

CORONERS RULES 2000

BR 4 / 2000

CORONERS ACT 1938

1938 : 25

CORONERS RULES 2000

ARRANGEMENT OF RULES

1	Citation	15	Coroner to notify Registrar of Supreme Court in certain cases
2	Interpretation	16	Prevention of similar fatalities
3	Delay	17	Summoning of jurors
4	Medical practitioner making post-mortem examination	18	Method of summoning
5	Report on post-mortem examination	19	Notice to accompany summons
6	Premises in which post-mortem may be conducted	20	Withdrawal or alteration of summons
7	Formality	21	Excusal for previous jury service
8	Inquest in public	22	Excusal for certain persons and discretionary excusal
9	Days on which inquest not to be held	23	Discharge of summons in case of doubt as to capacity to act effectively as a juror
10	Examination of witnesses	24	Retention and delivery or disposal of exhibits
11	Self-incrimination		
12	Request for adjournment		
13	Coroner to adjourn in certain other cases		
14	Coroner to furnish certificate after adjournment		

CORONERS RULES 2000

25 Retention and delivery of documents

26 Inspection of, or supply of copies of, documents etc.

The Chief Justice, in exercise of the powers conferred by section 24A of the Coroners Act 1938 makes the following Rules:

Citation

1 These Rules may be cited as the Coroners Rules 2000.

Interpretation

2 In these Rules —

"Act" means the Coroners Act 1938;

"appropriate officer" means the person appointed under section 11A of the Act;

"Coroner" means a coroner appointed under section 3 of the Act.

POST-MORTEM EXAMINATIONS

Delay

3 Where a Coroner directs or requests that a post-mortem examination shall be made, it shall be made as soon after the death of the deceased as is reasonably practicable.

Medical practitioner making post-mortem examination

4 (1) In considering what legally qualified medical practitioner shall be directed or requested by the Coroner to make a post-mortem examination the Coroner shall have regard to the following considerations:

(a) the post-mortem examination shall be made, whenever practicable, by a pathologist with suitable qualifications and experience and having access to laboratory facilities;

(b) if the Coroner is informed by the Commissioner of Police that a person may be charged with the murder, manslaughter or infanticide of the deceased, the Coroner should consult the Commissioner regarding the legally qualified medical practitioner who is to make the post-mortem examination.

Report on post-mortem examination

5 (1) The person making a post-mortem examination shall report to the Coroner.

CORONERS RULES 2000

(2) Unless authorised by the Coroner, the person making a post-mortem examination shall not supply a copy of his report to any person other than the Coroner.

Premises in which post-mortem may be conducted

6 (1) Every post-mortem examination shall be made in premises which are adequately equipped for the purpose of the examination.

(2) Where a person dies in a hospital possessing premises so equipped, any post-mortem examination of the body of that person shall be made in those premises unless the Coroner otherwise decides.

INQUESTS

Formality

7 Every inquest shall be opened, adjourned and closed in a formal manner.

Inquest in public

8 Every inquest shall be held in public.

Days on which inquest not to be held

9 An inquest shall not be held on a public holiday.

Examination of witnesses

10 Unless the Coroner otherwise determines, a witness at an inquest shall be examined first by the Coroner or the appropriate officer and, if the witness is represented at the inquest, lastly by his representatives.

Self-incrimination

11 (1) No witness at an inquest shall be obliged to answer any question tending to incriminate himself.

(2) Where it appears to the Coroner that a witness has been asked such a question, the Coroner shall inform the witness that he may refuse to answer.

Request for adjournment

12 (1) If the Commissioner of Police or the Director of Public Prosecutions requests the Coroner to adjourn an inquest on the ground that a person may be charged with an offence referred to in section 18(1) of the Act or any other offence committed in circumstances connected with the death of the deceased, the Coroner shall adjourn the inquest for twenty-eight days or such longer period as he sees fit.

CORONERS RULES 2000

(2) The Coroner may comply with a request from the Commissioner of Police or the Director of Public Prosecutions for a further adjournment.

Coroner to adjourn in certain other cases

13 (1) If during the course of an inquest evidence is given from which it appears to the Coroner that the death of the deceased is likely to be due to an offence referred to in section 18(1) or any other offence committed in circumstances connected with the death of the deceased, and that a person might be charged with such an offence, then the Coroner, unless he has previously been notified by the Director of Public Prosecutions that adjournment is unnecessary, shall adjourn the inquest for fourteen days or for such longer period as he may think fit and send to the Director particulars of that evidence.

(2) At any time before the date fixed for the holding of the adjourned inquest, the Director of Public Prosecutions may ask the Coroner for a further adjournment and the Coroner may comply with his request.

Coroner to furnish certificate after adjournment

14 Where an inquest is adjourned for any reason, within 15 days of the adjournment the Coroner shall send to the Registrar-General a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

Coroner to notify Registrar of Supreme Court in certain cases

15 Where a person is committed for trial to the Supreme Court and the Coroner has adjourned an inquest until after the conclusion of the criminal proceedings, the Coroner shall inform the Registrar of the Supreme Court of the adjournment of the inquest.

Prevention of similar fatalities

16 A Coroner who believes that action should be taken to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held may announce at the inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly.

SUMMONING OF JURORS AND EXCUSAL FROM JURY SERVICE

Summoning of jurors

17 Subject to the provisions of these Rules, the person to whom the Coroner's warrant is issued under section 11 of the Act for the summoning of persons to attend as jurors at inquests shall have regard

CORONERS RULES 2000

to the convenience of the persons summoned and to their respective places of residence.

Method of summoning

18 Subject to the provisions of these Rules, jurors shall be summoned by notice in writing sent by post or delivered by hand and a notice shall be sent or delivered to a juror at his address as shown in the electoral register.

Notice to accompany summons

19 A written summons sent or delivered to any person under section 11 of the Act shall be accompanied by a notice informing him—

- (a) of the effect of Rules 22 and 23; and
- (b) that he may make representations to the appropriate officer with a view to obtaining the withdrawal of the summons, if for any reason he is not qualified for jury service, or wishes or is entitled to be excused.

Withdrawal or alteration of summons

20 If it appears to the appropriate officer, at any time before the day on which any person summoned under section 11 of the Act is to attend, that his attendance is unnecessary, or can be dispensed with, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.

Excusal for previous jury service

21 (1) If a person summoned under section 11 of the Act shows to the satisfaction of the appropriate officer or of the Coroner—

- (a) that he has served on a jury, or duly attended to serve on a jury, at inquests held on three or more days in the period of one year ending with the service of the summons on him;
- (b) that he has served on a jury, or duly attended to serve on a jury, in the Supreme Court in the period of two years ending with the service of the summons on him; or
- (c) that the Supreme Court or a coroner has excused him from jury service for a period which has not terminated,

the appropriate officer or the Coroner shall excuse him from attending, or further attending, in pursuance of the summons.

(2) In reckoning the days for the purpose of paragraph (1)(a) no account shall be taken of any day or days to which an inquest is adjourned.

CORONERS RULES 2000

Excusal for certain persons and discretionary excusal

22 (1) A person summoned under section 11 of the Act shall be entitled, if he so wishes, to be excused from jury service if he is among the persons for the time being listed in the First Schedule to the Jurors Act 1971.

(2) If any person so summoned shows to the satisfaction of the appropriate officer or of the Coroner that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer or the Coroner may excuse him from so attending and shall do so if the reason shown is that the person is entitled under paragraph (1) to excusal.

Discharge of summons in case of doubt as to capacity to act effectively as a juror

23 Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons under section 11 of the Act, that on account of physical disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the person may be brought before the Coroner, who shall determine whether or not he should act as a juror and, if not, shall discharge the summons.

DOCUMENTS AND EXHIBITS

Retention and delivery or disposal of exhibits

24 Every exhibit at an inquest shall, unless a court otherwise directs, be retained by the Coroner until he is satisfied that the exhibit is not likely to be, or will no longer be, required for the purposes of any other legal proceedings, and shall then, if a request for its delivery has been made by a person appearing to the Coroner to be entitled to the possession thereof, be delivered to that person, or, if no such request has been made, be destroyed or otherwise disposed of as the Coroner thinks fit.

Retention and delivery of documents

25 Any document (other than an exhibit at an inquest) in the possession of a Coroner in connection with an inquest or post-mortem examination shall, unless a court otherwise directs, be retained by the Coroner for such period as the Chief Justice may direct:

Provided that the Coroner may deliver any such document to any person who in the opinion of the Coroner is a proper person to have possession of it.

Inspection of, or supply of copies of, documents etc.

26 (1) A Coroner shall, on application and on payment of such fee as may be prescribed under the Court Fees and Expenses Act 1971,

CORONERS RULES 2000

supply to any person who, in the opinion of the Coroner, is a properly interested person a copy of any report of a post-mortem examination, or any notes of evidence, or of any document put in evidence at an inquest.

(2) A Coroner may, on application and without charge, permit any person who, in the opinion of the Coroner, is a properly interested person to inspect such report, notes of evidence, or document.

Made this 4th day of February, 2000.

Chief Justice