



**BERMUDA
1938 : 25**

CORONERS ACT 1938

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27	Commencement <i>[omitted]</i>	<i>[repealed by 1971:111]</i>

FIRST SCHEDULE

Forms

[15 August 1938]

[preamble and words of enactment omitted]

Interpretation

1 In this Act "the Senior Coroner" means the Coroner appointed by the Senior Coroner under section 3(2).

[Section 1 amended by 1999:1 s.3 effective 1 October 1999]

Governor to act after consultation with Chief Justice

2 In the exercise of the powers conferred upon him by this Act the Governor shall act after consultation with the Chief Justice.

Appointment of coroners

3 (1) The Governor shall appoint two or more persons to be Coroners in Bermuda.

(2) The Governor shall appoint one of the Coroners to be the Senior Coroner.

(3) Where any Coroner is absent or where an office of Coroner is temporarily vacant or where any Coroner is exonerated or inhibited from holding any inquest, the Governor, if he thinks it expedient to do so, may appoint a person to act temporarily as a Coroner or as the Senior Coroner (according to the circumstances) during the period of the absence or vacancy or in respect of the inquest in connection with which the exoneration or inhibition has occurred:

Provided that where a person appointed to act as a Coroner has taken any steps towards holding an inquest, or has begun to hold an inquest, and his appointment has ceased by virtue of the foregoing provisions of this subsection, he shall, for the purposes of continuing, completing and returning such inquest, and for any purposes incidental thereto, continue to act as a Coroner, with all the jurisdiction, powers, obligations and liabilities of a Coroner, until that inquest is completed and returned, or until another Coroner begins, under section 20, to hold another inquest in respect of the same matter, and until all matters incidental thereto, are concluded.

Powers and duties of coroners

4 (1) A Coroner shall have the powers and shall discharge the duties conferred or imposed upon a Coroner by or under this or any other Act; and subject to section 5 may exercise such powers and discharge such duties in any place in Bermuda.

(2) A Coroner by virtue of his office shall be a Justice of the Peace.

(3) The Senior Coroner shall have such additional powers and shall discharge such additional duties as are conferred or imposed upon the Senior Coroner by or under this or any other Act.

Allocation of duties by Senior Coroner

5 (1) Subject to any directions which may be given by the Chief Justice the Senior Coroner shall allot the duties of the several Coroners in such manner as he may think expedient; and without prejudice to the generality of the foregoing provisions of this section the Senior Coroner may from time to time specify as between one and the other the matters to be dealt with for the time being by himself and by the other Coroner or Coroners.

(2) It shall be the duty of the Senior Coroner to inform the Commissioner of Police, as may from time to time be requisite, which Coroner is, in the event of a death or of the finding of a body lying dead, for the time being to be notified in accordance with section 8.

Removal from office

6 (1) The Governor may if he thinks fit remove any Coroner from his office for inability, or wilful neglect, or misbehaviour in the discharge of his duty, or in accordance with a recommendation made under subsection (2).

(2) A Coroner shall be a person employed in the public service within the meaning of the Criminal Code [*title 8 item 31*], and on conviction for any offence thereunder, may, in addition to any other punishment be the subject of a recommendation by the Supreme Court to the Governor that he be removed from his office, and be disqualified from acting as Coroner.

(3) [*Repealed*]

[*Section 6 amended by 1999:1 s.4 effective 1 October 1999*]

Governor may exonerate or inhibit Coroner from holding particular inquest

7 The Governor may exonerate or inhibit any Coroner from holding any particular inquest.

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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.

[Section 8 amended by 1998:32 effective 13 July 1998; and repealed and replaced by 1999:1 s.5 effective 1 October 1999]

Post-mortem examination where cause of death unknown; power of Coroner to dispense with inquest if satisfied

9 (1) Where a Coroner has been notified in accordance with section 8 of a body lying dead and there is reasonable cause to suspect that such person has died a death of which the cause is unknown, the Coroner, if he is of opinion that a post-mortem examination may prove an inquest to be unnecessary, may direct any registered medical practitioner to make a post-mortem examination of the body of the deceased person and to report the result thereof to him in writing, and for the purposes of the examination the Coroner shall have the like powers and the medical practitioner shall be subject to the like punishment for disobedience as if the examination were a post-mortem

examination directed by the Coroner at an inquest upon the body of the deceased person.

(2) If as a result of any such post-mortem examination as aforesaid the Coroner is satisfied that an inquest is unnecessary he may dispense with the holding of an inquest accordingly.

(3) Where under this section a Coroner has dispensed with the holding of an inquest, he shall authorize the burial of the body by order under his hand in like manner as if an order for burial were being made at an inquest upon the body of the deceased person, and he shall also send to the Registrar-General a certificate under his hand stating the cause of death as revealed by the report of the medical practitioner who made the post-mortem examination.

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.

[Section 10 repealed and replaced by 1999:1 s.6 effective 1 October 1999]

Coroner's jury

11 (1) Where under this Act a Coroner decides, or is required, to hold an inquest, he shall forthwith take the necessary steps to hold an inquest into the death and may, if, in his discretion, he considers it expedient in any particular case to have the assistance of a jury, summon and empanel a jury in accordance with subsection (2), or he may hold the inquest without a jury:

Provided that in the case of a death in prison, a senior training school, in a hospital in which he was being treated primarily for mental

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disorder, the Coroner shall summon and empanel a jury in accordance with subsection (2).

(2) In summoning and empanelling a jury the following procedure shall be observed—

- (a) the Coroner shall issue his warrant in Form A in the First Schedule, directed to any police officer and requiring him to summon not more than eleven and not less than seven good and lawful persons, resident in the neighbourhood of the place in which the Coroner intends to hold the sittings of the inquest, and the police officer shall summon not more than eleven nor less than seven good and lawful persons to attend such inquest as jurors:

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 section 8(2), an officer or inmate of that institution.
- (b) if at least seven duly summoned jurors do not attend the inquest at the time and place appointed, the Coroner may, by endorsement on the warrant, direct any police officer to summon a sufficient number of good and lawful persons to make up the number of the jury to seven or may himself summon the requisite number from the bystanders making, in such case, a written endorsement on the warrant to that effect;
- (c) a jury may be summoned on a public holiday, but if summoned on a public holiday shall, after being sworn and after viewing the body, should they have done so in pursuance of section 13, adjourn and shall attend on the next day or any subsequent day as directed by the Coroner, then to proceed with the inquest.
- (d) when not less than seven jurors are assembled they shall be sworn by the Coroner diligently to enquire touching the death of the person on whose body the inquest is about to be held and a true verdict give according to the evidence; and subject to the Evidence Act 1905 [*title 8 item 10*], the Coroner shall administer

the oath to the jurors in the following form, that is to say,—

I swear by Almighty God that I shall diligently inquire and a true presentment make of all such matters and things as are here given me in charge on behalf of Our Sovereign Lady the Queen touching the death of A.B. (*or a person unknown*) now lying dead, (*of whose body I shall have the view*), and that I shall, without fear or favour, affection or ill will, a true verdict give according to the evidence and to the best of my skill and knowledge.

(3) A coroner sitting without a jury in pursuance of subsection (1) shall have all the powers conferred on him and on a jury under the succeeding provisions of this Act as if he were acting with the assistance of a jury and the succeeding provisions of this Act shall be construed accordingly.

[Section 11 amended by 1998:32 effective 13 July 1998; and by 1999:1 s.7 effective 1 October 1999]

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.

[Section 11A inserted by 1999:1 s.8 effective 1 October 1999]

Jurors and witnesses who do not attend or refuse to be sworn may be fined

12 (1) Any person duly summoned as a juror or witness and not being unable to attend from illness, who does not attend at the time and place named in the warrant, or who attends, and without lawful excuse refuses to be sworn, or to answer any question put to him touching his duty as a juror or witness, or who otherwise fails in the performance of such duty, shall be liable to a fine not exceeding \$720, to be imposed summarily by the Coroner.

(2) The power vested by this Act in a Coroner of fining a juror or witness shall be deemed to be in addition to, and not in derogation of, any power he may possess, independently of this Act, for compelling any

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person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court; but no person shall be fined by the Coroner under this Act, and also be punished under the power of the Coroner independently of this Act, for the same act or omission.

(3) Where a Coroner imposes a fine upon a person he shall sign a certificate describing such person, and stating the amount of such fine and the cause thereof, and shall, at the close of the inquest, send such certificate to the Registrar and shall at the same time cause a copy thereof to be served through the post or otherwise, on the person fined, and the Registrar shall enter every fine so certified in the Record or Minute Book of the Supreme Court, and the fine, if not paid to the Registrar, shall be enforced and levied by writ of execution at the suit of the Crown:

Provided that the Supreme Court may, on cause shown, remit, or reduce the amount of, such fine.

View of body

13 At or before the first sitting of an inquest, the Coroner shall, if he is not satisfied by evidence on oath as to the identification of the body, view the body, and if before the body has been buried, the Coroner so directs, or a majority of the jury so desires, the body shall be viewed by the jury also:

Provided that where a previous inquest on a body has been begun but not completed, it shall not be obligatory upon the Coroner holding a subsequent inquest to view the body.

Order for burial

14 After view of the body by the Coroner, should he consider such a view necessary, and by the jury, should they desire such view in accordance with section 13, the Coroner may, by an order under his hand in Form B in the First Schedule, authorize the body to be buried before verdict, and before registration of the death, and deliver such order to the occupier of the house or place, or the Commissioner of Prisons, or the Medical Director of the Hospital wherein such body is lying, or other person having charge of such body, or charge of the burial thereof, as his warrant for the burial thereof, and such order shall be produced to the minister or other person conducting such burial.

[Section 14 amended by 1998:32 effective 13 July 1998]

Medical witnesses; direction to hold post-mortem examination

15 (1) Where the deceased person was attended at his death, or during his last illness, by any registered medical practitioner the Coroner may summon such medical practitioner as a witness; but where the deceased person was not so attended the Coroner may summon any

registered medical practitioner in actual practice in Bermuda and such practitioner may be asked as to how in his opinion the deceased came to his death.

(2) The Coroner may direct such medical witness to make a post-mortem examination of the body of the deceased person with or without an analysis of the stomach or intestines:

Provided that where a person states upon oath before the Coroner that in his belief the death of the deceased person was caused partly or wholly by the improper or negligent treatment of a medical practitioner, or where the Coroner has reason so to believe, such medical practitioner shall not perform, or assist at, such post-mortem examination.

(3) If a majority of the jury are of opinion that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witnesses brought before them, they may in writing require the Coroner to summon as a witness some other registered medical practitioner named by them, and further to direct a post-mortem examination of the deceased person, with or without an analysis of the contents of the stomach or intestines, to be made by such last mentioned medical practitioner, and the Coroner shall comply with any such requisition.

(4) Any medical practitioner who fails to obey a summons of a Coroner issued under this section, shall, unless he shows good and sufficient cause for not having obeyed the summons, commits an offence against this Act:

Punishment on summary conviction: a fine of \$720.

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;

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- (d) if the deceased's death may have been caused by an accident or disease notice of which is 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.

[Section 16 repealed and replaced by 1999:1 s.9 effective 1 October 1999]

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
- (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.

[Section 16A inserted by 1999:1 s.9 effective 1 October 1999]

Proceedings at inquest

17 (1) The Coroner shall, at the various sittings of the inquest, examine on oath touching the death all persons who tender their evidence respecting the facts and all persons having knowledge of the facts whom he thinks it expedient to examine.

(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;
- (c) the insurer who issued such a policy of insurance;

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- (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,—

- (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.

(5) The jury shall also inquire concerning the particulars required to be registered under the Registration (Births and Deaths) Act 1949 [*title 28 item 1*], in respect of the deceased person, and the Coroner within five days after the finding of the jury is given shall send to the Registrar General a certificate under his hand giving information concerning the death and specifying the finding of the jury with respect to such particulars and to the cause of death, and specifying the time and place at which the inquest was held; and without prejudice to anything in the Registration (Births and Deaths) Act 1949 the Registrar shall, in the prescribed form and manner, enter the death and particulars, and, if the death has been previously registered, such particulars shall be entered in the prescribed manner without any alteration of the original entry.

(6) If the jury at an inquest fails to agree on a verdict, and the minority consists of not more than two, the Coroner may, accept the verdict of the majority, and such verdict when so delivered shall have the same force and effect as if the whole jury had concurred therein; and in delivering such verdict the foreman shall declare to the Coroner in the presence of the other members of the jury that not more than two members of the jury have not concurred therein.

(7) If after two hours deliberation a majority of the jury are unable to return a verdict by virtue of subsection (6), the Coroner shall either discharge the jury and take the necessary steps for holding another inquest or shall adjourn the inquest into the Supreme Court as hereinafter in this Act provided.

(8) In all cases where the jury find a verdict the Coroner shall within two days from the conclusion of the inquest return the inquisition and all depositions and exhibits into the office of the Deputy Governor.

(9) The inquisition shall be under the hands of the jurors who concur in the verdict, and of the Coroner.

(10) The inquisition may be written or printed, or partly written and partly printed, and may be in Form C in the First Schedule, or to the like effect, or in such other form as the Supreme Court may time to time prescribe.

[Section 17(2)-(4) deleted and replaced by subsections (2)-(4F), and subsection (6) amended by 1999:1 s.10 effective 1 October 1999]

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Adjournment of inquest where person charged with murder, manslaughter or infanticide

18 (1) If in circumstances which require the holding of an inquest touching a death under this Act the Coroner before the commencement of the inquest is informed that some person has been charged before a magistrate with the murder, manslaughter or infanticide of the deceased person, he shall proceed to summon and empanel a jury as hereinbefore in this Act provided, but, after view of the body by the Coroner, and, should they desire such view in accordance with section 13, by the jury he shall forthwith adjourn the inquest until after the conclusion of the criminal proceedings.

(2) If during an inquest touching a death the Coroner is informed before the jury have given their verdict that some person has been charged before a magistrate with the murder, manslaughter or infanticide of the deceased person, he shall adjourn the inquest until after the conclusion of the criminal proceedings.

(3) 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:

Provided that if in the course of the criminal proceedings any person has been charged on indictment, then upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted on the indictment or contain any finding which is inconsistent with the determination of any matter by the result of those proceedings.

(4) If having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall send to the Registrar General a certificate under his hand 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 General shall enter the death and particulars in the form and manner prescribed.

(5) It shall be the duty of the magistrate before whom a person is charged with murder, manslaughter, or infanticide to inform the Coroner who is responsible for holding an inquest of the making of the charge, and where a person charged with murder, manslaughter, or infanticide is committed for trial to the Supreme Court it shall be the duty of the Registrar to inform the Coroner of the result of the proceedings in the Supreme Court and of the result of any proceeding which may be taken by way of appeal from the Supreme Court.

(6) For the purposes of this section, "the criminal proceedings" means the proceedings before a magistrate, and if the accused person is committed for trial, the proceedings before the Supreme Court and, if an appeal is made from the Supreme Court the proceedings on appeal; and

criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof.

Governor may direct inquest to be held where body destroyed or not recoverable

19 (1) Notwithstanding anything in the foregoing provisions of this Act, where a Coroner has reason to believe that a death has occurred in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of this section, he shall report the facts to the Governor who may, if reconsiders it expedient to do so, direct an inquest to be held touching the death, and an inquest shall be held accordingly by such Coroner as the Governor may direct.

(2) Where an inquest is held in the circumstances mentioned in subsection (1) this Act shall apply and have effect in relation to the inquest with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of a body.

Coroner unable to complete inquest

20 (1) Where a Coroner duly notified in accordance with section 8 is unable for any reason to hold, or to take any necessary steps for holding, an inquest into the death so notified to him, the Senior Coroner shall direct another Coroner to proceed therein; and any steps taken by such former Coroner prior to the holding of the sittings of the inquest shall be deemed to be valid and effectual in relation to the holding of the inquest by the latter Coroner.

(2) Where it is not possible to complete an inquest otherwise than by reason of the disagreement of the jury as mentioned in section 17(6)), the Senior Coroner shall give the necessary directions for holding another inquest, either by the same or by another Coroner; and the foregoing provisions of this Act shall have effect, with necessary modifications, with respect to the holding of the new inquest.

(3) Nothing in the foregoing provisions of this section shall derogate from or abridge anything in section 21 or section 22.

Procedure where inquest adjourned to Supreme Court

21 (1) Where an inquest has been adjourned to the Supreme Court, the Coroner shall forward a notice to that effect to the Registrar, with the depositions or written notes of the evidence taken by the Coroner on such inquest and the names of the jurors constituting the jury, and a judge shall as soon as may be fix a day for the adjourned inquest to be held before the Supreme Court.

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(2) jurors who served on such inquest shall be summoned to attend the adjourned inquest in such manner as a judge may direct and such jurors shall attend accordingly.

(3) A judge may in respect of an adjourned inquest, direct that any witness shall be summoned to attend such inquest to give evidence on oath touching the same.

(4) Any juror or witness not attending, after having been duly summoned, shall be liable to such fine not exceeding \$720 as the Supreme Court may impose, so, however, that the Court shall have power to remit the whole or any part of such fine on being satisfied that the absence of such juror or witness was occasioned by reasonable cause.

(5) At the adjourned inquest the judge composing the Court shall, after the taking of further evidence (if any) as aforesaid, charge the jury with respect to the evidence and the law applicable thereto, and the jury shall then consider their verdict.

(6) If after two hours deliberation a majority of at least three-fourths of the jury do not agree on the verdict the judge composing the Court may at any time direct the jury to be discharged without giving a verdict.

Application to Supreme Court by Attorney-General

22 (1) If the Supreme Court, upon application made by or on behalf of the Attorney-General, is satisfied either —

- (a) that a Coroner refuses or neglects to hold an inquest which ought to be held touching a death; or
- (b) where an inquest touching a death has been held by the Coroner, that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise, it is necessary or desirable in the interests of justice that another inquest should be held,

then the Supreme Court may order an inquest to be held touching such death, and may, if the Court thinks just, order the Coroner to pay such costs of and incidental to the application as to the Court seems just; and where an inquest has been already held the Court may quash the verdict on that inquest.

(2) The Supreme Court may order that such inquest shall be held either by the same Coroner or by any other Coroner.

(3) At any such inquest it shall not be necessary, unless the Supreme Court otherwise orders, to view the body, or to state that the inquest is taken on view of the body unless it is so taken.

(4) The Supreme Court shall not quash any verdict merely for defect in form, but the Court may order the Registrar to amend any

defect in the verdict or inquisition and any variance occurring between such verdict and the evidence offered in proof thereof, if the Court is of opinion that such defect or variance is not material to the merits of the case.

(5) Without prejudice to the generality of the foregoing provisions of this section, the powers of the Supreme Court under the said provisions shall extend to and may be exercised where the Court is satisfied that by reason of the discovery of new facts or new evidence it is necessary or desirable in the interests of justice that an inquisition on an inquest previously held should be quashed, and that another inquest should be held.

Inquest after a fire

23 Whenever any loss of life or serious injury to any person, or any destruction of or material injury to property, is occasioned by fire, or any fire gives rise to suspicion of arson, a Coroner shall have jurisdiction to inquire into the cause and circumstances of such fire, the means which were available for preventing the fire, and all matters connected therewith; and the provisions of this Act as to proceedings on inquests and otherwise shall, so far as is consistent with the tenor thereof, apply to every such inquest.

Inquest of treasure trove

24 A Coroner shall have jurisdiction to inquire of treasure that is found, as to who were the finders, and who is suspected thereof, and the provisions of this Act shall, so far as is consistent with the tenor thereof, apply to every such inquest.

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.

[Section 24A inserted by 1999:1 s.11 effective 1 October 1999]

Enforcement of fines

25 All fines imposed by this Act, the mode of enforcement whereof is not otherwise provided for, may be sued for and recovered with costs by the Coroner before a court of summary jurisdiction.

CORONERS ACT 1938

Consolidated Fund

26 The fees and expenses prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*] shall be payable out of the Consolidated Fund on the Coroner's certificate of the due performance of the service.

Commencement

27 [*omitted*]

[This Act was brought into operation on 1 August 1939 by notice published in Gazette No. 31 of 1939]

SCHEDULES

FIRST SCHEDULE

FORMS

FORM A

WARRANT FOR SUMMONING A JURY

Bermuda Islands

[blank] Parish to wit.

To (*name of police officer*) one of the police officers of Bermuda.

In pursuance of the Coroners Act, 1938, you are hereby required to summon not more than eleven and not less than seven good and lawful persons resident in the neighbourhood of [blank] in [blank] Parish to attend as jurors an inquest to be held at that place on the [blank] day of [blank] at [blank] o'clock in the [blank] noon, on

Dated this [blank] day of [blank] 19 [blank]

.....
(Signature of Coroner) (Seal.)

*insert the subject matter of the inquest—

Examples—

(a) *"the body of A.B." or, if the deceased is unknown, "the body of a person (child, or infant, as the case may be) unknown."*

(b) *"a fire which took place at [blank] on the [blank] day of [blank] 19 [blank]."*

CORONERS ACT 1938

FORM B

ORDER FOR BURIAL

I, the undersigned, a Coroner for Bermuda do hereby authorize the burial of the body of [blank]

Witness my hand this [blank] day of [blank] 19 [blank]

.....
Coroner

FORM C

FORM OF INQUISITION

Bermuda Islands

[blank] Parish to wit.

An inquisition taken for our Sovereign (*Lady the Queen*) at [blank] in the Parish of [blank] in Bermuda on the [blank] day of [blank] 19 [blank], and by adjournment on the [blank] day of [blank] or (*as the case may require*) before A.B. one of the Coroners of our (*Lady the Queen*) for Bermuda upon the oath (*or on affirmation*) of (*here insert the names of jurors L.M.N. etc.*) being good and lawful persons of Bermuda duly sworn to inquire for our (*Lady the Queen*) as to the death of A.B., (*or a person to the jurors unknown*); and those of the said jurors whose names are hereunto subscribed upon their oath (*or on affirmation*) do say;

(Here set out the circumstances of the death, as, for example:

- (a) That the said A.B. was found dead on the [blank] day of [blank] in the year aforesaid at [blank] in the parish of [blank] in Bermuda (or set out the place of death) and*
- (b) The cause of his death was that he was thrown by C.D against the ground, whereby, the said A.B. had a violent concussion of the brain and instantly died (or set out other cause of death).*

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 .

[Words following paragraph (b) of Form C in First Schedule substituted by 1999:1 s.12 effective 1 October 1999]

SECOND SCHEDULE

[Deleted by 1971:111]

[See Delegation of Functions Order 1974 GN 334/1974 as to delegation of functions of Governor under this Act to Chief Justice]

[Amended by:

1940 : 3	1949 : 26	1955 : 38
1942 : 39	1949 : 40	1959 : 60
1946 : 62	1950 : 77	1966 : 55
1946 : 74	1951 : 63	1969 : 182
1947 : 35	1951 : 68	1969 : 667
1948 : 15	1951 : 87	1998 : 32
1948 : 25	1952 : 3	1999 : 1]
1948 : 48	1952 : 11	