1963. No. 199 **[C]**

INQUESTS AND POST-MORTEM EXAMINATIONS

RULES, DATED 24TH OCTOBER, 1963, MADE BY THE MINISTRY OF HOME AFFAIRS, AFTER CONSULTATION WITH THE LORD CHIEF JUSTICE, UNDER SECTION 36(1)(*b*) OF THE CORONERS ACT (NORTHERN IRELAND) 1959.

The Ministry of Home Affairs in exercise of the powers conferred on it by Section 36(1)(*b*) of the Coroners Act (Northern Ireland) 1959(a) and after consultation with the Lord Chief Justice of Northern Ireland, hereby makes the following Rules:—

Citation and Commencement

1. These Rules may be cited as the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963, and shall come into force on 18th November, 1963.

Availability of Coroner

2. A coroner shall at all times hold himself ready to undertake, either by himself or his deputy, any duties in connection with deaths reported to him, inquests and post-mortem examinations.

(a) 1959, c. 15.

Inquests

3. On being notified of any death the coroner shall, without delay, make such inquiries and take all such steps as may be required to enable him to decide whether or not an inquest is necessary, and every inquest shall be held as soon as is practicable after the coroner has been notified of the death.

4. Every inquest shall be opened, adjourned and closed in a formal manner.

5. Every inquest shall be held in public:

Provided that the coroner may direct that the public be excluded from an inquest or any part of an inquest if he considers that it would be in the interest of national security so to do.

6. An inquest shall not be held on Christmas Day, Good Friday, or a Bank Holiday unless the coroner thinks it requisite on grounds of urgency that an inquest should be held on such a day, and no inquest shall be held on a Sunday.

7.—(1) Without prejudice to any enactment with regard to the examination of witnesses at an inquest, any person who in the opinion of the coroner is a properly interested person shall be entitled to examine any witness at an inquest either in person or by counsel or solicitor, provided that the coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(2) If the death of the deceased may have been caused by an injury received in the course of his employment or by an industrial disease, any person appointed by a trade union to which the deceased at the time of his death belonged shall be deemed to be a properly interested person for the purpose of this Rule.

8.—(1) The coroner shall examine on oath, touching the death of a person on whom an inquest is held, all persons who tender their evidence respecting the facts and all persons whom he thinks it expedient to examine as being likely to have knowledge of the relevant facts.

(2) Unless the coroner otherwise determines, a witness at an inquest shall be examined first by the coroner and, if the witness is represented at the inquest, lastly by his representative.

9.—(1) No witness at an inquest shall be obliged to answer any question tending to incriminate himself, and, where it appears to the coroner that a witness has been asked such a question, the coroner shall inform the witness that he may refuse to answer.

(2) Where a person is suspected of causing the death, or has been charged or is likely to be charged with an offence relating to the death, he shall not be compelled to give evidence at the inquest.

(3) Where a person mentioned in paragraph (2) offers to give evidence the coroner shall inform him that he is not obliged to do so, and that such evidence may be subject to cross-examination.

10. Any person whose conduct is likely in the opinion of the coroner to be called in question at an inquest, shall, if not duly summoned to give evidence at the inquest, be given reasonable notice of the date, hour and place at which the inquest will be held.

11. Where a coroner has fixed a date, hour and place for the holding of an adjourned inquest, he may, at any time before the date so fixed, alter the date, hour or place fixed and shall then give notice of the alteration to the members of the jury (if any), the witnesses, and any other person appearing in person or represented at the inquest.

12.—(1) If the district inspector 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, the coroner shall adjourn the inquest for fourteen days or for such longer period as he may think fit.

(2) At any time before the date fixed for the holding of the adjourned inquest, the district inspector may ask the coroner for a further adjournment and the coroner may comply with his request.

13.—(1) If on an inquest touching a death the coroner is informed that some person has been charged before a justice of the peace with the murder, manslaughter, child destruction or infanticide of the deceased, or under Section 38(3) of the Road Traffic Act (Northern Ireland) 1955(a) with the offence of having caused the death of the deceased by driving dangerously, he shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings and may if he thinks fit discharge the jury.

(2) After the conclusion of the criminal proceedings the coroner may, subject as hereinafter provided, resume the adjourned inquest if he is of opinion that there is sufficient cause to do so.

(3) When a coroner resumes an inquest which has been adjourned in accordance with the requirements of this Rule and the jury has been discharged the coroner shall proceed in all respects as if the inquest had not previously been begun, and the provisions of the Coroners Act (Northern Ireland) 1959 shall apply accordingly as if the resumed inquest were a fresh inquest.

(4) If the coroner decides not to resume the inquest, he shall furnish the registrar of deaths with a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest, and the registrar shall enter the death and particulars in the form and manner prescribed under the Births and Deaths Registration Acts (Northern Ireland) 1863 to 1956.

(5) It shall be the duty of the clerk of petty sessions acting for a petty sessions district from which a person charged with murder, manslaughter, child destruction or infanticide or causing death by driving dangerously is committed for trial or is discharged to inform the coroner who is responsible for holding an inquest upon the body of the making of the charge, and of the committal for trial, or discharge, as the case may be, of the person charged, and it shall be the duty of the clerk of any court to which a person so charged is committed for trial, and of the registrar of the court before which any appeal from a conviction of such charge is heard, to inform the coroner of the result of the proceedings before that court.

(6) For the purposes of this Rule, the expression "the criminal proceedings" includes both the preliminary investigation of any indictable offence and proceedings before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard,

(a) 1955, c. 27.

and criminal proceedings shall not be deemed to be concluded until no further appeal can, without an extension of time being granted by the Court of Criminal Appeal, be made in the course thereof.

14.—(1) If an inquest which has been adjourned in pursuance of Rule 13 is not to be resumed, the coroner shall notify the jurors, the witnesses, the district inspector, and any other person appearing in person or represented at the inquest that the inquest will not be resumed.

(2) If an inquest which has been adjourned as aforesaid is to be resumed, the coroner shall give reasonable notice of the date, hour and place at which the inquest will be resumed to the jurors, the witnesses, the district inspector and any other person appearing in person or represented at the inquest.

15. The proceedings and evidence at an inquest shall be directed solely to ascertaining the following matters, namely:—

(*a*) who the deceased was;

(*b*) how, when and where the deceased came by his death;

(*c*) the particulars for the time being required by the Births and Deaths Registration Acts (Northern Ireland) 1863 to 1956 to be registered concerning the death.

16. Neither the coroner nor the jury shall express any opinion on questions of criminal or civil liability or on any matters other than those referred to in the last foregoing Rule:

Provided that nothing in this Rule shall preclude the coroner or the jury from making a recommendation designed to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held.

17.—(1) The report of a post-mortem examination carried out at the request of the coroner may be admitted in evidence at an inquest if the coroner considers that the attendance as a witness of the medical practitioner who made the report is unnecessary.

(2) Any other documentary evidence as to how the deceased came by his death shall not be admissible at an inquest unless the coroner is satisfied that there is good and sufficient reason why the maker of the document should not attend the inquest.

(3) If such report or document is admitted in evidence at an inquest, the inquest shall be adjourned to enable the maker of the report or the document to give oral evidence if the coroner or any properly interested person so desires.

18. All exhibits produced in evidence at an inquest shall be marked with consecutive numbers and each number shall be preceded by the letter "C".

19. The coroner shall make, or cause to be made, a note of the evidence of each witness, and such note shall be signed by the witness and also by the coroner.

20. No person shall be allowed to address the coroner or the jury as to the facts unless the coroner shall so permit.

21. Where the coroner sits with a jury, he shall sum up the evidence to the jury and direct them as to the law before they consider their verdict and shall draw their attention to the provisions of Rules 16, 22 and 23.

22.—(1) After hearing the evidence the coroner, or, where the inquest is held by a coroner with a jury, the jury, after hearing the summing up of the coroner shall give a verdict in writing, which verdict shall, so far as such particulars have been proved, be confined to a statement of who the deceased was, and how, when and where he died.

(2) When it is proved that the deceased took his own life the verdict shall be that the deceased died by his own act, and where in the course of the proceedings it appears from the evidence that at the time the deceased died by his own act the balance of his mind was disturbed, the words "whilst the balance of his mind was disturbed" may be added as part of the verdict.

23.—(1) Any verdict given in pursuance of Rule 22 shall be recorded in the form set out in the Third Schedule.

(2) The coroner shall not record any rider unless the rider is, in the opinion of the coroner, designed to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held.

Removal and Deposit of Bodies

24.—(1) Each coroner shall make arrangements with one, or more than one, reputable funeral undertaker for the expeditious removal, in appropriate vehicles, of dead bodies which require to be removed for the purpose of investigating the cause of death or otherwise, and such means of transport shall be used wherever it is practicable to do so.

(2) Where a coroner takes possession of a dead body he shall, if necessary, take appropriate measures to ensure that the body will not decompose while it is in his possession, and for that purpose he may take such steps to preserve the body as he deems necessary.

(3) Where a dead body is conveyed to a mortuary, morgue or other suitable place, the body, and the clothing, if any, shall be carefully examined for any articles or property that may be thereon, and an inventory of the clothing and other articles or property found on the body or amongst the articles of clothing shall be made, and at least two persons shall be present when this duty is performed.

The examination and preparation of the inventory shall be carried out by the mortuary attendant or by such other person as may be deputed by the authority or person in charge of the mortuary, morgue or place, and shall be witnessed by the constable or other person who accompanied the body, and the inventory shall be signed both by the person making the examination and by the witness. If a relative is available, he shall be invited to be present and to act as a witness should he so desire.

The person in charge of the mortuary, morgue or place shall not allow the body to be removed therefrom without the sanction of the coroner, and all articles taken from the body shall, unless required by the Police, be retained in safe keeping by the person in charge of the mortuary, morgue or place until they are no longer required for purposes of the investigation or inquest, when they shall be handed over to the next of kin of the deceased or his representative.