

CORONERS ACT

CHAPTER 6:04

Act

15 of 1919

Amended by

30 of 1930

54 of 1946

12 of 1961

172/1961

8/1962

53 of 1970

136/1976

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 6:04

CORONERS ACT

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CHAPTER 6:04

CORONERS ACT

An Act relating to Coroners.

1950 Ed.
Ch. 3 No. 5.
15 of 1919.

[6TH JUNE 1919]

Commencement.

1. This Act may be cited as the Coroners Act.

Short title.

2. In this Act—

Interpretation.
[17 of 1996].

“District Medical Officer” means the Medical Officer assigned to the district for the purposes of this Act;

“preliminary investigation” means the examination of the report of the District Medical Officer and of any other relevant documents submitted to the Coroner;

“unnatural death” includes every case of death of any person—

- (a) which occurs in a sudden, violent, or unnatural manner;
- (b) where a dead body is found;
- (c) as to which any reasonable suspicion exists that the death has not arisen from natural causes; or
- (d) as to which any reasonable suspicion exists that any person is criminally responsible for such death;

“view” includes the making of any necessary external examination.

3. (1) Every Magistrate shall be a Coroner for the whole of Trinidad and Tobago, but he shall not, unless required by the Chief Justice, be bound to act as such Coroner beyond the limits of the district assigned to him under the Summary Courts Act.

Magistrates to be Coroners.

Ch. 4:20.

(2) A Harbour Master shall, as to all matters arising under this Act in his harbour, have all the powers and jurisdiction and discharge all the duties of a Coroner. As regards all such matters, the Port Health Officer shall be substituted for the District Medical Officer, and this Act shall be read and construed accordingly.

Harbour Masters.

L.R.O. 1/2006

Appointment of persons other than Magistrates as Coroners. [17 of 1996].

3A. (1) Notwithstanding section 3, the Judicial and Legal Service Commission may appoint persons other than Magistrates as Coroners.

Ch. 4:20.

(2) Every person appointed under subsection (1) shall, before he performs the functions of a Coroner, take and subscribe to the oath of office with suitable amendments set out in the Seventh Schedule of the Summary Courts Act.

(3) A Coroner appointed under this section shall have all the powers, privileges, rights and jurisdiction of a Magistrate and Justice as are necessary for the performance of his duties.

(4) The Chief Justice may assign any number of Coroners to one magisterial district or one Coroner to any number of districts.

INQUEST AS TO DEATH

Notice of death to be given.

4. (1) Every person who becomes aware of an unnatural death shall forthwith give notice thereof to the District Medical Officer of the district in which the body is or to a constable, and the constable shall forthwith cause information to be given to the Medical Officer.

Removal of body.

D.M.O. may order removal without viewing body.

(2) A body in respect of which such notice is given shall not be moved or have its position altered, except so far as is necessary for the safe custody thereof but the District Medical Officer may, in cases where there are no circumstances of suspicion and where he is unable to view the body within a reasonable time, order the removal of the body to such place as may be named by him.

Notice of death of prisoner.

(3) The Keeper of any prison within which a prisoner dies shall forthwith give notice of the death to the Coroner and the District Medical Officer within whose respective districts the prison is situated.

Penalty for neglecting to give notice.

(4) Any person becoming aware of any unnatural death who neglects to notify the same as required by this section, or contravenes subsection (2) is liable on summary conviction to a fine of four hundred dollars.

5. (1) The District Medical Officer shall view, and, if he considers it necessary for the purposes of this Act, make an anatomical examination of the unburied body of any deceased person within his district—

View of body
by D.M.O.

- (a) where he has grounds for believing that the person died an unnatural death;
- (b) where such person died while confined as a prisoner in any prison;
- (c) where he is directed by the Coroner, within whose district the body is, to view the body; or
- (d) where an inquest is prescribed in respect of such death.

(2) As soon as the District Medical Officer has completed his view and anatomical examination (if any), it shall be lawful to bury the body, unless the District Medical Officer otherwise directs, and the District Medical Officer may, if he sees fit, give order for the burial.

Burial.

6. Where in the opinion of the Coroner having regard to the condition of the body of any deceased person or to the circumstances of the death, such body should be examined by a pathologist, the Coroner shall so direct and the pathologist shall thereupon view the body, perform an autopsy and report thereon.

View of body by
pathologist.
[53 of 1970].

7. If at any time the Medical Officer of the Port-of-Spain Prison or of the Carrera Convict Depot is also the District Medical Officer of the district in which the Prison or Depot is situated, the powers vested in and the duties imposed on the District Medical Officer by this Act as to persons dying while confined as prisoners in the Prison or Depot shall not be performed or exercised by such District Medical Officer, but by some other Government Medical Officer or member of the Medical Board appointed for the purpose by the Chief Medical Officer with the approval of the Minister of Health and in all such cases this Act shall be read and construed subject to this section.

Deaths in
certain prisons.

Power to
exhume.

8. A Coroner may, if he thinks fit, and whether an inquest is pending or not, order that the body of any deceased person be exhumed, and direct that it be viewed, and if necessary anatomically examined by the District Medical Officer of the district in which the body is buried.

Report by
D.M.O.

9. Where a District Medical Officer has viewed the body of any deceased person and, if he considers it necessary to make an anatomical examination in accordance with section 5, after making the examination he shall make a report as to the cause of death to the Coroner within whose district the view took place and shall forward a copy of the report to the Superintendent of Police within whose division the view took place.

Preliminary
investigation.
[17 of 1996].

10. (1) A Coroner having received the report of the District Medical Officer as to the cause of death of any person, shall carry out a preliminary investigation as to the cause and circumstances of the death.

(2) Where upon the completion of the preliminary investigation the Coroner finds that the circumstances of the case warrant no further enquiry he shall deliver his findings in open Court on such date, time and place to be fixed by the Clerk of the Peace of the district to which the Coroner has been assigned.

(3) The Clerk of the Peace shall cause written notice to be given to the investigating officer, and any parties interested therein, of the date, time and place for the delivery of the findings.

Inquest.
[17 of 1996].

10A. Where upon the completion of the preliminary investigation the Coroner finds that the circumstances of the case warrant further enquiry he shall hold an inquest in accordance with this Act.

Inquest on
prisoner.

11. A Coroner, where there is in his district the body of any person who died in any prison or as to whose death an inquest is prescribed, shall hold an inquest as to the cause and circumstances of the death, whether the District Medical Officer does or does not make a report thereon.

12. Where a Coroner has reasonable ground to believe or suspect that any deceased person whose body is within his district died an unnatural death, if he thinks the circumstances of the case so require, he may, at any time and without waiting for the report of the District Medical Officer, hold an inquest as to the cause and circumstances of the death of the deceased person.

Inquest without report.

13. (1) In the case of the absence or inability to act of any District Medical Officer, a Coroner may appoint any member of the Medical Board a substitute for such District Medical Officer, but the appointment shall have no operation beyond the limits of the district for which the Coroner is acting.

Substitute for D.M.O.

(2) A substitute appointed under this section shall perform the duties imposed by this Act and have the powers conferred by this Act upon a District Medical Officer, and the same consequences shall follow his report and proceedings as under this Act would follow the report and like proceedings of a District Medical Officer.

14. There shall be paid for the viewing of the body of any deceased person and for the autopsy thereon the fees set out hereunder—

Fees.
[17 of 1996].

- (a) for viewing the body of a deceased person—\$50.00;
- (b) for an autopsy performed by a District Medical Officer or his substitute (not being a pathologist)—\$ 100.00;
- (c) for an autopsy performed by a pathologist—\$ 300.00.

15. Any Coroner may hold a preliminary investigation or an inquest as to the death of any person without viewing the body of such person.

View of body unnecessary.
[17 of 1996].

16. Any person who knowingly interrs or assists in interring the body of any person who died an unnatural death without reasonable notice first given to the District Medical Officer or

Penalty on secret interment.

some Coroner or constable, or who conceals or, with intent to prevent or obstruct enquiry, removes any such body is liable on conviction on indictment to a fine of eight thousand dollars or to imprisonment for five years.

MORTUARIES

Mortuaries.
[45 of 1979].

17. The State shall provide and maintain fit and proper places for the reception of dead bodies during the time required to conduct any post mortem examination ordered by a Coroner, District Medical Officer, or other constituted authority, and to make regulations with respect to the management of such places; and where any such place has been provided, a Coroner, District Medical Officer, or other constituted authority empowered to direct the making of a post mortem or anatomical examination of the body of any deceased person may order the removal of the body to and from the place for carrying out the post mortem or anatomical examination; and the costs of the removal may be paid in the same manner and out of the same funds as the costs and fees for anatomical or post mortem examinations made under this Act.

FIRE AND TREASURE-TROVE

Inquest as to
fire.
[172/1961
8/1962
136/1976].

18. Where a Coroner is informed by the oath of any person that in his district a fire has occurred causing injury to person or property, or in respect of which there is reasonable ground to suspect that an offence has been committed, the Coroner may, in his discretion, and shall, if so directed in writing by the Director of Public Prosecutions, hold an inquest as to the cause and circumstances of the fire.

Treasure-trove.
[136/1976].

19. In the case of treasure-trove, the State shall enjoy the same rights and prerogatives and the Coroner shall have the same powers and duties as the Sovereign and the Coroner respectively enjoyed and have in England.

PROCEEDINGS AT INQUEST AND PRELIMINARY INVESTIGATION

Inquest to be
judicial enquiry.

20. Every inquest under this Act shall be a judicial enquiry and may be held as well on Sunday as on any other day.

21. A Coroner shall have all the powers conferred on a Magistrate with regard to witnesses by sections 46 to 50 (inclusive) of the Summary Courts Act.

Witnesses.

Ch. 4:20.

22. The evidence of every witness shall be taken down in writing in the form of a deposition, which shall be read over to the witness and signed by the Coroner and the witness, or, in case of the incapacity or refusal of the latter to sign the same, then by the Coroner and some other person in whose presence the deposition was taken; and the deposition shall be admissible in evidence in any proceedings in the cases in which and subject to the conditions subject to which in similar proceedings in England the like deposition taken by or before a Coroner in England would be admissible in evidence.

Depositions.

This section shall not derogate from the admissibility in evidence of any such deposition independently of this Act.

23. Where any person able to give material evidence in respect of any inquest is, from illness, unable to attend at the place where the Coroner usually sits, a Coroner shall have power to take the deposition of such person at the place where such person is.

Deposition of witness unable to attend.

24. Any person who obstructs a District Medical Officer or Port Health Officer or a substitute appointed under section 13 in the execution of any duty imposed upon him by this Act is liable on summary conviction to a fine of four hundred dollars.

Obstructing Medical Officer.

25. A Coroner holding an inquest in any place may adjourn the inquest to another day, whether the same be Sunday or any other day, and order the adjourned inquest to be held in the same or any other place.

Adjournment of inquest.

26. If in the course of an inquest as to any death or fire, the Coroner is of opinion that sufficient grounds have been disclosed for preferring a charge on indictment against any person, the Coroner shall stay the inquest until the person to be charged is committed for trial or discharged by a Magistrate, or it appears improbable that the person will be found.

Staying inquest. [45 of 1979].

Resuming
inquest.
[172/1961
136/1976
45 of 1979].

27. (1) Where an inquest is stayed in consequence of grounds for a charge on indictment being disclosed, if the person charged is committed for trial or discharged by a Magistrate, the Coroner may resume and conclude the inquest if he is of opinion that public benefit is likely to result from his doing so, but if he is of opinion that no public benefit is likely to result from his doing so, he shall certify his opinion to that effect and transmit the proceedings to the Director of Public Prosecutions.

(2) Where an inquest is stayed in consequence of grounds for a charge on indictment being disclosed, and it is ascertained that the person to be charged cannot be found, the Coroner shall resume and conclude the inquest.

Prosecution by
Coroner's order.
[45 of 1979].

28. If, during the course or at the close of any inquest, the Coroner is of opinion that sufficient grounds are disclosed for making a charge on indictment against any person, he may issue his warrant for the apprehension of the person and taking him before a Magistrate, and may bind over any witness who has been examined by or before him in a recognisance with or without surety to appear and give evidence before the Magistrate.

Where guilty
party unknown.
[45 of 1979].

29. If, at the close of any inquest, the Coroner is of opinion that there is ground for suspecting that some person is guilty of an indictable offence in respect of the matter enquired into, but cannot ascertain who the person is, he shall certify his opinion to that effect and transmit the proceedings to the Commissioner of Police.

Where guilty
party cannot be
found.
[172/1961
8/1962
126/1976].

30. Where the proceedings upon any inquest have been transmitted to the Commissioner of Police under this Act, if he is satisfied that due diligence has been used by the Police to discover the guilty person, but the person remains undiscovered, and there is in his opinion no probability that the person will be discovered, he shall certify his opinion to that effect and transmit the proceedings to the Director of Public Prosecutions.

Where no
further inquiry
warranted.
[17 of 1996].

30A. If upon the completion of a preliminary investigation the Coroner is of opinion that the circumstances of the case warrant

no further enquiry, he shall certify his opinion to that effect and transmit the proceedings to the Director of Public Prosecutions.

30B. Where on receipt of the proceedings under section 30A it appears to the Director of Public Prosecutions that further enquiry is necessary he may, by direction under his hand, require a Coroner to hold an inquest, whereupon the Coroner shall hold the inquest in accordance with this Act.

Director of Public Prosecutions may require inquest to be held. [17 of 1996].

31. If, at the close of any inquest as to any death or fire, the Coroner is of opinion that there is no ground for suspecting that anyone is guilty of an indictable offence in respect of the matter enquired into, he shall certify his opinion to that effect and transmit the proceedings to the Director of Public Prosecutions.

Where no ground of suspicion. [172/1961 8/1962 136/1976 45 of 1979].

32. Where it appears to the Director of Public Prosecutions that further enquiry is necessary, the Director of Public Prosecutions may, by direction under his hand, require a Coroner to re-open any inquest held by him and take further evidence, and thereupon the Coroner shall have power to and shall re-open the inquest, and take such further evidence, and thereafter proceed in the same manner as if the proceedings at the inquest had not been closed by the Coroner except that this section shall not apply to any inquest at which any verdict or finding of murder or manslaughter has been returned against any person named therein.

Director of Public Prosecutions may require re-opening of inquest. [172/1961 8/1962 136/1976].

33. At any inquest under this Act any document purporting to be a report from the Chief Chemist upon any matter or thing submitted to him for examination, analysis, or report may, if it bears his signature, be used as evidence. The Coroner may presume that the signature to any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

Report of Chief Chemist.

34. The Director of Public Prosecutions shall from time to time deliver to the Registrar of the High Court the proceedings upon all preliminary investigations and inquests transmitted to him, and thereupon the Registrar shall take charge of the proceedings and shall keep a proper index of the same.

Custody of proceedings. [172/1961 8/1962 136/1976 17 of 1996].

Authority to
hold inquest
where body is
not found.
[172/1961
8/1962
136/1976].

35. Where a Coroner has reason to believe that a death has occurred within his district in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of this section, he may report the facts to the Director of Public Prosecutions, and the Director of Public Prosecutions may, if he considers it desirable to do so, direct an inquest to be held touching the death and an inquest shall be held accordingly by the Coroner making the report or such other Coroner as the Director of Public Prosecutions may direct.
