

ACT 18
CORONERS ACT, 1960

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ACT 18
CORONERS ACT, 1960(1)

AN ACT to consolidate and amend the law relating to the appointment and functions of coroners.

1. Coroners

(1) The District Magistrate is a coroner for the area of jurisdiction of the District Court to which the Magistrate is appointed.

(2) Where a coroner is unable through illness or any other reasonable cause to perform the functions

of a coroner a Justice of the High Court may appoint a person to act instead of the coroner, generally or in regard to a specified function or for a particular inquiry.

2. Notification of death

(1) Where a dead body is found, or where a person has died a violent or any other unnatural death or a death of which the cause is unknown, a person finding the body or becoming aware of the death shall forthwith give notice of the death to the officer in charge of the nearest police station.

(2) The person in charge of a prison, lock-up, a psychiatric hospital or public institution, other than a hospital shall forthwith give notice to the coroner for the district of the death of a person detained in that place.

(3) The person in charge of a hospital in which a person has died an unnatural death shall forthwith give notice of the death to the coroner for the district.

3. Failure to comply with section 2

A person who, without reasonable cause, the burden of proving which lies on that person, fails to comply with section 2 commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

4. Preliminary investigation and report to coroner

(1) Where an officer in charge of a police station has reasonable cause to suspect that a person has died a violent or any other unnatural death, or a sudden death of which the cause is unknown, the officer shall forthwith give notice of the death to the coroner for the district.

(2) The officer in charge of a police station or any other police officer deputed by that officer for the purpose shall forthwith make an investigation and draw up a report stating the conclusions respecting the time, place and circumstances of the death.

(3) The report together with the statements taken from persons in the course of the investigation shall be forwarded forthwith to the coroner.

5. When inquiry to be held

(1) When a coroner is informed that the dead body of a person has been found, or that a person has died, in the district and the coroner has reasonable cause to suspect that that person has died

- (a) a violent or any other unnatural death, or
- (b) a death of which the cause is unknown, or
- (c) while detained in a prison, lock-up, psychiatric hospital or public institution other than a hospital, or
- (d) in any other place or circumstances as, in the opinion of the coroner, to make the holding of an inquiry in accordance with this Act necessary or desirable,

the coroner shall subject to this Act, hold as soon as practicable an inquiry under this Act in respect of the death.

(2) The coroner may, except in a case where that person has died while detained in a prison or lock-up, dispense with the holding of an inquiry

- (a) if as a result of an examination under section 7, the coroner is satisfied that the death was due to natural causes; or
- (b) if the coroner is satisfied
 - (i) as to the cause of death, whether with or without an examination,
 - (ii) that the death was due to mere accident or mischance or to chronic alcoholism, or occurred without lack of reasonable care on the part of a person while the deceased was under an anaesthetic or was undergoing a surgical operation, and
 - (iii) that a public benefit is not likely to result from an inquiry.

(3) Despite subsections (1) and (2), a coroner shall hold an inquiry under this Act, as to the death of a person in a case in which the coroner is informed that, in the opinion of the Attorney-General, it is expedient that an inquiry should be held.

6. Issue of burial certificate

Where the registrar of births, deaths, and burials is prohibited by law from issuing a certificate for the burial of a body without the authority of a coroner, the coroner within whose district the body is lying shall, as soon as is practicable, authorise by writing signed personally by the coroner the registrar to issue the certificate for the burial of the body.

7. Examination of body of deceased

(1) Where a coroner thinks it proper, in order to discover the cause of death, to have an examination made of the dead body of a person, the coroner may direct a registered medical practitioner to make

- (a) a post-mortem examination of the body, or
- (b) a special examination by way of analysis, test or otherwise of parts or contents of the body or any other substances or things as ought in the opinion of the coroner to be submitted to analysis, test or other special examination,

or to make both examinations, or may direct a person who the coroner considers possesses special qualifications for the purpose, to make a special examination.

(2) A person directed under subsection (1) shall make the examination and report fully in writing to the coroner the conclusions as to the cause of death, unless that person immediately procures any other registered medical practitioner or a person qualified to make a special examination to perform the duty, as soon as is practicable.

(3) The report is prima facie evidence of the facts stated in the report, but the coroner may summon as a witness the person who has made the report, and that person may be asked to give evidence as to that person's opinion on a matter arising out of the examination and that person's opinion as to the cause of death.

(4) Where a person states on oath before a coroner that the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or another person, the medical practitioner or that other person shall not be allowed to perform or assist at the examination of the deceased.

8. Removal of body to mortuary

(1) Where a place has been provided for the reception of dead bodies during the time required to conduct an examination of the dead body, the coroner may order the removal of a dead body to and from that place, whether the place is within or outside the coroner's district, for the purpose of carrying out a post-mortem or special examination under section 7.

(2) The expenses of the removal shall be paid on the coroner's order from the public revenue.

9. Prohibiting burial and ordering exhumation

(1) A coroner may prohibit the burial of a dead body lying within the district until an examination under section 7 has been completed.

(2) Despite a law or custom to the contrary, the coroner may, after notice to the Medical Officer of Health of the district of the intention so to do, order the exhumation of the body of a deceased person under the superintendence of a registered medical practitioner.

(3) The expenses of the exhumation and re-interment shall be paid on the coroner's order from the public revenue.

(4) An exhumation shall not be ordered where, in the opinion of the coroner, it would be harmful to the public health.

10. Adjournment at request of Inspector-General of Police

Where a coroner is requested by or on behalf of the Inspector-General of Police to adjourn an inquiry, on the ground that the circumstances of the death are being investigated with a view to determining whether criminal proceedings shall be instituted, the coroner shall adjourn the inquiry for fourteen days, and after that shall adjourn the inquiry for further periods each of fourteen days on similar requests being made in that behalf.

11. Procedure regarding criminal proceedings

(1) If, on an inquiry as to a death, a coroner is informed by or on behalf of the Inspector-General of Police that criminal proceedings have been or are about to be instituted for an offence in connection with the death, the coroner shall, after ascertaining as far as is practicable the particulars required to be registered concerning the death, adjourn the inquiry until after the conclusion of the criminal proceedings.

(2) After the conclusion of the criminal proceedings, the coroner may resume the adjourned inquiry if the coroner is of opinion that public benefit is likely to result from the inquiry, but if the coroner is of opinion that a public benefit is not likely to result from the inquiry the coroner shall record that opinion and transmit the proceeding to the High Court.

(3) Where an inquiry is resumed under subsection (2), the coroner shall not record a finding which is inconsistent with a matter determined in the criminal proceedings.

(4) In this section, "**criminal proceeding**" means

- (a) summary proceedings or preliminary proceedings before a Court, or
- (b) proceedings before a Court to which an accused person is committed for trial, or
- (c) before a Court by which an appeal from the conviction of a person is heard,

and criminal proceedings for the purposes of this section are not concluded until a further appeal cannot, without an extension of time being granted, be made in the course of the proceedings.

12. Notice of result of criminal proceedings

(1) The registrar of the District Court before which a person is charged with an offence in connection with the death of a person, shall inform the coroner responsible for holding the inquiry of the committal for trial or discharge, or the result of the summary trial and of an appeal against summary conviction, of the person charged.

(2) The registrar of the Court to which a person charged with an offence in connection with the death of a person is committed for trial, shall inform the coroner responsible for holding the inquiry of the result of the trial and of an appeal from the conviction.

13. Scope of inquiry

(1) An inquiry shall be directed to establish the identity of the deceased person and the time, place and cause of death, and, where the death is required by law to be registered, to ascertain as far as is practicable the particulars required to be registered concerning the death.

(2) Where the coroner suspects that the deceased person committed suicide, the coroner shall not inquire into the state of mind of the deceased person except in so far as the inquiry may, in the opinion of the coroner, reasonably be expected to assist in determining whether the deceased person died by the deceased's own hand.

14. Place and time of sitting

(1) A coroner may hold an inquiry at the place in the district which the coroner thinks fit, and may adjourn an inquiry to a future hour or day and to the same or another place.

(2) Where a coroner is satisfied that a material witness is by reason of illness or infirmity unable to attend at the place appointed for the holding of an inquiry, the coroner may take the evidence of the witness at the place where the witness is, whether it is within the district of the coroner or not.

(3) An inquiry may lawfully be held on a Sunday or on a public holiday.

15. Witnesses

(1) A coroner has the powers conferred on a District Magistrate by an enactment in respect of the attendance and examination of witnesses.

(2) A witness shall first be examined by the coroner, and may be examined by any other persons allowed by the coroner.

16. Recording of evidence

The coroner shall record the oral evidence given at an inquiry.

17. Procedure upon conclusion of inquiry

(1) On the conclusion of an inquiry, the coroner shall record the finding as to the time, place and cause of the death, and shall transmit the proceedings to the High Court.

(2) A finding under subsection (1) shall not name a person as having committed an offence in connection with the death.

(3) The coroner may add to the finding recommendations of a general character designed to prevent

further similar fatalities, but shall not express a censure on, or exoneration from blame of, a person in connection with the death.

(4) Where the coroner finds that the deceased person committed suicide the finding shall be recorded without a reference to the state of mind of the deceased person.

18. Powers of High Court in relation to inquiries

(1) The High Court, of its own motion or on an application made by or on behalf of the Attorney-General, may

- (a) order an inquiry to be held as to the cause of the death of a person in relation to which a previous inquiry has not been held;
- (b) set aside a finding in an inquiry, or
 - (i) order the inquiry to be re-opened and further evidence to be taken, or
 - (ii) substitute for the finding set aside, any other finding that appears to the Court to be in accordance with the evidence;
- (c) set aside the proceedings and finding in an inquiry and order a new inquiry to be held.

(2) The High Court may of its own motion or on the application of a coroner, order an inquiry to be held by a coroner other than the coroner within whose district a dead body has been found or a death has occurred.

19. Particulars for registrar of births, deaths and burials

(1) Where an inquiry as to a death which is required by law to be registered, is dispensed with under section 5, the coroner shall, within seven days of that decision send to the registrar of births, deaths, and burials a certificate signed personally by the coroner of the cause of death as disclosed by an examination made under section 7 or, in a case where an examination has not been made, of the apparent cause of death.

(2) Where an inquiry is held as to a death which is required by law to be registered, the coroner shall, within seven days of the conclusion of the inquiry, send to the registrar of births, deaths, and burials a certificate signed personally by the coroner, of the coroner's finding as to the cause of death and of the particulars required to be registered concerning the death so far as they have been ascertained by the coroner.

(3) Where, under section 11 (2) an inquiry as to a death required by law to be registered is not resumed, the coroner shall, within seven days after the receipt of the notice of the result of the criminal proceedings, send to the registrar of births, deaths, and burials a certificate signed personally by the coroner stating the result and the particulars required to be registered concerning the death so far as they have been ascertained by the coroner under section 11.

20. Register of deaths

(1) The coroner for each district shall keep a register of the deaths reported to the coroner.

(2) On the receipt of notice of a death, the coroner shall, as soon as practicable, cause to be entered in the register the date on which the coroner received the notice and the name of the deceased, and shall then ensure that the other requisite particulars concerning the death are duly entered.

21. Forms to be used

(1) The Minister may, by executive instrument, prescribe the form of the register of deaths and any other forms to be used for the purposes of this Act.

(2) *Spent.2(2)*

22. Fees, witnesses' allowances

(1) Subject to subsections (3) and (4), there may be paid to a registered medical practitioner or any other qualified person, with respect to examinations made under section 7, the superintendence of exhumations made under section 9 and for attendance at an inquest in obedience to the summons of a coroner issued under section 15, the fees that the Minister may by executive instrument prescribe.

(2) *Spent.3(3)*

(3) A fee shall not be paid to a registered medical practitioner or any other qualified person for a post-mortem examination or special examination made without the previous direction of the coroner, unless the coroner otherwise orders.

(4) Where the examination is made by the registered practitioner or the other qualified person either of whom is in the service of the Government with respect to a person who has died in a prison, lock-up, psychiatric hospital or public institution, a fee shall not be paid for giving evidence at the inquest.

(5) At an inquest,

(a) the travelling expenses payable to a witness, and

(b) the allowances payable to witnesses other than witnesses for whom special provision is made in this section,

shall be in accordance with the practice of the District Court in criminal proceedings.

(6) The fees, witnesses' allowances and travelling expenses payable under this section shall be paid on the order of the coroner from the Consolidated Fund.

23. Interpretation

In this Act, unless the context otherwise requires,

“**district**” means the area of jurisdiction of a coroner;

“**Minister**” means the Minister responsible for Justice.

24. Repeals

Spent.4(4)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 15th December, 1960.

2 (Popup - Footnote)

2. The subsection reads,

“Until forms are prescribed under [subsection \(1\)](#), the forms in use immediately before the passing of this Act, shall with the necessary modification, continue to be used.”

3 (Popup - Footnote)

3. The subsection reads,

“Until fees are prescribed under [subsection \(1\)](#) the fees payable before the commencement of this Act shall continue to be payable.”

4 (Popup - Footnote)

4. This section provided for the repeal of the Coroners Ordinance (Cap. 6), and the Coroners (Amendment) Ordinance, 1956 (No. 29).