

CHAPTER 9.

CORONERS.

ARRANGEMENT OF SECTIONS.

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FIRST SCHEDULE.
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CHAPTER 9.

CORONERS.

33 of 1907.
Sec. 23 of
12 of 1924.
14 of 1929.
22 of 1933.
9 of 1946.
5 of 1955.
30 of 1956.

Short title.

An Ordinance to consolidate and amend the law relating to Coroners' Inquests.

[29TH NOVEMBER, 1907.]

Interpretation.

1. This Ordinance may be cited as the Coroners Ordinance and shall apply to the Colony and Protectorate.

2. In this Ordinance, unless the context otherwise requires—

“Coroner” includes a Deputy Coroner;

“inquest” means an inquest by a Coroner and Jury;

“enquiry” means an investigation by a Coroner without a Jury under this Ordinance;

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

Appointment of Coroners and Deputy Coroners.

3. The Governor is hereby empowered to appoint from time to time by commission under the Public Seal of the Colony such and so many persons as he shall think fit, being Justices of the Peace, as Coroners and Deputy Coroners for the respective districts or places in such commission described, who shall be removable at pleasure; and the Governor may assign to any such Coroner such salary as he may think fit not exceeding the sum of one hundred pounds per annum.

Powers of Deputy Coroners.

4. A Deputy Coroner shall only exercise the powers vested in him when the Coroner of the district is absent or sick or incapable or from any other reasonable or unavoidable cause is unable to perform his duties.

Fees of Deputy Coroners.

5. A Deputy Coroner shall be entitled to receive a fee of two guineas for every inquest holden by him.

6. Every District Commissioner shall be *ex officio* a Coroner for his district.

District Commissioner
Coroner for
his district.

CASES IN WHICH INQUESTS OR ENQUIRIES ARE TO BE HELD.

7. It shall be the duty of every Coroner to hold an inquest or an enquiry, according as this Ordinance directs, on the body of any deceased person within his district, whenever there is reason to suspect that the deceased person died from violence or unfair means or by culpable or negligent conduct either of himself or others and also whenever any death shall have occurred under circumstances appearing to the Coroner to require investigation:

Duty of
Coroner.

Provided always that it shall be lawful for every Coroner, before holding any such inquest or enquiry, to direct a medical practitioner to make an examination of the body of such deceased person, and to make a written report to him as to the probable cause of death of such deceased person and, if the Coroner is then satisfied that the circumstances of any such death do not require further investigation, no such inquest or enquiry shall be held.

8. (1) A Judge of the Supreme Court in chambers may, on the application of a Coroner whose duty it is under this Ordinance to hold an inquest or an enquiry, order that such inquest or enquiry be held in a specified district other than that of the Coroner who makes the application.

Transfer of
inquests and
enquiries.
5 of 1955.

(2) Where an order under sub-section (1) has been made in respect of any inquest or enquiry, such inquest or enquiry shall, notwithstanding anything to the contrary contained in this Ordinance, be held by the Coroner of the district specified in such order and shall be in place of the inquest or enquiry, as the case may be, which would otherwise have been held by the Coroner on whose application the order was made.

9. An inquest or an enquiry may be held on Sunday.

10. Upon the death of any prisoner or of any lunatic confined in any mental hospital, the gaoler or keeper of any gaol, penitentiary, prison, or mental hospital in which such prisoner or lunatic dies, shall immediately give notice thereof to the Coroner of the district in which such death has taken place, and such Coroner shall forthwith hold an inquest upon the body where death has taken place in the Colony or an enquiry where death has taken place in the Protectorate, but no prisoner shall be a juror on such inquest.

Inquests on
prisoners and
lunatics.

9 of 1946.

Inquests
after private
execution.

9 of 1946.

11. The Coroner of the District wherein judgment of death is privately executed on any offender shall, within twenty-four hours after the execution, hold an inquest on the body of the offender where death has taken place in the Colony, or an enquiry where death has taken place in the Protectorate, and the jury at the inquest or the Coroner at the enquiry shall enquire into and ascertain the identity of the body and whether judgment of death was duly executed on the offender. No officer of the gaol or prisoner confined therein shall in any case be a juror on the inquest.

Other cases
in which an
inquest is to
be held.

12. If the body of a deceased person is found within any of the places specified in the second schedule hereto and if it appears to the Coroner—

(a) that there is reason to suspect that the death was caused by an accident arising out of the use of a vehicle in a street or public highway; or

(b) that there is reason to suspect that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public; or

(c) that it is for any reason desirable that there should be an inquest rather than an enquiry;
the Coroner shall hold an inquest, and he shall hold an inquest notwithstanding that he may have begun an enquiry.

Cases in
which an
enquiry is to
be held.

13. The Coroner shall hold an enquiry in all cases in which he is required by section 7 to hold an inquest or an enquiry, and is not by sections 10, 11 or 12 required to hold an inquest.

VIEWING THE BODY

Viewing the
body.

14. In the case of an inquest it shall not be necessary for the Coroner or any member of the Jury, subject as hereinafter in this section provided, to view the body of the deceased; and in the case of an inquiry it shall not be necessary for the Coroner to view such body:

Provided, however, that the Coroner may, if he thinks fit, view the body of the deceased at any time before it is buried and shall do so when holding an inquest under section 9 of this Ordinance:

Provided also that the Coroner may, in the case of an inquest and before the body of the deceased is buried, direct that the body shall be viewed by the jury and thereupon all members of the jury shall view it accordingly.

INQUESTS.

15. The Coroner shall, before holding any inquest, issue his warrant directed to the Commissioner of Police and the constables of the Colony requiring them to summon a jury of men qualified, as hereinafter mentioned (which warrant may be in the Form A in the first schedule to this Ordinance) and he shall, whenever he thinks necessary, require any person to give evidence before him by causing a summons to be served on such person in the Form B in the first schedule to this Ordinance.

Summoning
of jurors and
witnesses.

16. The jury aforesaid shall consist of not less than five persons (who shall be adult householders resident in the district) and the verdict or finding of them, or a majority of them, taken as hereinafter mentioned, shall have the same force and effect as the verdict or finding of a jury of twelve persons, any law to the contrary notwithstanding. Every juror shall be deemed to be sufficiently summoned if he is required verbally to attend by the officer executing the warrant aforesaid and the same be shown to him; and the officer shall endorse a memorandum on the back of the warrant stating that the juror was summoned to attend and that the warrant was shown to him. All persons qualified as jurors under the Jurors and Assessors Ordinance, or any Ordinance amending the same, shall be liable to serve upon any Coroner's jury when summoned to attend thereon.

Constitution
of jury.

Cap. 38.

17. Every summons may be served either personally or by leaving the same at the last known place of abode of the person named in the summons.

Service of
summons.

18. If any person having been duly summoned as aforesaid, as a juror to serve, or as a witness to give evidence, upon any Coroner's inquest shall not appear after being openly called three times and serve as such juror or appear and give evidence as such witness, the Coroner may impose a fine upon the delinquent person not exceeding one pound, and in default of payment of such fine the same may be levied by distress on the goods and chattels of the delinquent, and if sufficient distress cannot be found then the Coroner is hereby empowered to commit such person to the common gaol for any period not exceeding seven days.

Imposition of
fine on juror
or witness not
obeying the
summons.

19. The Coroner is hereby empowered, if he thinks fit, to issue his warrant (which may be in the Form C in the first schedule hereto) for the arrest of any person who fails to appear before him after being duly summoned as aforesaid.

Issue by
Coroner of
warrant to
compel
attendance.