

BILLE COROINEIRI (LEASU), 1926.  
CORONERS (AMENDMENT) BILL, 1926.

[SEANAD.]

*Mar do leasuíodh i gCoiste den Dáil.  
As amended in Committee of the Dáil.*

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# SAORSTÁT EIREANN.

BILLE COROINEIRI (LEASU), 1926.  
CORONERS (AMENDMENT) BILL, 1926.

## BILL

*entitled*

5

AN ACT TO AMEND THE LAW RELATING TO CORONERS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT EIREANN AS FOLLOWS:—

Duty of coroner to hold an inquest.

1.—Subject to the provisions of section 10 of this Act it shall be the duty of a coroner in every case in which he is informed that the dead body of a person is lying within his district, and there is reasonable cause to suspect that such person has died either a violent or unnatural death or has died a sudden death of which the cause is unknown or that such person has died in prison or in such place or in such circumstances as to require an inquest under any Act other than the Coroners (Ireland) Act, 1846, to hold an inquest upon the body of such person in accordance with the provisions of the Coroners (Ireland) Act, 1846 or of this Act. 10 15

Power to hold inquest in certain cases.

2.—(1) In any case (other than those provided for by Section 1 of this Act) in which the coroner is informed of the death within his district of a person who was not attended throughout his last illness by a duly qualified medical practitioner or that a medical certificate of the cause of death of any person is not procurable, he may inquire into the circumstances of the death of such person, and if he is unable to ascertain the cause of such death he may if he shall think fit hold an inquest for the purpose of ascertaining the cause of such death. The coroner may, at any time after he is informed of the death of any such person and pending any such inquiry, make an order for the burial of the body of any such person. 20 25 30

(2) It shall be the duty of the local Superintendent or other officer of the *Gárda Síochána*, in case he becomes aware of the death within the district of a coroner of any person who was not attended throughout his last illness by a duly qualified medical practitioner, or in whose case a medical certificate of the cause of death is not procurable, to inform the coroner of such death. 35

Power to hold inquest without a jury in certain cases.

3.—(1) Subject to the provisions of this section a coroner within whose district the dead body of a person is lying may, in lieu of summoning a jury in the manner required by section 23 of the Coroners (Ireland) Act, 1846, for the purpose of inquiring into the death of that person, hold an inquest on the body without a jury. 40

(2) If it appears to the coroner either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect— 45

- (a) that the deceased came by his death by murder, manslaughter or infanticide; or
- (b) that the death occurred in prison or in such place or in such circumstances as to require an inquest under any Act other than the Coroners (Ireland) Act, 1846; or
- (c) that the death was caused by an accident, poisoning or disease notice of which is required to be given to a government department or to any inspector or other officer of a government department, under or in pursuance of any Act; or
- (d) that the death was caused by an accident arising out of the use of a vehicle in a street or public highway; or
- (e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public; 50 55 60

he shall proceed to summon a jury in the manner required by the Coroners (Ireland) Act, 1846, and in any other case if it appears to him, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is any  
5 reason for summoning a jury, he may proceed to summon a jury in the manner aforesaid.

(3) The provisions of any enactment relating to the procedure in connection with an inquest shall, as respects an inquest or any part of an inquest which is held without a jury, have effect subject  
10 to such modifications in the procedure as are rendered necessary by the absence of a jury,\* and where the whole of an inquest is held without a jury the inquisition shall be under the hand of the coroner alone.

(4) Where an inquest or any part of an inquest is held without a jury, anything done at the inquest, or at that part of the inquest, by or before the coroner alone shall be as validly done as if it had been done by or before the coroner and a jury.

(5) Where an inquest or any part of an inquest is held without a jury and it shall appear to the coroner that the cause of death  
20 has not been satisfactorily explained by the evidence of any medical practitioner summoned by him as a witness pursuant to section 33 of the Coroners (Ireland) Act, 1846, it shall be lawful for the coroner to issue his summons for the attendance of some other legally qualified medical practitioner or practi-  
25 tioners.

4.—In the case of an inquest held by a coroner with a jury, such jury shall consist of not less than six and not more than twelve persons. Number of jury.

5.—Every person residing within a coroner's district shall be liable to serve on the jury at any inquest held in that district whether he is or is not a householder, and whether he is or is not rated to the relief of the poor, save only such persons as are for the time being, for some reason other than lack of rateable qualifications, not liable to, or disqualified for, or exempted from  
30 service on juries in the Courts of Justice. Liability to service on jury at inquest.

6.—(1) At or before the first sitting of an inquest on a body the coroner shall view the body, and if at any stage of the inquest before the body has been buried the coroner so directs, or a majority of the jury so desires, the body shall be viewed by the jury also: View of the body and burial order.

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

(2) A coroner may at any time after he has viewed a body upon which he decides to hold an inquest by order under his hand authorise the burial of the body, and shall give the order to the relative or other person to whom it is required by the Births and Deaths Registration Act (Ireland), 1880 to be so given.

7.—(1) If a jury at a coroner's inquest fail to agree on a verdict and the minority consists of not more than two, the coroner may accept the verdict of the majority, who shall in that case subscribe their names to the inquisition found upon such inquest. Failure of jury to agree.

(2) In any other case of disagreement the coroner shall discharge the jury and issue his precept for summoning another jury, and thereupon the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place, except that it shall not be obligatory on the coroner to view the body again.

8.—Where the bodies of two or more persons whose deaths appear to have been caused by the same accident or occurrence are lying within the jurisdiction of different coroners, the Minister for Justice may, if in his opinion it is in the public interest so to do, give directions for the removal of any of the bodies into such district as he may determine in which one of the coroners has jurisdiction, and may also give directions for the subsequent removal of any body to any place within the jurisdiction from  
65 Inquests where several deaths arise from one accident.

which it was removed, and for the adjustment of the expenses of and in connection with the inquests on the bodies removed, and the inquests shall be held and the bodies shall be removed and the expenses shall be defrayed in accordance with those directions.

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Inquest where body destroyed or irrecoverable.

9.—Where a coroner has reason to believe that a death has occurred in or near his district in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Minister for Justice, and the Minister for Justice may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Minister for Justice may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications in the procedure as may be necessary in consequence of the inquest being held otherwise than on or after view of a body lying within the coroner's district.

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Amendments with respect to inquests in cases of murder, manslaughter or infanticide.

10.—(1) If on an inquest touching a death the coroner is informed before the jury have given their verdict that some person has been charged before a District Justice with the murder, manslaughter or infanticide of the deceased, he shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings and may if he thinks fit discharge the jury.

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

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

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(3) Where a coroner resumes an inquest which has been adjourned in accordance with the requirements of this section and the jury has been discharged, the coroner shall proceed in all respects as if the inquest had not previously been begun, and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest except that it shall not be obligatory on the coroner to view the body.

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(4) If, having regard to the result of the criminal proceedings, the coroner decides not to resume the inquest he shall furnish the registrar of deaths with a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest, and the registrar shall enter the death and particulars in the form and manner prescribed by the Registration of Births and Deaths (Ireland) Act, 1863 and the Births and Deaths Registration Act (Ireland), 1880.

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(5) It shall be the duty of the clerk to or other proper officer of the District Justice before whom a person is charged with murder, manslaughter or infanticide to inform the coroner who is responsible for holding an inquest upon the body of the making of the charge, and of the committal for trial or discharge, as the case may be, of the person charged, and it shall be the duty of the clerk or other proper officer of any court to which a person charged with murder, manslaughter or infanticide is committed for trial, and of the registrar or other proper officer of the court before which any appeal from a conviction of murder, manslaughter or infanticide is heard, to inform the coroner of the result of the proceedings.

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(6) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a District Justice and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can,

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without an extension of time being granted by the Court of Criminal Appeal, be made in the course thereof.

Post-mortem  
examination  
without inquest

11.—(1) Where a coroner is informed that the dead body of a person is lying within his district and there is reasonable cause to suspect that the person has died a sudden death of which the cause is unknown, if the coroner is of opinion that a post-mortem examination may prove an inquest to be unnecessary, he may cause such an examination to be made and the result to be reported to him, and for the purposes of the examination the coroner and any person authorised by him to conduct the examination shall have the like powers, authorities and immunities as if the examination were an examination directed by the coroner at an inquest upon the body of the deceased.

(2) If as a result of such an examination as aforesaid the coroner is satisfied that an inquest is unnecessary, he shall send to the registrar of deaths whose duty it is to register the death a certificate under his hand stating the cause of death as disclosed by the report, and the registrar shall make an entry in the register accordingly.

(3) Nothing in this section shall be construed as authorising the coroner to dispense with an inquest in any case where there is reasonable cause to suspect that the deceased has died either a violent or an unnatural death, or has died in prison or in such place or in such circumstances as to necessitate the holding of an inquest in accordance with the requirements of any Act other than the Coroners (Ireland) Act, 1846.

12.—(1) Without prejudice to the power of a coroner holding an inquest to direct a medical witness whom he may summon under section 33 of the Coroners (Ireland) Act, 1846 to make a post-mortem examination of the body of the deceased, the coroner may, at any time after he has decided to hold an inquest, inform the Minister for Justice by writing under his hand that it is in his opinion desirable to have made—

Post-mortem  
and special  
examinations.

(a) a post-mortem examination of the body of the deceased;

or

(b) a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the coroner to be submitted to analyses, tests or other special examination with a view to ascertaining how the deceased came by his death;

or to have both such examinations made, at the same time stating his reasons for such opinion: and the Minister for Justice may thereupon appoint a legally qualified medical practitioner to make such post-mortem examination or special examination or may appoint any other person whom he considers to possess special qualifications for making such a special examination as aforesaid to make the special examination.

(2) If any person who has made such a post-mortem or special examination as aforesaid is summoned by the coroner as a witness he may be asked to give evidence as to his opinion upon any matter arising out of the examination, and as to how in his opinion the deceased came by his death.

(3) The fee payable in respect of any such post-mortem or special examination shall be a sum not exceeding ten guineas, or such larger sum as the coroner shall with the approval of the Minister for Justice determine, and if the person making such post-mortem or special examination is summoned by the coroner as a witness to attend an inquest he shall be given such further allowance as the coroner with the approval of the Minister for Justice shall determine.

13.—(1) The fees payable to a legally qualified medical practitioner who has made any post-mortem examination by the direction or at the request of a coroner, or who has attended an inquest in obedience to a summons of a coroner under the Coroners (Ireland) Act, 1846 or this Act, shall (save as in this Act otherwise expressly provided) be as follows, that is to say:—

Fees and  
expenses to  
witnesses.

(a) for attending to give evidence at any inquest whereat no

post-mortem examination has been made by the practitioner, not exceeding two guineas;

(b) for making a post-mortem examination of the body of the deceased and reporting the result thereof to the coroner without attending to give evidence at an inquest, not exceeding three guineas; and

(c) for making a post-mortem examination of the body of the deceased (including the making of a report, if any, of the result thereof to the coroner) and for attending to give evidence at an inquest on the body, not exceeding four guineas:

Provided that no fee or remuneration shall be paid to a medical practitioner for the purpose of a post-mortem examination instituted without the previous direction or request of the coroner.

(2) In the case of any other witness attending and giving evidence at an inquest, if the coroner shall certify that special circumstances exist he shall allow such sum for expenses as he shall consider reasonable, not exceeding in any one case the sum of five pounds.

Power of removal of body for post-mortem or special examination.

14.—(1) Where by the direction or at the request of a coroner a post-mortem or special examination of a body is to be made, the coroner may, subject as hereinafter provided, order the removal of the body to any place which may be provided for the purpose either within his jurisdiction or within any adjoining district in which another coroner has jurisdiction:

Provided that the coroner shall not under this section order the removal of the body to any place other than a place within his jurisdiction provided by a sanitary authority except with the consent of the person or authority by whom the place is provided.

(2) Where a coroner orders under this section the removal of a body to any place outside his jurisdiction, he may authorise the burial of the body after examination, notwithstanding that it is outside his jurisdiction, and if he does not do so he shall order the removal of the body after examination to a place within his jurisdiction.

(3) The removal of a body in pursuance of an order made by a coroner under this section to any place outside his jurisdiction shall not affect his powers and duties in relation to the body or the inquest thereon, nor shall it confer or impose any rights, powers or duties upon any other coroner.

Exhumation.

15.—In any case where a coroner has been informed by a Superintendent of the *Gárda Síochána* that there is reason to believe that a person who has been already buried in his district has died either a violent or an unnatural death, he may apply to the Minister for Justice for an order directing the *Gárda Síochána* to have the body of such person exhumed; and the Minister, if he shall see fit, may make such order accordingly and thereupon the coroner shall have all the powers and duties in regard to such body as he would have had if such person had died within his district and he had become aware of the death before the burial of the body.

Appointment and removal of coroners.

16.—(1) The office of coroner shall be deemed to be an office to which the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926) applies, and that Act shall apply accordingly with the modification that in relation to that office the expression "the Minister" in that Act shall mean the Minister for Justice.

(2) The Minister for Justice may, if he thinks fit, remove any coroner from his office for misconduct or if satisfied that, by reason of physical or mental infirmity, he is incapable of the due discharge of his duties.

Tipperary North Riding and Tipperary South Riding to be separate counties for coroner purposes.

17.—Notwithstanding anything contained in the Local Government (Ireland) Act, 1898, or in any other enactment, the administrative counties of Tipperary North Riding and Tipperary South Riding shall cease to be one county for all purposes relating to coroners and each of the said counties shall be one county for such purposes.

18.—(1) Within twelve months from the date of the passing of this Act every council having power to appoint a coroner shall subject to the approval of the Minister for Local Government and Public Health revise the salaries payable to the coroner or coroners appointed by such council: provided that the salary payable to a coroner holding office at the date of the passing of this Act shall in no case be diminished. Salaries.

(2) If a coroner is aggrieved by the neglect or refusal of a council to revise his salary pursuant to sub-section (1) of this section or by the result of such revision, he may appeal to the Minister for Local Government and Public Health, who shall thereupon after consultation with the Minister for Justice fix the salary at such rate as he thinks proper, and the salary so fixed shall come into force as from such date as he may determine.

(3) In fixing the rate of salary payable to a coroner under this section regard shall be had to the nature and extent of his duties and to all the circumstances of the case.

19.—(1) Upon the death or resignation of a coroner the council by whom he was appointed in lieu of appointing a successor may, and if required by the Minister for Local Government and Public Health shall, submit to the Minister for Local Government and Public Health a scheme for the amalgamation of his district or part of his district with the district or districts of any other coroner or coroners appointed by such council: and such scheme, if approved by the Minister for Local Government and Public Health after consultation with the Minister for Justice, shall come into force upon such date as the Minister for Local Government and Public Health shall determine. Power to amalgamate districts.

(2) Such scheme may provide for a revision of the salary of any coroner whose district it is proposed to extend thereby and sub-sections (2) and (3) of section 18 of this Act shall apply in the case of such revision.

20.—For the purposes of the appointment of a coroner or of the amalgamation of coroners' districts, any vacancy in the office of coroner existing at the time of the passing of this Act shall be deemed to have occurred immediately after the passing of this Act. Existing vacancies to be deemed to have occurred after passing of this Act.

21.—The Minister for Justice may make rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular (without prejudice to the generality of the foregoing provision); such rules may provide— Power to make rules.

(a) as to the procedure at inquests held without a jury;

(b) as to the issue by coroners of orders authorising burials;

(c) for empowering a coroner or his deputy to alter the date fixed for the holding of an adjourned inquest within the jurisdiction of the coroner;

(d) as to the procedure to be followed where a coroner decides not to resume an adjourned inquest; and

(e) as to the notices to be given and as to the variation or discharge of any recognizances entered into by jurymen or witnesses where the date fixed for an adjourned inquest is altered or where a coroner decides not to resume an adjourned inquest.

22.—The power of the Minister for Justice under this Act to make rules with respect to any matter shall include power to prescribe by such rules the forms to be used in connection with that matter and to revoke or amend any forms which are directed or authorised by or under any statute to be used in connection with that matter and to substitute new forms for any of such forms. Prescription of forms.

Coroners' returns.

23.—(1) Every coroner shall on or before the first day of February in each year make and transmit to the Minister for Justice a return in writing, in such form and containing such particulars as the Minister from time to time directs, of all cases in which an inquest has been held by him, or by his deputy, during the year ended on the thirty-first day of December immediately preceding. 5

(2) In addition to the yearly returns to be furnished under the foregoing sub-section, every coroner shall, as and when required by the Minister for Justice, furnish to the Minister returns in relation to inquests held and deaths inquired into by him in such form and containing such particulars as the Minister may direct. 10

Source out of which expenses are to be defrayed.

24.—Any fees or expenses payable under, or incurred in the execution of this Act shall be defrayed out of the like source as the expenses of a coroner under the Coroners (Ireland) Act, 1846. 15

Short title.

25.—This Act may be cited as the Coroners (Amendment) Act, 1926.

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Saorstát Éireann.

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BILLE COROINEIRI (LEASU), 1926.

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BILLE

(mar do leasúidh i gCoiste den Dáil)  
dá ngairmtear

Acht chun leasú do dhéanamh ar an dlí a bhaineas le coróinéirí.

*Somhairle Brún do thug isteach.*

*Art Mac Siacais agus Pádraig O Cionaotha ag cabhrú leis.*

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Do hordúidh, ag Dáil Éireann, do chlóbhuála,  
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Saorstát Éireann.

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CORONERS (AMENDMENT) BILL, 1926.

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BILL

(as amended in Committee of the Dáil)  
entitled

An Act to amend the law relating to coroners.

*Introduced by Senator S. L. Brown, K.C.*

*Supported by Senators Arthur Jackson and P. W. Kenny.*

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