

CHAPTER 29

CORONERS LAW

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SCHEDULE

CHAPTER 29

CORONERS LAW

A Law to regulate the appointment, powers and duties of coroners, and related purposes.

[27th August 1991]

PART I. — PRELIMINARY

1. This Law may be cited as the Coroners Law
2. in this Law—

Short title.

“coroner” means any person empowered to hold inquests under this Law.

Interpretation

“local government” means local government existing or established under the Constitution of the Federal Republic of Nigeria 1999

“medical practitioner” means any person registered or licensed as a medical practitioner under the Medical Practitioners and Dentists Act:

PART II—GENERAL PROVISIONS

3. (1) Every magistrate may hold inquests under this Law.

Who may
hold
inquests.

(2) The Governor may, by notice in the State Gazette, empower any other fit person to hold inquests under this Law within any area specified in such notice.

(3) Any inquest commenced by a coroner may be continued, resumed, or re-opened in the manner provided by this Law by such coroner or by his successor in office.

4. Whenever a coroner is informed that the body of a deceased person is lying within his jurisdiction and that there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or that such person has died whilst confined in a lunatic asylum, or in any place or circumstances which, in the opinion of the coroner, makes the holding of an inquest necessary or desirable, such coroner shall, subject as hereinafter in this section provided, hold an inquest on such body as soon as is practicable:

When
inquest to be
held

Provided that—

(a) whenever it shall appear to the coroner, either from the report of a medical practitioner rendered under section 12 or otherwise, that the death is due to natural causes, and that the body shows no appearance of death being attributable to or of having been accelerated by violence or by any culpable or negligent conduct either on the part of the deceased or of any other person, it shall thereupon be lawful for the coroner in his discretion (except in the cases specified in section 6) to dispense with the holding of an inquest, and, in the case of a registrable death he shall notify the registrar appointed under the provisions of the Births, Deaths and Burials Law;

(b) where the coroner is informed that criminal proceedings have been or are about to be instituted against any person already in custody or about to be arrested in respect of such death, the inquest shall not be commenced, or if commenced, shall not be continued or resumed, until such proceedings have been concluded.

5. Notwithstanding any law or custom to the contrary, whenever it shall appear to any coroner that the body of any person, who has been buried without being viewed or without such inquest having been held, or where such inquest, although held, has been quashed or re-opened, it shall be lawful for such coroner by his warrant as in Form A set out in the First Schedule, to order the exhumation of such body; and he shall after such exhumation proceed to hold an inquest on such body and thereupon direct the reinternment thereof; and the expenses of such exhumation and reinternment shall be paid, upon the coroner's order, out of the general revenue:

Power to
order
exhumation.

Provided that such exhumation shall not be ordered in any case where in the opinion of the coroner it would be injurious to public health, or where there is no reasonable probability of a satisfactory result being obtained thereby.

6. Whenever any prisoner, or any person in police custody, dies from any cause whatsoever, a coroner of the district in which such death has occurred shall hold an inquest and, where such

Inquest on all
prisoners and on
persons in police
custody.

death is an execution of a judgment of death, the inquest shall be held within 4 hours thereafter.

7. The coroner only within whose jurisdiction the both of any person, upon whose death an inquest ought to be held, is lying, shall hold the inquest, notwithstanding that the cause of death arose elsewhere, and if anybody is found in the sea, or in any river, creek, or in any inland water, the inquest shall be held by the coroner within whose jurisdiction the body is first brought to land:

Inquest to be held by coroner of place where body lying.

Provided that where it appears to a coroner by whom an inquest has been commenced that, owing to special circumstances to be entered upon the record of the inquest it is expedient for the inquest to be continued by another coroner in the State, he shall after viewing the body (if such view is necessary in accordance with the provisions of section 15(1) of this Law) and making such entry upon the record as is required to be made under the provisions of section 15 (4), refer the record to such other coroner, and such other coroner shall thereupon, subject to any directions in that behalf which may be given by the High Court and which the High Court is hereby empowered to give, continue and conclude the same inquest in accordance with the provisions of this Law.

8. Where a coroner has reason to believe that a death has occurred in the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that owing to the destruction of tire body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may, if he considers it desirable so to do, hold an inquest touching the death, and the law relating to inquests shall apply with such modifications as may be necessary m consequence of the inquest being held otherwise than on or after the view of a body lying within the coroner's jurisdiction.

Inquest where body destroyed or irrecoverable.

9. A coroner may prohibit the burial or cremation of any body lying within his jurisdiction until an inquest is held.

10. (I) When anybody is found or a person has died in such circumstances ns to make the holding of an inquest under this Law necessary' or desirable it shall be the duty of any person finding the body or becoming aware of the death forthwith to inform the nearest local government or administrative police officer and upon receiving mw such information such local government or police officer shall notify the coroner having jurisdiction to hold on inquest

(2) Any person who fails without good cause to inform the local government or police officer as required by subsection (I) of this section is guilty of an offence and liable on conviction to a fine of N40

(3) In the case of a death to which the provisions of section 6 apply it shall be the duty of the person in charge of the premises forthwith to notify the coronet having jurisdiction to hold an inquest

(4) Any person who fails so to notify the said coroner as required by subsection (3) of this section is guilty of an offence and liable on conviction to a fine of ~~N40~~

Coroner may postpone burial or cremation till after inquest.

Notice of death.

Duty of police officer or local government

11. (1) On the information being given to a local government or police officer in pursuance of subsection (1) of section 10 of this Law such local government or police officer or a person authorized in that behalf by such local government or police officer, (hereinafter referred to as the “authority”). shall proceed to the place where the body of the deceased person is lying and make a full investigation into the circumstances surrounding the death of (he deceased and the probable cause of death and the authority may arrest any person reasonably suspected of having caused the death.

Form B

(2) The authority shall without delay cause notice of the death as in Form H (or a translation thereof in such written language as the authority understands) set out in the first Schedule to be sent to a coroner having jurisdiction to hold an inquest, stating any particular concerning the cause of death disclosed by the investigation and giving an opinion as to whether or not the death was due to any unlawful act or omission

(3) In any case where the death is believed by the authority not to be due to any unlawful act or omission, the authority shall, if the dead body is not already buried, view the body and authorize its interment, but in all other cases the authority shall cause the body to be taken to the nearest hospital or other place appointed for the reception of dead bodies unless the authority certifies to the coroner that the requirements of this subsection cannot reasonably be complied with, having regard to the condition of the dead body, the weather and the distance to be travelled,

PART III—POST-MORTEM EXAMINATION

12. If any coroner considers it necessary with a view in investigating the circumstances of the death of any person, to obtain a medical report on the appearance of the body of such person and as to the conclusions to be drawn therefrom, he may, by written order as in form C set out in the First Schedule require any Government medical officer or, in the absence of such officer, any other medical practitioner within his jurisdiction to make an examination of the body and to report thereon

Coroner may direct post mortem examination
Form C

13. (1) Every medical practitioner shall upon the receipt of such order under section 12, unless he procures the services of some other medical practitioner to perform the duty, immediately make an examination of the body, with a view to ascertaining the circumstances connected therewith, and shall make a report in writing to the coroner describing the appearance of the body, and the conclusions which he draws therefrom touching the death of such person.

Medical practitioner to make an examination and report.

(2) The examination shall extend, when the medical practitioner considers it necessary but not otherwise, to such dissection of the body, with or without an analysis of the contents of the stomach or intestines, as he may think requisite

(3) Such report shall be in Form D set out in the First Schedule, and shall state the cause of death, and shall be signed and dated by the medical practitioner.

(4) Such report on being read at the inquest by the coroner shall be prima facie evidence of the facts therein stated without further proof, unless it is proved that the medical practitioner purporting to sign the report did not in fact sign it.

PART IV.—PROCEDURE AT INQUEST

14. At every inquest the coroner shall take on oath such evidence as is procurable as to the identity of the deceased, and the time, place and manner of his death.

Coroner to
evidence
oath.

15. (I) At or before the first sitting of an inquest on a body, the coroner shall view the body or shall satisfy himself that the body had been viewed by a police officer, medical practitioner or local government officer:

Provisions
regarding the
viewing of body.

Provided that, when an inquest on the body has been previously opened, it shall not be necessary upon a resumed, continual or subsequent inquest for the body to be viewed a second time,

(2) An order authorizing burial of a body upon which it has decided to hold an inquest may be issued at any time after the body has been viewed.

(3) If the body has been buried and has not been viewed in the manner provided in subsection (I), the coroner shall order the exhumation of the body for the purpose of a view in the manner provided by section 5 unless he certifies that in his opinion such exhumation would be injurious to the public health or that no satisfactory result would be obtained thereby.

(4) In any case in which the coroner himself has viewed the body he shall certify the fact upon the record of the inquest, and in other cases he shall record evidence, if any, of the view of the body by a police officer, medical practitioner or an official of the local government.

16. (1) A coroner holding an inquest shall have and may exercise all the powers of a magistrate with respect to the summoning and compelling of the attendance of witnesses and requiring them to give evidence, and with respect to the production of any document or thing to such inquest.

(2) Every summons and warrant of arrest and summons to produce shall be in writing and signed by the coroner

(3) Where the inquest concerns the death of a person executed in pursuance of a death warrant the medical practitioner who was present at the execution shall be an essential witness. (4) The provisions of any law in force relating to summonses, warrants and summonses to produce, issued by a magistrate shall apply to summonses, warrants and summonses to produce, issued by a coroner.

17. A coroner holding an inquest shall not be bound by any rules of evidence which may pertain to civil or criminal proceedings, but if any witness objects to answer any question on the ground that it may tend to incriminate him, he shall not be required to answer the question or be liable to any penalty for refusing so to answer.

Coroner may
summon
witnesses
Form F

Coroner not
bound by rules
of evidence

Evidence
how recorded

18. The evidence of every witness shall be given on oath and shall be taken down in Writing by the coroner.

Power to take evidence of witness unable to attend.

19. Where any person within coroner's jurisdiction who is able to give material evidence in respect of any inquest is, owing to illness or other cause which appears satisfactory to the coroner, unable to attend at the place where the coroner usually sits, it shall be lawful for the coroner to take the deposition of such person in the place where such person is.

Commissions

20. (1) Whenever in the course of any inquest it appears to the coroner that any person outside the jurisdiction of the coroner is able to give material evidence in respect of the inquiry and that the attendance of such person cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, the coroner shall apply to the High Court, giving the reasons for the application, and the High Court may —

(a) issue a commission to any magistrate, (whether exercising jurisdiction in the State or another State) within the local limits of whose jurisdiction such person resides, to take the evidence of such person, or

(b) reject the application.

(2) The magistrate to whom the commission is issued shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in writing.

(3) The evidence of such witness shall be given on oath, and the magistrate shall cause the evidence to be read over to such witness who shall thereafter sign it and the magistrate shall bind over such witness to appear at any trial to give evidence.

(4) Any interested party may appear before such magistrate by advocate or in person, and may examine, cross-examine and re-examine, as the case may be, such witness.

(5) After such commission has been duly executed it shall be returned, together with the deposition of the witness examined thereunder, to the High Court, who shall forward the commission, the return thereto and the deposition to the coroner who made the application therefor.

(6) On receipt thereof by the said coroner, such commission, return thereto, and deposition shall be filed with and form part of, the inquest proceedings relating thereto.

21. (1) A coroner may lawfully hold inquests on any Sunday or public holiday,

(2) If the coroner thinks it expedient in the interest of justice that any inquest should be held in private, he shall hold the inquest in private.

(3) Whenever an inquest is held in private, the coroner shall record his reasons for so holding it.

22. A coroner holding an inquest in any place may adjourn the inquest to another day and may order the adjourned inquest to be held in the same or any other place.

Inquest on Sunday or public holiday or in private.

Adjournment of inquest

23. (1) If in the course of an inquest, the coroner is of the opinion that sufficient grounds have been disclosed for instituting criminal proceedings in connection with the death, against any person already in custody or whose arrest is contemplated, the coroner shall stay the inquest until the trial of the person to be charged is concluded or he is discharged under the provisions of section 73 or section 325 of the Criminal Procedure Law or the charge is dismissed under the provisions of section 299 of that Law or it appears improbable that such person would be found.

(2) Where an inquest is stayed in pursuance of subsection (1) of this section, the coroner may resume and conclude the inquest after the conclusion of the criminal proceedings if he is of the opinion that public benefit is likely to result from his so doing: but if he is of the opinion that no public benefit is likely to result from his so doing, he shall certify his opinion to that effect and transmit to the Attorney-General a copy of the inquest proceedings:

Provided that, if in the course of the criminal proceedings any person has been charged upon information, then upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted on such information or contain any finding which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Notwithstanding the provisions of subsection (2) where an inquest is stayed in pursuance of subsection (1), and it is ascertained that the person to be charged cannot be found, the coroner shall resume and conclude the inquest

(4) For purposes of this section, the expression "criminal proceedings" means the proceedings before a magistrate's court and before any court to which the accused person is charged or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can, without an extension of time being granted by any court to which an appeal lies, be made in the course thereof

24. If, during the course or at the close of any inquest, the coroner is of the opinion that sufficient grounds are disclosed for making a charge against any person in connection with the death, he may issue a summons or warrant to secure the attendance of such person before any magistrate's court having jurisdiction, and may bind over any witness who has been examined by or before him on a recognizance with or without surety to appear and give evidence before such court

25. After the view (if any) of the body and hearing the evidence the coroner holding the inquest shall give his verdict and certify it by an inquisition in writing as in form E set out in the First Schedule, showing, so far as such particulars have been proved to him, who the deceased was, and how, when and where the deceased came by his death:

Provided that—

(a) where the inquest concerns the death of a person executed in pursuance of a death warrant the verdict and inquisition shall include a finding as to whether the death was instantaneous and the person executed was the person mentioned in such warrant; and

Issue of
summons or
warrant

FORM
E
T
Inquisition

(b) such inquisition and verdict shall be made and signed in duplicate and one of the originals shall be delivered to the sheriff.

Where guilty,
party unknown

26. If, at the close of any inquest, the coroner is of the opinion that there is ground for suspecting that some person is guilty of an offence in respect of the matter inquired into, but cannot ascertain who such person is, he shall certify his opinion to that effect and transmit a copy of the proceedings to the superintendent of police of the command in which the inquest is held.

Where guilty
party cannot
be found.

27. Where a copy of the proceedings upon any inquest has been transmitted to a superintendent of police under section 26 and the guilty person remains undiscovered, and if, in the opinion of the superintendent of police, there is no probability that such person may be discovered, he shall certify his opinion to that effect and transmit the copy of the proceedings to the Attorney-General.

Return of
inquisitions and
powers of review
by High Court

28. (1) Every inquisition, including the depositions and the recognizance of the witnesses, if any, shall be transmitted by the coroner, if any, with all convenient despatch to the judicial division of the High Court in which the inquisition took place and the registrar of such division shall take (2) The High Court may examine the record of such proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding or verdict and as to the regularity of such proceeding, (3) Where the High Court by reason of such examination is not satisfied as to the correctness, legality or propriety of any finding or verdict, it may, after affording the Attorney-General or his representative an opportunity of being heard thereon, exercise any of the powers conferred upon it by subsection (1) of section 29 of this Law.

(4) Where the High Court by reason of such examination is not satisfied as to the regularity of the proceedings, it may take such action, not involving an alteration of the finding or verdict, as it may think necessary to cure such irregularity.

Powers of High
Court on
application by
or under
authority of
Attorney-
General.

29. (1) Where the High Court, upon an application made by the Attorney-General, in the judicial division of the court in which an inquest has been held or would fall to be held, is satisfied that it is necessary or desirable so to do, it may —

- (a) order an inquest to be held touching the death of any person;
- (b) direct any inquest to be re-opened for the taking of further evidence, or for the inclusion in the proceedings thereof and consideration with the evidence already taken, of any evidence taken in any judicial proceeding which may be relevant to any issue determinable at such inquest and the recording of a fresh verdict upon the proceedings as a whole;
- (c) quash the verdict in any inquest substituting therefor some other verdict which appears to be lawful and in accordance with the evidence recorded or included in the proceedings hereinbefore in this section provided; or
- (d) quash any inquest, with or without ordering a new inquest to be held.

(2) The provisions of this section shall apply to all inquests and the verdicts therein, whether or not such inquests and verdicts are in pursuance of the provisions of this Law.

(3) For the purpose of this section the expression “judicial proceeding” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath.

30. The Attorney-General may order in writing that all or any of the powers vested in him by sections 23, 27, 28 and 29 of this Law be vested for the time being in the Solicitor-General or a State Counsel and the exercise of those powers by the Solicitor-General or the State Counsel shall then operate as if they had been exercised by the Attorney-General;

Delegation of powers by the Attorney-General.

Provided that the Attorney-General may in writing revoke any order made by him under this section

PART V.—MISCELLANEOUS PROVISIONS

31. Where a death is required by law to be registered and an inquest is held, the coroner shall inquire of the particulars required to be registered concerning the death, and his finding thereon shall be attached to and form part of the inquisition; and the coroner shall send to the registration authority within 5 days after the finding is given, a certificate under his hand, giving information concerning the death and specifying his finding with regard to the said particulars and to the cause of death, and stating also the time and place at which the inquest was held.

The coroner to transmit particulars of death and his finding thereon to registrar.

32. (1) Any person who without lawful authority or excuse interments or cremates anybody, the burial or cremation of which has been prohibited under section 9 of this Law, or the body of any person who has died in police custody or in any prison, or of any person who has died in any of the circumstances mentioned in section 4 of this Law, is guilty of an offence and liable on conviction to a fine of ₦100.

Penalty where body is buried without authority.

(2) Where any person is charged with having committed an offence under this section the onus of proving that he had lawful authority or excuse shall be on the person charged.

33. Any person who obstructs a medical practitioner, a police officer or an officer of a local government officer in the execution of any duty imposed upon him by this Law is guilty of an offence and liable on conviction to a fine of ₦50

Obstructing medical practitioner or authority

34. (1) The Governor may make rules prescribing the scale of fees to be paid to medical practitioners for any examination, autopsy or other service required of them under this Law.

Power to make rules

(2) Until such rules are made by the Governor, the rules contained in the Second Schedule to this Law shall apply

35. The forms set out in the First Schedule shall be used for the several matters to which they relate with such variations as circumstances may require. The commissioner may from time to time by order published in the State Gazette amend, revoke or add to the forms set out in the said Schedule

Forms.

FIRST SCHEDULE

FORM A

Coroners Law

ORDER FOR EXHUMATION

.....Local Government Area
To.....
.....Whereas it appears
that.....had died in circumstances requiring the
holding of an inquest upon his body and that of the
said.....has been buried
at.....without such inquest being held (or without the said body
being viewed) (or that the inquest held at.....on
the..... day of.....was
insufficient)

NOW THEREFORE you are hereby charged and Commanded forthwith to cause the said
body to be taken up (and viewed) (or. and safely conveyed to in the above named Local
Government Area) that I may proceed to inquire into the cause of the death of the said (or
as the case may be).

HEREIN FAIL NOT.

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

.....
Coroner

FORM B

Coroners Law

DEATH REPORT TO CORONAL

Particulars of deceased, etc.

1. Name, sex and appropriate age of deceased -----

2. Nationality and Tribe -----

3. Occupation -----

4. Date, hour and place of death -----

5. Supposed cause of death -----

6. Person who found body or gave first information of death -----

7. Date and hour of first information received by police or local government -----

8. Circumstances of death and names of persons who can give information thereof -----

9. Name of authority making first investigation -----

10. Date and time of investigation -----
--

11. Description of place and how body found -----

12. Markers of Violence (if any) -----

13. Circumstances of suspicion (if any) -----

14. Date and hour report sent to coroner -----

Having made full inquiries I have the honor to report that* _

(a) There are no suspicious circumstances surrounding the death nor are there any marks of violence on the body;

(b) In my opinion an inquest ought to/need not be held;

(c) The body has been viewed by me and buried at.....

.....

I am satisfied that the body viewed by me was the body of

(d) The body has been sent by me to

(e) The following persons have been arrested (or are about to be arrested) in connection with the death, on the charges stated hereunder---

.....
.....

Station.....

Authority

I order that an inquest be opened at..... on the
..... day of.....20..... (or)

I do not consider that an inquest is necessary or desirable, Given under my hand
at..... This day
of.....20.....

Coroner

FORM C

Coroners Law

Section 12

ORDER FOR POST-MORTEM EXAMINATION

To Dr.....

.....

Whereas I am credibly informed that one had died in circumstances which may require the holding of an inquest under the Coroners Law, you are hereby authorized and required to make a post-mortem examination of the body of the said

..... which will be delivered to you by

.....and to make a report to me there on

Given under my hand at

This.....day of 20.....

.....

FORM D

Coroners Law

Section 13

REPORT OF MEDICAL PRACTITIONER

1. Date and hour of receipt of corpse at mortuary.....
.....
2. Condition of corpse on arrival.....
3. Mode in which packed.....
4. Date and hour of holding examination.....
5. Name of deceased (if known).....
6. By whom identified.....
7. Approximate age.....
8. Sex.....
9. Height, colour of hair, eyes, peculiar clothing and other marks or means of
identity.....
10. Probable date of birth.....
11. Medical
Report.....
.....
.....

I certify the cause of death in my opinion to be.....
.....
.....

Given under my hand at.....

This.....day of.....20.....

Signed.....

Name in full.....

.....

.....

Qualifications

FORM E

Coroners Law

THE INQUISITION

An inquisition taken at.....in the Local
Government Area on the..... Enugu State Nigeria the
.....

.....day of 20

before..... On the view of the body of one
then and there lying dead.

Now I, charged to inquire
when, where, how and after what manner the said

Came to his/her death say the following particulars have been disclosed---

1. Name of deceased.....
2. Residence and occupation.....
3. Means of identity.....
4. Where found, when and under what circumstances.....
.....
5. Date of death.....
6. Cause of death
7. Offence (if any) to which death attributable.....
.....

And, I the said..... do say that
my verdict is
.....

IN WITNESS WHEREOF I have to this inquisition set my hand this.....
day of.....20

Station

.....

Coroner

FORM F

Coroners Law

SUMMONS TO WITNESS

To.....

..

Whereas I am credibly informed that you can give evidence concerning the death of

.....

NOW THEREFORE, you are hereby required to attend at.....

..... on the

.....day of 20

..... at

o'clock in the Noon, in order to give evidence before me touching the death.

HEREIN FAIL NOT.

Given under my hand at

thisday of20

.....

.....

Coroner

SECOND SCHEDULE

CORONERS (POST-MORTEM FEES) RULES

1. These rules may be cited as the Coroners (Post-Mortem Fees) Rules
2. Subject to these rules the fees mentioned in column 2 of the following Table are payable to medical practitioners who are required by order or summons of the coroner to render the services or to incur the expenses, as the case may be, set out in column I thereof opposite these fees—

TABLE

Services and Expenses

Fees

~~N~~ K

- | | | | |
|-----|---|-------------------|------------|
| (a) | for examination and report upon a body involving no dissection upon which report the coroner dispenses with or holds an inquest | 8 | 80 |
| (b) | for examination and report upon n body involving dissection | 10 | 00 |
| (c) | for attendance at an inquest to give evidence in support of an examination and report | 6 | 60 per day |
| (d) | travelling expenses incurred in complying with any service ordered to be performed under the Law. | 20k per kilometre | |

3. A medical practitioner in the service of the Government of the State, shall be paid at the ordinary rate prescribed by the Government, travelling expenses incurred by him in complying with any service ordered to be performed under the Law, but is not entitled to any fee—

- (a) for an examination and report on a body if the examination does not involve dissection; or
 - (b) for attendance at an inquest to give evidence in support of his examination and report
4. A medical practitioner who is required to superintend the examination of a body is entitled to a fee of ₦20 in addition to any other fees to which he may be entitled under these rules.