

Tanzania

Penal Code

## Penal Code (Anatomy) Rules, 1962

### Government Notice 192 of 1962

Legislation as at 31 July 2002

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# Tanzania

## Penal Code

### Penal Code (Anatomy) Rules, 1962

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#### Commenced

*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[Section 128; G.N.s. Nos. 192 of 1962; 266 of 1966]*

#### 1. Citation

These Rules may be cited as the Penal Code (Anatomy) Rules.

#### 2. Interpretation

In these Rules, unless the context requires otherwise—

"**coroner**" has the meaning ascribed thereto in the Inquests Act<sup>1</sup>;

"**interment**" includes any method of disposal of dead bodies which is customary in any community;

"**medical officer**" in relation to a hospital means the medical officer in charge of that hospital;

"**Minister**" means the Minister for the time being responsible for matters relating to health.

#### 3. Post mortem examination

Where a person has died in a hospital, the medical officer, if he is of the opinion that it is necessary to ascertain the cause of death or that it will assist the advancement of medical science, may authorise a post mortem examination of the body of such person:

Provided that no such examination shall be authorised in any case where the surviving wife or husband or any other relative of the deceased requires the body of the deceased to be interred without such examination.

#### 4. Delivery of body if not claimed

Where a person has died in a hospital and his body has not been claimed by a relative or a *bona fide* friend within twenty-four hours of his death, the medical officer may cause the body to be delivered to a medical school, but shall forthwith inform a coroner of the date of the person's death, of such particulars as are known of his identity and of the date on which the body was delivered to a named medical school.

## 5. Procedure after delivery

Where a medical officer has caused a body to be delivered to a medical school under rule 4, such body shall thereupon be preserved but nothing further shall be done to it for a period of not less than fourteen days, or in the event of a claim being made by any person for the body, until such time as there has been final adjudication on the claim.

## 6. Procedure when claimed

- (1) If within fourteen days of the delivery of a body to a medical school it is claimed by any person who satisfies a coroner or the medical officer that he is a relative, a *bona fide* friend, or an authorised representative of the community to which the deceased person belonged, the coroner or medical officer shall cause the body to be delivered to the person claiming it.
- (2) As soon as it comes to the notice of a medical officer or of a coroner that a body which has been delivered to a medical school has been claimed by any person he shall immediately inform the medical school to which the body has been delivered.

## 7. Unclaimed body

If at the expiration of the period of fourteen days no person has claimed the body of the deceased person under the provisions of rule 6, any professor or teacher of anatomy, pathology, medicine or surgery or any student working under the supervision of any such professor or teacher may dissect the body.

## 8. Retention of body parts

Where a professor or teacher of anatomy, pathology, medicine or surgery considers it necessary for the instruction of students or for research at a medical school, he may authorise the retention of any part of a body removed to that school under these Rules.

## 9. Interment

Subject to the provisions of rule 8, every body removed to a medical school shall, after dissection, be decently interred and a certificate of the interment of the body shall be sent to a coroner.

## 10. Removal of tissue

- (1) The Medical Officer in charge of any hospital may, if satisfied the tissue is required in the treatment of any other person, remove or authorise the removal of any cadaveric tissue from a body lying in the hospital:  

Provided that if a spouse, a parent or a guardian of the deceased is readily available no such removal shall take place without the consent of that spouse, parent or guardian.
- (2) For the purpose of this Rule the expression "readily available" means available within such time as would enable the removal of the tissue to take place whilst it is still in a condition to be utilised for the purposes for which it is required.

## 11. Inspection of records

Any person authorised in writing by the Minister may visit and inspect at any reasonable time any medical school and may require the production of full and correct records relating to the removal, dissection and interment of bodies which have been removed to the medical school in accordance with the provisions of these Rules.