

CHAPTER 65:01
CONVEYANCE OF DEAD BODIES
ARRANGEMENT OF SECTIONS

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Proc. 21, 1933,
Cap. 42, 1948,
Cap. 56, 1959,
HMC Order 1, 1963,
L.N. 28, 1965,
L.N. 84, 1966,
S.I. 12, 1977.

An Act to regulate and control the conveyance of dead bodies.

[Date of Commencement: 7th April, 1933]

1. Short title

This Act may be cited as the Conveyance of Dead Bodies Act.

2. Permit to introduce dead body

(1) No person shall introduce any dead body into Botswana unless such person has first obtained a permit from the Minister.

(2) Every application for such permit shall state the name, age, sex and race of the deceased, the place of and cause of death, the circumstances under which it is desired to remove the body into Botswana, the proposed mode of conveyance of the body, the precautions which will be taken to prevent any danger to health or any cause of offence arising, and the proposed mode and place of disposal of the body in Botswana and shall be accompanied by a certificate of the cause of death signed by a qualified medical practitioner or a duly certified copy thereof.

3. Permit to remove dead body

(1) No person shall remove from Botswana any dead body unless such person has first obtained a permit from the Minister.

(2) Every application for such permit shall state the name, age, sex and race of the deceased, the place of and cause of death, the circumstances under which it is desired to remove the body from Botswana, the proposed mode of conveyance of the body, and the precautions which will be taken to prevent any danger to health or any cause of offence arising, and the proposed mode of and place of disposal of the body outside Botswana, and shall be accompanied by a certificate of the cause of death signed by a qualified medical practitioner or a duly certified copy thereof, also certificates or statements (or duly certified copies thereof) by the authorities concerned outside Botswana conveying their approval of the proposals.

(3) Applications for permits either under this section or section 2 shall be addressed to the Minister and all such permits shall be issued subject to due compliance with any conditions or requirements specified therein.

4. Removal of body from hospital and conveyance of body of person who died of certain diseases

(1) Subject to section 3, no person shall remove, except for the purpose of immediate burial, the body of any person who has died in any hospital or place of isolation, of any of the infectious diseases mentioned in subsection (2).

(2) No person shall within Botswana convey or cause to be conveyed or offer for conveyance by rail or otherwise, the body of any person who has died of any of the following infectious diseases, namely, smallpox and any disease resembling smallpox, chickenpox, scarlatina or scarlet fever, typhus fever, diphtheria or membranous croup, erysipelas, puerperal fever, asiatic cholera, enteric or typhoid fever, epidemic cerebro-spinal meningitis or cerebro-spinal fever, acute poliomyelitis, leprosy, plague, anthrax, glanders, rabies, malta fever, sleeping sickness, tuberculosis or yellow fever, except in such manner as effectively to prevent any danger to health or cause of offence arising therefrom.

(3) No such body shall be removed from one district into another district unless with the prior consent of the District Commissioners of both districts.

(4) Permits shall not be required in respect of the ashes of bodies after cremation in a crematorium.

5. Offence to keep bodies in certain places

(1) It shall be an offence for the occupier of any premises to keep any dead body for more than 24 hours in a room in which any person lives, sleeps or works, or in which food is kept, prepared or eaten, or to keep the body of any person who has died of an infectious disease for more than 24 hours in any place other than a mortuary or other place set apart for the keeping of dead bodies, unless with the prior written sanction of an administrative officer.

(2) Every hospital or nursing home providing accommodation for six or more patients shall have separate and suitable mortuary accommodation, to which bodies shall in every instance be removed within one hour of death.

6. Keeping of dead bodies

Where it is proposed that a dead body not in cold storage should remain unburied for a period which entails risk of its becoming a cause of offence, it shall be placed in a strong and hermetically sealed sheet-metal shell and enclosed in a stout wooden coffin, or else the body shall be carefully embalmed.

7. Exhumation

(1) No dead body shall be exhumed, unless the exhumation has been ordered by due authority for medico-legal or public health purposes, without the written permission of an administrative officer, the cemetery authority (if any), and the Minister.

(2) Every application shall state-

- (a) the name, age, sex and race of the deceased;
- (b) the place and cause of death;
- (c) the circumstances under which it is desired to exhume and remove the remains;
- (d) the proposed method of enclosing and mode of conveyance of the remains and the name of the person by whom these operations are to be carried out;
- (e) the precautions which will be taken to prevent any danger to health or cause of offence arising; and
- (f) the proposed place of re-interment.

(3) The application shall be accompanied by-

- (a) a medical certificate of the cause of death, a duly certified copy thereof, or in very special circumstances other evidence of the cause of death to the satisfaction of the Minister;
- (b) a written request for approval of the exhumation and removal signed by the next-of-kin or executor of the deceased (if the application is not from him); and
- (c) the written approval of an administrative officer and cemetery authority both at the

place of exhumation and the intended place of re-interment.

(4) Except in special circumstances where it is desired to remove the remains from one grave to another in the same cemetery, no recommendation for the issue of a permit of exhumation shall be made and no permit for removal into Botswana of exhumed remains shall be issued by the Minister until at least two years after interment, or if the body is that of a person who has died of an infectious disease at least four years after interment, and the remains shall be placed and sealed up before removal in a sheet-metal shell enclosed in a stout wooden coffin.

8. Offences

Any person who contravenes the provisions of this Act shall be guilty of an offence and shall be liable to a fine not exceeding P20 or, in default of payment, to imprisonment for a term not exceeding three months.