,000.00).
9. (1) Any person who wilfully buries or otherwise disposes off, or procures to be buried or otherwise disposed off the body of any deceased child though born alive, as if Burial of deceased child as still-born

it were still-born shall on conviction, be liable to a fine of not less than Fifty Thousand Naira Only (N50,000.00).

- (2) A Registrar shall not issue a certificate for the burial of any still-born child without being 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 of the Schedule to this Law 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.

### **PART III**

#### **DESIGNATION OF BURIAL GROUNDS**

10. (1) The Governor may, by Order-
- (a) declare any burial ground to be a public burial ground/cemetery for any area specified in such order;
  - (b) designate any public burial ground/cemetery to persons of any class, nationality or religious denomination mentioned in the order;
  - (c) order that any burial ground, whether a public burial ground/cemetery or not, named in such order from a date specified, be discontinued either wholly or subject to any exceptions or qualifications mentioned in such order.
- (2) in the event of the occurrence of multiple deaths arising from an epidemic, accident, natural disaster or other unforeseen causes, the Commissioner may direct that their bodies be buried in any Public burial

Power to designate burial grounds

ground, cemetery, or such other place as he may consider appropriate.

- (3) where death occurs as a result of an infectious disease, the Commissioner shall direct for a special burial in order to avert any possible outbreak of an epidemic.

11. Every public burial ground/cemetery shall be made under the control or management of such person or body of persons as the Commissioner may direct. Control and Management of Public Burial grounds/cemetery
12. (1) From the date of commencement of this Law, the burial of the body of a deceased person in a residential dwelling house in an urban area in the State is prohibited. Prohibition of burial of deceased persons in residential houses
- (2) Any person who contravenes the provisions of this section shall be liable on conviction to a fine of not less than One Hundred Thousand Naira (₦100,000.00).
13. Where one or more burial grounds have been declared for any area either by the Governor under this law or by a Local Government Bye-law made under the Local Government Bye 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 Commissioner. Where public burial ground/cemetery is provided no Burial elsewhere
14. Every Local Government shall appropriate sufficient funds for the establishment, staffing, maintenance, fencing and security of burial grounds in all the urban areas within the local government. Appropriation of funds for the maintenance of burial grounds

## PART IV

### BURIALS GENERALLY

15. (1) The duty of causing the body of a deceased person to be buried is imposed on the following persons:- On whom duty of burial falls
- (a) the executors of the deceased;
- (b) in the absence or default of executors, the relatives of the deceased; and

- (c) in the absence or default of the executors or 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 or relatives, the occupier of the premises on which the body lies.
16. Except with the consent of a Medical Officer, no corpse shall be buried at less than 1.22 meters depth from the surface of the ground and any person contravening the provisions of this section shall be liable to a fine of not less than Fifty Thousand Naira Only (₦50,000.00) or to imprisonment of not less than two months or both. No burial at less than four feet depth
17. (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 same is fit for habitation, and may if necessary authorise any Police Officer to remove from such house the occupants thereof. Power of Court to close dwelling house near which corpse is buried
- (2) Any person inhabiting a dwelling-house closed under subsection (1) shall be liable to a fine of not less than Twenty-Five Thousand Naira Only (₦25,000.00) and a further fine of not less than Ten Thousand Naira (₦10,000.00) 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.
18. (1) Upon the receipt of 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 Search warrant for corpse buried near a dwelling house

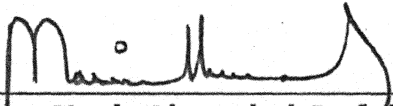
up any ground in any such dwelling-house for the purpose of ascertaining if any corpse has been buried.

- (2) Any corpse found in the execution of a warrant issued under 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 was buried or caused to be buried in the place from which it has been removed or otherwise as the court may direct.
19. (1) The Commissioner may by writing under his hand order the exhumation of a body buried in any place within the State and may direct that any such exhumation shall be carried out and give such other directions with regard to any such exhumation as he may think fit. Exhumation
- (2) Save as provided under this Law, no corpse shall be taken up, exhumed, transferred or removed from a public burial ground/cemetery;
- (3) Nothing in this Law shall be deemed to affect the power of a Coroner to order exhumation under the provisions of the Coroners Law.
- (4) Any person contravening the provisions of subsection (2) of this section shall on conviction be liable to a fine of not less than two hundred thousand Naira (₦200,000) or imprisonment of not less than Two (2) years or both.
- (5) Where it is established that the exhumation was made for ritual purposes, the person shall on conviction be sentenced to life imprisonment.
20. Every Registrar who:- Offences by registrar
- (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 not less than Thirty Thousand Naira (₦30,000).
21. The Governor may make Regulations for:- Power to make regulations

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

22. The Burial's Law Cap 20, Laws of Kaduna State, 1991, is hereby repealed. Repeal

**DATED AT KADUNA** this 29<sup>th</sup> day of May 2019


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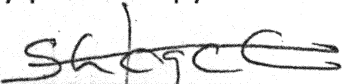
**Malam Nasir Ahmad el-Rufa'i OFR**  
 Governor Kaduna State

#### EXPLANATORY NOTE

(This Note does not form part of this law and has no legal effect)

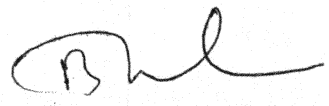
The purpose of this law is to regulate the burial of persons and prohibit the burial of persons in residential dwelling houses in urban areas in the State and for Local Governments to appropriate sufficient funds for the establishment, staffing, maintenance, fencing and security of burial grounds.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.


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**HON. AMINU ABDULLAHI SHAGALI**  
 (Speaker)


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**BELLO ZUBAIRU IDRIS Esq.**  
 (Clerk to the Legislature)



**SCHEDULE  
FORM A  
BURIALS LAW**

**Certificate for Burial**

This is to certify that the death of ----- has  
been duly registered at page ----- of volume -----  
of the Register of Deaths at ----- (or that I am credibly  
informed that----- of ----- and his  
wife gave birth on the----- day of ----- 20----- to a child who was  
still-born; and I hereby give permission for interment of the body.

Given under my hand at ----- this ----- day of -----20-----

(Signature)

(Registrar of Births and Deaths).

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**FORM B**

**BURIALS LAW**

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

I, the undersigned, hereby give notice that on the ----- day of ----- 20-----, I ordered the body of ----- of ----- to be buried.

The persons responsible for the registration of the death are (set out names, addresses Signature and office)

To the Registrar of Births and Deaths at

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**Form C**

**BURIALS LAW**

**(1)**

*Certificate that the 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 ----- 20----, when -----, gave birth to a male (or female) child, and that the said child was not born alive.

Dated at -----, the ----- day of -----, 20----

(Signature)  
(Additions)  
(Address)

**(2)**

*Certificate that the 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 that ----- of -----, the wife (or widow) of -----, of ----- gave birth at ----- on the ----- day of -----, 20 ----, and that in my opinion, the said child was not born alive.

Dated at -----, the ----- day of -----, 20----

(Signature)  
(Additions)  
(Address)

**FORM D**

**BURIALS LAW**

**Declaration by Informant that Child was Still-born**

I, the undersigned, hereby declare that a male (or female) child was born to -  
-----, of -----  
-----, the wife (or widow) of -----  
----- of -----), at -----  
----- on the ----- day of -----, 20 --  
, 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 -----, 20

(Signature, description and address of declarant).

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