



EXTRAORDINARY
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1st February, 2012

(B)

MAGISTERIAL SITTING OF COURT NOTICE, 2012

Arrangement of Regulations

Regulation

1. Citation, commencement and application of Regulations 2
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S.I. No. 15 of 2012

CORONERS ACT, 2011
(No. 2 of 2011)

CORONERS RULES, 2012

In exercise of the powers conferred by sections 47 of the Coroners Act, the Rules Committee, after consultation with the Attorney-General, makes the following Rules —

1. Citation and commencement.

- (1) These Rules may be cited as the the Coroners Rules, 2012.
- (2) These Rules shall come into force on the 1st day of February, 2012.

2. Interpretation.

In these Rules —

"Act" means the Coroners Act, 2011¹;

"court" means the coroner's court established under section 4 of the Act.

3. Seal of court.

The seal of the court shall be in the form and pattern set out in the *First Schedule*.

PART II - INVESTIGATION OF DEATH

4. Reporting of death.

- (1) For the purposes of section 14 of the Act, a report of a death shall be made —
 - (a) in person; or
 - (b) by any available means of communication.
- (2) A person who reports a death as required by section 14 of the Act must, within forty-eight hours after making the report, provide the coroner or the police officer to whom the report was made, with a written confirmation of the report.

¹No. 2 of 2011.

5. Post-mortems.

- (1) Where a coroner directs that a post-mortem of a body be carried out pursuant to section 30 of the Act —
 - (a) the directive shall be in Form 1 of the *Second Schedule* and shall specify whether a full or limited post-mortem is to be performed;
 - (b) the pathologist conducting the post-mortem shall —
 - (i) perform the post-mortem as soon as practicable after receiving the direction, or, immediately if so directed;
 - (ii) notify the coroner —
 - (aa) if any, of the preliminary findings as to the cause of death or that the cause of death is still under investigation; or
 - (bb) whether any of the deceased person's organs have been retained and, if so, the reason for the retention;
 - (cc) within twenty-eight days of completing the post-mortem, or within such longer period as the coroner may allow, of the findings of the post-mortem.
- (2) The pathologist shall not notify any other person of the post-mortem findings without the prior approval of the coroner.
- (3) A family member of the deceased may —
 - (a) request that a post-mortem be performed and shall do so in Form 2 of the *Second Schedule*;
 - (b) request a copy of the pathologist report on the post-mortem and shall do so in Form 3 of the *Second Schedule*; or
 - (c) object to a post-mortem being performed and shall do so in Form 4 of the *Second Schedule* stating the reasons for so doing and the coroner shall in carrying out his duties, take into consideration such reasons.

6. Notice of inquest.

Notice of an inquest required to be given in accordance with section 28 of the Act shall be in Form 5 of the *Second Schedule* and may be in writing or in electronic form.

7. Coroner's findings to be given to next of kin.

At the conclusion of an inquest, the coroner shall cause a copy of his findings to be provided to the deceased person's next of kin in Form 6 of the *Second Schedule*.

8. Exhumation warrant

A warrant for the exhumation of a body pursuant to section 29 of the Act, shall be in Form 7 of the *Second Schedule*.

9. Authorisation for disposal of human remains.

An authorisation issued pursuant to section 40(1)(b) of the Act shall be in Form 8 of the *Second Schedule*.

PART III - CONDUCT OF INQUEST

10. Proceedings on inquests.

- (1) A summons made pursuant to section 32 of the Act is to be in Form 9 of the *Second Schedule*.
- (2) The summons may be served on a person —
 - (a) personally; or
 - (b) by being left at the person's usual place of abode or business with someone who has apparently attained 18 years of age.
- (3) The person serving the summons shall —
 - (a) endorse a copy of the summons with the date and place of service; and
 - (b) sign the endorsement.
- (4) In any proceedings for a failure to comply with a summons, a copy of the summons endorsed in accordance with paragraph (3) is evidence that —
 - (a) the endorsement was signed by the person whose signature it purports to be; and
 - (b) any statement contained in the endorsement is true.

11. Summoning of jurors.

A summons to a person to serve as a juror pursuant to section 39 of the Act shall be in Form 10 of the *Second Schedule*.

12. Warrant of apprehension.

A warrant of apprehension under section 32(2) of the Act shall be in Form 11 of the *Second Schedule*.

13. Forms of evidence received by the court.

- (1) A coroner may accept —

- (a) oral evidence given under oath;
 - (b) evidence tendered by statement or affidavit; or
 - (c) documentary or other evidence tendered as an exhibit.
- (2) If a statement is tendered as evidence in an inquest, the coroner may —
- (a) direct the witness or any other person to read the statement;
 - (b) read the statement; or
 - (c) accept the statement as read.
- (3) If an affidavit is tendered as evidence in an inquest, the coroner may —
- (a) if the deponent is summonsed as a witness, direct the deponent to read the affidavit;
 - (b) if the deponent is not summonsed as a witness, direct any other person to read the affidavit;
 - (c) read the affidavit; or
 - (d) accept the affidavit as read.
- (4) Where oral evidence is given in an inquest, the coroner shall cause such evidence to be recorded.
- (5) For the purposes of this rule, “oral evidence” includes a deposition or affidavit read to the court.

14. Accessibility of evidence.

- (1) An application by a member of the public to inspect a copy of any evidence pursuant to section 43(1) of the Act shall be made in Form 12 of the *Second Schedule*.
- (2) Upon receipt of an application referred to in paragraph (1), the coroner shall upon payment of the fee specified in the *Third Schedule*, permit the applicant to inspect a copy of any evidence.
- (3) An application by a member of the public to inspect or obtain a copy of any material referred to under section 43(2) of the Act shall be made in Form 12 of the *Second Schedule* and the coroner may upon receipt of the application grant permission to the applicant, subject to such conditions as he thinks fit.
- (4) In determining whether to grant permission under paragraph (3), the coroner may consider such matters as he thinks fit and in particular —
 - (a) whether the person has a sufficient personal or professional interest in the investigation to which the record relates;
 - (b) whether granting access to inspection or a copy of the material is likely to unfairly prejudice the interests or reputation of another person.
- (5) The coroner may waive payment of the fee required under this rule.

PART IV – PRE-INQUEST CONFERENCE

15. Pre-inquest conference.

- (1) A coroner may summon any one or more persons who have a sufficient interest in an investigation (and their representatives, if any) to attend a pre-inquest conference for the purpose of facilitating the conduct of the investigation or, if applicable, the rest of the investigation.
- (2) A summons issued under paragraph (1) shall be in Form 9 of the *Second Schedule* and shall state the time and place of the conference.

16. Proceedings of pre-inquest conference.

Where a pre-inquest conference is summoned under rule 16, the coroner shall —

- (a) appoint the time and place for the inquest;
- (b) identify any issues that is expected to arise in the investigation;
- (c) identify any person who might be a potential witness in the investigation and indicate the probable nature of their evidence.

17. Powers of chairperson.

- (1) The coroner may direct a person attending the conference to do any one or more of the following
 - (a) produce any document or thing that the person considers might be relevant to the investigation;
 - (b) allow any person to participate in the conference or any part of it by means of a telephonic or audio-visual link;
 - (c) confer with any other person about the investigation;
 - (d) find out information or procure documents that might be relevant to the investigation;
 - (e) take any other reasonable action that it is within the person's power to take for the purpose of facilitating the investigation;
 - (f) adjourn the conference from time to time, or place to place;
 - (g) such other thing as the chair considers necessary or expedient having regard to the purpose of the conference.
- (2) The coroner may invite or allow any disinterested person to attend and participate in the conference if the chair reasonably considers that they may be able to contribute something of value, such as expert or special knowledge, to the conference proceedings.
- (3) If the coroner reasonably considers that the conference or any part of it should be held in private, he may direct any person to leave, or not to enter, the conference venue.

(4) Except as otherwise provided by this rule, the coroner may regulate his or her own proceedings.

18. **Failure to comply with rules.**

A failure to comply with any of the provisions of these Rules, shall not render void any proceedings under the Act, unless the coroner otherwise directs.

FIRST SCHEDULE

SEAL OF COURT

(rule 3)



SECOND SCHEDULE

FORM 1
(rule 5(1)(a))

CORONERS ACT

DIRECTIVE BY CORONER TO PERFORM A POST-MORTEM OF A BODY

To:

I, (*name of coroner*), coroner,

Pursuant to section 30 of the Coroners Act, I hereby direct you, (*state name of pathologist*) to perform a post mortem of the body of (*state name of deceased person*) of (*state address of deceased person*).

Dated at this day of , 20

CORONER

FORM 2
(rule 5(3)(a))

CORONERS ACT

APPLICATION FOR REQUEST FOR POST-MORTEM TO BE PERFORMED

To: The Coroner
Coroner's Court
The Bahamas

I, (*specify name of member of the family or person concerned*), of (*state address*)
hereby request that the coroner direct that a pathologist perform a post mortem of the
body of (*name of deceased person*) of (*state address of deceased person*) pursuant to
rule 5(3) of the Coroners Rules.

Dated at this day of 20

Print name of family member or person concerned

Signature

FORM 3
(rule 5(3)(b))

**APPLICATION FOR REQUEST FOR A COPY OF
POST-MORTEM REPORT**

To: The Coroner
Coroner's Court
The Bahamas

I, *(specify name of family member or person concerned)*, of *(state address)*,
pursuant to rule 5(3) of the Coroners Rules, hereby request that the coroner provide me
with a copy of the pathologist post mortem report of the body of *(state name of
deceased person)* of *(state address of deceased person)*.

Dated at this day of , 20

Print name of family member or person concerned

Signature

FORM 4
(rule 5(3)(c))

CORONERS ACT

OBJECTION TO A POST MORTEM OF A BODY

To: The Coroner,
Coroner's Court
The Bahamas

I, (*specify name of member of family or person concerned*), of (*state address*)
object to any direction by the coroner to perform a post mortem of the body of (*name
of deceased person*) of (*state address of deceased person*).

The reasons for my objection are:

[give details for objection here]

Dated at this day of . 20

Print name of family member or person concerned

Signature

FORM 5

CORONERS ACT

NOTICE OF INQUEST

(rule 6)

To:

I, *(name of coroner)*, coroner,

Pursuant to section 2 of the Coroners Act, I hereby give notice that an inquest into the death of *(state name of deceased person)* will take place on *(specify date of inquest)*, A.D. at *(specify time of inquest)* at *(specify location of inquest)*.

Dated this day of , 20

CORONER

(seal)

FORM 6

CORONERS FINDINGS

(rule 7)

CORONER'S FINDINGS AT CONCLUSION OF INQUEST

I have inquired into the cause or circumstances of the death of,

Name:

.....
.....

Address:

.....
.....
.....

Date of Birth & Gender:

Day: Month: Year: Age: Gender: Male [] Female []

and I HEREBY FIND that:

(Name of deceased person) died (provide narrative of cause or circumstances of death):

.....
.....
.....
.....

(Name of deceased person) died on:

.....

(Name of deceased person) died at:

.....
.....

.....
OR

I have determined that an inquest was not necessary into the death of:

Name:

Address:

Date of birth:

Date:	Month:	Year:	Age:	Gender: Male <input type="checkbox"/>	Female <input type="checkbox"/>
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Coroner

Signature

Date

TO BE DETACHED

(for office use only)

Coroner's instructions to coroner's clerk

A copy of these findings is to be provided to: The Attorney-General The Registrar-General and the following family member(s): person nominated by the deceased before death spouse (including de facto spouse) adult child parent adult sibling adult with sufficiently close relationship to deceased

FORM 7

CORONERS ACT

WARRANT FOR EXHUMATION OF A BODY

(rule 8)

To: The next of kin of (*deceased*) of (*state address of next of kin*)
And to: The relevant officer of (*state the name of cemetery where body is buried*)

Believing on reasonable grounds that it is necessary for the investigation of the death of (*state full name of deceased*) of (*state last residential address*), I HEREBY ORDER pursuant to section 29(1) of the Coroners Act, that the body of (*state full name of deceased*) that was buried on the (*state the date when the body was buried*) at (*state the location of burial*) be exhumed.

I HEREBY FURTHER ORDER that the body be taken without delay to the Princess Margaret Hospital's Mortuary (*or such other place as may be directed*) and be held there until I order that it may be buried again.

Made this day of , 20

Signature _____
CORONER

APPROVED BY
ATTORNEY-GENERAL

FORM 9
CORONERS ACT

SUMMONS TO ATTEND AS WITNESS OR PRODUCE DOCUMENTS

(rule 10(1))

To: *(witness name)*
(witness address)

An inquest is to be held into the death of *(state name of deceased person)*, which occurred at *(state location of death)* on the *(state date of death of deceased person)*.

What you must do:

- You must attend the inquest
- Give evidence
- Bring the following documents and materials (if any, specified below):

Information about the inquest:

You must attend the Coroner's Court at *(state court location)* at *(state address of court)* at *(state time of inquest)* on *(state date of inquest)*.

It is an offence to disregard this summons. If you disobey this summons you commit an offence and are liable on summary conviction to a fine of \$5,000.00 or to a term of imprisonment of twelve months or to both fine and imprisonment.

CORONER

Issued at the Coroners Office, *(court location)* on the

SERVICE OF SUMMONS

(Office Use Only)

I *(state name)* of *(state address)* in The Bahamas, today duly served the within named person with a copy of this summons -

- (a) personally at *(state address)*; or
- (b) by leaving a copy with a person apparently over the age of 18 years at *(state address)* being his usual place of residence / business.

Signature

Name

No.

Date:

FORM 10
SUMMONS TO SERVE AS A JUROR
(rule 11)

To: *(Juror's name)*
(Juror's address)

An inquest is to be held into the death of *(state name of deceased person)* which occurred at *(specify location of death)* on the *(specify date of death)*.

You are hereby summoned to appear before the coroner as a juror at the Coroner's Court at *(state location of court)* at *(state time of inquest)* on *(specify date for inquest)* until dismissed by the court.

Coroner or Police Officer authorised by the Coroner
(seal)

Issued at the Coroners Office, *(state location)* on the *(specify date)*.

SERVICE OF SUMMONS
(Office Use Only)

I, *(name of officer)* of *(state address)* in The Bahamas, today duly served the within named person with a copy of this summons-

- (a) personally at *(state address)*, or
- (b) by leaving a copy with a person apparently over the age of 18 years at *(state address)* being his usual place of residence business.

Signature _____
Name _____
No. _____ Date _____

FORM 11
WARRANT OF APPREHENSION OF WITNESS
(rule 12)

In the Coroner's Court

Inquest into the death of *(state name of deceased)* of *(state address of deceased person)*

TO: The Commissioner of Police and every peace officer

(State name of witness) of *(state address of witness)* has been summonsed to attend as a witness or to produce documents or other materials at the Coroner's Court at *(state court's location)*, on the *(specify date)* at *(specify time)*.

Proof has been given that the summons has been served on *(state name of witness)* and that **he she* did not appear at the time and place appointed by the summons.

You are commanded to arrest *(state name of witness)* and bring **him her* before *(state name of coroner)* to be dealt with according to law.

Dated:

CORONER (seal)

I direct that the witness when apprehended may be released on **his/her* signing and undertaking conditions for **his/her* appearance before the Coroners Court at *(time)* on the *(date)*.

CORONER

CORONER(seal)

FORM 12

APPLICATION TO INSPECT AND OBTAIN COPY OF (EVIDENCE OR MATERIAL)

(rule 14(1) & (3))

To: The Coroner
Coroner's Court
The Bahamas

Re: *(name of deceased person)*

I, *(name of family member or person concerned)*, of *(state address)* apply to inspect and take copies of:

[Set out the matters found in section 43(1) or (2) of the Coroners Act]

I agree to pay to you the sum of *(specify sum)* for the copies.

Dated at this day of , 20

Print *name of family member or person concerned*

Signature

THIRD SCHEDULE

FEES

Application to inspect a copy of evidence, written findings or order of the court	\$ 10.00
Application to inspect a copy of any documentary material admitted into evidence	10.00
Copy of a transcript of evidence, any documentary material admitted into evidence, transcript of written findings or order of the court	1.00 per page
Copy of photograph, slide, film, video tape, audio tape or form of recording from which a visual image or sound can be produced	1.00 per page
Copy of any other material not mentioned above	1.00 per page

Made this 31st day of January, 2012.

**Signed
MICHAEL BARNETT
RULES COMMITTEE**