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CHAPTER 3. No. 5.

CORONERS.

AN ORDINANCE RELATING TO CORONERS.

Ordinances  
Ch. 3. No. 5-  
1940.  
No. 54-1946.

Commence-  
ment.

[6th June, 1919.]

Short title.

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

Interpre-  
tation.

2. In this Ordinance—

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

(a) which occurs in a sudden, violent, or unnatural manner; or

(b) where a dead body is found; or

(c) as to which any reasonable suspicion exists that the same 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.

Magistrates  
to be  
Coroners.

3. (1) Every Magistrate shall be a Coroner for the whole Colony, but he shall not, unless required by the Governor, be bound to act as such Coroner beyond the limits of the district assigned to him under the Summary Courts Ordinance.

Harbour  
Masters.

(2) A Harbour Master shall, as to all matters arising under this Ordinance in his harbour, have all the powers and jurisdiction and discharge all the duties of a Coroner.

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As regards all such matters, the Port Health Officer shall be substituted for the District Medical Officer, and the provisions of this Ordinance shall be read and construed accordingly.

*Inquest as to death.*

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 such constable shall forthwith cause information to be given to such Medical Officer.

Notice of death to be given.

(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: Provided that 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 such body to such place as may be named by him.

Removal of body.

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

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

Notice of death of prisoner

(4) Every person becoming aware of any unnatural death who neglects to notify the same as required by this section, or contravenes the provisions of subsection (2) of this section, shall be liable, on summary conviction, to a fine of forty-eight dollars.

Penalty for neglecting to give notice.

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

View of body by D.M.O.

(a) as to whom such District Medical Officer has ground for believing that he died an unnatural death, or

(b) who died while confined as a prisoner in any prison; or

(c) whose body the Coroner, within whose district

the body is, directs such District Medical Officer to view; or

(d) as to whose death an inquest is prescribed.

Burial.

(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 such burial.

Deaths in certain prisons.

6. If at any time the Medical Officer of the Royal Gaol or of the Carrera Convict Depôt is also the District Medical Officer of the district in which any such prison is situated, the powers vested in and the duties imposed on such District Medical Officer by this Ordinance as to persons dying while confined as prisoners in such prison 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 Director of Medical Services with the approval of the Governor; and in all such cases the provisions of this Ordinance shall be read and construed subject to this enactment.

Power to exhume.

7. 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.  
Ord. 54-1946,  
s. 2.

8. Where a District Medical Officer has viewed the body of any deceased person and, if he shall deem it necessary to make an anatomical examination in accordance with the provisions of section 5 of this Ordinance, after making such 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 such report to the Superintendent of Police within whose division the view took place.

Inquest after report.

9. A Coroner, having received the report of a District Medical Officer as to the cause of death of any deceased

person, shall hold an inquest as to the cause and circumstances of such death in either of the following cases, that is to say—

(a) if the District Medical Officer reports that further enquiry ought to be made; or

(b) if the circumstances of the case appear to the Coroner to render it proper to hold an inquest although the District Medical Officer does not report that further enquiry ought to be made.

10. 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 such death, whether the District Medical Officer does or does not make a report thereon.

Inquest on  
prisoner.

11. 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 such deceased person.

Inquest  
without  
report.

12. (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 such 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 by this Ordinance imposed and have the powers by this Ordinance conferred upon a District Medical Officer, and the same consequences shall follow his report and proceedings as under this Ordinance would follow the report and like proceedings of a District Medical Officer.

13. Every District Medical Officer or his substitute shall be entitled to receive in respect of the body of any deceased person viewed by him the sum of \$4.80 for the report which he is by this Ordinance required to make to the

Remunera-  
tion of  
Medical  
Officer.

Coroner, and for the anatomical examination (if any) of such body the further sum of \$4.80, and shall also be bound, if required by the Coroner, to attend as a witness before the Coroner without further fee or allowance.

View of body unnecessary.

14. Any Coroner may hold an inquest as to the death of any person without viewing the body of such person.

Penalty on secret interment.

15. Any person who knowingly inters 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 some Coroner or constable, or who conceals or, with intent to prevent or obstruct enquiry, removes any such body, shall be guilty of a misdemeanor, and, on conviction on indictment, shall be liable to a fine of nine hundred and sixty dollars or to imprisonment for five years.

#### *Mortuaries.*

Mortuaries.

16. (1) It shall be lawful for the Governor to cause to be provided and maintained within the Colony, if it should appear to him necessary and desirable, 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 such place for carrying out such post mortem or anatomical examination; and the costs of such 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 Ordinance.

(2) All regulations made under this section shall be published in the *Royal Gazette*.

#### *Fire and treasure-trove.*

Inquest as to fire.

17. 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, such Coroner may, in his discretion, hold an inquest as to the cause and circumstances of such fire:

Provided that the Coroner shall hold such an inquest if so directed in writing by the Attorney General.

18. In the case of treasure-trove, His Majesty shall enjoy the same rights and prerogatives and the Coroner shall have the same powers and duties as they respectively enjoy and have by the laws of England. Treasure-trove.

*Proceedings at inquest.*

19. Every inquest under this Ordinance shall be a judicial enquiry and may be held as well on Sunday as on any other day. Inquest to be judicial enquiry.

20. A Coroner shall have all the powers conferred on a Magistrate with regard to witnesses by sections 43 to 50 (inclusive) of the Summary Courts Ordinance. Witnesses.

21. 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 such 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 Ordinance.

22. 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.

Obstructing  
Medical  
Officer.

23. Any person who obstructs a District Medical Officer or Port Health Officer or a substitute appointed under section 12 in the execution of any duty imposed upon him by this Ordinance shall be liable, on summary conviction, to a fine of forty-eight dollars.

Adjournment  
of inquest.

24. 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.

Staying  
inquest.

25. 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 of felony 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 such person will be found.

Resuming  
inquest.

26. (1) Where an inquest is stayed in consequence of grounds for a charge of felony 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 so doing, but if he is of opinion that no public benefit is likely to result from his so doing, he shall certify his opinion to that effect and transmit the proceedings to the Attorney General.

(2) Where an inquest is stayed in consequence of grounds for a charge of felony 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.

27. 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 of felony against any person, he may issue his warrant for the apprehension of such 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 such Magistrate.

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

Where guilty party unknown.

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

Where guilty party cannot be found.

30. 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 felony in respect of the matter enquired into, he shall certify his opinion to that effect and transmit the proceedings to the Attorney General.

Where no ground of suspicion.

31. Where it appears to the Attorney General that further enquiry is necessary, the Attorney General 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 such inquest had not been closed by the Coroner: Provided that the provisions of 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.

Attorney General may require re-opening of inquest.

32. At any inquest under this Ordinance any document purporting to be a report from the Government 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 Government Chemist.

Custody of  
proceedings.

**33.** The Attorney General shall from time to time deliver to the Registrar of the Supreme Court the proceedings upon all inquests transmitted to him, and thereupon such Registrar shall take charge of such proceedings and shall keep a proper index of the same.

Authority  
to hold  
inquest  
where body  
is not found.  
Ord. 54-1946,  
s. 3.

**34.** 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 the provisions of this section, he may report the facts to the Attorney General, and the Attorney General may, if he considers it desirable so to do, 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 Attorney General may direct.