

ANATOMY ACT 2021

A BILL TO REPEAL THE ANATOMY ACT 1933 LAWS OF THE FEDERATION OF NIGERIA 2004 AND ENACT THE ANATOMY ACT 2021 TO PROVIDE FOR THE ESTABLISHMENT OF THE ANATOMY COUNCIL OF NIGERIA, BRING THE PRACTICE OF ANATOMY IN COMFORMITY WITH CURRENT LOCAL AND GLOBAL REALITIES AND OTHER RELATED MATTERS THERETO.

SPONSORED BY: REP. FEMI GBAJABIAMILA

COMMENCEMENT:

ENACTED BY THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC
OF NIGERIA:

PART 1: REGULATION

1. Application

Notwithstanding anything to the contrary contained in any Act or in any other enactment or Law, the provisions of this Act shall apply to all professionals involved in the practice of anatomy in Nigeria, the management of human remains in Mortuaries, the conveyance and handling of human remains, the management of Undertakers/Funeral homes, the effective implementation and enforcement of the Provisions of the Act, handling of disputes resulting from the practice of Anatomy, offences and penalties.

2. Establishment of Anatomy Council of Nigeria (ACN)

(1) There is hereby established a body to be known as Anatomy Council of Nigeria in this Act referred to as “the Council”

(2) The Council shall be an organ of the Federal Ministry of Health which shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

(3) Subject to limitations or restrictions as may be contained in this Act, the Council may acquire, hold and dispose of moveable or immovable property for the purpose of its functions and objects under this Act.

(4) The Council shall have its head office in the Federal Capital Territory.

3. Power of the Council

The Council shall have powers to:

- (a) Make rules and regulations to guide the practice of Anatomy in Nigeria.
- (b) Articulate, design and implement, alone or in collaboration with partners and/or other government ministries, department and agencies programs as it may determine from time to time, for the purpose of promoting the ideas of the Council and the practice of Anatomy in Nigeria.
- (c) Pay for the its reasonable operational expenses, which shall be detailed in each annual budget and operating plan (and annual reports made by the Office as set out in this Act) and which shall be at all times in line with best practice for efficiency and creation of value for the beneficiaries of the Office's activities.
- (d) From time to time engage on a competitive basis, such consultants, advisers and other service providers as may be necessary or expedient for the performance of its functions.
- (e) Undertake, to do or agree to do anything, incur such expenditures or carry out any functions which in the opinion of the Council are necessary, incidental or conducive to the attainment of objects and functions of the Office

4. Duties and responsibilities of the Council

The Council shall undertake or perform the following duties and responsibilities:

- (a) Regulation of the training and teaching of Human Anatomy and Anatomical Sciences in Nigeria in collaboration with National Universities' Commission.
- (b) Regulation and control of Anatomy Laboratories (Biological/Forensic Anthropology, Normal Histology/Histochemistry, Stereological & Human Cytogenetics, Cell & Tissue Culture, Electron Microscopy and Advanced Molecular Anatomy laboratories, Anatomical Museums for both comparative Anatomy, Gross Anatomy and Embryological Museum) in Nigeria.
- (c) Determination and review of curriculum in collaboration with Nigerian Universities' Commission and Medical & Dental Council of Nigeria
- (d) Securing and maintenance of register of persons licensed and entitled to practice Anatomy in Nigeria, and publication of lists of those persons from time to time.
- (e) Preparation of rules/codes of conduct which the Council may consider desirable for the practice of Anatomy in Nigeria and review thereof from time to time.

- (f) Granting license to practice Anatomy to individual registered Anatomists.
- (g) Granting institutional license to institutions where Anatomy is practiced.

5. Membership of the Council

The Council shall consist of:

- (i) A Chairman who shall have a minimum of five years as a licensed professor of Anatomy, appointed by the President on the recommendation of the Minister.
- (ii) A Registrar and Secretary to the Council who shall be a licensed Anatomist on at least senior lecturer cadre and its equivalent, appointed by the President on the recommendation of the Minister.
- (iii) Thirteen (13) members of the Council, 4 representatives each from Anatomical Society of Nigeria (ASN) and Society of Experimental and Clinical Anatomist of Nigeria (SECAN) of Human Anatomy and Anatomical Sciences in Nigeria on senior lecturer position and above, and three other stakeholders such as 1 representative of Nigerian Medical Association (NMA; shall be a Pathologist), 1 representative of Police force (not below the rank of Assistant Commissioner of Police) and 1 representative of the Minister of Health (not below the rank of a Director) in addition to Chairman and Registrar.
- (iv) Directors of Anatomical Services (DAS) in the State Ministry of Health of all States. DAS shall be a licensed Anatomist of not less than 5 years from the rank of Senior Lecturer or its equivalent in the Ministry of Health

6. Meeting of the Council

- (1) The Council shall, for the purpose of this Act, meet not less than two times a year and all meetings of the Council shall be presided over by the Chairman.
- (2) If the Chairman is unable to attend any particular meeting, a member (who has been so qualified for not less than ten years as an Anatomist or any of its field) may be appointed by the members present to act as chairman of that particular meeting. The Chairman should have an input in who represents him.
- (3) Where in the sub-section (2) above there is no member so qualified for at least ten years, any most senior member can be appointed by the members present to act as chairman of that particular meeting.

- (4) A quorum at a meeting of the Council shall be two-third of members of the Council.
- (5) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (6) Where the Council desires the advice of any person on a particular matter, he/she may be co-opted to the Council for such period as it deems fit but such a person shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum. Term of the Council should be eight years maximum, four years in the first instance and can be reappointed for another four years. Three names for the council Chairmanship position to be sent to the President after nomination from the societies of Anatomy. Others to be elected by congresses of registered Societies of the Anatomical Council of Nigeria

7. Duties of the Registrar and Secretary to the Council

(1) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council under this section, registers of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as Anatomists and who apply in the specified manner to be so registered.

(2) It shall be lawful for the Registrar to prepare and issue a license (as may be granted by the Council) to practice Anatomy to an Anatomist or Anatomy Technologist.

(3) A license granted and issued as aforesaid shall be deemed to authorize the practice of Anatomy in Departments and Laboratories of Anatomy by any Anatomist therein and by any student who is attending a course of study at such departments and laboratories when working under the supervision of a licensed Anatomist.

8. Appointment of Committees by the Council

(1) The Council may appoint one or more committees to carry out, on its behalf certain functions under this Act as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as the Council may feel desirable.

(3) The decision of the committee of the Council shall be of no effect until it is ratified by the Council.

9. Finances of the Council

(1) The Council shall prepare and submit to the Minister, not later than the 30th day of July of the year in which this Act comes into force and of each subsequent year, an estimate of its expenditure and income during the succeeding financial year.

(2) The Council shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved by the Council. The account of the Council should be audited and made public within six months of a financial year

(3) The Minister shall out of moneys provided by the Federal Government, make to the Council by way of grant, payments of such amounts as the President may from time to time so determine.

PART 2: CADAVER ACQUISITION FOR ANATOMICAL EXAMINATION

10. Implementation

This part of the Act shall be implemented by the Directorate for the practice of Anatomy in every State Ministry (Directorate of Anatomical Services) under the State Ministry of Health while the implementation is constantly overseen by the Council.

11. Acquisition of unclaimed bodies of deceased accident or illness victims

(1) Where a person under treatment for accident or illness in a private or government owned hospital dies in such hospital and his body is unclaimed for a maximum period of six months, the authorities in charge of such hospital shall with the least practicable delay report the fact to the authorized officer in the State Ministry of Health and such officer shall then hand over the unclaimed body to the authorities in charge of an approved Anatomy laboratory for the purpose of medical education or research including Anatomical examination and dissection.

- (2) Where a person having no permanent place of residence in the area where his death has taken place dies in any public place in such area and his body is unclaimed for a maximum of six months, the authorized officer in the State Ministry of Health shall take possession of the body and shall hand it over to the authorities in charge of an approved Anatomy laboratory for the purpose of medical education or research including Anatomical examination and dissection.
- (3) Where there is any doubt regarding the cause of death or when for any other reason the authorized officer in the State Ministry of Health considers it expedient so to do, he shall work with the Commissioner of Police in the State to resolve this.
- (4) If any doubt or dispute arises as to whether a person claiming the body of a demised person under section 2 is a near relative of the demised or not, the matter shall be referred to the Magistrate or such officer as may be appointed in this behalf by the State Government and his decision shall be final and conclusive.
- (5) Pending such decision, the authorized officer in the State Ministry of Health shall take all reasonable care and steps to preserve the body of the demised person from decay at the expense of the demised relative (s).

12. Acquisition of bodies of convicted and executed persons

Where a person is convicted and executed pursuant to the order of a court of law or dies at a hospital or in a prison and his body is unclaimed for a maximum period of six months, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorized officer in the State Ministry of Health who shall take possession of the body and shall hand it over to the authorities in charge of an approved Anatomy laboratory for the purpose of medical education or research including anatomical examination and dissection.

13. Acquisition by Bequeath/Donation

(1) If any person either in writing at any time or orally in the presence of two or more witnesses during his last illness whereof he died has expressed a request that his body or any part of his body be given to authorities in charge of an approved Anatomy laboratory for the purpose of medical education or research including anatomical examination and dissection, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize

the removal of the dead body or such part thereof to any approved Anatomy laboratory for use in accordance with the request.

- (2) Without prejudice to the provisions of sub-section (1) above, the persons lawfully in possession of the body of a demised person may authorize the removal of the whole body or any part from the body for use for the purposes specified in sub-section (1) unless such person has reason to believe:
 - (a) That the demised had expressed an objection to his body or any part thereof being so dealt with after his death, and had not withdrawn such objection; or
 - (b) That any near relative of the demised objects to the body being so dealt with.

- (3) In no case shall the body or any part of the body of any person be removed for any of the purposes specified in sub-section (1) from any place where such person may have died until after forty-eight hours from the time of such person's demise, nor until after twenty-four hours' notice, to be reckoned from the time of such decease to the Magistrate, of the intended removal of the body, nor unless a certificate stating in what manner such person came by his death shall, previously to the removal of the body, has been signed by a registered medical practitioner who attended to such person during the illness whereof he died, or, if no such practitioner attended to such person during such illness, then by a registered medical practitioner who shall be called in after the death of such person to view his body and who shall state the manner and cause of death according to the best of his knowledge and belief, but who shall not be concerned in dealing with the body for any of the purposes aforesaid after removal; and in case of such removal, such certificate shall be delivered together with the body to the authority in charge of an approved Anatomy laboratory receiving the same for any of the purposes aforesaid.

- (4) If the person lawfully in possession of the body has reason to believe that an inquest or a *post-mortem* examination of such body may be required to be held, in accordance with the provisions of any Act for the time being in force, the authority for the removal of the body or any part thereof shall not be given under this section except with the consent of the authority empowered to hold an inquest or order a *post-mortem* under such Act.

- (5) Subject to the provisions of sub-sections (3) and (4) of this section, the removal and use of the whole body or any part of a body in accordance with

an authority given in pursuance of this section shall be lawful, and shall be sufficient warrant for the removal of the body or any part thereof and its use for the purposes of this Act.

- (6) No authority for the removal of the body or any part thereof for the purposes of this Act shall be given under this section in respect of any body of a demised person by a person entrusted with the body for the purpose only of its interment.

14. Body removal without a Certificate

- (1) The body of a person shall not be removed for the purpose of medical education or research including Anatomical examination and dissection from any place where such person may have died unless twenty-four hours have elapsed from the time of such person's demise; and
 - (a) A certificate stating in what manner such person came by his death shall have been signed by the medical practitioner who attended to such person during the illness whereof he died; or
 - (b) if such person was not attended to by a medical practitioner during such illness, a certificate stating to the best of his knowledge and belief the manner or cause of death by some medical practitioners who shall be called in after the death of such person to view his body, but who shall not be concerned in examining the body after removal.
- (2) In the case of the removal of a body for the purpose of medical education or research including anatomical examination and dissection, any such certificate given under the provisions of subsection (1) of this section shall be delivered, together with the body, to the person receiving the same for aforesaid purposes under this Act.
- (3) Nothing in this section shall be deemed to prohibit the preservation of a body for the purpose of medical education or research including anatomical examination and dissection at any time after death by injection or otherwise by the anatomist who is licensed under this Act or by some person authorized by such anatomist.

15. Body Reception with a Certificate

- (1) Every Head of Department or Laboratory of Anatomy so receiving a body for the purpose of medical education or research including anatomical examination and dissection shall demand and receive, together with the body, a certificate as aforesaid and shall within twenty-four hours enter or cause to

be entered in a book to be kept by him/her for that purpose, together with a copy of that certificate, the following particulars:

- (a) At what hour and date the body was received,
 - (b) The name and address of the person from whom the body was received;
 - (c) The date and place of death,
 - (d) The sex and as far as is known at the time the first name and surname, age and last place of abode of the demised,
 - (d) Religion of the demised to enable proper burial after anatomical examination.
- (2) The book shall be produced by the Departments and Laboratories of Anatomy whenever required so to do by the regulatory body of the practice of Anatomy in Nigeria from the Federal Ministry of Health.

16. Body removal for the purpose of medical education or research

The removal of a body for the aforesaid purposes shall be subject to the following conditions:

- (a) The body shall, before such removal, be placed in a decent coffin, and be removed therein;
- (b) The person removing the body or causing the same to be removed as aforesaid shall make provision that such body shall be decently interred in some public burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged or, if such religious persuasion is unknown, in any public burial ground;
- (c) A certificate of the interment of such body shall be transmitted to the State Commissioner for Health or his officer in the ministry of health within two years after the day on which such body was received as aforesaid, provided that the said State Commissioner for Health may, from time to time, by order, vary the period within which such certificates of interment shall be transmitted as aforesaid.

17. Possession of body for the purpose of medical education or research

It shall be Lawful for any Anatomist or Anatomy technologist with at least a B.Sc. degree or Diploma certificate so licensed to practice Anatomy or any student attending a course of study at any Department or laboratory of Anatomy in the country, the head of which has been so licensed, to receive or possess for the purpose of medical education or research including

anatomical examination and dissection in such department or laboratory or to examine anatomically at such department or laboratory, the whole or part of the body of any person deceased, if permitted or directed so to do by a person who had at the time of giving such permission or direction lawful possession of the body and who had power, in pursuance of the provisions of this Act to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such person together with the body. Anatomical Council of Nigeria will regulate the activities of the Anatomy technologists and they should be given license as Anatomy technologists.

18. Prosecution for having body in possession

No licensed anatomist or anatomy technician or any student attending a course of study at such a department or laboratory of anatomy shall be liable to any prosecution or penalty for receiving or having in his possession for Anatomical examination at such departments and laboratories, whole or part of dead human body, according to the provisions of this Act.

19. Post-mortem Examination

(1) Nothing in this part of the Act shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

PART 3: HANDLING AND MANAGEMENT OF HUMAN REMAINS IN MORTUARY AND FUNERAL HOMES

20. Application

This part of the Act shall apply to any private or public mortuary or funeral undertakers' premises, including those under the control of Government Departments, such as the police services and public hospitals.

21. Implementation

Part 3 of the Act shall be implemented by the Directorate of Anatomical Services under the State Ministry of Health in all States of the Federation while the implementation is constantly overseen by the Council.

22. Granting permission

- (1) Save under and in accordance with a permission granted by the Director of Anatomical Services in the State Ministry of Health, no person shall carry on the business of mortuary and funeral services.

- (2) Permission by the Director of Anatomical Services in the State Ministry of Health shall be granted to a certified Anatomist or Anatomy technologist who is licensed to practice Anatomy in the State
- (3) Every such permission shall be given to certify the mortuary halls or funeral undertakers' premises in form of a certificate of competence and shall be valid for a period of 2 years from the date of issuance.
- (4) The grant or renewal of any such certificate of competence shall be subject to the payment in advance to the Directorate of a prescribed fee so determined by the Council from time to time.
- (5) Where the Director is satisfied that any such certificate of competence has been lost or destroyed, he may, upon payment of a prescribed fee so determined by the Council from time to time, issuance a duplicate thereof.

23. Refusals and Revocations

The Director may refuse to grant or renew a certificate of competence, or may revoke a certificate of competence granted, to a holder of such premises if he is under the age of 18 years or if, in the opinion of the Directorate of Anatomical Services in the State Ministry of Health, such refusal or revocation is in the public interest.

24. Requirements as to Posting of Licensees' Names, etc

The holders of every mortuary and funeral homes shall cause his name and the words "Mortuary and Funeral Home" to be posted, in English lettering not less than 100 mm in height, in a conspicuous place on the outside wall or door of the premises to which his certificate relates.

25. Application for the Issuance of a Certificate of Competence

(a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises or mortuary shall, not less than 21 days before submitting his application to the Directorate of Anatomical Services in the State Ministry of Health, cause a notice to be published in a newspaper, which circulates in the area in which such premises are situated.

(b) Such notice shall contain information to the effect that an application for the issuance of a certificate of competence in terms of these regulations is to be submitted to the Directorate of Anatomical Services in the State Ministry of Health, and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his objection, together with substantiated representations, with the

Directorate of Anatomical Services in the State Ministry of Health in writing within 21 days of the date of publication of such notice.

(c) An application for the issuance of a certificate of competence shall be made in writing by the applicant or his authorized representative to the Directorate of Anatomical Services in the State Ministry of Health in whose area of jurisdiction the funeral undertaker's premises or mortuary is located, on such form as prescribed by the Council.

(d) An application for the issuance of a certificate of competence shall be accompanied by:

(i) A description of the premises and the location thereof,

(ii) A complete ground plan of the proposed construction or of existing buildings on a scale of 1:100,

(iii) A block plan of the premises on which true north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilized or are to be utilized, and

(iv) Particulars of any person other than the holder or any of his employees who prepares or will prepare human remains on the premises.

(e) The Directorate of Anatomical Services in the State Ministry of Health, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information as it may deem necessary to enable it to properly consider the application concerned.

(f) The Directorate of Anatomical Services in the State Ministry of Health shall not consider any application for the issuance of a certificate of competence unless a complete inspection of the premises concerned has been carried out by a licensed Anatomist and an Environmental Health Practitioner, and their report and recommendations on such inspection are available to such Directorate of Anatomical Services.

26. Issuance of Certificate of Competence

- (1) Where the Directorate of Anatomical Services, after consideration of an application for the issuance of a certificate of competence, the report concerned by a licensed Anatomist and an Environmental Health Practitioner including their recommendation, and any objections to the use of funeral undertaker's premises or mortuary, is satisfied that the premises or mortuary concerned:
 - (a) complies with all requirements laid down in this Act,
 - (b) Are in all respect suitable for the preparation of human remains, and
 - (c) Will not be offensive to any occupant of premises in the immediate vicinity of such premises he shall issue a certificate of competence in the name of the holder in such form as it may be determined by the Council.
- (2) Subject to the provisions of this Act, no person shall prepare or store any human remains except on approved funeral undertaker's premises or mortuary halls in respect of which a certificate of competence has been issued by the Director of Anatomical Services in the State Ministry of Health, and is in effect.
- (3) The Directorate of Anatomical Services in the State Ministry of Health may, if it is satisfied that health nuisance exists on any funeral undertaker's premises or mortuary, situated in the State, issue a written order to the owner or person in charge of the premises in question to stop all activities connected with the handling, preparation and storage of human remains on the premises, until such time that the health nuisance referred to, in the order has been eliminated.

27. Issuance of Provisional Certificate of Competence

- (1) Notwithstanding the fact that the Directorate of Anatomical Services is not satisfied as contemplated in section 25, with regard to funeral undertaker's premises or Mortuary in respect of which a certificate of competence has been applied for, the directorate:
 - (a) Shall, in the case of existing funeral undertaker's premises or mortuary;
and

- (b) May, in all other cases, subject to such conditions as such Directorate of Anatomical Services may determine, in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of 6 months only to enable the applicant to render the premises in such a manner as to comply with the provisions of this Act, Provided that the directorate shall satisfy itself that the use of such funeral undertaker's premises or mortuary does not and will not create a health nuisance or endanger human health.
- (2) A provisional certificate may not be extended unless the Directorate of Anatomical Services is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (1) above.
- (3) Any such extension in sub-section 2 above will be granted for a period of not more than 6 months.

28. Duties of Holder

- (1) The certificate holder shall immediately inform the issuing government in writing, if there are any changes in the particulars supplied to the issuing government in the application for the certificate of competence concerned.
- (2) Failure by the holder or a person in charge/authorized person to comply with this regulation shall constitute an offence.

29. Preparation and Storage of Corpses

- (1) Unless otherwise provided for in this Act, no person shall prepare and/or store any corpse except on a funeral undertaker's premises or mortuary hall in respect of which a certificate of competence has been issued and is in effect.
- (2) No dead body shall be embalmed or prepared for burial or encoffining in any mortuary and funeral home otherwise than in a room used exclusively for such purpose.
- (3) At all times during which any dead body is retained in any such room, the windows thereof shall be kept fully opened and, if the room is ventilated wholly or partly by mechanical means, the ventilating system shall be kept in operation, but where an air-conditioning system is installed which services such a room, the windows thereof, shall be kept closed and the air-conditioning system shall be kept in operation.

30. Reception and Retention of Human Remains

- (1) No dead body in an advanced state of decomposition shall be received into any mortuary and funeral home unless encoffined in a hermetically sealed coffin.
- (2) Where it appears to the owner of any mortuary and funeral home that the body of any person who has died while suffering from any quarantinable disease has been received into such mortuary and funeral home, he shall forthwith notify the directorate of Anatomical Sciences which shall make a case of such to the appropriate directorate of the State Ministry of Health.

31. Hygiene Requirements

- (1) All solid waste on the premises of a funeral undertaker or mortuary shall be kept in corrosion-resistant and rodent proof containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the Federation.
- (2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that:
 - (a) Employees and all other persons involved in handling of human remains are provided with clean and appropriate protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
 - (b) Premises are kept free of insects, offensive odors, gases and fumes;
 - (c) All working areas or surfaces at such premises where human remains are prepared are cleaned and disinfected immediately after the preparation of any human remains;
 - (d) Cause all equipment used for the preparation of human remains to be washed and disinfected immediately after use;
 - (e) Cause all used protective clothing to be washed, cleansed and disinfected daily on the premises;
 - (f) If a human remain has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such human remains has been removed; and
 - (g) The number of human remains (corpses) kept within the premises shall not exceed the number of removable trays available to accommodate such human remains (corpses) in the refrigerators or cold chambers.

- (3) All waste generated in the preparation room shall be deemed to be health risk waste and the collection, storage, handling and disposal of as such waste shall be done in accordance to relevant health care risk waste standards.

32. Unclaimed Bodies or Unidentified Human Remains

All unclaimed bodies or unidentified human remains must be dealt with in accordance with the provisions of the Regulations Regarding the Rendering of Forensic Pathology Service.

33. Appeals

- (1) A person affected by a decision taken in accordance with the provisions of this Act who wishes to appeal against the decision, must lodge an appeal with the Anatomical Council of Nigeria through the Directorate of Anatomical Services in his/her State Ministry of Health, as the case may be, within 30 days after that person has been notified of the decision.
- (2) The Registrar of the Council shall after considering all relevant information make a decision and inform the appellant of such decision.
- (3) Reasons for the decision must be provided to the appellant in writing.

34. Registers

- (1) The owner of any mortuary and funeral home shall keep a register in which he shall correctly record the following particulars:
 - (a) The name, age, sex and address of the demised,
 - (b) The date, time, place and cause of the death of the demised,
 - (c) The date on, and the time at, which the remains of the demised were received into the mortuary and funeral home,
 - (d) The date on, and the time at, which such remains were removed from the mortuary and funeral home,
 - (e) The date and number of the death certificate and of any permit for the burial, importation into or removal from Nigeria, as the case may be, of such remains;
 - (f) The name and address of the medical practitioner (if any) who certified as to the death of the demised, and of the person signing any permit for burial,

importation into or removal from Nigeria, as the case may be, of such remains;

(g) The name and address of the person (if any) who has undertaken to pay the charges (if any) of the mortuary and funeral home;

(h) Where the deceased died from any quarantinable disease, whether or not those parts of the mortuary and funeral home in which such remains were kept were disinfected after such remains were removed therefrom.

(2) The owner of mortuary and funeral home shall cause the register kept by him under subsection (1) to be open for inspection at all reasonable hours by any public officer authorized in writing by the Director of Anatomical Services from the State Ministry of Health, for the purposes of this section, or any Health Officer, Health Inspector or Police Officer.

35. Conveyance of human remains

(1) The human remains of a person who, at the time of his or her death suffered from a disease or condition which is capable of transmitting an illness even after death and in the opinion of the health authority concerned, may pose a health hazard or endanger public health in one way or another, may not be conveyed in public in any way unless:

(a) Such human remains are placed in a polythene bag, sealed in an airtight container, placed in a sturdy non-transparent sealed coffin, embalmed and/or the total surface of the body covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant;

(b) A medical practitioner declares in writing that in his or her opinion the conveyance of such human remains will not constitute a health hazard;

(c) Such declaration must accompany the human remains at all times during the conveyance and up to the burial; and

(d) For human remains of a person whose cause of death was a communicable disease, the body shall not be embalmed, but strict guidelines on management of communicable diseases as may be published by the Federal Ministry of Health shall be followed.

(2) The declaration referred to in sub-section 1 shall be shown to an officer on demand by the person responsible for the conveyance of the human remains.

- (3) No person shall damage a container referred to in sub-section (1)(a), or open such container or remove the human remains from the container or come into direct contact with the human remains after it has been sealed without prior approval from an officer referred to in sub-section (1)(b).

36. Requirements for the transportation of human remains

- (1) No person shall convey any human remains in any manner that may endanger public health.
- (2) Any person transporting any human remains within a State, across States and inland border shall ensure:
 - (a) In the case of public transportation, that the human remains are sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
 - (b) In any other way, that the human remains have been placed in an approved coffin or container.
- (3) Any human remains unloaded or received from a point of dispatch or loading point outside Country shall be transported in a manner consistent with sub-section (2)
- (4) No coffin or container in which the human remains have been placed may be conveyed using public transportation unless
 - (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such human remains; and
 - (b) any offensive odors are eliminated.
- (5) The person responsible for the conveyance of a human remains shall, at all cost ensure that should any leakages, secretions or odors emanating from the container of the human remain conveyed, such coffin or container is taken forthwith to the nearest mortuary or undertaker's premises, where the necessary measures shall be taken to eliminate such conditions.
- (6) The provisions of sub-section (1) shall not apply to the human remains of a Person;
 - (a) Who died in a State and whose human remains are intended for burial in an area outside the State in cases where an authority in that area, who has direct jurisdiction over the application of health measures in that area, authorizes, in writing, the bringing of such body into that area on conditions other than those prescribed by sub-section 1; or

- (b) Who died outside a State and whose human remains are intended for burial in the State in cases where a medical officer of health or other medical practitioner in the employ of the State is of the opinion that the bringing in of such human remains will not constitute a danger to health in the State or part thereof; and provides written authorization for such body to be brought into the State.

37. Authorization to Import and Export Human Remains

- (1) Subject to the provisions of regulations 36 above, no person may import or export human remains unless he or she is issued with an import or export permit by the Registrar of the Council, such import or export permit shall be valid for a period of 30 days after the date of issuance.
- (2) Should any human remains be imported into the Country in which an import permit as set out in sub-section (1) has not been issued, the Registrar may order that such human remains be kept in a mortuary or at an undertaker's premises at the expense of the importer until such time that the required permit has been issued, provided that if the prescribed permit is not issued within 30 days after the date of the order, the Registrar may order that such human remains be buried or dealt with in accordance with the burial prescripts in the Country and such burial shall be at the expense of the importer.
- (3) Any person requiring an import permit referred to in sub-regulation (1) shall apply to the registrar in writing and such application shall be accompanied by the following:
 - (a) A death certificate, indicating the demised's name, address, the date and place of death and the cause of death.
 - (b) The name and export permit of the Country from which the human remains is to be imported;
 - (c) The name of the first point of entry where the human remains is to be Imported, the type of transport to be used to import the human remains and convey it to the place of burial;
 - (d) The name of the place in the State where burial of the human remains is to take place or if the human remain will not be buried the reason why the human remains is being brought in; and
 - (e) An embalming certificate, except for deaths as provided for in sub-section 3 and in specific cases where embalming is prohibited for religious reasons.

- (4) The provisions of sub-section (3) (a) shall *mutatis mutandis* apply to the human remains of a person that has died:
 - (a) In transit on a boat or aircraft the moment that the human remains is being brought into the Country, irrespective of whether or not such human remains is to be buried in Nigeria; or
 - (b) In the Country and has to be exported out for compliance with the requirements of the International Health Regulations to contain events at their sources.
- (5) The person responsible for the conveyance or burial of human remains shall have in his possession the import permit referred to in sub- section (1), such permit shall be produced on request by a Port Health Officer at the port of entry in terms of the International Health Regulations.

38. Offences and Penalties

- (1) Any person who:
 - (a) Contravenes or fails to comply with any provisions of this Act,
 - (b) Contravenes or fails to comply with any notice given or condition imposed in terms of this Act,
 - (c) For the purpose of this Act, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or Officer,
 - (d) Threatens, resists, interferes with or obstructs an authorized officer or employee for the Council in the performance of his powers, duties or functions under this Act, shall be guilty of an offence and upon conviction.
- (2) Any person who is guilty of an offence and is convicted shall be liable to a fine or to imprisonment for a period of not less five years or to both a fine and such imprisonment. Council will setup a disciplinary committee to try and punish offenders accordingly.

39. Anatomy Practice in Nigeria

Anatomy practice shall include but not limited to;

- i. Training of Anatomists in Nigerian Universities at all levels.
- ii. Teaching of Anatomy to Anatomical, medical and allied health students in post- secondary institutions of learning.
- iii. Working as Anatomists in the various laboratories of Anatomy in the Country.

40. Definitions

In this Act, unless the context otherwise requires:

“**Anatomist**” means anyone who holds appropriate academic qualifications as;

- (a) Holder of a first degree (B.Sc, B.Tech) in Human Anatomy from a recognized University.
- (b) Medical (MBBS) or Dental (BDS) degree holder who is a confirmed Academic Staff of the Department of Anatomy of a recognized University.
- (c) Holder of a postgraduate degree (M.Sc, Ph.D, MD) in Human Anatomy from a recognized University.

An Anatomy Technologist is a holder of a first degree (B.Sc, B.Tech) in Human Anatomy, who has passed the prescribed Courses and acquired requisite skills in Anatomical Techniques from a recognized institution of training as certified by the regulatory body of Anatomy practice in Nigeria.

“Cadaver” means dead human body/remains.

“Commissioner of Health” means the Commissioner of Health of the particular State in Nigeria.

"Post-Secondary Institution" includes; Universities, Medical Schools, Schools of Nursing, Schools of Health Technology etc.

“The President” means President of the Federal Republic of Nigeria

“The Minister” means Minister of Health of the Federal Republic of Nigeria

"The Council" means Anatomy Council of Nigeria (ACN)

“The Country” means Nigeria

This Bill may be cited as ANATOMY ACT, 2021

EXPLANATORY NOTES

This Bill seeks to repeal the Anatomy Act of 1933 and Enact the Anatomy Act of 2021 to make provisions for the establishment of the Anatomy Council of Nigeria, bring the practice of Anatomy in conformity with current local and global realities.