1980 No. 444

CORONERS

Coroners (Practice and Procedure) (Amendment) Rules (Northern Ireland) 1980

Made	*4th December 1980*
Coming into operation . . .	*1st February 1981*

The Lord Chancellor in pursuance of section 36(1)((*b*) of the Coroners Act (Northern Ireland) 1959(**a**) and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Coroners (Practice and Procedure) (Amendment) Rules (Northern Ireland) 1980 and shall come into operation on 1st February 1981.

Amendment of the 1963 Rules

2. The provisions of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963(**b**) specified in the first column of the Schedule hereto shall have effect subject to the amendments specified in the second column thereof.

Hailsham of St. Marylebone, C.

Dated 4th December 1980

(a) 1959 c. 15 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541) and as amended by 1978 c. 23
(b) S.R. & O. (N.I.) 1963 No. 199 (p. 672) as amended by S.R. & O. (N.I.) 1967 No. 105 (p. 319), and S.R. 1976 No. 340 (II, p. 1686)

SCHEDULE

Provision amended	*Amendment*
Rule 8	For paragraph (1) there shall be substituted the following paragraph: "(1) Except as provided in rule 9(2) the coroner may at his discretion examine on oath at an inquest any person summoned as a witness or any person tendering evidence and likely to have knowledge of the relevant facts."
Rule 9	In paragraph (1) after the word "himself" there shall be added the words "or his spouse".
Rule 11	For rule 11 there shall be substituted the following rule: "**11.**—(1) A coroner may— (*a*) adjourn an inquest either before the time for which it has been fixed or at or after its commencement, and he may adjourn it either to a fixed date, hour and place or sine die; (*b*) if he adjourns the inquest after the jury has been sworn he may discharge the jury. (2) A coroner may decide not to resume an inquest which has been adjourned, and if he does resume an adjourned inquest where the jury has been discharged he shall proceed in all respects as if the inquest were a fresh inquest and the provisions of the Coroners Act (Northern Ireland) 1959 shall apply accordingly. (3) Where a coroner adjourns an inquest he shall give notice of the date, hour and place of the resumed hearing to the members of the jury, if any, the witnesses and any other person appearing in person or represented at the inquest and shall similarly give notice if he decides not to resume the inquest".
Rule 12	For paragraph (1) there shall be substituted the following paragraph: "(1) If the superintendent requests a coroner to adjourn an inquest on the ground that a person may be charged with the murder, manslaughter, child destruction or infanticide of the deceased or under section 118(1) of the Road Traffic Act (Northern Ireland) 1970(**a**) with the offence of having caused the death of the deceased by driving recklessly, or under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966(**b**) with the offence of aiding, abetting, counselling or procuring the suicide of the deceased, the coroner shall adjourn the inquest for twenty-eight days or for such longer period as he may think fit".
Rule 13	In paragraph (1): (*a*) for the reference to "section 38(3) of the Road Traffic Act (Northern Ireland) 1955" there shall be substituted a reference to "section 118(1) of the Road Traffic Act (Northern Ireland) 1970".

(**a**) 1970 c. 2 (N.I.)
(**b**) 1966 c. 20 (N.I.)

Provision amended	*Amendment*
	(*b*) for the word "dangerously" there shall be substituted the word "recklessly". (*c*) after the words "driving recklessly" there shall be inserted the words "or under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 with the offence of aiding, abetting, counselling or procuring the suicide of the deceased." (*d*) the words from "and may" to the end of the paragraph are hereby revoked. Paragraph (3) is hereby revoked. In paragraph (5) for the word "dangerously" there shall be substituted the word "recklessly" and after the word "recklessly" there shall be inserted the words "or with aiding, abetting, counselling or procuring the suicide of another."
Rule 14	Rule 14 is hereby revoked.
Rule 15	In paragraph (*c*) for the reference to "the Births and Deaths Registration Acts (Northern Ireland) 1863 to 1956" there shall be substituted a reference to "the Births and Deaths Registration (Northern Ireland) Order 1976"(a).
Rule 16	The proviso to rule 16 is hereby revoked.
Rule 17	For rule 17 there shall be substituted the following rule: "(1) A document may be admitted in evidence at an inquest if the coroner considers that the attendance as a witness by the maker of the document is unnecessary and the document is produced from a source considered reliable by the coroner. (2) If such a document is admitted in evidence at an inquest the inquest may, at the discretion of the coroner, be adjourned to enable the maker of the document to give oral evidence if the coroner or any properly interested person reasonably so desires. (3) Such a document shall be marked by the coroner in accordance with these rules with the additional words "received pursuant to rule 17".
Rule 21	For rule 21 there shall be substituted the following rule: "Where the coroner sits with a jury he shall sum up the evidence to the jury and draw their attention to such of these rules as may be relevant before they consider their verdict".
Rule 22	In paragraph (1) for the words "who the deceased was, and how, when and where he died" there shall be substituted the words "the matters specified in rule 15".

(a) S.I. 1976/1041 (N.I. 14)