

General Scheme of

Coroners Bill 2005

20 December 2005

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Part I

Preliminary and General

Head: 1. Short Title and Commencement

Provide that:

- (1): This Act may be cited as the Coroners Act, [].
- (2): The Minister for Justice, Equality and Law Reform may, by order or orders, appoint such day or days on which this Act shall come into operation, and different days may be so appointed for different purposes and different provisions.

Head: 2. Interpretation

Provide that:

- (1): In this Act, except the context otherwise requires -
- “authorised person” has the meaning given by Head 36;
- “body” means the complete body of a dead human being, the body of a foetus or of a stillborn child, old human remains, a partially destroyed body or an essential part or parts of a body or the calcimined remains or ashes;
- “coroner” means a person appointed to the office of Chief Coroner, Deputy Chief Coroner, coroner or deputy coroner under this Act;
- "deputy chief coroner" has the meaning given to it by Head 12 of this Act;
- "deputy coroner" has the meaning given to it by Head 14 of this Act;
- “disposal” in relation to a body, means disposal by burial, either on land, at sea, by cremation or by any other means and cognate words shall be construed accordingly;
- “document” includes any book, record or other written or printed material in any form, map, plan or drawing, sound recording or visual images including any information stored, maintained, reproduced or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form;
- “evidence” includes any expression, orally, in writing or otherwise, of an opinion, belief or intention;

“funeral director” means a person having charge of the disposal of a body;

“functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of powers and the carrying out of duties;

“investigation”, in relation to a coroner, means the inquiry being carried out or to be carried out by the coroner in accordance with the provisions of this Act;

“inquest”, in relation to this Act means the inquest carried out or to be carried out pursuant to Head 42;

“interested persons” in relation to this Act means [];

“next of kin” in relation to this Act means [];

“notice” means a notice in writing (which may be sent by electronic means);

"prescribed" save where the context otherwise requires means prescribed by regulations made by the Minister;

"post-mortem examination" includes a description of marks or injuries on the body and a full three cavity examination carried out by a qualified histopathologist or a trainee histopathologist under his/her direction;

“premises” includes any building, dwelling, temporary construction, vehicle, ship or aircraft;

"registered medical practitioner" means a person who is registered, other than provisionally or temporarily, under the Medical Practitioners Acts, [1927 to 1961], in the Register of Medical Practitioners for Ireland;

“representative” in relation to this Act means []:

“staff of the Coroner Service” means a person assigned to it under Head [];

"the Minister" means the Minister for Justice, Equality and Law Reform;

“verdict”, in relation to an inquest, means the verdict prepared pursuant to Head [] by the inquest;

(2): For the purposes of this Act, a document in the power of a body corporate or an unincorporated body of any kind is considered, in the absence of evidence to the contrary, to be also in the power of any individual who, because of his or her functions or position within the body corporate or the unincorporated body, as the case may be, can reasonably be expected to have control over the document.

Head: 3. Regulations

Provide that:

The Minister may make regulations in relation to any matter referred to in this Act as prescribed or to be prescribed.

Head: 4. Orders and regulations

Provide that:

Every order or regulation made under this Act by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to anything previously done there under.

Head: 5. Expenses of the Minister

Provide that:

The expenses incurred by the Minister in the administration of this Act shall to such extent as may be sanctioned by the Minister for Finance be paid out of monies provided by the Oireachtas.

Head: 6. Repeals and transitional provisions

Provide that:

The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of the Schedule.

Part II

Head: 7. Establishment day

Provide that:

The Minister shall by order appoint a day to be the establishment day of this Part.

Head: 8. Establishment of the Coroner Service

Provide that:

On the establishment day, a service known as the Coroner Service or in the Irish language an tSerbhís Chróinéara, stands established to perform the functions conferred on it by this Act.

Head: 9. Organisation of the Coroner Service

Provide that:

(1): The Coroner Service shall comprise –

- (a) the Chief Coroner,
- (b) the Deputy Chief Coroner,
- (c) [such] coroners, and
- (d) [such] deputy coroners

as the Minister shall from time to time appoint.

(2): The Coroner Service shall be organised on such a regional basis as the Minister may from time to time, by order, determine.

(3): In determining the number of coroner regions and the allocation of coroners to those regions, the Minister shall have regard to –

- (a) the size of the population and its distribution,
- (b) the mortality rate,
- (c) the configuration of cities, towns and hospitals,
- (d) the likely availability and distribution of support services,
- (e) the opinion of the Chief Coroner, and
- (f) any opinion of the Coroner Service Advisory Committee.

Head: 10. Coroner Service Advisory Committee

Provide that:

(1): A Coroner Service Advisory Committee shall be established to advise the Minister on all matters pertaining to the work of coroners.

(2): The Committee shall, without prejudice to any other matter, consider all matters pertaining to the operation of the coronial service. These may include - definition of terms, - deaths reportable to coroners, - post-mortem examinations, including by the State Pathologist, - certification of death, - inquests, - verdicts, - review mechanisms, - forms to be used in connection with coronial matters, - procedures for clearance for burial, cremation or exhumation, - revision of coroners rules.

(3): The Committee shall be chaired by the Chief Coroner or in his or her absence, the Deputy Chief Coroner.

(4): The Committee may make recommendations to the Minister with regard to any of the provisions of this Act which shall be considered by the Minister.

(5): The members of the Advisory Committee shall include —

(a) the Chief Coroner and Deputy Chief Coroner,

(b) [] representatives of the Coroners Society of Ireland,

(c) the Director of the Coroner Service,

(d) the Commissioner of the Garda Síochána or such other member of the Garda Síochána not below the rank of Superintendent as the Commissioner may nominate in that behalf,

(e) an officer of the Minister,

(f) a representative of any other Minister of the Government who, in the opinion of the Minister, is directly concerned with or responsible for activities relevant to the functions of the Coroner Service, and

(g) any other suitable persons whom the Minister shall from time to time appoint.

(6): (a) The term of membership of a member of the Committee shall be not more than 4 years.

(b) A person may not be appointed to be a member for more than 2 consecutive terms.

(c) A member may resign from the Committee by letter addressed to the Minister, and the resignation shall take effect on the date of receipt of the letter.

(d) A member shall, unless he or she sooner dies, resigns, is removed from membership or otherwise ceases to be a member, hold membership as such member until the expiration of his or her term of membership.

(7): The Minister may for stated reasons at any time remove a member for misbehaviour or where the Minister considers that either —

(a) the member has become incapable through ill health of effectively performing his or her functions as a member, or

(b) the member's removal is necessary for the effective performance by the Advisory Committee of its functions.

(8): (a) If a member of the Advisory Committee dies, resigns, is removed from membership or otherwise ceases to hold membership, the Minister may, subject to subsection (2), appoint a person to fill the vacancy.

(b) A person so appointed shall be a member for the remainder of the term of membership of the member whom he or she replaces and be eligible for reappointment for one further term.

(9): In making appointments to the Advisory Committee the Minister shall have regard to the extent to which each sex is represented in its membership and shall ensure that an appropriate balance in this respect is maintained.

Head: 11. Chief Coroner

Provide that,

- (1): There shall be a Chief Coroner of the Coroner Service.
- (2): The Chief Coroner shall be appointed by the Minister on the recommendation of the Public Appointments Service.
- (3): A person appointed as Chief Coroner shall hold the office for a seven year period, which may be renewed.
- (4): A person appointed as Chief Coroner shall cease to hold the office upon attaining the age of seventy.
- (5): A person appointed as Chief Coroner shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.
- (6): The Chief Coroner shall in addition to the duties conferred by this Act, have the following functions;
 - (a) to provide leadership and direction to the Coroner Service,
 - (b) to provide advice to the Minister on coronial matters,
 - (c) to ensure the efficient functioning of the Coroner Service, and
 - (d) to liaise with other concerned organisations.

Head: 12. Deputy Chief Coroner

Provide that:

- (1): There shall be a Deputy Chief Coroner of the Coroner Service.
- (2): The Deputy Chief Coroner shall be appointed by the Minister on the recommendation of the Public Appointments Service.
- (3): The person to be appointed Deputy Chief Coroner shall be appointed from amongst those persons serving as a coroner or a deputy coroner.
- (4): A person appointed as Deputy Chief Coroner shall in the performance of any duties in that capacity under this Act have the same powers as the Chief Coroner.
- (5): A person appointed as Deputy Chief Coroner shall hold the office for a seven year period, which may be renewed.
- (6): A person appointed as Deputy Chief Coroner shall cease to hold the office upon attaining the age of seventy.
- (7): A person appointed as Deputy Chief Coroner shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.

Head: 13. Appointment of coroner

Provide that:

(1): The Minister shall on the recommendations of the Public Appointments Service appoint persons to hold office as a coroner.

(2): A person appointed as a coroner under subsection (1), shall, [save by the express consent of the Minister,] hold office on a full-time basis.

(3): Each coroner shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.

Head: 14. Appointment of deputy coroner

Provide that:

(1): The Minister shall on the recommendation of the Public Appointments Service appoint persons to hold office as a deputy coroner.

(2): Persons appointed as a deputy coroner under subsection (1), shall, [save by the express consent of the Minister,] hold office on a part-time basis

(3): Persons appointed as deputy coroners shall have similar powers to coroners in the carrying out of any function required under this Act.

(4): A person appointed as deputy coroner shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.

(5): The Minister, following consultation with the Chief Coroner, may revoke an appointment made by him or her under this section.

(6): The allocation of deputy coroners to a particular coronial region shall be decided upon by the Chief Coroner.

**Head: 15. Public Service Management (Recruitment and Appointment)
Act 2004 not to apply**

Provide that:

The Public Service Management (Recruitment and Appointment) Act 2004, shall not apply to the appointment of a person as –

- (a) Chief Coroner
- (b) Deputy Chief Coroner
- (c) coroner,
- (d) deputy coroner.

Head: 16. Provision of services, staff, etc to the Coroner Service

Provide that:

(1): Such funds, premises, facilities, services and staff as may be necessary for the proper functioning of the Coroner Service shall be provided to it by the Minister with the consent of the Minister for Finance.

(2): The grades of staff of the Coroner Service and the numbers in each grade shall be determined by the Minister in consultation with the Chief Coroner, with the approval of the Minister for Finance.

(3): Such persons shall be appointed on such terms and subject to such conditions and shall receive such remuneration as the Minister may, with the consent of the Minister for Finance, determine.

Head: 17 Coroner's Officers

Provide that:

(1) For the purposes of this Act, the Minister, on the advice of the Chief Coroner, may appoint persons to be coroner's officers for such period and subject to such terms and conditions as the Minister may determine.

(2) Each coroner's officer shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.

(3): A coroner's officer shall -

(a) assist a coroner in carrying out his or her duties under this Act;

(b) carry out all reasonable directions of a coroner;

(c) on behalf of the coroner, receive and record information about a death which a coroner is investigating or on which he or she is conducting an inquest.

(4): A member of the Garda Síochána when acting [specifically] in support of the coroner under this Act shall, in addition, be deemed to be a coroner's officer and to have the same functions and powers as are conferred on a coroner's officer by this Act.

(5): Subsection (4) does not require or authorise a member of the Garda Síochána to carry out a direction of a coroner if that direction is in conflict with a direction of the Commissioner of the Garda Síochána.

Part III

Conditions of appointment, privileges and immunities of coroner

Head: 18. Conditions of appointment of coroner and deputy coroner

Provide that:

(1): No person shall be appointed to be a coroner or a deputy coroner under this Act unless he or she is a practising barrister of at least five years' standing, a practising solicitor of at least five years' standing or a registered medical practitioner who has been registered, other than provisionally or temporarily, under the [Medical Practitioners Acts, 1927 to 1961,] in the Register of Medical Practitioners for Ireland, or who has been entitled to be so registered, for at least five years.

(2): In reckoning the number of years' standing of a barrister who during a previous period was a solicitor, or of a solicitor who during a previous period was a barrister, such period shall be taken into account.

(3): Cessation of practice either as a barrister, a solicitor or a registered medical practitioner shall not affect the standing of such a person to continue to be a coroner or deputy coroner, other than by disbarment by a relevant professional body.

(4): A coroner or deputy coroner appointed after the commencement of this Act shall, unless he or she sooner dies, resigns or is removed from office shall hold office until he or she reaches the age of seventy years.

(5): A coroner or deputy coroner shall, at least three months before he or she attains the age of seventy years, notify the Chief Coroner in writing of that fact and indicate the date on which he or she will cease to hold the post of coroner.

(6): Where the Chief Coroner has received a notification under subsection (4) he or she may direct a coroner or deputy coroner not to commence an inquest.

(7): A coroner or deputy coroner may resign his or her office at any time by giving notice in writing to the [Minister] [Chief Coroner] and the resignation shall take effect when it is received by the [Minister] [Chief Coroner].

Head: 19. Removal from office of the Chief Coroner, the Deputy Chief Coroner, a coroner or deputy coroner

Provide that:

(1): Whenever the Minister is of opinion that the Chief Coroner, the Deputy Chief Coroner, a coroner or deputy coroner –

- (i) has been guilty of misconduct or neglect of duty,
- (ii) is unfit for office or incapable of the due discharge of his or her duties by reason of physical or mental infirmity,
- (iii) has been permanently disbarred arising from professional misconduct from practice by an appropriate professional body,

the Minister may by order remove the Chief Coroner, the Deputy Chief Coroner, a coroner or deputy coroner from office.

(2): Every order removing the Chief Coroner, the Deputy Chief Coroner, a coroner or deputy coroner from office shall specify the reason for the removal.

(3): A person removed from office by an order of the Minister under subsection (1) shall not be re-appointed as a coroner or deputy coroner.

Head: 20. Prohibition on certain coroners from acting in certain proceedings

Provide that:

A coroner or deputy coroner who is a solicitor or barrister shall not act as solicitor or barrister in criminal or civil proceedings arising out of any matter which may have come before him or her as coroner or deputy coroner.

Head: 21. Coroner not to be eligible for jury service

Provide that:

The Chief Coroner, Deputy Chief Coroner, a coroner or a deputy coroner shall not be eligible for jury service.

Part IV

Coroners Rules

Head: 22. Power to make coroners rules

Provide that:

(1): The Minister may, from time to time, by order or regulation, adopt rules regulating the practice and procedure at or in connection with investigations, inquests and post-mortem or other special examinations conducted or directed by coroners.

(2): The Minister, in exercise of the power under subsection (1), may seek the recommendation of the Coroners Service Advisory Committee, the Chief Coroner, the Coroner Service, a Minister with statutory responsibilities in regard to the subject matter of the recommendation or any other person.

Part V

Reporting of Deaths to the coroner

Head: 23. Deaths reportable to a coroner

Provide that:

The Minister, following consultation with the Chief Coroner, may from time to time, by order or regulation, prescribe the categories of deaths to be reportable to the coroner.

Head: 24. Obligation to report a death to a coroner

Provide that:

(1): A person referred to in subsections (2) and (3) shall as soon as practicable report, or cause to be reported, a death to a coroner, if the person has reasonable grounds for believing that the death is one in respect of which a coroner would have jurisdiction to investigate and to hold, if necessary or required, [a post-mortem or other special examination and] an inquest and the death has not been reported to a coroner.

(2): On becoming aware of a reportable death under Head 23 it shall be the duty of the following categories of persons to, as soon as practicable, report or cause to be reported the death to a coroner. -

- (a) a medical practitioner or nurse having had responsibility or involvement in the care of or present at the person's death,
- (b) a registrar of deaths,
- (c) a funeral director having charge of the disposal of the body;
- (d) an occupier of a house or other dwelling, including a mobile dwelling where the person was residing at the time of his or her death,
- (e) the person in charge of any [public or private] institution or premises, or the part of the institution or premises, in which a deceased person was residing at, or in the care of, at the time of his or her death,
- (f) the person having the custody of the deceased,
- (g) the person in charge of the aircraft or vessel, which the deceased person was on at the time of his or her death, in which case the person in charge shall no later than, after the arrival of the aircraft or vessel at the place of disembarkation in the State, report or cause to be reported the death.

(3): It shall be the duty of a member of the Garda Síochána, on becoming aware of, or being notified of, a finding of the body of a dead person or the death of a person in whose case a medical certificate of the cause of death is not procurable, pursuant to this section, to inform the coroner as soon as is practicable of such finding or death.

(4): Where the person notifying a death under subsection (1) is a medical practitioner who was responsible for the medical care of the deceased or who examined the body of the deceased after death, he or she must, at the same time, notify in writing and in a prescribed manner, the coroner or member of the Garda Síochána of his or her opinion as to the cause of death.

(5): The obligation imposed on a person by this Section shall be deemed to be discharged if he or she immediately notifies a member of the Garda Síochána of the facts and circumstances required to be notified under that sub-section.

(6): Any person who contravenes the provisions of this section shall be guilty of an offence.

Head: 25. Information to be provided to a coroner

Provide that:

Any person who reports a death under the provisions of Head 23 shall give to a coroner investigating the death all information available to them which may assist a coroner in his or her investigation.

Part VI

Investigation and certification of death by a coroner

Head: 26. Nature and independence of coroner

Provide that:

(1): The investigation of a death by a coroner, where required under this or any other enactment shall be inquisitorial in nature.

(2): A coroner shall be independent in the performance of his or her duties under this Act.

(3): Subsection (1) shall not be construed as prejudicing the generality of any other provision of this Act (including any provision of any regulation under this Act).

Head: 27. Coroner to investigate reportable deaths

Provide that:

(1): A coroner having been informed of a reportable death or the finding of a body of a deceased person shall investigate the death.

(2): The purpose of the investigation shall be to -

(a) establish the identity of the deceased,

(b) establish when and where the death took place,

(c) establish, in so far as practicable, in what circumstances the deceased met his or her death,

(d) establish whether a medical certificate of death in respect of the deceased [is] [may be] procurable from a registered medical practitioner, and

(e) ensure that the necessary arrangements for certification of death, as laid down in this Act or any other enactment, are fulfilled.

(3): A coroner shall be entitled to receive the assistance and protection of the Garda Síochána in the execution of his or her office.

Head: 28. Investigation where several deaths may arise from one occurrence

Provide that:

(1): Where the bodies of two or more persons whose deaths appear to have been caused by the same occurrence are lying within the regions of different coroners, the respective coroners shall be authorised to arrange between themselves jurisdiction for the investigation of those deaths and any inquest which may be necessary.

(2): Where the coroners' concerned fail to agree on jurisdiction for the investigation of those deaths as provided for in subsection (1), the Chief Coroner shall direct that a coroner shall investigate all the deaths and thereupon the coroner so directed shall hold any inquest.

(3): Without prejudice to any other provision in this Act, or contained in any other enactment, where it appears to the Minister that a death or deaths have occurred in an exceptional circumstance, natural or otherwise, the Minister may, if he or she so thinks proper, direct that the Chief Coroner, a coroner or any other person, shall conduct an investigation or hold an inquest into the death or deaths as the case may be.

Head: 29. Disqualification of certain coroners from investigating certain deaths or holding certain inquests

Provide that:

(1): A coroner or deputy coroner who is a registered medical practitioner shall not knowingly investigate or hold an inquest into the death of any person who was attended by him or her within [12 months] before the person's death.

(2): (a) A coroner or deputy coroner shall not investigate or hold an inquest into the death of any person, if he or she has drawn up, or assisted in the drawing up of, and benefits under, any testamentary disposition made by that person.

(b) For the purpose of paragraph (a) of this sub-section, a coroner or deputy coroner who is a solicitor and an executor of the deceased shall not be taken to benefit under a testamentary disposition merely because he or she is authorised to charge fees in respect of the administration of the estate or the making of the testamentary instrument.

Head: 30. Identification of the body

Provide that:

(1): Where a coroner has been notified of a death under any provision of this Act, he or she shall cause the deceased to be formally identified.

(2): A coroner may direct a person to view the body, or where in the circumstances it is not possible to view the body any such other evidence as may be relevant, and to provide formal [documentary] notice of identification to the coroner. This notification shall be considered as conclusive evidence of that fact unless the contrary is proved.

(3): A person directed to identify the body shall, if the documentary evidence of the identification be disputed at an inquest, attend at the inquest.

(4): Where it is not possible to identify a body, the absence of such identification shall not preclude the coroner from investigating the death.

Head: 31. Custody and removal of the body

Provide that:

(1): A coroner in the investigation into a reportable death shall be entitled to possession of the body of the deceased for such period as is necessary for the performance of his or her duties under this Act.

(2): A coroner may, and with any assistance or protection he or she considers necessary from the Garda Síochána;

(a) enter any place; and

(b) take possession of the body of the deceased and direct its removal to a suitable place; and

(c) recover possession of a body taken from a mortuary or other place without the approval of the coroner.

(3): A coroner may issue a direction to a person named in the order authorising that person at any time;

(a) to enter into and search any house, building, premises or place, where the coroner has reasonable cause to suspect the body may be found; and

(b) to take and remove the body to a place designated by the coroner,

(c) to remove the body to a convenient mortuary or morgue or other suitable place and keep it until the coroner otherwise directs,

(d) make such arrangements for the removal of the body as the coroner considers necessary or desirable.

(4): The person directed by a coroner for the purposes of subsection (3) shall not exercise any of those powers;

(a) without the assistance of the Garda Síochána,

(b) without giving a copy of the authority to exercise those powers to the owner or occupier of the place to be entered or inspected, or the person in possession of the body to be recovered, save where it is not practicable in the circumstances to do so but shall do so later.

(5): The person in charge of a mortuary, morgue or other place to which the body of a deceased person is directed to be removed under subsections (2) or (3) of this section shall allow the body to be deposited in such mortuary, morgue or other place and the body shall remain therein until the coroner otherwise directs.

(6): Any person who;

(a) being in charge of a mortuary, morgue or other place to which the body of a deceased person is directed to be removed under subsections (2) or (3) fails to comply with this section,

(b) obstructs the recovery or removal of a body pursuant to a direction under this section, or

(c) obstructs or fails to comply with a coroner or a person authorised by a coroner in the exercise of any of the provisions of this section shall be guilty of an offence.

(7): The removal of a body in pursuance of a direction by a coroner under this section to any place outside his or her region shall not affect his or her powers and duties in relation to the body or the investigation thereon, nor shall it confer or impose any rights, powers or duties upon any other coroner.

(8): A coroner may only exercise the powers under this section if he or she reasonably believes it is necessary for the investigation into a death.

(9): Nothing in this section shall be construed as preventing the proper investigation by the relevant authorities, under any enactment, at the location where a body is found or any other location.

Head: 32. Power of a coroner to authorise disposal of the body

Provide that

(1): Where a death has been reported to a coroner, the coroner may, on application to him or her, authorise disposal of the body by -

(i) a [representative] [next of kin] of the deceased person, or any other person, who proposes to cause the body to be disposed of, or

(ii) a funeral director or undertaker, or any other person who is in charge of the funeral of the deceased person.

(2): Disposal of the body of a person whose death has been reported to the coroner granted under subsection (1) shall not take place, save with the express permission of the coroner, prior to the issuance of the certificate under Head 33.

Head: 33. Certificate of Fact of Death

Provide that

(1): A coroner investigating a death may issue a certificate of fact of death in the prescribed form [as set out in Schedule []] as soon as practicable after the coroner has established that a death has occurred and will require further investigation.

(2): The certificate issued under subsection (1) shall make no reference to the circumstances of death.

(3): The issuance of a certificate under subsection (1) shall, unless evidence exists to the contrary, be taken as authority to proceed with disposal of the body.

**Head: 34. Information to be provided to the deceased's [representative]
[next of kin] [interested persons]**

Provide that:

(1): A coroner who is investigating a death shall, as soon as may be possible and where practicable after the commencement of the investigation, provide or cause to be provided to,

- (a) [a representative] of the deceased person,
- (b) [a next of kin] of the deceased person,
- (c) [where known, any interested parties as defined under Head 2, and
- (d) any other such person as a coroner may consider necessary,

the following information -

- (i) that the body is under the control of the coroner;
- (ii) that a post-mortem or other special examination may be performed on the body;
- (iii) that there is a possibility that organs and tissue may be retained after the completion of the post-mortem examination, where it is necessary to do so in order to further the investigation into the death or any criminal investigation or to prevent other deaths and for no other purpose;
- (iv) that a Certificate of Fact of Death may be issued.

(2): The information provided under subsection (1) shall in so far as may be possible and practicable be in a form and language likely to be understood by the person or persons to whom it is provided.

(3): A coroner who is investigating a death shall, in so far as may be possible and practicable, [and on request] continue to advise [a representative] [next of kin] of the deceased person and where known any interested parties as defined under Head 2 as to the progress, including the conclusion, of the investigation.

Head: 35. Furnishing of particulars to registrar of births and deaths

Provide that:

(1): Where, in pursuance of this Act, a coroner

(a) investigates a death,

(b) holds an inquest, or

(c) adjourns an inquest at which evidence of identification and medical evidence as to the cause of death has been given,

he or she shall give the appropriate registrar a certificate containing the required particulars of the death concerned and that registrar shall register the death in such manner as the Registrar General may direct.

(2): Where there is an error in a certificate furnished by a coroner under this section, he or she may issue an amending certificate to the registrar and the error shall thereupon be corrected by the registrar in the register of deaths.

(3): In this section “appropriate registrar” means a registrar in the functional area of the region in which the body concerned is lying or was found.

Head: 36. Persons authorised to exercise powers of entry, inspection, etc

Provide that:

(1): In relation to an investigation into a death by a coroner, the following are authorised persons for the purposes of this Part:

(a) a coroner;

(b) any person appointed under Head 17 and [directed] authorised by a coroner in writing to exercise the powers given under Head 38 to authorised persons.

(c) a member of the Garda Síochána.

(2): A coroner shall provide each authorised person with a warrant identifying the person and indicating that he or she has authority to exercise the powers given under Head 38.

(3): When exercising powers under Head 38, an authorised person shall, if requested by anyone affected, produce the warrant for inspection.

Head: 37. Governing principle for exercise of powers of entry, inspection, etc

Provide that:

The powers given under Head 38 to authorised persons may be exercised only -

(a) at the direction of a coroner, and

(b) if the coroner considers that the exercise of those powers is reasonable and necessary for the purposes of its investigation.

Head: 38. Powers of entry, inspection, possession of any place or thing

Provide that:

(1) Subject to Head 37, [a coroner] [a coroner's officer] [any authorised person] may do any or all of the following:

(a) enter at any reasonable time any premises in which the authorised person has reasonable grounds to believe there are any documents, or there is information in any form, relating to an investigation or inquest into a death by a coroner.;

(b) inspect any documents, or information in any form, on the premises;

(c) secure for later inspection any documents, any information in any form and any equipment in which those documents or that information may be held, if the [coroners officer] [authorised person] has reason to believe that the documents or information may be relevant to an investigation by the coroner;

(d) secure for later inspection the premises, or any part of the premises, but only if the [coroners officer] [authorised person] considers it necessary to do so in order to preserve for inspection documents or information in any form that he or she has reason to believe may be kept there and may relate to the investigation by the coroner;

(e) take copies of or extracts from any documents or any electronic information system on the premises, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form;

(f) remove for later examination or copying any documents, or information in any form, that the [coroners officer] [authorised person] has reason to believe may relate to a matter under investigation by the coroner and retain them for the period that the coroner considers reasonable;

(g) direct any person on the premises to produce to the [coroner officer] [authorised person] any documents, or information in any form, kept on the premises;

(h) direct any person on the premises having charge of, or otherwise concerned with the operation of, data equipment or any associated apparatus or material to provide the [coroners officer] [authorised person] with all reasonable assistance in relation to the equipment, apparatus or material;

(i) direct any person on the premises to give to the [coroners officer] [authorised person] any information that the authorised person may reasonably require with regard to a death under investigation by a coroner;

(h) take possession of specified articles, substances or things which the coroner reasonably believes is relevant to the investigation and keep it until such time as is necessary for the purposes of the investigation.

(2): Any article, substance or thing that is taken possession of under this Section shall be in the legal custody, care and control of the coroner conducting the investigation into the death and shall not during that period be used for the purposes of the investigation of any other alleged offence.

(3): Despite subsection (1), [a coroners officer] [an authorised person] may not enter a private dwelling or the part of any premises that is used as a private dwelling, except -

- (a) with the consent of the occupier, or
 - (b) under the authority of a warrant issued under Head 39 by a judge of the District Court.
- (4): When exercising powers under this section, [a coroner] [a coroners officer] [an authorised person] shall be accompanied by a member of the Garda Síochána.
- (5): The production of a document in compliance with a direction under this section does not prejudice a person's lien on the document.
- (6): Any person who obstructs or fails to comply with a coroner or a person directed by a coroner in the exercise of any of the provisions of this section shall be guilty of an offence.

Head: 39. Power of District Court to issue warrant authorising entry

Provide that:

(1): If satisfied on the sworn information of an authorised person that there are reasonable grounds for suspecting that in any private dwelling or on any premises part of which is used as a private dwelling there are any documents, or there is information in any form, articles, substances or other things, relating to a matter of concern to an investigation or inquest by a coroner and required by the coroner for the purposes of his or her investigation, a judge of the District Court may issue a warrant authorising a named authorised person to enter, on production of the warrant, the private dwelling or the part of those premises used as such a dwelling, at any time or times within one month after the date of issue of the warrant, for the purpose of exercising there the powers given by Head 38.

(2): The warrant issued by a judge of the District Court may also permit —

(a) the named authorised person to be accompanied during the entry and inspection of the private dwelling or the part of the premises used as such a dwelling by such other authorised persons and members of the Garda Síochána as the named authorised person thinks necessary, and

(b) the use of such reasonable force as is necessary for the purposes of entry.

Head: 40 Movement of a body into or out of the State

Provide that:

(1): A body which arrives in the State for disposal shall not be so disposed of by a funeral director, or any other person having charge of the transport of a body, unless a coroner, in whose region it is intended to dispose of the body, has been notified to that effect and has certified that he or she is satisfied that appropriate certification provided by the authorities in the state from which the body is repatriated is in place.

(2): A funeral director or any other person having charge of the transport of a body shall not remove a body from the State for disposal unless a coroner in the region where the body lies has certified that he or she is satisfied to that effect.

(3): A body shall not be removed from the State for disposal where a coroner determines that for the purposes of his or her investigation into a death the body should remain in the State for so long as is necessary for the purposes of that investigation.

(4): Any person who fails to comply with the provisions of this section shall be guilty of an offence.

Head: 41. Directions of High Court

Provide that:

(1): A coroner may, where he or she considers it appropriate to do so, apply to the High Court for directions relating to the performance of his or her duties or for its approval of an act proposed to be done by the coroner in the investigation of a death or at an inquest for the purposes of such performance.

(2): The High Court shall determine an application under subsection (1) by giving such directions and making such orders as it considers appropriate.

(3): The High Court may [, on application,] hear an application under subsection (1) otherwise than in public if satisfied that it is appropriate to do so because of –

(a) the subject matter in relation to which directions are sought,

(b) a risk of prejudice to criminal or civil proceedings that are pending or in progress,
or

(c) any other matter relating to the nature of the evidence to be given at the hearing of the application.

(4): The High Court shall give such priority as it reasonably can, having regard to all the circumstances, to the disposal of proceedings in the Court under this section.

(5) A coroner shall not seek to exercise the power provided under subsection (1) save with the express written approval of the Chief Coroner, [or in his or her absence, the Deputy Coroner.]

(6): The Superior Court Rules Committee may, with the [concurrence] of the Minister for Justice, Equality and Law Reform, make Rules of Court to facilitate the giving of effect to subsection (4).

Part VII

Circumstances governing the holding of an inquest

Head: 42. Power of a coroner to hold an inquest

Provide that:

(1): Where a coroner conducting an investigation into a death and a medical certificate of the cause of death is not procurable and he or she remains unsatisfied as to the cause of death, the coroner may hold an inquest in relation to the death.

(2): Subsection (1) of this section shall not apply to any case to which the provisions of Head 44 apply.

(3): A coroner may hold an inquest where he or she has reason to believe that a death has occurred in such circumstances that an inquest may be appropriate, even though the body has been destroyed or is irrecoverable.

(4): Where a coroner determines that no good purpose will be effected by exhuming a body for the purposes of an inquest, he or she may proceed to hold an inquest without having exhumed the body.

(5): Where for whatever reason, a coroner or deputy coroner [assigned to a region] are not in a position to hold an inquest or there is no coroner assigned to the region, the Chief Coroner [or Deputy Chief Coroner] shall direct another coroner to hold the inquest.

(6) Where the Chief Coroner [or Deputy Chief Coroner] has not directed, [or is unable to direct] a coroner under subsection (5) to hold an inquest, any member of the Garda Síochána not below the rank of superintendent may request the Minister to direct a coroner to hold the inquest, and thereupon such coroner if so directed by the Minister shall hold the inquest.

Head: 43. Purpose of an Inquest

Provide that:

(1): The purpose of an inquest shall be to complete the investigation into the death of a person provided for in Head 27 and the proceedings and evidence at the inquest shall be directed to;

- (a) establishing, in so far as practicable, in what circumstances the deceased met his or her death including the medical cause of death,
- (b) allaying public concern,
- (c) advancing public health and safety.

(2): The proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be established [or have not already been established] -

- (a) the identity of the person;
- (b) when and where the death took place;
- (c) in what circumstances the deceased met his or her death;
- (d) ensuring that any necessary arrangements for the time being required for the certification and registration of death are fulfilled;
- (e) returning a verdict, and

where appropriate, making findings and recommendations.

(3): Subject to subsection (4), an inquest -

(a) shall not report on or express an opinion on any matter other than a matter referred to in subsection (2),

(b) shall not determine, or frame a finding in such a way as to appear to determine, any question of civil or criminal liability,

(4): Subsection (3) (b) shall not prevent the report of an inquest from establishing the circumstances of a death or from returning a verdict of unlawful killing.

(5): Subsection (3) shall not be construed as prejudicing the generality of any other provision of this Act.

Head: 44. Mandatory requirement to hold an inquest

Provide that:

Notwithstanding any other provisions of this Act, if in the course of an investigation of a death of a person reported to him or her, a coroner is of the opinion that the death may have occurred -

- (i) in a violent or unnatural manner,
- (ii) suddenly and from unknown causes,
- (iii) in Garda, military or prison custody [or if the deceased immediately prior to his or her death was in Garda, military or prison custody],
- (iv) in [certain] institutions administered by or on behalf of the State,
- (v) of a child in care of the State,
- (vi) in circumstances which, under provisions in that behalf contained in any other enactment,

he or she shall hold an inquest into that death.

Head: 45. Inquest on the order of the Chief Coroner or the Attorney General

Provide that:

(1): Where the Chief Coroner has reason to believe that a person has died in circumstances which in his or her opinion make the holding of an inquest, or a new inquest, advisable, and that a coroner investigating the death has not held an inquest or a new inquest, he or she may direct for reasons stated a coroner to hold an inquest in relation to the death of that person.

(2): Where the Attorney General has reason to believe that a person has died in circumstances which in his or her opinion make the holding of an inquest, or a new inquest, advisable, and that a coroner investigating the death has not held an inquest or a new inquest, he or she may, following consultation with the Chief Coroner, direct for reasons stated a coroner to hold an inquest in relation to the death of that person.

(3): A coroner so directed under subsection (1) or (2) shall proceed to hold an inquest in accordance with the provisions of this Act.

(4): The authority contained in subsections (1) and (2) shall not be exercised prior to consulting the coroner who has [had] authority to investigate [or investigated] the death.

Part VIII

Conduct of an inquest

Head: 46. Notice of an inquest

Provide that:

(1): A coroner shall [where practicable] advise the [representative] [next of kin] of the deceased, witnesses, potential jurors and where known, any other interested persons, by post, by electronic means or by such other means as are deemed suitable, at least [14 days] before an inquest is to be held of the date, time, place and subject of the inquest.

(2): The provisions of subsection (1) shall apply when an adjourned inquest adjourned is to be resumed under Head 59.

Head: 47. Inquest to perform its functions efficiently, etc

Provide that:

(1): A coroner conducting an inquest shall ensure that he or she performs the functions and exercises the powers under this Act in a manner that is as efficient and expeditious as is practicable having regard to [the circumstances of] the matters under investigation.

(2): An inquest shall not inquire into a relevant matter unless it is satisfied that the likely cost and duration of the inquiry into that matter will be justified by the importance of the facts that are likely to be established in consequence of that inquiry.

(3): In subsection (2), ‘relevant matter’, in relation to an inquest, means a matter under investigation which, although falling within the scope of the matter under investigation is, in the opinion of a coroner, not central to the investigation.

Head: 48. Inquest to be held in public

Provide that:

(1): Subject to the provisions of subsection (2), a coroner shall conduct an inquest in public.

(2): A coroner may order the exclusion from an inquest of any person if he or she reasonably believes that -

- (a) it is in the interest of the proper conduct of the inquest,
- (b) it is in the public interest expedient to do so for reasons connected with the matters the subject of the inquest or the nature of the evidence to be given,
- (c) there is a risk of prejudice to criminal or civil proceedings that are pending or in progress, or
- (e) there is a risk to the personal security of any person.

(3): A person who refuses to comply with such an order under subsection (2) shall be guilty of the offence.

Head: 49. Powers to establish rules and procedures relating to evidence and submissions

Provide that:

(1): The Chief Coroner [Coroner Service] shall, from time to time, having regard to the need to establish fair procedures, establish or adopt rules and procedures for –

- (a) receiving and recording evidence, and
- (b) receiving submissions

in the course of an investigation into a death by a coroner and at an inquest.

(2): The rules and procedures of an inquest may, among other things, specify -

- (a) the form in which and the means by which evidence or submissions may be received by it,
- (b) the conditions subject to which evidence or submissions may be received by it by means of a live video link, a video recording, a sound recording or any other mode of transmission,
- (c) the cases, if any, in which evidence must be given orally before the inquest notwithstanding Head 50.

(3): An inquest shall make copies of its rules and procedures available to persons likely to be affected by them.

Head: 50. Evidence may be given in written form

Provide that:

(1): Evidence at an inquest may be tendered in written form, (whether by affidavit, submission, report or otherwise) and a copy of such evidence shall be given to all interested persons.

(2): Where a coroner is satisfied that evidence has already been given to an inquest, and to all [interested persons] [persons whose constitutional or legal rights may be significantly affected by proceedings before the inquest], in written form, he or she shall only require that part, if any, of the evidence to be given orally in respect of which an interested person has made a request that it be heard orally or an objection to it being given in written form only and,

(a) has stated its reasons for the request or objection, and

(b) has declined to withdraw the request or objection pursuant to the provisions of subsection (4).

(3): A coroner may decide, or an interested person may apply to a coroner, to have all or part of the evidence given orally. Where an interested person so requests he or she shall state his or her reasons for the request.

(4): A coroner before which an interested person has made a request or an objection referred to in subsection (2) may question the person on the reasons for the request or objection, and if after such questioning, the coroner is satisfied that the request or objection is not well founded, may decline the request or overrule the objection.

Head: 51. Preservation of documents at an inquest

Provide that:

(1): Every deposition or note of the names and addresses of witnesses taken at an inquest, every report of a post-mortem or other special examination made in pursuance of this Act and every record of the verdict returned at an inquest shall be preserved by the coroner.

(2): The records referred to at section (1) shall be the property of the Coroner Service and held [in accordance with arrangements that may be set down from time to time by the Chief Coroner or the Minister]

(3): All documents relating to the investigation of a death or an inquest currently [or previously] preserved by a coroner or a county registrar for the county or county borough shall be transferred to the Coroner Service in accordance with the provisions of subsection (2).

(4): [Save as otherwise provided for under this Act] a copy of any document preserved by a coroner [or the Coroner Service] under this section shall be furnished to every applicant therefor,

(5): Except where the application is made on behalf of a Minister of State, the Garda Síochána, a duly authorised officer under another enactment or the Garda Ombudsman Commission, a fee which may from time to time be prescribed by the Minister, may apply to the provision of the copy under subsection (4).

[(6): All fees payable to the Coroner Service under section (4) shall

(a) be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister, and

(b) the Public Offices (Fees) Act, 1879, shall not apply in respect of them.]

Head: 52. Verdict to be returned at an inquest

Provide that:

(1): An inquest shall return a verdict.

(2): The coroner shall on the conclusion of the inquest prepare a report containing;

- the details of the verdict,
- a brief description of the evidence received by the inquest,
- any facts established by the inquest in relation to the matters concerned,
- any recommendations made by the inquest, and
- such other matters as the coroner may consider appropriate.

which shall be published.

(3): The record of the verdict returned at an inquest shall be signed by the coroner holding the inquest and, where he or she is sitting with a jury, also by the foreperson of the jury.

(4): In the case of an exceptional circumstance where a verdict cannot be returned, the coroner shall adjourn the inquest.

(5): Where for any reason (including insufficient, conflicting or inconsistent evidence) an inquest considers that the facts relating to a particular issue have not been established, the inquest -

(a) shall identify the issue, and

(b) may indicate its opinion as to the quality and weight of any evidence relating to the issue.

(6): An inquest may omit from the report under subsection (1) any information that identifies or that could reasonably be expected to lead to the identification of a person who gave evidence to the inquest or any other person if in the opinion of the coroner –

(a) the context in which the person was identified has not been clearly established,

(b) disclosure of the information might prejudice any criminal or civil proceedings that are pending or in progress,

(c) disclosure of the information would not be in the interests of the inquest, or

(d) it would not be in the person's interests [or of their personal security] to have the person's identity made public and the omission of the information would not be contrary to the interests of the inquest [or any subsequent inquest],.

[(6) Where the coroner is of the opinion that the publication of any information received by the inquest would not be in the interest of State security or in the interest of the State's relations with other states or international organisations, he or she shall for stated reasons, direct that the information or a specified part of it not be published.]

(7): Neither the verdict nor any rider to the verdict at an inquest shall contain a censure or exoneration of any named person.

(8): Notwithstanding anything contained in subsection (7) of this section, recommendations of a general character designed to prevent further fatalities may be appended to the verdict at any inquest.

(9): A coroner shall give a copy of the report of each inquest held by him or her to,

(a) the Chief Coroner,

(b) to any person interested in or likely to be concerned by the verdict.

Head: 53. Inquest may make a recommendation

Provide that:

- (1): A coroner, or a jury at an inquest, may make a recommendation designed to,
- (a) prevent the recurrence of deaths similar to that in respect of which the inquest is being held;
 - (b) prevent other hazards to life disclosed by the evidence at the inquest;
 - (c) bring to the attention of a person who may have power to take appropriate action any deficiencies in a system or method of work which are disclosed by the evidence at the inquest and which may give rise to [public] concern.
- (2): Where an inquest has addressed a recommendation to a [Minister or public statutory organisation], [the Minister or that organisation] shall respond to the coroner concerned in writing no later than six months from the date of receipt of the recommendation indicating the measures, if any, taken on foot of the recommendation
- (3): An inquest shall not;
- (a) report on or express an opinion or make a recommendation on any matter other than a matter referred to in Head 43 (2), or
 - (b) determine or frame a recommendation in such a way as to appear to determine any question of civil or criminal liability in respect of a named individual.
- (4): Subsection (3) (b) shall not prevent the report of an inquest from establishing the circumstances of a death or from returning a verdict of unlawful killing

Head: 54. Inquest not to determine civil or criminal liability

Provide that:

(1): Subject to subsection (2), an inquest –

(a) shall not determine any person’s civil or criminal liability, and

(b) shall not be inhibited in the performance of any of its functions by any likelihood of liability being inferred from such performance.

(2): Subsection (1) shall not be construed as prejudicing the generality of any other provision of this Act (including any provision of any regulation under this Act).

Head: 55. Non-admissibility in criminal proceedings of evidence given at an inquest

Provide that:

A statement or admission –

- (a) made by a person at an inquest, or
- (b) [given by a person when being examined pursuant to a request by a coroner under this Act],

shall not be admissible as evidence against the person in any criminal proceedings unless -

- (i) the criminal proceedings relate to an offence under Heads 78 - 80, or
- (ii) the statement or admission, as the case may be, is capable of being proven independently of its being given as mentioned in *paragraph (a) or (b)*.

Head: 56. Admissibility of verdict of an inquest in civil proceedings

Provide that:

A document purporting to be a copy of the verdict of an inquest [shall] be admissible in any civil proceedings as evidence -

- (a) of the findings of facts by the inquest set out in the verdict without further proof unless the contrary is shown, and
- (b) of the opinion of the inquest in relation to any matter contained in the verdict.

Head: 57. Adjournment of inquest where criminal proceedings are being considered or have been instituted

Provide that:

(1): Where, at an inquest in relation to any death,

- (a) a member of the Garda Síochána not below the rank of inspector,
- (b) a duly authorised officer under another enactment, or
- (c) the Garda Ombudsman Commission

requests a coroner to adjourn the inquest on the grounds that

- (i) criminal proceedings in relation to the cause of death are being considered, or
- (ii) in the case of the Garda Ombudsman Commission, an investigation into a death to which section 91 of the Garda Síochána Act 2005 refers is being carried out,

the coroner shall adjourn the inquest for such period as he or she thinks proper and shall further adjourn the inquest for similar periods so often as requested to do so on the grounds respectively aforesaid by a member of the Garda Síochána not below the rank of inspector or a duly authorised officer under another enactment or the Garda Ombudsman Commission.

(2): Where, at an inquest in relation to any death, a member of the Garda Síochána not below the rank of inspector or a duly authorised officer under another enactment requests the coroner to adjourn the inquest on the ground that criminal proceedings in relation to the death have been instituted, the coroner shall adjourn the inquest until such proceedings have been finally determined.

(3): With regard to the provisions of subsection (2), it shall not [then] be obligatory on the coroner to resume the inquest unless he or she considers there are [sufficient] [special] reasons for so doing.

(4): Notwithstanding the provisions of subsections (1) and (2), the coroner may hear evidence of identification and of the medical cause of death [for the purposes of issuing a fact of death certificate] prior to any adjournment.

(5): It shall be the duty of a member of the Garda Síochána or a duly authorised officer under another enactment at the conclusion of criminal proceedings in any court in relation to the death of a person where an inquest had been adjourned at the request of member of the Garda Síochána or a duly authorised officer under another enactment, to inform in writing the coroner [coroner's office in the region] who opened the inquest of such a conclusion.

(6): The Garda Ombudsman Commission shall inform the coroner of the conclusion of investigations to which section 91 of the Garda Act 2005 applies and the results of the investigation.

(7): When adjourning an inquest under this section a coroner may [shall] discharge the jury (if any) summoned therefor.

(8): Where a coroner resumes an inquest which was adjourned under this section and the jury for which has been discharged, he or she shall proceed in all respects as if the inquest had not been begun.

Head: 58. Restriction on publication of reports, images, etc at inquest

Provide that:

(1): A coroner may order that a report, or partial report of any part of the proceedings or of any evidence given at an inquest, not be published if he or she reasonably believes that it would be contrary to the proper conduct of the inquest, the administration of justice, national security or the personal security of any person.

(2): The taking of photographs or other images by whatever means or the recording of sound at an inquest [save with the [express] permission of the coroner] shall be prohibited.

(3): Any person who publishes a report contrary to an order under subsection (1) or a photograph, image or sound recording contrary to the provisions of sub-section (2) shall be guilty of the offence of failing to cooperate with the inquest.

(4): A coroner may, in an order under subsection (1), specify the time for which the order is to be in force.

Head: 59. Holding of adjourned inquest by a different coroner

Provide that:

Where an inquest, which has been adjourned and at which only evidence of identification and medical cause of death has been given, it may be resumed before a different coroner.

Head: 60. Judicial review of a decision by a coroner

Provide that:

(1): [Save as otherwise may be provided under this Act] A person shall not question a decision or determination of a coroner in the conduct of an investigation or inquest otherwise than by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) (“the Order”).

(2): An application for leave to apply for judicial review under the Order in respect of a decision or determination of a coroner in relation to an investigation or inquest –

(a) shall, subject to subsection (3), be made not later than 28 days from the date of the decision or determination,

(b) shall be made by motion on notice (grounded in the manner specified in the Order in respect of a motion *ex parte* applying for leave) to the coroner that made the decision or determination, and

(c) shall only be granted if the High Court is satisfied that there are substantial grounds for contending that the decision or determination is invalid or ought to be quashed.

(3): The High Court may extend the period specified in subsection (2)(a) if it considers that there is good and sufficient reason for doing so.

(4): Subject to subsection (5), the decision of the High Court on an application referred to in subsection (1) or (2) shall be final and no appeal shall lie from the decision to the Supreme Court except with the leave of the High Court granted only where the High Court certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court.

(5): Subsection (4) shall not apply to a decision of the High Court in so far as it involves a question as to the validity of any law having regard to the provisions of the Constitution.

Part IX

Provisions relating to witnesses at an Inquest

Head: 61. Summoning of witnesses to attend at an inquest

Provide that:

(1): For the purposes of an investigation into a death, a coroner may, at any time before the conclusion of an inquest held by him or her, cause a person to be summoned in the prescribed form to attend and give evidence at the inquest on a date and at a place and time specified to be served on a person (including any registered medical practitioner) whose evidence would, in the opinion of the coroner, be of assistance at the inquest.

(2): Every summons issued by a coroner to attend an inquest as a witness shall be served by a member of the Garda Síochána either by delivering it to the person to whom it is addressed or by leaving it for him or her at the address at which he or she ordinarily resides with a person of the age of sixteen years or upwards or by registered post.

Head: 62. Powers with respect to the taking of evidence at an inquest

Provide that:

(1): If a coroner reasonably believes it is necessary for the purposes of the proper conduct of an inquest, the coroner may –

- (a) summon a person to attend as a witness at an inquest or to produce any document or other materials,
- (b) direct a person summoned to be a witness at an inquest to bring with him or her any document [or exhibit] in their possession or power that the coroner deems as being necessary for the conduct of the inquest,
- (c) inspect, copy and keep for a reasonable period any thing produced at the inquest,
- (d) direct a witness to answer questions,
- (e) direct a witness to take an oath [or affirmation] to answer questions, and
- (f) give any other directions and do anything else the coroner believes necessary.

(2): Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

(3): Where a person fails or refuses to comply with a summons from a coroner, the High Court may, on application to it in a summary manner in that behalf by a coroner-

- (a) order the person to comply with the order, and
- (b) make such other orders, if any, as it considers necessary and just to enable the order to have full effect.

(4): A witness who gives evidence at an inquest shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(5): If a coroner reasonably believes it is necessary for the purposes of an inquest, he or she may be assisted by such expert persons as the coroner determines.

Head: 63. Taking of evidence from persons about to leave the State

Provide that:

(1): Where, by evidence on oath [or affirmation,] a coroner is satisfied that -

(a) a person is able to give material evidence or to produce a relevant or material document or thing relating to an investigation into a death at an inquest; and

(b) that person is likely to be absent from the State during the conduct of an inquest;

the coroner may order that the evidence of that person be taken or the document or thing be produced before him or her, at any time before the inquest, in the same manner as the evidence would be taken or the document or thing be produced at the inquest.

Head: 64. Powers to grant anonymity to a witness at an inquest

Provide that:

(1): The coroner may [on the application of a witness] where he or she has reason to believe that, and consistent with the rules of natural and constitutional justice, it would otherwise be contrary to the conduct of the inquest, the administration of justice, State security or the personal security of any person, order that the identity of a witness [giving evidence] at inquest be withheld.

(2): Any witnesses granted such anonymity under subsection (1) shall not be identified in any documentation released by the coroner or in any report or photograph or images or sound recordings made or published by any person.

(3): Any person who publishes a report, photograph, image or sound recording contrary to the provisions of subsection (2) shall be guilty of the offence of failing to cooperate with the inquest.

Note: Recommendation No. 65 of the Coroners Review Group refers. This Head

Part X

Provisions relating to juries at inquest

Head: 65. Use of jury at an inquest

Provide that:

(1): Subject to the provisions of subsection (2), a coroner may hold an inquest either with or without a jury.

(2): An inquest shall be held with a jury if, either before or during the inquest, a coroner becomes of opinion that;

- (a) the deceased came by his or her death by murder, infanticide or manslaughter,
- (b) the death of the deceased occurred in a place or in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest should be held,
- (c) the death of the deceased was caused by accident, poisoning or disease of which, under provisions in that behalf contained in any other enactment, notice is required to be given to a Minister or Department of State or to an inspector or other officer of a Minister or Department of State,
- (d) the death of the deceased may have occurred in [or if the deceased immediately prior to his or her death was in] Garda, military or prison custody, in an institution, including a hospital or other institution for the care and treatment of persons, administered by or on behalf of the State or was of a child in care, or
- (e) the death of the deceased occurred in circumstances the continuance or possible recurrence of which would be prejudicial to the health or safety of the public or any section of the public.

(3): Where a coroner, before commencing or resuming an inquest in relation to any death is informed by –

- (i) a member of the Garda Síochána not below the rank of inspector
- (ii) or a duly authorised officer under another enactment
- (iii) or by a representative of the Garda Ombudsman Commission

that he or she will request an adjournment of the inquest on the ground either that criminal proceedings in relation to the death are being considered or have been instituted, or in the case of the Garda Ombudsman Commission an investigation into a death to which section 91 of the Garda Act 2005 refers has been commenced, every (if any) obligation under subsection (1) of this section to hold the inquest with a jury shall be deemed to be suspended unless and until the inquest takes place or is resumed in accordance with the provisions of this Act.

(4): The jurors at an inquest shall be [before the coroner] sworn or declared in the prescribed form [or affirmation] and the oath [or affirmation] may be administered to or the declaration made by 2 or more jurors at once.

Head: 66. Function of jury at an inquest

Provide that:

- (1): A coroner holding an inquest with a jury shall put to the jury questions about the matters which a coroner must find under Head 52.
- (2): A jury shall answer the questions in so far as is reasonably possible.
- (3): A jury's answers shall have the same force and effect as if they had been found by a coroner.
- (4): A jury may comment on any matter connected with the death including matter of public health or safety.
- (5): The jury shall agree a verdict by simple majority [which shall be in the form of a narrative.]
- (6): Should the jury fail to agree on a verdict the coroner may adjourn the inquest for such period of time as he or she considers necessary to allow the jury to return a verdict.
- (7): Notwithstanding the provisions in subsection (6), should the jury continue to be unable to return a verdict, a coroner shall discharge the jury and hold a new inquest.
- (8): A jury shall not include in an answer, comment [or recommendation] any statement to the effect that a person is or may be guilty of an offence.

Head: 67. Liability to serve on an inquest jury

Provide that:

(1). Every person over the age of eighteen years and under the age of seventy years [residing in the county where a coroner for the region which encompasses that county proposes to hold an inquest] shall be liable to serve on the jury at an inquest unless,

(a) he or she is ineligible as specified in Part I of the First Schedule of the Juries Act 1976;

(a) he or she is disqualified from serving as a juror under this Act or under section 8 of the Juries Act 1976;

(b) he or she is among the persons specified in Part II of the First Schedule of the Juries Act 1976, with the exception of the final paragraph of Part II..

(2): A person who, having been duly served with a summons to attend an inquest as a juror and without having sought exemption or without reasonable cause fails to attend at the time and place specified in the summons, may on the application of the coroner be brought before the District Court for the offence of failing to cooperate with an inquest.

(3): A person charged with an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding €500.

Head: 68. Number of jurors at an inquest

Provide that:

A jury at an inquest shall consist of not less than five and not more than seven persons.

Head: 69. Summoning of a jury at an inquest

Provide that:

- (1): Whenever a jury is required for an inquest, a coroner may summon a jury.
- (2): For the purposes of subsection (1), a coroner shall have access to the list of jurors eligible to serve on the County Registrar's list for [the county in which it is proposed to hold the inquest.]
- (3): A coroner shall select randomly, by ballot a jury from that list.
- (4): A coroner shall cause a written summons, in such form as the Minister may by regulations prescribe, to be served on every person selected to be a juror requiring him or her to attend as a juror at the inquest in question on the day and at the time specified in the summons and thereafter at the times directed by the coroner.
- (5): Every summons to attend an inquest as a juror shall be served by a member of the Garda Síochána [or a coroners officer] either by delivering it to the person to whom it is addressed or by leaving it for him or her at the address at which he or she ordinarily resides with a person of the age of sixteen years or upwards or by registered post.
- (6): A coroner shall endeavour to ensure that a summons to attend for jury duty at an inquest is delivered at least [14] days in advance of the commencement or resumption of the inquest as the case may be.
- (7): A coroner may, if necessary, require a fit and proper person or bystander to serve as a juror, provided that such person or bystander is not disqualified or ineligible or excusable from service as a juror by any provision of the Juries Act 1976.
- (8): A person summoned for service on a jury at an inquest and so notified may apply in writing and for stated reasons, at least 7 days before the date of the inquest, to the coroner concerned to be excused from that duty.
- (9): A coroner may grant such exemption having regard to the provisions of section 9 of the Juries Act 1976.

Head: 70. Discharge of juror at an inquest

Provide that:

(1): A coroner may at any time during an inquest discharge a juror,

- (a) where, in the interests of justice, it appears to the coroner expedient to do so,
or
- (b) in the interests of the juror.

(2): Where during an inquest a juror is discharged under subsection (1) or dies -

- (i) the inquest shall be proceeded with in a like manner as if the required number of jurors had continued on the jury; and
- (ii) the jury shall be considered as remaining properly constituted for the purpose of the inquest.

(3): Notwithstanding the provisions of subsection (2), if the number of the remaining jurors is less than 5, the coroner shall discharge them and adjourn the inquest and summon a new jury.

Head: 71. Holding of adjourned inquest with different jury

Provide that:

Where in the opinion of a coroner, an inquest, which has been adjourned and at which only evidence of identification and medical cause of death has been given, may be resumed with a different jury.

Part XI

Post-Mortem and special examinations

Head: 72. Post-Mortem and special examinations

Provide that:

(1): If a coroner reasonably believes at any time that it is necessary for the investigation into a death, he or she may direct a histopathologist, the State Pathologist, a registered medical practitioner or other such specialist to perform a post-mortem or any other such special examination of the body of the deceased.

(2): Where a coroner has authorised a post-mortem or any other such special examination of the body of the deceased, he or she shall ensure, as far as practicable, that the [representative] [next of kin] of the deceased is informed.

(3): It shall be the duty of a coroner to exercise his or her powers under subsection (1) where a member of the Garda Síochána not below the rank of superintendent or a duly authorised officer under another enactment or the Garda Ombudsman Commission requests him or her to do so and states the reasons in writing.

(4): Should a coroner decline to exercise his or her powers under subsections (3), a member of the Garda Síochána not below the rank of superintendent or a duly authorised officer under another enactment or the Garda Ombudsman Commission may in writing and for stated reasons request the Chief Coroner to direct a coroner to authorise the post-mortem or special examination.

(5): The Chief Coroner on receiving a request under subsection (4) of this section may, as he or she thinks proper, either comply or decline to comply with the request.

Head: 73**Mandatory post-mortem or special examinations****Provide that:**

A coroner in the course of his or her investigation into a death shall order a post-mortem or other such special examination [as he or she considers necessary] of the body of the deceased if he or she is of the opinion that the death -

- (a) occurred suddenly and from unknown causes,
- (b) was an unnatural death,
- (c) was an unexplained death,
- (d) occurred in violent circumstances,
- (e) resulted from industrial accident or disease,
- (f) occurred where the deceased immediately prior to his or her death was detained in Garda, prison or military custody,
- (g) occurred in [certain] institutions under the control of the State or administered on behalf of the State,
- (h) was of a child in the care of the State, and
- (i) under provisions in that behalf contained in any other enactments, requires a post-mortem or special examination.

Head: 74. Provisions governing post-mortem or special examinations caused to be made by a coroner

Provide that:

(1): Where a coroner directs a histopathologist, the State Pathologist, a registered medical practitioner or other specialist to conduct a post-mortem or such special examination of the body of a person, the following provisions shall apply -

(a) a coroner shall authorise the person so directed to cause to be removed from the body and preserved, for such period as the coroner directs, any material be it tissue, organs or other parts of the body which appear to relate to the cause of death, and

(b) a coroner may, at the request of the [representative] [next of kin] of the deceased direct the return to the [representative] [next of kin] of the deceased any or all material which is no longer required for the purpose of investigation or otherwise authorise the proper disposal of such material.

(2): Where a post-mortem or special examination is performed under this Act, any person who knowingly causes any material be it tissue, organs, etc to be removed from the body of a person otherwise than as directed under subsection (1) (c) shall be guilty of an offence.

(3): Material removed under subsection (1) (b) is to be dealt with in accordance with a direction and any relevant guidelines made by a coroner or under the rules provided for in Head 22.

(4): Where any material, including tissue and organs, is to be removed as authorised under subsection (1) (b), the coroner shall ensure, as far as is practicable, that before the material is removed the [representative] [next of kin] of the deceased is informed of what material is likely to be removed and the purpose for which it is to be removed.

(5): A post-mortem examination under this Act shall not be carried out by a registered medical practitioner who had attended the deceased within 28 days before the person's death.

(6): Subsection (5) of this section shall not apply to a registered medical practitioner who is a pathologist on the staff of, or associated with, a hospital save where a coroner considers that the conduct of such practitioner in relation to his or her attendance on the deceased person is likely to be called in question at the inquest.

(7): Where a coroner gives a direction under subsection (1) in relation to a person who has died in a hospital or an institution, a coroner may direct the [a] person in charge of the hospital or institution to give the medical records relating to that person to the histopathologist, the State Pathologist, a registered medical practitioner or other specialist directed to conduct the post-mortem or special examination.

(8): Unless otherwise directed by a coroner, the histopathologist, the State Pathologist, a registered medical practitioner or other specialist to whom the records under

subsection (7) are given shall return the records to the person in charge of the hospital or institution as soon as practicable after the completion of the post-mortem.

(9): A coroner may direct the same or another histopathologist, the State Pathologist, registered medical practitioner or other specialist to conduct a further post-mortem or such special examination of a body if satisfied that it is desirable to do so.

(10): All directions under this section shall be in writing. [The dispatch of the direction by electronic means is permissible.]

Head: 75. Report of a post-mortem or special examination to be given to a coroner

Provide that:

(1): Where a post-mortem or any other such special examination of a body or an analysis of the ashes of the deceased person is carried out the person carrying out the examination or analysis shall, as soon as practicable, after the examination or analysis is completed, furnish a report to the coroner by whom the order was made.

(2): The report shall contain a full and complete description of the examination or analysis, including any organs or tissue retained for further examination or analysis.

Part XII

Exhumations for the purpose of the investigation of a death

Head: 76. Exhumation of a body

Provide that:

- (1): A coroner may order -
- (a) the exhumation of a body, or
 - (b) if the body of the deceased has been cremated, the recovery of the ashes if such are available;
- if the coroner is satisfied that
- (i) he or she has reasonable cause to believe that a person died in circumstances in respect of which the coroner has jurisdiction to investigate;
 - (ii) he or she has reasonable cause to believe that an exhumation may be necessary for the performance of his or her duties or to assist another coroner in the investigation of a death;
 - (iii) a post-mortem examination or a more complete post-mortem examination of the body or an analysis or more complete analysis of the ashes of the deceased should be made;
 - (iv) the body of a deceased person has been buried or cremated and the investigation or inquest concerning the death of that person has not been completed; or
 - (v) where a new inquest is to be held.
- (2): A coroner shall order the exhumation of a body on foot of a written request from a member of the Garda Síochána, not below the rank of superintendent or the Garda Ombudsman Commission or a duly authorised officer under another enactment who is of the opinion that the death of any person whose body has been buried in the [coroner region] may have occurred in a [violent or unnatural manner.] in a manner which requires further investigation]
- (3): The Minister may direct a coroner to order an exhumation of a body where he or she is satisfied, on the basis of the evidence brought to his or her attention, and following consultation with the Chief Coroner.
- (4): The Minister shall only exercise his or her power under subsection (3) following the failure or refusal of a coroner to exercise the powers provided for under subsections (1) and (2).
- (5): Every order made under this section for the exhumation of a body shall operate to authorise the exhumation in accordance with the terms of the order.
- (6): Where the body of a deceased person is exhumed in pursuance of an order made under this section, the coroner concerned shall have the like powers and duties as if the body had not been buried.
- (7): Where a coroner intends to make an order under this section, he or she shall have regard to the desirability of minimising the causing of distress or offence to the next of kin of the deceased.

Head: 77. Form of order for exhumation and re-interment of remains or ashes

Provide that:

(1): A coroner shall by order -

- (a) appoint a person or persons to assist in the exhumation of a body or the recovery of ashes where available, and the re-interment of a body,
- (b) direct the person or persons appointed, to take the body or ashes to the place specified in the order, and
- (c) direct the person or persons appointed to re-inter the body or return the ashes as soon as he or she is satisfied that the body should be re-interred or the ashes returned to the person entitled to them.

(2): A coroner shall give a copy of an order under subsection (1) to the [representative] [next of kin] of the deceased or any other interested person.

Part XIII

Offences

Head: 78. Offence of failing to cooperate with an inquest

Provide that:

(1): Any person who, without reasonable excuse -

- (a) refuses to appear as a witness at an inquest having been duly summoned;
- (b) being in attendance as a witnesses at an inquest refuses to take an oath [or to make an affirmation] legally required by the coroner to be taken;
- (c) refuses to answer any question to which the coroner may legally require an answer;
- (d) fails to produce documents or exhibits which the coroner has determined may be of interest to the inquest;
- (e) does any other thing prejudicial to the orderly conduct of the inquest;
- (f) wilfully prevents a person who has been summoned to attend at an inquest from
 - (i) attending the inquest,
 - (ii) answering a question that the person is required by a coroner to answer, or
 - (iii) producing a document or thing referred to in the summons;
- (g) in the course of an inquest knowingly gives evidence that is false or misleading;
- (h) by any act, obstructs or hinders the inquest in the performance of its functions;
- (i) fails, neglects or refuses to comply with the provisions of an order made by the coroner;
- (j): uses, causes, inflicts or procures any violence, punishment, damage, loss or disadvantage on or to a person,
 - (i) because the person appeared or is to appear as a witness before a coroner, or
 - (ii) because of any evidence so given by the person;
- (k): being an employer, dismisses an employee from employment or causes prejudice to an employee in employment,
 - (i) because the employee appeared or is to appear as a witness before a coroner, or
 - (ii) because of any evidence so given by the employee;
- (l) publishes a report contrary to an order under Head 58 (1); or
- (m): refuses to comply with an exclusion order under Head 48;

shall be guilty under this Act of the offence of failing to cooperate with an inquest.

(2): A person may on the application of a coroner be brought before the District Court for failure to cooperate with an inquest.

(3): Where a person fails or refuses to comply with or disobeys a summons issued by a coroner or is in any other way in breach of any of the provisions of subsection (1), the High Court may, on application to it by the coroner in question in a summary manner in that behalf, order the person to comply with the summons and make such other order as it considers necessary and just to enable the summons to have full effect.

Head: 79. Offence of failing to cooperate with a coroner

Provide that:

(1): Any person who, without reasonable excuse -

- (a) removes tissue or organs contrary to the direction of the coroner under Head 74;
- (b) does not report a death under Head 24;
- (c) fails to comply with a direction or obstructs the taking into custody or removal of a body under Head 31; or
- (d) does not comply with the requirements for movement of a body under Head 40.

shall be guilty under this Act of the offence of failing to cooperate with an inquest.

(2): A person may on the application of a coroner be brought before the District Court for failure to cooperate with an inquest.

(3): Where a person fails or refuses to comply with or disobeys a summons issued by a coroner or is in any other way in breach of any of the provisions of subsection (1), the High Court may, on application to it by the coroner in question in a summary manner in that behalf, order the person to comply with the summons and make such other order as it considers necessary and just to enable the summons to have full effect.

Head: 80. Offences by bodies corporate

Provide that:

(1): Where a body corporate commits an offence under Heads 78 or 79 against a provision of this Act, each person who was an officer of the body corporate when the offence was committed is guilty of an offence against this section if it is proved that he or she —

(a) willingly participated in, connived at or consented to the commission of the offence by the body corporate, or

(b) knowing that the body corporate was committing or about to commit that offence, failed to take all reasonably practicable steps to prevent its commission.

(2): A person may be proceeded against for an offence against this section whether or not the body corporate has been proceeded against or been convicted of the offence committed by that body.

(3): A person guilty of an offence against this section is liable to a fine not exceeding the fine for which the body corporate is liable for the offence.

(4): In this section “officer”, in relation to a body corporate, means a director, manager, executive officer, secretary or other person concerned in the management of the body corporate.

Head: 81. Penalties for offences

Provide that:

(1): A person, other than a body corporate, guilty of an offence under Heads 78 or 79 is liable -

(a) on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months or both, or

[(b) on conviction on indictment, to a fine not exceeding €300,000 or imprisonment for a term not exceeding 5 years or both.]

(2): A body corporate guilty of an offence under Heads 78 - 80 is liable—

(a) on summary conviction, to a fine not exceeding €3,000, or

(b) on conviction on indictment, to a fine not exceeding €300,000.

Head: 82. Prosecutions

Provide that:

(1): A prosecution for an offence against this Act may be brought only by or with the consent of the Director of Public Prosecutions.

(2): Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851 proceedings for an offence against this Act may be instituted at any time within 2 years after the date alleged to be the date on which the offence was committed.

Part XIV

Miscellaneous Provisions

Head: 83. Annual report of the Coroner Service

Provide that:

- (1) The Chief Coroner shall, not later than [30 April] in each year, make a report to the Minister on the performance of the functions and activities of the Coroner Service during the preceding year.
- (2) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.
- (3) The report shall be in such form as the Minister may approve and include information in such form and regarding such matters as he or she may direct.
- (4) The Chief Coroner [Coroner Service] may from time to time make such other reports to the Minister on the performance of its functions as it thinks fit.
- (5) The Chief Coroner [Coroner Service] shall give to the Minister such other information regarding such performance as he or she may from time to time require.
- (6) For the purposes of subsection (1) the period between the date of the establishment of the Coroner Service and the following 31 December shall be deemed to be the preceding year referred to in that subsection.

Head: 84. Returns to be made by [a coroner] [each coroner region]

Provide that:

(1): Every coroner [or coroner region] shall, on or before the [1st day of March] in each year, furnish to the Chief Coroner a written return of;

- (a) the number of deaths investigated,
- (b) the number of post-mortem or other special examinations conducted,
- (c) the number of inquests pending, opened, adjourned and completed under the provisions of this Act or provisions contained in that behalf in any other enactment
- (d) in the case of completed inquests, the verdicts delivered
- (e) any recommendations issued on the completion of an inquest, or otherwise, and
- (f) any other matter as may be required by the Chief Coroner

in [his or her region] [the region] during the year ended on the immediately preceding 31st day of December.

(2): In addition to the annual return specified in subsection (1), a coroner shall furnish to the [Chief Coroner] [Minister or to such other Minister as the Minister may direct] such written returns in relation to [any matter] [deaths investigated, inquests held and post-mortem or other special examinations conducted in his or her region] as the [Chief Coroner] [Minister] may from time to time direct.

(3): Every return furnished under this section shall be in such form and contain such particulars as the [Chief Coroner] [Minister] may from time to time direct.

Head: 85. Granting of legal aid in proceedings before a coroner

Provide that:

The Minister may, with the consent of the Minister for Finance, arrange a scheme for the granting by him or her of legal aid in proceedings where the coroner becomes of the opinion that the death of the deceased person may have occurred in [or if the deceased immediately prior to his or her death was in] Garda, military or prison custody, in an institution, including a hospital or other institution for the care and treatment of persons, administered by or on behalf of the State or was of a child in care.

Head: 86. Prescribing of forms of oaths, etc, in respect of an inquest

Provide that:

(1): The Minister may from time to time by order or regulation prescribe forms in respect of inquests, post-mortem or other special examinations and exhumations.

(2): The forms to be prescribed under subsection (1) shall include,

(a) the oath [or affirmation] to be taken by jurors and by witnesses,

(b) the summons to be served on jurors and on witnesses,

(c) the form of deposition, and

(d) the record of verdict.

(3): Until forms have been prescribed under this section, the forms of oaths, summonses, depositions and inquisitions in use in respect of inquests immediately before the commencement of this Act may continue to be used and may, where necessary, be modified so as to conform to the provisions of this Act.

Head: 87. Prescribing of certain fees and expenses

Provide that:

(1): The following fees and expenses shall be prescribed by order or by regulation by the Minister, after consultation with the [Minister for Finance] [Chief Coroner].

- (a) the fees payable to persons performing, or assisting at, post-mortem and special examinations,
- (b) the expenses payable to witnesses at inquests, and
- (c) the expenses payable in connection with removal or custody, in accordance with the direction of a coroner, of a body.

(2): Until the fees and expenses provided for under subsection (1) have been prescribed under this section, the fees and expenses payable immediately before the commencement of this Act may continue to be used and may, where necessary, be modified so as to conform to the provisions of this Act.

Head: 88. Certification and payment of certain sums

Provide that:

(1): A coroner may, in respect of any matter for which a fee or expenses is or are prescribed under Head 87 issue a certificate for the payment to the person concerned of a sum not greater than the sum prescribed in that behalf.

(2): Every person to whom a certificate has been issued under this section may present the certificate to the Coroner Service specified in the certificate and thereupon the Coroner Service shall pay the sum mentioned in the certificate to the person.

(3): No certificate for the payment of any fee shall be issued under this section to a registered medical practitioner who is on the staff of a health institution, within the meaning of the [Health Act, 1947], or a hospital in connection with an inquest on the body of a person who died in the institution, if it was his duty to attend the person.

Head: 89 Restriction of Data Protection Act 1988

Provide that:

Section 4 of the Data Protection Act 1988 does not apply to personal data provided to a coroner for as long as the data are –

- (a) in the custody of a coroner, [or
- (b) deposited in accordance with the requirements of a notice under Heads [38, 50, 62 and 63]

Head: 90. Restriction of Freedom of Information Act 1997

Provide that:

The exclusion provided under section 46 (1) of the Freedom of Information Act 1997 shall be construed as applying to a coroner and an inquest.

Head: 91. Consequential amendments to other enactments

(1): The enactments specified in the Schedule are amended as indicated in the Schedule.

(2): For the avoidance of doubt, it is declared that

SCHEDULES

SCHEDULE 1

ENACTMENTS REPEALED

1962 Coroners Act. The whole Act.
2005 Coroners (Amendment) Act. The whole Act.
1976 Juries Act [Sections 31 and 32 and {references to coroner in the First Schedule]
[Health And Safety Act (Section 56 on inquests)]
[Civil Registration Act 2004 – sections []

SCHEDULE 2

Consequential amendments to other enactments

Mental Health Act 2001?