

## **CORONERS AMENDMENT ACT 1999**

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**BERMUDA**  
**1999 : 1**

### **CORONERS AMENDMENT ACT 1999**

[Date of Assent 9 March 1999]

[Operative Date 1 October 1999]

WHEREAS it is expedient to amend the Coroners Act 1938:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

#### **Citation**

1 This Act may be cited as the Coroners Amendment Act 1999.

#### **Interpretation**

2 In this Act—

"the Act" means the Coroners Act 1938;

"section" means section of the Act.

#### **Amends s 1**

3 Section 1 is amended by deleting "section 2" and substituting "section 3(2)".

#### **Amends s 6**

4 Section 6 is amended—

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(a) in subsection (1), by inserting immediately before the word "neglect" the word "wilful";

(b) by the repeal of subsection (3).

### **Repeals and replaces s 8**

5 Section 8 is repealed and the following is substituted:

#### **"Duty to notify Coroner in certain cases**

8 (1) Where the dead body of a person is found on land or in the territorial waters of Bermuda, or is brought or washed ashore, and there is reason to suspect that that person—

(a) died a violent or unnatural death; or

(b) a death of which the cause is unknown,

every person finding that dead body, and every person having knowledge of that death, shall forthwith notify a police officer.

(2) Where a person dies in—

(a) a prison;

(b) a senior training school;

(c) a hospital providing treatment for persons suffering from mental disorder,

the person in charge of that institution, and every person there having knowledge of that death, shall forthwith notify a police officer.

(3) Where a person dies in police custody, every police officer having knowledge of the death shall forthwith notify a Coroner.

(4) Where notification is given to a police officer under this section, the police officer shall notify a Coroner of the facts so notified to him.

(5) Any person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of \$1000.

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### **Repeals and replaces s 10**

6 Section 10 is repealed and the following is substituted:

#### **"Duty to hold inquest in certain cases**

10 (1) Where a person has died and it appears to a Coroner, or he has reason to suspect, that that person died a violent or unnatural death or a death the cause of which is unknown and—

- (a) that his death occurred in an institution referred to in section 8(2) or in such a place or in such circumstances as to require an inquest under any other Act; or
- (b) that his death occurred in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty,

the Coroner shall hold an inquest into the death in the manner required by section 11.

(2) Nothing in section 9 shall be construed as authorizing an inquest to be dispensed with in a case to which subsection (1) applies."

### **Amends s 11**

7 Section 11 is amended—

- (a) by deleting from subsection (1) the words from "Subject" to "the Coroner" where that phrase first appears and substituting the words "Where under this Act a Coroner decides, or is required, to hold an inquest, he";
- (b) in subsection (2), by deleting from paragraph (a) everything following the first colon and substituting the following proviso—

" Provided that the following persons shall not be so summoned—

- (i) a person who is not qualified for, and liable to, jury service under the Jurors Act 1971;
- (ii) where the inquest is to be held on the body of a person who died while detained in an institution mentioned in

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section 8(2), an officer or inmate of that institution."

### **Inserts new s 11A**

8 The Act is amended by inserting after section 11 the following new section:

#### **"Appropriate officer**

11A (1) The Coroner may appoint a person to assist him in the administration of an inquest and the examination of witnesses, in this Act referred to as "the appropriate officer".

(2) The appropriate officer may at any time put or cause to be put to any person who is summoned as a juror under section 11 such questions as he thinks fit in order to establish whether or not the person is qualified to serve as a juror at an inquest."

### **Repeals and replaces s 16**

9 Section 16 is repealed and the following sections are substituted:

#### **"Coroner to notify certain persons of post-mortem**

16 (1) Where a Coroner directs a registered medical practitioner to make a post-mortem examination, the Coroner shall notify the persons and bodies set out in subsection (2) of the date, hour and place at which the examination will be made, unless to do so is impracticable or would cause the examination to be unduly delayed.

(2) The persons and bodies to be notified by the Coroner are as follows—

- (a) any relative of the deceased who has notified the Coroner of his desire to attend, or be represented at, the post-mortem examination;
- (b) the deceased's regular medical attendant;
- (c) if the deceased died in a hospital, the hospital;
- (d) if the deceased's death may have been caused by an accident or disease notice of which is

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required by or under any enactment to be given—

- (i) to an enforcing authority, the appropriate inspector appointed by, or a representative of, that authority; or
  - (ii) to an inspector appointed by an enforcing authority, that inspector;
- (e) any Government department which has notified the Coroner of its desire to be represented at the examination;
- (f) if the Commissioner of Police has notified the Coroner of his desire to be represented at the examination, the Commissioner.

(3) A person or body mentioned in subsection (2) shall be entitled to be represented at a post-mortem examination by a registered medical practitioner, or, if such a person is himself a registered medical practitioner, he shall be entitled to attend the examination in person; but the Commissioner of Police may be represented by any police officer.

(4) Nothing in this section shall be deemed to limit the discretion of a Coroner to notify any person of the date, hour and place at which a post-mortem examination will be made, and to permit him to attend the examination.

### **Coroner to notify certain persons of inquest**

16A (1) The Coroner shall notify the date, hour and place of an inquest to—

- (a) the spouse, including a common law spouse, or a near relative or personal representative of the deceased whose name and address are known to the Coroner; and
- (b) any other person who—
  - (i) in the Coroner's opinion is within subsection (4) of section 17;
  - (ii) has asked the Coroner to notify him of the date, hour and place of the inquest; and

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(iii) has supplied the Coroner with a telephone number or address for the purpose of being so notified.

(2) For the purpose of subsection (1)(a) "near relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, sister, step-parent or step-child."

**Amends s 17**

10 Section 17 is amended—

(a) by deleting subsections (2) to (4) and substituting the following subsections—

" (2) The Coroner may adjourn the sittings of the inquest from time to time.

(3) Without prejudice to any enactment regulating the examination of witnesses at an inquest, a person who satisfies the Coroner that he is within subsection (4) shall be entitled to examine any witness at an inquest either in person or by his counsel, except that—

(a) the Commissioner of Police, unless interested otherwise than as Commissioner of Police, shall only be entitled to examine a witness by his counsel; and

(b) the Coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(4) Each of the following persons shall have the rights conferred by subsection (3)—

(a) a parent, child or spouse, including a common law spouse, or a personal representative, of the deceased;

(b) any beneficiary under a policy of insurance issued on the life of the deceased;

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- (c) the insurer who issued such a policy of insurance;
- (d) any person whose act or omission or that of his agent or servant may in the opinion of the Coroner have caused, or contributed to, the deceased's death;
- (e) any person appointed by a trade union to which the deceased at the time of his death belonged, if the deceased's death may have been caused by an injury received in the course of his employment or by an industrial disease;
- (f) an inspector appointed by, or a representative of, an enforcing authority, or any person appointed by a Government department to attend the inquest;
- (g) the Commissioner of Police;
- (h) any other person who, in the Coroner's opinion, is a properly interested person.

(4A) The proceedings and evidence at the inquest shall be directed to ascertaining the following matters, namely—

- (a) who the deceased was;
- (b) how, when and where he came by his death;
- (c) the particulars referred to in subsection (5);

and neither the Coroner (subject to his duties under this Act) nor the jury shall express an opinion on anything else.

(4B) Depositions of witnesses shall be signed by the witness and the Coroner.

(4C) The Coroner shall take notes of the evidence.

(4D) Upon the conclusion of the evidence, the Coroner shall, where the inquest is held with a jury,—

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- (a) sum up the evidence and direct the jury as to the law before they consider their verdict;
- (b) draw their attention to subsections (4A) and (4E); and
- (c) ensure that a verbatim record is made contemporaneously of everything done under paragraph (a).

(4E) A verdict shall be in writing and shall not be framed in such a way as to appear to determine any question of—

- (a) criminal liability on the part of any named person; or
- (b) civil liability.

(4F) If the jury add a rider to their verdict, the Coroner need not accept or record that rider.";

- (b) by deleting from subsection (6) the words ", after the jury has been in deliberation for at least one hour,".

### **Inserts new s 24A**

11 The Act is amended by inserting after section 24 the following new section:

#### **"Rules**

24A (1) The Chief Justice may make rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular, prescribing forms and notices and the terms on which a person may be excused from service as a juror.

(2) Rules made under subsection (1) are not subject to Parliamentary scrutiny under the Statutory Instruments Act 1977."

### **Amends Form C of the First Schedule**

12 Form C of the First Schedule to the Act is amended by deleting all the words following paragraph (b) and substituting the following—



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"Here set out the conclusion of the jury as to the death:

At the end add:

In witness whereof the Coroner and the jurors have subscribed their names this            day of            .".

### **Commencement and application**

13     (1) This Act comes into operation on such day as the Minister for the time being responsible for legislative affairs may appoint by notice published in the Gazette.

          (2) This Act does not apply in relation to a death occurring before the commencement of this Act.