

Tanzania

## Inquests Act

### Chapter 24

Legislation as at 30 November 2019

FRBR URI: /akn/tz/act/1980/17/eng@2019-11-30

There may have been updates since this file was created.

PDF created on 17 March 2023 at 13:52.

[Check for updates](#)



#### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

Where legislation has been consolidated, this is clearly indicated on the document.

This is a free download from the TanzLII website and is presented in collaboration with the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.tanzlii.org](http://www.tanzlii.org) | [info@tanzlii.org](mailto:info@tanzlii.org)

[www.laws.africa](http://www.laws.africa) | [info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Inquests Act  
 Contents

Part I – Preliminary provisions ..... 1

    1. Short title ..... 1

    2. Interpretation ..... 1

Part II – Coroners’ Courts ..... 2

    3. Establishment of Coroners’ Courts ..... 2

    4. Functions of Coroners’ Courts ..... 2

    5. Qualifications and appointment of Coroners ..... 2

Part III – Powers and duties of Coroners ..... 3

    6. When inquest may be held ..... 3

    7. Power to dispense with inquest in certain cases ..... 3

    8. Postponement and adjournment of inquests in certain cases ..... 3

    9. Power to order exhumation ..... 4

    10. Coroner may direct postmortem examination ..... 4

    11. Medical practitioner to make examination and report thereof ..... 4

Part IV – Holding of inquests ..... 5

    12. Notice of death ..... 5

    13. Preliminary examination of body ..... 5

    14. Inquest into sudden or violent death ..... 5

    15. Executions and deaths in prison, etc ..... 5

    16. Inquest where body destroyed or irrecoverable ..... 6

    17. Coroner may call for statements recorded by police officers ..... 6

    18. Power of D.P.P. to order inquest ..... 6

Part V – Procedure at inquest ..... 6

    19. The inquisition ..... 6

    20. Provisions regarding viewing of body ..... 7

    21. Coroner may summon witnesses ..... 7

    22. Coroner not bound by rules of evidence ..... 8

    23. Examination of witnesses ..... 8

    24. Recording of evidence ..... 8

    25. Statements recorded by police officers may be admitted as evidence at inquest ..... 9

    26. Inquests on Sundays, etc., or in private ..... 9

    27. Adjournment of inquest ..... 9

    28. Conclusion of inquest ..... 9

    29. Return of inquisitions ..... 9

30. Powers of High Court .....	10
Part VI – Miscellaneous provisions .....	10
31. Powers of Coroner to order burial or cremation .....	10
32. Penalty where body is buried without authority .....	10
33. Obstructing medical practitioner, etc .....	10
34. Power to make regulations .....	11
35. Prescribed forms .....	11
36. Repeal .....	11
Prescribed forms (Section 35) .....	11



# Tanzania

## Inquests Act

### Chapter 24

Commenced on 1 July 1980

*[This is the version of this document at 30 November 2019.]*

*[G.N. No. 70 of 1980; Act No. 17 of 1980]*

**An Act to establish Coroners Courts and to provide for matters relating to inquests.**

### Part I – Preliminary provisions

#### 1. Short title

This Act may be cited as the Inquests Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires–

"**appropriate authority**" means the person appointed by the Minister to be the appropriate authority for the purposes of this Act;

"**Coroner**" means any person empowered or appointed under [section 5](#) to hold inquest under this Act;

"**hospital**" means any institution for the reception and medical treatment of persons who are injured, infirm or suffering from illness, and includes a dispensary, health centre, maternity home, clinic (whether mobile or not) and also any place or premises used for purposes of medical treatment, whether regularly or periodically;

"**inquest**" means any inquiry held by a Coroner under this Act into the death of any person;

"**local authority**" means a City Council, a Municipal Council, a Town Council or a District Development Council;

"**medical practitioner**" means a person for the time being authorised to practise the medical profession by virtue of his being registered or licensed under the provisions of the Medical, Dental and Allied Health Professionals Act, and includes any person for the time being in charge of a hospital;

*[Act No. Cap. 152]*

"**Minister**" means the Minister for the time being responsible for legal matters;

"**official custody**" means detention–

- (a) in the custody of a police officer, a prisons officer, an officer of the Prevention and Combating of Corruption Bureau or any officer authorized to carry out any function under the Preventive Detention Act;

*[Cap. 361]*

- (b) in any reformatory school or remand home under the management, control or administration of the Commissioner for Social Welfare in consequence of any detention or committal order; or

- (c) in a mental hospital under section 9 of the Mental Diseases Act or section 168 of the Criminal Procedure Act or any other written law;

[Cap. 98; Cap. 20]

"**Principal Judge**" means a Judge of the High Court of Tanzania, appointed under Article 109 of the Constitution of the United Republic.

[Cap. 2]

## Part II – Coroners' Courts

### 3. Establishment of Coroners' Courts

- (1) The Minister may, after consultation with the Principal Judge, by order published in the *Gazette*, establish a Coroner's Court in respect of the area of jurisdiction of every local authority specified in the order.
- (2) The Minister may establish one or more Coroners' Courts in respect of one local authority, and may establish one Coroner's Court in respect of more than one local authority.
- (3) Where a Coroner's Court is established in one area but not in others, inquests in the latter areas shall be conducted by a District or Resident Magistrate.

### 4. Functions of Coroners' Courts

- (1) The function of a Coroner's Court shall be to inquire into the death of any person who-
  - (a) is reasonably suspected to have died violently or of unnatural causes;
  - (b) dies a sudden death the cause of which is unknown;
  - (c) dies while in official custody, or in consequence of the execution of a sentence passed on him;
  - (d) dies or is found dead in such place and in such circumstances as to require an inquest in pursuance of the provisions of any written law.
- (2) A Coroner's Court shall not hear or inquire into any matter or proceeding arising otherwise than under this Act.

### 5. Qualifications and appointment of Coroners

- (1) The Minister may, by notice published in the *Gazette*, from time to time, prescribe the qualifications of persons who may be appointed as Coroners for the purposes of this Act.
- (2) The Principal Judge shall, after consultation with an appropriate authority, by Notice published in the *Gazette*, appoint, in respect of a local authority, such number of public officers or retired public officers as he thinks fit, and who are qualified in accordance with the provisions of the notice under subsection (1), each to be a Coroner in respect of the area of the jurisdiction of the local authority specified in the notice.
- (3) Notwithstanding the provisions of subsection (1), the Principal Judge may, after consultation with the Chief Justice, by notice in the *Gazette*, appoint any one magistrate to be a Coroner in respect of one local authority specified in the Notice.

## Part III – Powers and duties of Coroners

### 6. When inquest may be held

- (1) Where a Coroner, upon information received, is satisfied that there is a body of a deceased person lying within his jurisdiction, and that there is reasonable cause to suspect that the circumstances of the death of that person make the holding of an inquest necessary or desirable, that Coroner shall, subject to the provision of this Act, hold an inquest on the body as soon as is practicable.
- (2) Where, in the opinion of the appropriate authority, the circumstances of the death of any person, which are not known to the Coroner for the jurisdiction concerned, require to be inquired into, the appropriate authority may, in writing, require the Coroner to hold an inquest on the body of the deceased person in question, and the Coroner shall, subject to [section 7](#), hold the inquest.

### 7. Power to dispense with inquest in certain cases

Where it appears to the Coroner, either from the report of a medical practitioner rendered under [section 11](#) or from any other evidence, that the death is due to natural causes, and the body shows no appearance of death being attributable to or of having been accelerated by violence or by any culpable or negligent act either on the part of the deceased or of any other person, he may, except in cases specified in [section 15](#), dispense with the holding of an inquest.

*[Cap. 4 s. 8]*

### 8. Postponement and adjournment of inquests in certain cases

- (1) Where before or after proceedings in an inquest have commenced the Coroner is informed that some person has been or is about to be brought before a court on criminal charges in connection with the death of the deceased, the Coroner shall, in the absence of reason to the contrary, not commence the inquest or, if the inquest has commenced, shall not continue or resume it, until after the conclusion of the criminal proceedings.
- (2) After the conclusion of the criminal proceedings, the Coroner may, subject to the following provisions of this section, hold an inquest or resume the adjourned inquest 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 that opinion to the Director of Public Prosecutions together with a certified copy of the inquest proceedings if the inquest has been commenced.
- (3) Where in the course of the criminal proceedings under subsection (1) any person has been charged upon information, then upon the resumed inquest no inquisition shall contain any finding that sufficient grounds have been disclosed for charging that person with any offence of which he could have been convicted on the information or any finding which is inconsistent with the determination of any matter by the result of those proceedings.
- (4) Notwithstanding the provisions of subsection (2), where an inquest is postponed or adjourned in pursuance of subsection (1) and it is ascertained that a person to be charged cannot be found, the Coroner shall commence or resume the inquest, as the case may be, and conclude it.
- (5) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a subordinate court and before any court to which the accused person is committed for trial or before which an appeal from the convict of that person is heard, and criminal proceedings shall not be deemed to be concluded until no appeal can be made in the course of those proceedings without special leave or extension of time.

*[Cap. 4 s. 8]*

## 9. Power to order exhumation

- (1) Where it appears to any Coroner that the body of any person who has died in circumstances requiring the holding of an inquest having been held, or where the inquest although held was quashed or reopened, the Coroner may, notwithstanding any written law or custom for the time being in force, by a warrant in the Form A prescribed in the Schedule to this Act, order the exhumation of that body; and shall, after the exhumation, proceed to hold an inquest on that body and direct its reinterment; and the expenses of the exhumation and reinterment shall be paid from the funds of the United Republic.
- (2) Notwithstanding the provisions of subsection (1), an 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 the results assisting substantially in the determination of the circumstances or cause of death.

*[Cap. 4 s. 8]*

## 10. Coroner may direct postmortem examination

- (1) Where for the purposes of the investigation of the circumstances of the death of any person, the Coroner considers it necessary to obtain a medical report on the appearance of the body of that person and as to the conclusions to be drawn from that appearance; he may, subject to subsection (2), by an order in the Form B prescribed in the Schedule to this Act; require any Government medical practitioner within or without his jurisdiction or, in the absence of such officer, any other medical practitioner within his jurisdiction, to make an examination of the body and to report on it.
- (2) A Coroner shall not order the conduct of a postmortem examination if he is of the opinion-
  - (a) that the examination cannot be made within such time as would enable it to be of practical value because-
    - (i) the body cannot be brought to a medical practitioner for examination;
    - (ii) a medical practitioner cannot make an examination at the place where the body is; and
    - (iii) the body cannot be brought to some specified place at which a medical practitioner could make an examination; or
  - (b) that, by reason of the distance which a medical practitioner would be obliged to travel in order to make an examination and the time which would be taken for the journey, it would not be in the public interest that such an order be made.

*[Cap. 4 s. 8]*

## 11. Medical practitioner to make examination and report thereof

- (1) The medical practitioner shall, upon receipt of an order under [section 10](#) for a postmortem examination, immediately make an examination of the body, with a view to determine from it the cause of death and to and ascertain the circumstances connected with it, unless he procures the services of some other medical practitioner.
- (2) The examination referred to in subsection (1) shall extend, when the medical practitioner considers it necessary but not otherwise, to such dissection of the body as he may think requisite.
- (3) The medical practitioner shall make a report to be in the Form C prescribed in the Schedule, stating the cause of death and shall be signed by him, and, on being read at the inquest shall be



*prima facie* evidence of the facts stated in it, but the Coroner may call the medical practitioner if he considers it necessary.

## Part IV – Holding of inquests

### 12. Notice of death

- (1) When anybody is found, or a person has died, in circumstances which make the holding of an inquest necessary or desirable, the person finding the body or becoming aware of the death shall as soon as practicable inform a Coroner, or a police officer or any appropriate authority and upon receiving that information the police officer or the appropriate authority shall notify a Coroner having jurisdiction to hold an inquest.
- (2) Any person who, without good cause, refuses or fails to inform the Coroner or police officer or Government official as required by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

### 13. Preliminary examination of body

- (1) Whenever a dead body is brought to a hospital, the medical practitioner in charge of the hospital, or the medical practitioner authorised by the medical practitioner in charge, shall make a preliminary external examination of the body and report in writing to a Coroner, who may, if he considers it necessary, order a postmortem examination.
- (2) The medical practitioner who makes the postmortem examination shall report on the cause of death to the Coroner who ordered the postmortem examination.

### 14. Inquest into sudden or violent death

- (1) Whenever any person dies suddenly, or by accident or violence, or under suspicious circumstances, or whenever the dead body of any person is found within or is brought into any part of the United Republic, a Coroner may, if he considers that an inquest is necessary, hold an inquest into the cause of and the circumstances connected with the death of that person, with or without a view of the body as he may think fit, and determine the cause of the death.
- (2) Where witnesses attend in person at an inquest, a Coroner may, if he deems it desirable or necessary, in any case hold the inquest with the aid of assessors; but it shall not be necessary for a Coroner to hold every inquest with the aid of assessors.
- (3) An inquest may be held under this section notwithstanding that the cause of death did not arise within the United Republic.
- (4) Where a Coroner considers that an inquest is not necessary, he shall immediately forward to the Director of Public Prosecutions all papers, documents and other evidence relating to that death which he considered.

*[Cap. 4 s. 8]*

### 15. Executions and deaths in prison, etc

- (1) Whenever judgment is executed on any offender, a Coroner shall within twenty-four hours after the execution inquire into and ascertain the identity of the body and the cause of death, and whether judgment of death was duly executed on the offender.
- (2) Whenever any person dies while he is in official custody, a Coroner shall as soon as practicable hold an inquest into the cause of death.

- (3) A Coroner holding an inquest in pursuance of the provisions of subsection (2) shall do so with the aid of not less than three assessors.

#### **16. Inquest where body destroyed or irrecoverable**

Where a Coroner reasonably believes that a death has occurred in the area under his jurisdiction in circumstances necessitating the holding of an inquest, and that owing to the destruction of the body by fire or other natural agent or to the fact that the body is lying in a place from which it cannot be recovered, an ordinary inquest cannot be held, he may, if he considers it desirable, hold an inquest touching on the death, and the law relating to inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of a body lying within the Coroner's jurisdiction.

#### **17. Coroner may call for statements recorded by police officers**

- (1) Where a death has occurred in such circumstances that an inquest under this Act is required or ought to be held, the Coroner may direct any police officer having charge of or concerned in an investigation into the death to produce to the Coroner, prior to the holding of the inquest, any statement made to, and recorded in writing by, that police officer by any person having knowledge of the circumstances, the cause of the death or the identity of the deceased as the case may be, the Coroner may postpone the holding of the inquest for such time as may be necessary to enable him to obtain and peruse any such statement.
- (2) A Coroner to whom a statement is produced under subsection (1) shall, before holding the inquest, return the statement to the police officer by whom it was produced and may, at the same time, notify him of the name of any person whose statement or further statement should be taken or whose attendance at the inquest will be required.

#### **18. Power of D.P.P. to order inquest**

The Director of Public Prosecutions may, if he considers it necessary or desirable in the public interest order that an inquest be held into the death of any person, and if a Coroner is so required by the Director of Public Prosecutions he shall hold an inquest into the cause of and the circumstances connected with the death of any person.

### **Part V – Procedure at inquest**

#### **19. The inquisition**

- (1) The proceedings and evidence at an inquest shall be directed solely to ascertaining-
  - (a) who the deceased was;
  - (b) how, when and where the deceased came by his death;
  - (c) whether the circumstances of the death disclose any offence;
  - (d) the particulars concerning the death which are required in pursuance of any written law for the time being in force.
- (2) Where the conduct of any person is called into question at an inquest on grounds which the Coroner thinks substantial and which relate to any matter referred to in subsection (1), and if that person is not present at the inquest and his statement has not been duly taken or he has not been

summoned at the inquest, the inquest may be adjourned to enable a statement of that person to be recorded or to enable him to attend at the inquest.

*[Cap. 4 s. 8]*

- (3) After the view, if any, of the body and the completion of the evidence, the Coroner shall give his finding and certify it by an inquisition in writing in the Form D prescribed in the Schedule to this Act, showing the matters specified in subsection (1) as have been proved at the inquest, and, 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 named in that warrant.
- (4) The Coroner shall not express any opinion on matters other than those referred to in subsections (1) and (3); and no verdict shall be worded in such a way as to appear to determine any question of civil liability.
- (5) Nothing in this section shall preclude the Coroner from making a recommendation designed to prevent the recurrence of fatalities similar to that in respect of which the inquest was held.

## **20. Provisions regarding viewing of body**

- (1) 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 has been viewed by a police officer, a medical practitioner, or other trustworthy person; but when an inquest on the body has been previously opened, it shall not be necessary upon a resumed, continued or subsequent inquest for the body to be viewed a second time.
- (2) An order authorising the burial of a body upon which it has been decided to hold an inquest may be issued at any time after the body has been viewed or examined, as the case may be.
- (3) Where the body has been buried and has not been viewed in the manner provided in subsection (1), the Coroner shall order the exhumation of the body for the purpose of a view in the manner provided by [section 9](#) unless he certifies that, in his opinion, the exhumation would be injurious to the public health or that the results of the exhumation would not be of any assistance in determining the circumstances or cause of death of the deceased.
- (4) In any case in which the Coroner himself has viewed the body, he shall certify that fact upon the record of the inquest and in any other case he shall record evidence, if any, of the view of the body by a police officer, a medical practitioner or other trustworthy person.

*[Cap. 4 s. 8]*

## **21. Coroner may summon witnesses**

- (1) At any inquest held in pursuance of the provisions of this Act, evidence shall be adduced by the reading of statements made by persons interviewed by police officer or other public officers, and the persons who made those statements shall not appear in person at the inquest.
- (2) Notwithstanding the provisions of subsection (1), persons may be required to appear in person at any inquest at the request of an interested party or at the Coroner's motion, if the Coroner deems it necessary or desirable and, in any such case, a Coroner shall have and may exercise all the powers conferred upon a subordinate court by the Criminal Procedure Act, with regard to summoning and compelling the attendance of witnesses and requiring them to give evidence, and with regard to the production of any document or thing at the inquest.

*[Cap. 20]*

- (3) Where a Coroner decides to summon a witness to give evidence or to produce any document, the summons or summons to produce and the warrant of arrest, if issued, shall be in writing and signed by the Coroner.
- (4) Notwithstanding the provisions of subsection (1), 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 at the inquest.
- (5) The provisions of the Criminal Procedure Act shall, as far as may be applicable, apply to summonses to produce issued by a Coroner.

*[Cap. 20]*

## **22. Coroner not bound by rules of evidence**

Wherever at any inquest evidence is adduced by witnesses attending in pursuance to summonses served on them, the Coroner holding the inquest shall not be bound by any rules of evidence which pertain to civil or criminal proceedings, and no witness may object to answer any question on the ground only that it will tend to incriminate him; but nothing which any witness says in reply to any question put to him at any inquest shall be used against him at any subsequent trial.

## **23. Examination of witnesses**

- (1) Where at any inquest witnesses are required to attend, the persons referred to in subsection (3) and any other person who, in the opinion of the Coroner, is properly an interested person shall be entitled to examine any witness at an inquest, either in person or by an advocate.
- (2) Where any person examines a witness under the provisions of subsection (1), the Coroner shall disallow any question which, in his opinion, is not relevant or is in any other way improper.
- (3) Without prejudice to the generality of subsection (1), if the death of the deceased may have been caused by an injury received in the course of his employment or by an industrial disease, the following shall be deemed to be properly interested persons for the purposes of this section-
  - (a) any person appointed in writing by the field branch of a trade union if the deceased was a member;
  - (b) the employer of the deceased; and
  - (c) any person duly authorised by the Minister for the time being responsible for labour matters.
- (4) Unless the Coroner determines otherwise, a witness at an inquest shall be examined first by the Coroner and, if the witness is assisted by any person at the inquest, lastly by the person assisting that witness.
- (5) Any person whose conduct is likely, in the opinion of the Coroner, to be called in question at an inquest shall, if not duly summoned to give evidence at the inquest, be given reasonable notice of the date, hour and place at which the inquest will be held.
- (6) No person shall be allowed to address the Coroner as to the facts, but a person may, with the leave of the Coroner, address him as to the law.

## **24. Recording of evidence**

- (1) At every inquest the Coroner shall record-

- (a) the name and designation of the officer reading out the statement made by persons who witnessed the death or viewed the body of the deceased, or who knows the circumstances which led to the death of the deceased;
  - (b) the name and address of each person whose statement is read out at the inquest, and shall then number consecutively each statement read out and incorporate it into the record of the court relating to the inquest concerned.
- (2) Where at any inquest any witnesses are required to attend, the Coroner shall take down or cause to be taken down in his presence the evidence of every witness and the evidence shall be signed by the witness and by the Coroner.

## 25. Statements recorded by police officers may be admitted as evidence at inquest

Notwithstanding any written law for the time being relating to the admission of evidence made to police officers, where, upon hearing the evidence of a police officer having charge of or concerned in an investigation into the death of a deceased person, the Coroner is satisfied that—

- (a) the death was caused in circumstances other than those referred to in subsection (3) of [section 23](#) or in subsection (1) of [section 8](#); and
- (b) there are no grounds for making a charge against any person in connection with the death, the Coroner may admit as evidence a statement by a police officer relating to statements made to, and recorded in writing by, a police officer by any person regarding the death or the identity of the deceased, and the statement so admitted shall be evidence in the inquest and shall form part of the record.

## 26. Inquests on Sundays, etc., or in private

- (1) A Coroner may lawfully hold an inquest on Sunday or public holiday.
- (2) If the Coroner thinks it expedient in the interest of justice that any inquest be held in private, he may hold it in private.
- (3) Whenever an inquest is held in private, the Coroner shall record his reasons for holding it thus.

## 27. Adjournment of inquest

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

## 28. Conclusion of inquest

Where during or at the close of the 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 shall record a verdict—

- (a) complying with the provisions of [section 19](#);
- (b) making a recommendation as to the offence disclosed, and without naming any person as being responsible for the offence, discharge the witnesses, if any, and any other persons connected with the inquest in question, and cause the record of the inquest to be sent to the Director of Public Prosecutions.

## 29. Return of inquisitions

As soon as practicable after the conclusion of an inquest, in circumstances other than those in [section 28](#), the Coroner shall deliver to the Registrar of the High Court of the United Republic-

- (a) the depositions taken and the written statements admitted by him on the inquest;
- (b) any documents produced in evidence;
- (c) a list signed by the Coroner of all exhibits produced in evidence; and
- (d) a certificate in the prescribed form duly filled up and signed by him.

### **30. Powers of High Court**

- (1) Where the High Court, upon application made by or under the authority of the Director of Public Prosecutions, is satisfied that it is necessary or desirable to do so, the Court may-
  - (a) direct any inquest to be reopened for the taking of further evidence, or for the inclusion in its proceedings and consideration with the evidence already taken, of any evidence taken in any judicial proceedings which may be relevant to any issue determinable at that inquest, and the recording of a fresh finding upon the proceedings as a whole;
  - (b) quash the finding in any inquest substituting for it some other finding which appears to be lawful and in accordance with the evidence recorded or included as is provided in this section; or
  - (c) 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 findings in them.
- (3) For the purpose of this section, the expression "judicial proceeding" means a proceeding before any court, tribunal or persons having by law power to hear, receive and examine evidence on oath.

## **Part VI – Miscellaneous provisions**

### **31. Powers of Coroner to order burial or cremation**

A Coroner may, notwithstanding that he considers that an inquest is necessary, order any body to be buried or cremated and he shall in that case give a certificate of his order in the prescribed form.

### **32. Penalty where body is buried without authority**

- (1) Any person who, without lawful authority or excuse, inter, or cremates anybody, the burial or cremation of which has been prohibited under [section 31](#), or the body of any person who has died while under official custody, or of any person who has died, in any of the circumstances mentioned in [section 6](#), commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.
- (2) Where any person is charged with an offence against this section, the onus of proving that he had lawful authority or excuse shall be on that person.

### **33. Obstructing medical practitioner, etc**

Any person who obstructs a medical practitioner, police officer or other person in the execution of any duty imposed on him by this Act commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

**34. Power to make regulations**

The Principal Judge may, with the consent of the Minister, make regulations, which shall be published in the *Gazette* prescribing the scale of fees to be paid-

- (a) by persons applying for a copy of any depositions taken by the Coroner at any inquest, or of any report of postmortem examination or of any document put in evidence at any inquest;
- (b) to medical practitioners for any postmortem examination or other service required of them under this Act; and
- (c) to witnesses and other persons.

**35. Prescribed forms**

The Forms set out in the Schedule to this Act shall be used for the matters to which they respectively relate with such variations as circumstances may require; but the Principal Judge may, from time to time, by notice in the *Gazette*, amend, add to or replace any of the provisions of the Schedule to this Act.

**36. Repeal**

Repeals the Inquests Ordinance R.L. Cap. 24.

**Prescribed forms (Section 35)****Coroner's Form A Order of exhumation**

*The United Republic of Tanzania*

*The Inquests Act (Section 9(1))*

	..... Name of Local Authority
To: ..... ..... .....	

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

You ..... are now hereby charged and commanded to immediately cause that body to be taken up (and viewed) (or, and safely conveyed to ..... within the above named local authority) so that I may proceed to hold an inquest 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

**Coroner’s Form B Order for postmortem examination**

*The United Republic of Tanzania*

*The Inquests Act (Section 10(1))*

To Dr

.....  
 .....

WHEREAS I am credibly informed that one ..... has died in circumstances which may require the holding of an inquest under the Inquests Act, you are hereby authorised and required to make a postmortem examination of the body of ..... which will be delivered to you by ..... and to make a report on it.

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

.....  
 Coroner

**Coroner’s Form C Report on postmortem examination**

*The United Republic of Tanzania*

*The Inquests Act (Section 11(3))*

To: The Coroner,

Ndugu

.....  
 .....  
 .....

I HEREBY CERTIFY THAT at ..... in the District of ..... on the ..... of ..... 20..... at ..... hours—

I examined the body of a	male <sup>1</sup>	adult <sup>1</sup>
	female	child
		infant



- (A) <sup>1</sup> The body was identified to me by ..... of ..... in the presence of (name and rank of police officer or other official present, if any) ..... as being that of .....
- (B) The body was not identified to me and the external appearances are therefore fully described overleaf. From my examination, of which a record is appended, and from a consideration of the circumstances reported to me by the Police<sup>1</sup> .....

Informant<sup>1</sup> .....

I am of the opinion that

- (C) <sup>1</sup> death occurred ..... hours/days before my examination;

- (D) <sup>1</sup> the causes of death was/were .....

I am unable to form an opinion as to

- (E) <sup>1</sup> the date or time of death

- (F) <sup>1</sup> the cause of death.

<sup>1</sup> Complete or delete as appropriate.

### ***Summary of significant or abnormal findings at examination***

.....

Signed ..... this ..... day of ..... 20.....

Signature of Examiner .....

Registered qualification .....

Designation .....

If space is insufficient, give and sign full statement on separate sheet of paper and pin to this report.

### ***Record of observations***

Position and attitude of body .....

Condition of clothing (if any) .....

Surroundings of body .....

Pupils .....

Nutrition, Warmth, Rigidity .....

Lividity, Putrefaction .....

Internal injuries, fractures .....

External apertures: condition of, injuries to and foreign bodies in .....

(See also Note 2)

Height ..... Weight (approx.) .....

Age of deceased: Apparent ..... Reputed .....

Skull and its contents including orbits and nasal cavities .....

Mouth, Pharynx and Oesophagus .....

Pericardium, Pericardial Sac, and Heart (See Note 3(i)) .....	
Large Blood Vessels (e.g., aortic disease, thrombosis or suppuration in large veins) .....	
Larynx, Trachea, and Bronchi .....	
Pleurae, Pleural Sacs, and Lungs:	
Right .....	
Left .....	
Thymus, Thyroid and Lymphatic Glands .....	
Peritoneum and Peritoneal Sac (N.B. - Pouch of Douglas) .....	
Spleen .....	
Stomach and Omenta (See Notes 3(ii) and 4(i)) .....	
Intestines and Mesentery (See Notes (ii) and 4(i)) .....	
Liver, Gall Bladder and Bile Ducts (See Notes 3(ii) and 4(i)) .....	
Kidneys, Ureters, and Suprarenal Glands (See Notes 3(i) and 4(i):	
Right .....	
Left .....	
Urinary Bladder and Urethra (See Notes 3(ii) and 4(i)): .....	
Pancreas .....	
Generative Organs (See Note 6) .....	
Spinal Column and Spinal Cord (See Note 7) .....	

### ***Additional observations***

Organs, Parts or Material reserved for further investigation, and how disposed of:

.....

.....

.....

.....

.....

### NOTES

- (1) The scheme as given here for the examination of a body is devised to meet the maximum requirements of any case. Although the following out of this scheme in every detail may not in every case be necessary, yet the examination of the body and its organs should be, in all cases, as exhaustive as the circumstances warrant and the occasion permits. In every case in which the question of accident, suicide or murder may arise it is essential for all the organs in all the cavities of the body to be examined, even though an apparently sufficient cause of death has already been discovered. A Medical Officer may be called upon to give considerably more information — arising from his examination of the body — than the mere cause of death. In this respect a sketch of external injuries is often advisable. Any omission to examine a particular part or organ may, by providing cause for uncertainty, seriously prejudice the course, of justice; the responsibility for such an omission must lie only with the Medical Officer who conducted the autopsy. When there is definite suspicion as to the cause of death that cavity is to be opened first in which the principal changes are expected to exist.

In the case of a new-born child, when it has to be determined whether the child has breathed or not, the trachea should first be ligature above the sternum, the abdomen opened and the position of the diaphragm ascertained, and the thorax then opened and its organs removed, after dividing the trachea above the ligature. In all other cases the head should be opened first, then the thorax, and lastly the abdomen. In cases of undoubted accidental death where the head has not been injured, detailed examination of the cranial contents may be left to the discretion of the examiner. When not carried out, a note to the effect that there was no indication for such detailed examination should be inserted.

Special attention should be paid to the thymus, adrenals, thyroid and lymphatic glands in cases of sudden death not explained by other changes.

- (2) If the body be that of an unknown person, the colour of eyes and hair, number and condition of teeth, deformities, scars, and tattoo marks should be noted as aids to subsequent identification.
- (3)
  - (i) In case of suspected irritant metallic poisoning the endocardium lining the left ventricle should be carefully examined and the presence or absence of petechial or large haemorrhages noted.
  - (ii) The entire stomach should be ligatured off at both ends, removed from the body, laced in a clean dish, opened along its lesser curvature and a careful note made of its contents and the appearance of its inner surfaces. Where circumstances might lead to a serious risk of contamination of the stomach contents and there is a strong presumptive evidence of poisoning, the organs should not be opened. In all cases where poisoning is suspected, the stomach and its contents should be transferred to a special wide-mouthed jar. In such cases both kidneys and about 500 gms. liver should be removed and placed in another jar. (See Note 4.)

Where poisoning is suspected, the intestines should after removal of the stomach, be removed, slit open, washed out, and the appearance of the mucous membrane, especially that of the rectum, then carefully examined and noted. The presence or absence of solid faeces in the lower bowel should also be noted before the intestines are washed out. It is not necessary to forward the intestines to the analyst.

In all cases of suspected poisoning any urine which the bladder may contain should be preserved. In other cases, unless putrefaction be advanced, an examination of the urine may throw light on the cause of death.

- (4) It should be particularly noted that:
  - (a) All viscera specimens intended for toxicological analysis must be preserved in rectified (not methylated) spirit and a specimen of the spirit used should be sent separately. When analysis for acute alcoholic poisoning is requested, blood samples should be taken in specimen bottles.
  - (b) Except when a case summary is being forwarded by the Police, a brief history of the case should be submitted in order to assist in deciding what types of poison are likely to be worth searching for.
- (5) Whenever the possibility exists of a charge arising out of the death, blood samples must be submitted, both on an absorbent paper and in acid citrate-dextrose to the Chief Government Chemist.
- (6) When it is suspected that delivery has recently occurred at term, the breasts and the skin of the anterior abdominal wall should be examined and their condition noted. In cases of suspected rape, or of violation of the dead, some of the secretion should be removed from the vaginal fornices and smeared upon clean glass slide for subsequent examination.
- (7) In females where abortion is suspected, after a thorough vaginal examination the pelvic organs should be removed from the body in a mass, after ligaturing off the intestines, and the various dissected out one by one. To do this it is advisable to remove all the tissues from the pelvis by cutting close to the bone.

N.B. The condition of the uterus and appendages, the presence or absence of products of conception, signs of recent delivery, etc., should always be noted.

- (8) The spinal cord need only be exposed when positive information may be expected from its examination. Fracture dislocation, especially in the upper cervical region, should always be examined for by manipulation, if detected it should be investigated by dissection.
- (9) When individual organs are found enlarged, or wasted, their actual height should, if possible, be ascertained and noted.
- (10) It may happen that a definite opinion as to the cause of death cannot be formed without a microscopic examination of tissues. In such cases small pieces of organs should be placed in 20 volumes of 10% formol-saline and preserved for further investigation. When death may possibly have resulted from anthrax, malaria, leukaemia, etc., blood-smears should be made upon clean glass slides and preserved for microscopic examination.
- (11) It is not necessary to record upon this form observations upon organs which show no evidence of injury or disease: the word "normal" is all that need be written in such cases. In the "Summary of Significant Findings" facts only are required, not inferences.
- (12) At the conclusion of the necropsy, the Medical Officer should see that the organs, if not required for further investigation, are returned to their proper cavities, and that cavities are suitably closed. These precautions facilitate a re-examination should such be called for.

### **Coroner's Form D The inquisition**

#### ***The United Republic of Tanzania***

#### ***The Inquests Act (Section 19(3))***

AN INQUISITION taken at ..... in the district of ..... in  
Tanzania the ..... day of ..... 20..... before ....., Coroner, on the body of  
one .....

Now I, the Coroner named above, charged to enquire into when, where, how and what manner the said deceased person came to his/her death, do say that the following particulars have been disclosed:—

1. Name of deceased .....
2. Residence and occupation .....
3. Means of identity .....
4. Where found .....
- When .....
- Under what circumstances .....
5. Date of death .....
6. Cause of death .....
7. Offence (if any) disclosed .....

AND I, the said Coroner, do say that my finding is  
that .....

In witness whereof I have to this inquisition set my hand this ..... day of .....  
20.....

..... Place	..... Coroner
----------------	------------------