

THE CORONERS ACT
ARRANGEMENT OF SECTIONS

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CORONERS

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SCHEDULE

THE CORONERS ACT

[12th June, 1900.]

Cap. 77.
Acts
51 of 1964,
42 of 1969
3rd Sch.,
23 of 1971,
20 of 1976,
6 of 1982,
10 of 1999,
19 of 2000
S. 23,
6 of 2005,
2 of 2009.

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

Short title.

PART I. *Preliminary*

2. Save in so far as is inconsistent with this Act, any principle or rule of law, or established jurisdiction, practice, or procedure, or existing usage or custom, shall not withstanding the repeal of any enactment by this Act, remain in full force.

Preservation
of existing
jurisdiction,
practice, etc.

3. In this Act—

Interpreta-
tion.
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S. 2.

“agent of the State” means—

(a) a person who is a member of—

(i) the Jamaica Constabulary Force;

(ii) the Jamaica Defence Force, except when acting in time of war;

(iii) the Island Special Constabulary Force; and

(iv) the Rural Police;

(b) a person appointed as a parish Special Constable pursuant to the Constables (Special) Act;

(c) a correctional officer;

(d) an officer within the meaning of section 2 of the Customs Act; and

- (e) such other public officer, as the Minister may by order specify, being a person upon whom is conferred any of the powers, authority and privileges as are conferred by law on a member of the Jamaica Constabulary Force;

“the appropriate Coroner” means—

- (a) the Office of the Special Coroner, in any case where there is reasonable cause to suspect that death occurred as a result of the act or omission of an agent of the State; or
- (b) subject to section 5B, in any other case, the Coroner having jurisdiction for the relevant parish pursuant to section 4,

and references, in any other enactment, to a Coroner shall be construed to mean the appropriate Coroner;

“murder” includes the offence of being an accessory before the fact to a murder.

“the Office” means the Office of the Special Coroner established under section 5A;

CORONER

4.—(1) Subject to sections 5A and 5B, the officer for the time being discharging the duties of Resident Magistrate for any parish shall *ex officio* be the Coroner of such parish:

Provided, that where such officer has and exercises the jurisdiction of the Resident Magistrate’s Court in more than one parish, it shall be lawful for the Minister to prescribe the area over which as Coroner such officer’s jurisdiction shall extend.

(2) Subject to sections 5A and 5B, the parish of Kingston and the parish of St. Andrew shall for the purposes of this Act be deemed to form one parish and accordingly a Resident Magistrate for either parish shall have jurisdiction as a Coroner over both parishes and an inquest in respect of a death occurring in either parish may be held at the discretion of the Coroner either in Kingston or in St. Andrew as the Coroner thinks fit.

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Resident
Magistrate
ex officio
Coroner.
20/1976

S. 2 (a).
2/2009
S. 3.

20/1976
S. 2(b).
2/2009
S. 3.

5.—(1) It shall be lawful for the Coroner, when prevented by illness, or any lawful or reasonable cause from holding an inquest himself, to appoint the Clerk of the Courts, to hold such inquest in his stead; but in any such case the Coroner shall, within fourteen days of making any such appointment, send a duplicate of such appointment to the Minister together with a statement of the reasons for his not having held the inquest himself.

Deputy
Coroner.

(2) The deputy so appointed shall have all the rights, powers and jurisdiction of a Coroner, and generally be subject to the provisions of this Act in like manner as a Coroner.

SPECIAL CORONER

5A.—(1) There is hereby established an Office of the Special Coroner.

Establishment
of Office of
the Special
Coroner.

(2) The Office shall be constituted by the following persons appointed by the Governor-General, acting on the advice of the Judicial Service Commission—

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S. 4.

- (a) the Special Coroner, who shall be in charge of the administration and operations of the Office; and
- (b) such number of Assistant Special Coroners as may be necessary for the efficient administration and operation of the Office.

(3) A person shall not be qualified for appointment under subsection (2) unless that person is a Resident Magistrate and possesses the qualifications for appointment as a Senior Resident Magistrate.

(4) The office of the Special Coroner shall be provided with such staff as is necessary for the efficient administration and operation of the Office as determined by the Special Coroner.

5B.—(1) The Office shall exercise the jurisdiction and functions of the Coroner in respect of any death occurring at any place in Jamaica where there is reasonable cause to suspect that the death occurred as a result of the act or omission of an agent of the State.

Jurisdiction
and functions
of Special
Coroner.

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