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**AN BILLE CROINEIRI, 1961**  
**CORONERS BILL, 1961**

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*Mar a ritheadh ag dhá Theach an Oireachtais*  
*As passed by both Houses of the Oireachtas*

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### MARGINAL ABBREVIATIONS

- |          |   |  |
|----------|---|--|
| 4 Edw. 1 | = | The Office of the Coroner [1275-6].  |
| 1840     | = | Municipal Corporations (Ireland) Act, 1840 [3 & 4 Vic., c. 108].   |
| 1846     | = | Coroners (Ireland) Act, 1846 [9 & 10 Vic., c. 37].   |
| 1860     | = | Borough Coroners (Ireland) Act, 1860 [23 & 24 Vic., c. 76].  |
| 1876     | = | Coroners (Dublin) Act, 1876 [39 & 40 Vic., c. xciii].  |
| 1880     | = | Births and Deaths Registration Act (Ireland), 1880 [43 & 44 Vic., c. 13].  |
| 1881     | = | Coroners (Ireland) Act, 1881 [44 & 45 Vic., c. 35].  |
| 1892     | = | Coroners Act, 1892 [55 & 56 Vic., c. 56], in so far as applied to Ireland and adapted by the Coroners (Ireland) Act, 1908 [8 Edw. VII. c. 37]. |
| 1898     | = | Local Government (Ireland) Act, 1898 [61 & 62 Vic., c. 37].  |
| 1908     | = | Coroners (Ireland) Act, 1908 [8 Edw. VII. c. 37].  |
| 1921     | = | Tribunals of Inquiry (Evidence) Act, 1921 [11 Geo. 5, c. 7].   |
| 1924     | = | Coroners (Qualification) Act, 1924 [No. 4 of 1924].  |
| 1926     | = | Local Authorities (Officers and Employees) Act, 1926 [No. 39 of 1926].   |
| 1927     | = | Coroners (Amendment) Act, 1927 [No. 1 of 1927].  |
| 1941     | = | Local Government Act, 1941 [No. 23 of 1941].   |
| 1947     | = | Coroners (Amendment) Act, 1947 [No. 50 of 1947].   |



AN BILLE CROINEIRI, 1961  
CORONERS BILL, 1961

**BILL**

*entitled*

5 AN ACT TO AMEND AND CONSOLIDATE THE LAW  
RELATING TO CORONERS AND TO CORONERS'  
INQUESTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I

10 PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Coroners Act, 1962.

Short title  
and  
commencement.

(2) This Act shall come into operation on such day as the  
Minister shall by order appoint for that purpose.

2.—In this Act—

Definitions.

15 “coroner”, except in *sections 6, 7, 8, 10, 11, 16* and *59*, includes  
a person appointed under subsection (2) of section 5 of the Local  
Authorities (Officers and Employees) Act, 1926, as applied by *section 8* of this Act, to fill the office of coroner temporarily; 1926, No. 39.

20 “deputy coroner” has the meaning given to it by *section 13* of  
this Act;

“local authority” means the council of a county or the corpora-  
tion of a county borough;

“the Minister” means the Minister for Justice;

25 “prescribed”, save where the context otherwise requires, means  
prescribed by regulations made by the Minister under this Act;

“registered medical practitioner” means a person who is regis-  
tered, other than provisionally or temporarily, under the Medical  
Practitioners Acts, 1927 to 1961, in the Register of Medical  
Practitioners for Ireland.

30 3.—(1) The Minister may make regulations in relation to any  
matter referred to in this Act as prescribed or to be prescribed. Regulations.

[cf. 1927, ss.  
21, 22]

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

Expenses.

4.—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 moneys provided by the Oireachtas.

Repeals.

5.—The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of 5 the Schedule.

## PART II

### CORONERS AND CORONERS' DISTRICTS

Coroners' districts.

[cf. 1840, s. 153; 1846, ss. 3, 5; 1898, s. 14 (2); 1860]

6.—(1) The coroners' districts of the State shall, subject to *subsection (2)* of this section, the provisions of any order under *subsection (3)* of this section and *section 7* of this Act, be the same 10 as the coroners' districts immediately before the commencement of this Act.

(2) The boroughs of Kilkenny, Clonmel, Drogheda and Sligo shall be included, respectively, with the areas which, heretofore, 15 constituted the coroners' districts of County Kilkenny, County Tipperary South Riding, County Louth and North County Sligo to form new coroners' districts.

(3) The boundary between two adjoining coroners' districts the coroners for which were appointed by the same local authority may be altered by the Minister by order made after consultation 20 with the Minister for Local Government and with the consent of the coroners for such districts.

(4) Where a vacancy occurs in a coroner's district portion of which is within a county borough, that portion shall thereupon 25 cease to be part of that district and shall be amalgamated with the district comprising the remainder of the county borough, the coroner of which shall become coroner for the district thereby created and comprising the whole of the county borough.

(5) *Section 10* of this Act shall have effect in the case of the 30 creation of a coroner's district under *subsection (4)* of this section in like manner as if such creation were an amalgamation under a scheme under *section 7* of this Act and, for that purpose, the references in *subsections (1)* and *(9)* of the said *section 10* to the coming into force of a scheme under the said *section 7* shall be construed as references to the creation of a district under *subsection (4)* 35 of this section.

Amalgamation of districts.

[1947. s. 3]

7.—(1) When a coroner ceases to hold office, the local authority by whom he was appointed, in lieu of appointing a successor, may, and if required by the Minister shall, submit to the Minister a 40 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 that local authority.

(2) A scheme under this section, if approved of by the Minister after consultation with the Minister for Local Government, shall 45 come into force on such day as the Minister determines.

Office of coroner.

[cf. 1898, ss. 14 (1), 40 (3); 1927, s. 16 (1)]

1926, No. 39.

8.—(1) There shall be a coroner for every coroner's district.

(2) The coroner for a coroner's district shall be appointed by the local authority in whose area the district is situate.

(3) The office of coroner shall be an office to which the Local 50 Authorities (Officers and Employees) Act, 1926, applies and that Act shall apply accordingly but with the following modifications:

(a) "the Minister" in the said Act shall, in relation to the office of coroner, mean the Minister for Justice,

(b) *subsection (1)* of *section 5*, *subsections (1)* and *(2)* of 55 *section 7* and *section 11* of that Act shall not apply to the office of coroner,

- (c) the Minister shall, after consultation with the Local Appointments Commissioners, declare, either generally or for a particular appointment, the qualifications as to age, health and character for appointment to the office of coroner,
- (d) the reference in subsection (3) of section 7 of that Act to qualifications prescribed under that section shall be construed as a reference to qualifications declared under paragraph (c) of this subsection, and
- (e) every person to be recommended for appointment to the office of coroner shall be selected by such means and in such manner as the Local Appointments Commissioners think proper. [1926, s. 9]
- (4) The modifications effected by subsection (3) of this section shall not apply in the case of the appointment of a coroner after the commencement of this Act where the qualifications for the appointment were prescribed before such commencement, and the appointment shall be made as if this Act had not been passed.
- (5) The Local Appointments Commissioners shall, before recommending a person for appointment to the office of coroner, satisfy themselves that the person possesses the requisite knowledge and ability for the proper discharge of the duties of that office.
- 9.—(1) Every coroner shall be paid by the local authority by whom he is appointed such salary as shall from time to time be fixed, with the approval of the Minister, by that local authority. [1947, s. 2] Salary of coroner.
- (2) The Minister shall not give any approval under this section save after consultation with the Minister for Local Government. [1947, s. 5]
- (3) The salary of a coroner shall be inclusive of any travelling, subsistence and other out-of-pocket expenses incurred by him in the course of his duties as coroner. [1898, s. 14 (6)]
- 10.—(1) Within six months after a scheme under section 7 of this Act has come into force, the salary of a coroner whose district has been enlarged under the scheme shall be reviewed by the local authority who pay the salary. [1947, s. 4] Review of salary.
- (2) On a review under this section of a salary, the local authority shall, subject to the approval of the Minister, make a determination (in this section referred to as a provisional determination) that the salary shall be increased in a specified manner or that it shall be confirmed.
- (3) A local authority who make a provisional determination shall inform the coroner to whom the determination relates of the terms of the determination within one month after it is made.
- (4) Where a coroner is dissatisfied with a provisional determination, he may, within three months after being informed of the terms of the determination, appeal against it to the Minister.
- (5) Where an appeal is taken against a provisional determination, the Minister shall either dismiss the appeal or determine that the salary in question shall be increased in a specified manner.
- (6) Where a provisional determination is made and an appeal against it is not taken or, if taken, is dismissed, the salary in question shall stand confirmed or increased in accordance with the determination.
- (7) Where an appeal is taken against a provisional determination and on the appeal the Minister determines that the salary in question shall be increased in a specified manner, the salary shall stand so increased.
- (8) Where a local authority who are required by this section to review the salary of a coroner refuse to review it or, on the expiration of one month after the expiration of the period during which they are required to review the salary, have failed to inform the coroner of the terms of a provisional determination made by them in respect of the salary—

- (a) the coroner may request the Minister to review the salary,
- (b) the Minister shall review the salary and on such review shall determine either that the salary shall be increased in a specified manner or that it shall be confirmed,
- (c) the salary shall thereupon stand increased or confirmed in accordance with the determination of the Minister.

(9) An increase of salary under this section shall have effect as from the coming into force of the relevant scheme.

(10) The Minister shall not under this section give an approval, dismiss an appeal or review, or make a determination in relation to, a salary save after consultation with the Minister for Local Government.

Tenure of office of coroner.

**11.**—(1) Every coroner appointed after the commencement of this Act shall, unless he sooner dies, resigns or is removed from office, hold office until he reaches the age of seventy years.

[new]

(2) *Subsection (1)* of this section shall not apply to a coroner appointed after the commencement of this Act where the qualifications for his appointment were prescribed before such commencement.

Place of residence of coroner.

**12.**—(1) A coroner shall have his ordinary residence in his district.

[1846, s. 21]

[new]

(2) Where a coroner has the permission of the Minister (which permission may at any time be withdrawn by the Minister) to have his ordinary residence at a particular place outside his district, he shall be deemed to be fulfilling the requirements of *subsection (1)* of this section so long as he has his ordinary residence at that place.

Deputy coroners.

**13.**—(1) Every coroner shall appoint a person approved of for the purpose by the local authority by which the coroner was appointed to be his deputy and the deputy shall be known, and is in this Act referred to, as a deputy coroner.

[cf. 1876, s. 5; 1892]

(2) A coroner may at any time revoke an appointment made by him under this section, but the revocation shall not have effect unless and until he makes a new appointment of a deputy coroner.

(3) A deputy coroner may act for the coroner by whom he was appointed during the illness or absence of the coroner and may also act for the coroner at any inquest which the coroner is disqualified under this Act for holding unless he is himself disqualified under this Act for holding the inquest.

(4) Whenever the office of coroner for a coroner's district is vacant, the following provisions shall have effect :

(a) the person (if any) who was the deputy coroner for that district immediately before the occurrence of the vacancy shall, unless he sooner dies, resigns or is removed from office, continue in office as deputy coroner for that district until the termination of the vacancy;

(b) during the continuance of the vacancy, the deputy coroner for that district shall have all the powers and duties of the coroner for that district and shall be paid by the local authority in whose area the district is situate the same salary as would have been payable by such local authority to the coroner for that district if he had continued in office.

[new]

(5) (a) Where a coroner is absent from his duties with the permission of the Minister, the Minister may authorise the

deputy coroner for the district of that coroner to perform all the duties of that coroner's office and, while the authorisation is in force, the deputy coroner shall, for the purposes of this Act except *section 9*, be deemed to be the coroner for that district.

5

(b) The Minister may revoke an authorisation given under this subsection.

(6) A deputy coroner shall, while acting as coroner in the place of the coroner by whom he was appointed, have all the duties and powers of a coroner.

10

(7) A deputy coroner shall have his ordinary residence in the coroner's district for which he is deputy coroner. [new]

15

(8) Where a deputy coroner has the permission of the Minister (which permission may at any time be withdrawn by the Minister) to have his ordinary residence at a particular place outside that coroner's district, he shall be deemed to be fulfilling the requirement of *subsection (7)* of this section so long as he has his ordinary residence at that place. [new]

20

**14.—**(1) No person shall be appointed to be a coroner or a deputy coroner unless he 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. Restriction on appointment as coroner or deputy coroner. [cf. 1876, ss. 2, 5; 1881, s. 2; 1908, s. 1 (2); 1924]

25

(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.

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**15.—**(1) Whenever the Minister is of opinion that any coroner or deputy coroner has been guilty of misconduct or neglect of duty or is unfit for office or incapable of the due discharge of his duties by reason of physical or mental infirmity, the Minister may send by registered post to such coroner or deputy coroner at his ordinary residence a notice in writing stating the said opinion and, if the Minister, after the expiration of seven days from the sending of the notice and after consideration of the representations (if any) made to him by such coroner or deputy coroner, remains of the said opinion, he may by order remove such coroner or deputy coroner from office. Removal from office of coroner and deputy coroner. [1846, s. 42; 1908, s. 1 (3); 1927, s. 16 (2); cf. 1941, s. 25]

40

(2) Every order removing a coroner or deputy coroner from office shall specify the reason for the removal. [New]

45

**16.—**(1) Notwithstanding anything contained in this Act— First coroners under this Act.

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(a) every person who, immediately before the commencement of this Act, was a coroner under the law then relating to coroners shall (save as otherwise provided by this section) be deemed immediately upon such commencement to have been appointed under and in accordance with this Act to be the first coroner for the coroner's district corresponding to the district for which he was coroner immediately before such commencement; and [new]

55

(b) the salary of every such first coroner shall not be less than that which he was paid as coroner immediately before the commencement of this Act.

60

(2) The respective offices of coroner for the several boroughs of Kilkenny, Clonmel, Drogheda and Sligo shall, upon the commencement of this Act, cease to exist, and every coroner's district which, by virtue of *section 6* of this Act, contains one of those boroughs shall be deemed for the purposes of *subsection (1)* of this section to correspond to the district, as existing immediately before such commencement, to which the borough was added to form that coroner's district.

(3) Every person who is deemed under this section to have been

appointed to be a coroner shall furnish to the Minister the name and address of the person (if any) who immediately before the commencement of this Act was, under the law then relating to coroners, deputy coroner for the district of that coroner and thereupon, notwithstanding anything contained in this Act, the last mentioned person shall be deemed to have been appointed under and in accordance with this Act to be the deputy coroner for the district of that coroner.

### PART III

#### INQUESTS

General duty to hold inquest.

[1846, ss. 22, 39; 1927, s. 1]

17.—Subject to the provisions of this Act, where a coroner is informed that the body of a deceased person is lying within his district, it shall be the duty of the coroner to hold an inquest in relation to the death of that person if he is of opinion that the death may have occurred in a violent or unnatural manner, or suddenly and from unknown causes or in a place or in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest should be held.

Optional power to hold inquest and duty to notify coroner.

[1927, s. 2]

18.—(1) Where a coroner is informed that the body of a deceased person is lying within his district and that a medical certificate of the cause of death is not procurable, he may inquire into the circumstances of the death of that person and, if he is unable to ascertain the cause of death, may, if he so thinks proper, hold an inquest in relation to the death.

(2) *Subsection (1)* of this section shall not apply to any case to which *section 17* of this Act applies.

(3) It shall be the duty of an inspector or officer of the Garda Síochána, if he becomes aware of the death within the district of a coroner of any person in whose case a medical certificate of the cause of death is not procurable, to inform the coroner of such death.

[new]

(4) Every medical practitioner, registrar of deaths or funeral undertaker and every occupier of a house or mobile dwelling, and every person in charge of any institution or premises, in which a deceased person was residing at the time of his death, who has reason to believe that the deceased person died, either directly or indirectly, as a result of violence or misadventure or by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or from any cause other than natural illness or disease for which he had been seen and treated by a registered medical practitioner within one month before his death, or in such circumstances as may require investigation (including death as the result of the administration of an anaesthetic), shall immediately notify the coroner within whose district the body of the deceased person is lying of the facts and circumstances relating to the death.

(5) The obligation imposed on a person by *subsection (4)* of this section shall be deemed to be discharged if he immediately notifies a member of the Garda Síochána not below the rank of sergeant of the facts and circumstances required to be notified under that subsection.

[new]

(6) Every person who contravenes *subsection (4)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Post-mortem examination in lieu of inquest.

[1927, s. 11]

19.—(1) Where a coroner—

- (a) is informed that the body of a deceased person is lying within his district, and
- (b) is of opinion that that person's death may have occurred suddenly and from unknown causes, and
- (c) is of opinion that a post-mortem examination of the body of that person may show that an inquest in relation to the death is unnecessary,

he may cause the examination to be made and if, in his opinion, the report of the examination shows that an inquest in relation to the death is unnecessary it shall not be obligatory upon him to hold an inquest.

- 5 (2) Nothing in this section shall authorise a coroner to dispense with holding an inquest in relation to a death if he is of opinion that the death may have occurred in a violent or unnatural manner or in a place or in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest  
10 should be held.

20.—(1) Whenever an inquest cannot be held save by virtue of this section on account of—

Provisions where coroner and deputy coroner are prevented from holding inquest.

- 15 (a) the coroner for the relevant district being absent, ill, incapacitated or disqualified under this Act for holding the inquest or there being a vacancy in the office of coroner for the district, and

[new]

- (b) the deputy coroner for the district being at the same time absent, ill, incapacitated or disqualified under this Act for holding the inquest,

- 20 any member of the Garda Síochána not below the rank of inspector may request the coroner for an adjoining district to hold the inquest, and thereupon such coroner shall hold the inquest accordingly and for that purpose shall be deemed to be the coroner for the first-mentioned district.

- 25 (2) Whenever an inquest is held by virtue of this section, the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest shall pay the coroner who holds the inquest such fee as may be prescribed together with such sum to cover his travelling and other expenses as shall be agreed upon  
30 between him and the local authority or, in default of agreement, as shall be fixed by the Minister.

- 21.—Where the bodies of two or more persons whose deaths appear to have been caused by the same occurrence are lying within the districts of different coroners, the Minister may, if he so thinks  
35 proper, direct that one of those coroners shall hold an inquest in relation to all of the deaths, and thereupon the coroner so directed shall hold the inquest in like manner as if all of the bodies were lying within his district.

Inquest where several deaths arise from one occurrence.

[1927, s. 8]

- 22.—Where the body of any person upon which it is necessary  
40 to hold an inquest has been buried and it is known to the coroner that no good purpose will be effected by exhuming the body for the purposes of an inquest, he may proceed to hold an inquest without having exhumed the body.

Inquest without exhuming body.

[new]

- 23.—Whenever a coroner has reason to believe that a death has  
45 occurred in or near his district in such circumstances that an inquest is appropriate and that, owing to the destruction of the body or its being irrecoverable, an inquest cannot be held except by virtue of this section, the Minister may, if he so thinks proper, direct an inquest in relation to the death to be held by that coroner or another  
50 coroner, and thereupon the coroner so directed shall hold an inquest in relation to the death in like manner as if the body were lying within his district and had been viewed by him.

Inquest where body destroyed or irrecoverable.

[1927, s. 9]

- 24.—(1) Where the Attorney General has reason to believe that a person has died in circumstances which in his opinion  
55 make the holding of an inquest advisable he may direct any coroner (whether or not he is the coroner who would ordinarily hold the

Inquest on order of Attorney General.

[new]

inquest) to hold an inquest in relation to the death of that person, and that coroner shall proceed to hold an inquest in accordance with the provisions of this Act (and as if, not being the coroner who would ordinarily hold the inquest, he were such coroner) whether or not he or any other coroner has viewed the body, made any inquiry, held any inquest in relation to or done any other act in connection with the death. 5

(2) Whenever an inquest is held by virtue of this section by a coroner other than the coroner who would ordinarily hold the inquest, the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest shall pay the coroner who holds the inquest such fee as may be prescribed together with such sum to cover his travelling and other expenses as shall be agreed upon between him and that local authority or, in default of agreement, as shall be fixed by the Minister. 10 15

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

[cf. 1927, s. 10]

**25.**—(1) Where, at an inquest in relation to any death, a member of the Garda Síochána not below the rank of inspector requests the coroner to adjourn the inquest on the ground that criminal proceedings in relation to the death are being considered, the coroner shall adjourn the inquest for such period as he thinks proper and shall further adjourn the inquest for similar periods so often as a member of the Garda Síochána not below the rank of inspector requests him on the ground aforesaid so to do. 20

(2) Where, at an inquest in relation to any death, a member of the Garda Síochána not below the rank of inspector 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, but it shall not then be obligatory on the coroner to resume the inquest unless he thinks there are special reasons for so doing. 25 30

(3) It shall be the duty of the clerk or registrar of any court, at the conclusion of criminal proceedings in that court in relation to the death of a person, to inform the coroner holding an inquest in relation to the death of the result of such proceedings. 35

(4) When adjourning under this section an inquest a coroner may discharge the jury (if any) summoned therefor.

(5) Where a coroner resumes an inquest which was adjourned under this section and the jury for which has been discharged, he shall proceed in all respects as if the inquest had not been begun. 40

Summoning of witnesses.

[cf. 1846, ss. 22, 33, 34]

**26.**—(1) A coroner may, at any time before the conclusion of an inquest held by him, cause a summons in the prescribed form to attend and give evidence at the inquest to be served on any person (including in particular any registered medical practitioner) whose evidence would, in the opinion of the coroner, be of assistance at the inquest. 45

(2) A coroner shall not exercise, in relation to the attendance at an inquest of a second registered medical practitioner, the power conferred on him by *subsection (1)* of this section unless—

(a) a majority of the jurors at the inquest, it having appeared to them that the cause of death has not been satisfactorily explained by the medical practitioner giving evidence thereof at the inquest, have by a requisition in writing called upon the coroner to cause a summons under that subsection to be served on another registered medical practitioner, or 50 55

(b) that practitioner had assisted at a post-mortem examination upon the person in relation to whose death the inquest is being held. 60

27.—(1) A coroner holding an inquest in relation to the death of any person shall, except in a case to which *section 22* or *section 23* of this Act relates, view the body unless—

View of the body.

[cf. 1927, s. 6]

5 (a) it has been viewed by a member of the Garda Síochána who gives evidence to that effect at the inquest, or

(b) it has previously been viewed by a coroner or deputy coroner.

10 (2) Where a coroner is holding an inquest with a jury in relation to the death of any person, the jury shall view the body only if the coroner so directs or a majority of the jury so desires.

28.—Where a coroner holding an inquest does not take depositions, he shall take a note of the name and address of every person who gives evidence at the inquest.

Note of names, addresses of witnesses.

[new]

15 29.—(1) Every deposition or note of the names and addresses of witnesses taken at an inquest, every report of a post-mortem examination made in pursuance of this Act and every record of the verdict returned at an inquest shall be preserved by the coroner.

Preservation of certain documents.

[new]

20 (2) When a coroner ceases to hold office, all documents preserved by him under this section shall be handed over to the county registrar for the county or county borough in which his district is situate and the county registrar shall preserve the documents.

25 (3) A coroner shall furnish a copy of any document preserved by him under this section to every applicant therefor and, except where the application is made on behalf of a Minister of State or the Garda Síochána, may charge for a copy such fee as may be prescribed.

30 (4) A county registrar shall furnish a copy of any document preserved by him under this section to every applicant therefor and, except where the application is made on behalf of a Minister of State or the Garda Síochána, shall charge for a copy such fee as may be prescribed.

(5) The following provisions shall have effect in relation to all fees payable to a county registrar under this section :

35 (a) they shall 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,

40 (b) the Public Offices (Fees) Act, 1879, shall not apply in respect of them. 1879, c. 58

45 30.—Questions of civil or criminal liability shall not be considered or investigated at an inquest and accordingly every inquest shall be confined to ascertaining the identity of the person in relation to whose death the inquest is being held and how, when, and where the death occurred.

Prohibition of consideration of civil and criminal liability.

[new]

31.—(1) Neither the verdict nor any rider to the verdict at an inquest shall contain a censure or exoneration of any person.

Prohibition of censure and exoneration.

50 (2) Notwithstanding anything contained in *subsection (1)* of this section, recommendations of a general character designed to prevent further fatalities may be appended to the verdict at any inquest.

[new]

Record of verdict returned at an inquest.

**32.**—The record of the verdict returned at an inquest shall be signed by the coroner holding the inquest and, where he is sitting with a jury, by the foreman of the jury.

[new]

Post-mortem and special examinations.

**33.**—(1) A coroner may at any time before or during an inquest cause to be made a post-mortem examination of the body of any person in relation to whose death an inquest is to be or is being held. 5

[cf. 1927, s. 12]

(2) A coroner may request the Minister to arrange—

- (a) a post-mortem examination by a person appointed by the Minister of the body of any person in relation to whose death the coroner is holding or proposes to hold an inquest, or 10
- (b) a special examination by way of analysis, test or otherwise by a person appointed by the Minister of particular parts or contents of the body or of any other relevant substances or things, or 15
- (c) both such post-mortem examination and special examination, 15

and he may make such request whether or not he has exercised any other power conferred on him by this Act of causing a post-mortem examination of the body to be made. 20

[new]

(3) It shall be the duty of a coroner to exercise his powers of request to the Minister under *subsection (2)* of this section in every case in which a member of the Garda Síochána not below the rank of inspector applies to him so to do and states his reasons for so applying. 25

[new]

(4) Every request to the Minister under *subsection (2)* of this section shall be accompanied by the reasons therefor of the coroner or member of the Garda Síochána at whose instance the request is made. 30

[new]

(5) The Minister on receiving a request under *subsection (2)* of this section may, as he thinks proper, either comply or decline to comply with the request.

Holding of adjourned inquest by different coroner.

**34.**—An inquest which has been adjourned and at which only evidence of identification has been given may be resumed by a different coroner. 35

[new]

Disqualification of certain coroners for holding certain inquests.

**35.**—(1) A coroner or deputy coroner who is a registered medical practitioner shall not hold an inquest on the body of, or inquire into the death of, any person who was attended by him within one month before the person's death. 40

[cf. 1881, s.2]

[new]

(2) (a) A coroner or deputy coroner shall not hold an inquest on the body of, or inquire into the death of, any person if he has drawn up, or assisted in the drawing up of, and benefits under, any testamentary disposition made by that person. 45

(b) For the purpose of *paragraph (a)* of this subsection, 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 is authorised to charge fees in respect of the administration of the estate. 50

Service of summons. [cf. 1846, ss. 22. 36]

**36.**—Every summons to attend an inquest as a juror or 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 at the address at which he ordinarily resides with a person of the age of sixteen years or upwards. 55

37.—Every person who, having been duly served with a summons to attend an inquest as a juror or witness, fails to attend at the time and place specified in the summons shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Non-attendance of jurors and witnesses.

[cf. 1846, s. 35]

38.—(1) A coroner may examine the witnesses at an inquest on oath.

Powers with respect to the taking of evidence, etc., at inquest.

[cf. 4 Edw. I]

(2) Any person who—

10 (a) being in attendance as a witness at an inquest refuses to take an oath legally required by the coroner holding the inquest to be taken or to answer any question to which the coroner may legally require an answer, or

15 (b) does any other thing which would, if the coroner had been a court having power to commit for contempt, have been contempt of that court,

[cf. 1921, s. 1 (2)]

20 shall be guilty of an offence and the coroner may certify the offence under his hand to the High Court, and that Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that Court.

25 (3) A witness at an inquest shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

[cf. 1921, s. 1 (3)]

## PART IV

### JURIES AT INQUESTS

30 39.—Save as otherwise provided by this Part, a coroner may hold any inquest either, as he thinks proper, with or without a jury.

General power to sit with or without jury.

[1927, s. 3 (1)]

40.—(1) An inquest shall be held with a jury if, either before or during the inquest, the coroner becomes of opinion—

Obligation on coroner to sit with jury in certain cases.

35 (a) that the deceased came by his death by murder, infanticide or manslaughter, or

[1927, ss. 3 (2), 3 (3), 3 (4)]

(b) that 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, or

40 (c) that 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, or

45 (d) that the death of the deceased was caused by an accident arising out of the use of a vehicle in a public place, or

50 (e) that 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.

(2) The jury at an inquest shall be sworn by or before the coroner.

55 (3) Where a coroner, before commencing or resuming an inquest in relation to any death, is informed by a member of the Garda Síochána not below the rank of inspector that he will request an adjournment of the inquest on the grounds either that criminal

[new]

proceedings in relation to the death are being considered or have been instituted, 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 full hearing of the inquest takes place. 5

Number of coroner's jury. [1927, s. 4]

41.—A coroner's jury shall consist of not less than six and not more than twelve persons.

Liability to serve on coroner's jury. [1927, s. 5] 1927, No. 23.

42.—Every person over the age of twenty-one years residing within a coroner's district shall be liable to serve on the jury at any inquest held within that district unless— 10

(a) he is disqualified for serving as a juror under section 4 of the Juries Act, 1927;

(b) he is exempted from serving as a juror under section 5 of that Act, and is not included, under section 16 of that Act, in a jurors list. 15

Summoning of jury. [1846, s. 22]

43.—Whenever a jury is required for an inquest at any time and place, the coroner shall so inform a member of the Garda Síochána and the member shall assemble not less than six and not more than twelve persons qualified to be jurors at the inquest at such time and place and may, if he thinks it necessary, serve summonses in the prescribed form to ensure their attendance. 20

Failure of jury to agree. [cf. 1927, s. 7]

44.—If the jury at an inquest fail to agree on a verdict, the following provisions shall have effect :

(a) if a majority of the jury agree on a verdict, the verdict shall be accepted by the coroner, and 25

(b) in any other case, the coroner shall discharge the jury and hold a new inquest.

Holding of adjourned inquest with different jury. [new]

45.—An inquest which has been adjourned and at which only evidence of identification has been given may be resumed with a different jury. 30

## PART V

### MISCELLANEOUS

Removal and custody of body pending inquest, etc. [cf. 1846, s. 36; 1927, s. 14]

46.—(1) Where a coroner considers it necessary to hold an inquest on, or a post-mortem examination of, the body of a deceased person, he may direct that the body be removed into a convenient mortuary or morgue or other suitable place (whether inside or outside his district) and kept therein until he otherwise directs, and he may make such arrangements for the removal of the body as he considers necessary or desirable. 35

(2) The person in charge of a mortuary, morgue or other place into which the body of a deceased person is directed to be removed under *subsection (1)* of this section shall allow the body to be deposited in such mortuary, morgue or other place and shall keep the body therein until the coroner otherwise directs. 40

(3) Any person who obstructs the removal of a body pursuant to a direction under *subsection (1)* of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 45

(4) Any person in charge of a mortuary, morgue or other place who fails to comply with *subsection (2)* of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 50

(5) The removal of a body in pursuance of a direction by a coroner under *subsection (1)* of this section to any place outside his district 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.

47.—(1) Where a coroner is informed by a member of the Garda Síochána not below the rank of inspector that, in his opinion, the death of any person whose body has been buried in the coroner's district may have occurred in a violent or unnatural manner, the coroner may request the Minister to order the exhumation of the body by the Garda Síochána.

Exhumation,  
[1927, s. 15]

(2) On being requested under this section to authorise by order the exhumation of any body, the Minister may, as he thinks proper, either make or refuse to make the order.

(3) 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.

(4) 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.

48.—Where it is brought to the notice of a coroner that it is intended to remove out of the State the body of a deceased person which is within his jurisdiction he may certify, in such form as may be prescribed, that he has been satisfied as to the cause of death and that no circumstances exist necessitating the retention of the body, or any part thereof, in the State.

Removal of  
body outside  
the State.  
[new]

49.—A coroner shall have jurisdiction to inquire into the finding of treasure trove in his district and the provisions of this Act (other than those relating to post-mortem examinations or to the removal of bodies) shall, so far as is consistent with the tenor thereof, apply to every such inquest.

Inquest on  
treasure trove.  
[4 Edw. I]

50.—(1) Where, in pursuance of this Act, a coroner—

(a) holds an inquest, or

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

(c) decides, as a result of a post-mortem examination, not to hold an inquest,

he shall furnish the appropriate registrar of births and deaths with a certificate containing such particulars for the registration of the death as may be prescribed after consultation with the Minister for Health and the death shall be registered accordingly.

Furnishing of  
particulars to  
registrars of  
births and deaths.  
[1880, s. 16  
1927, ss. 10  
(4), 11 (2)]

(2) Where, in pursuance of this Act, a coroner inquires into the circumstances of a death without holding an inquest or causing a post-mortem examination to be made, he shall furnish the appropriate registrar of births and deaths with a certificate containing such particulars as may be prescribed after consultation with the Minister for Health.

(3) Where there is an error in a certificate furnished by a coroner under *subsection (1)* of this section, he may issue an amending certificate to the registrar and the error shall thereupon be corrected by the registrar in the register of deaths.

Extension of power of coroner to authorise burial. 1880, c. 13. [1927, ss. 2 (1), 6 (2)]

**51.**—The power conferred by section 17 of the Births and Deaths Registration Act (Ireland), 1880, on a coroner, upon holding an inquest on a body, of authorising by order the burial of the body shall be construed as including a power so to authorise the burial of a body, whether it is lying for the time being inside or outside his district, in relation to which he has decided that an inquest to be held by him is or may become necessary, and that section shall have extended operation accordingly. 5

Provisions governing post-mortem examination caused to be made by coroner.

[new]

**52.**—(1) Where a coroner causes under this Act a post-mortem examination of a body to be made, the following provisions shall have effect: 10

- (a) save as provided by the next following paragraph of this subsection, the coroner shall cause such examination to be made by one (and not more than one) registered medical practitioner, 15
- (b) if the coroner considers that that practitioner will require the assistance of another registered medical practitioner in making the examination, he may cause such assistance to be given by one other (but not more than one other) registered medical practitioner, 20
- (c) where the coroner causes such assistance to be given, he shall furnish the Minister with a statement of his reasons for considering it to be necessary, and
- (d) if the coroner summons or requests such other practitioner to give evidence at an inquest on the body, he shall furnish the Minister with a statement of his reasons for considering that evidence to be necessary. 25

(2) (a) A post-mortem examination under this Act shall not be made by a registered medical practitioner who had attended the person in relation to whose death an inquest is to be or is being held within one month before the person's death. 30

(b) Paragraph (a) of this subsection shall not apply to a registered medical practitioner who is a pathologist on the staff of, or associated with, a hospital save where the coroner considers that the conduct of such practitioner in relation to his attendance on the deceased person is likely to be called in question at the inquest. 35

Prohibition on certain coroners from acting in certain proceedings.

[cf. 1846, s. 37]

Supply of forms to coroner.

[new]

**53.**—A coroner or deputy coroner who is a solicitor or barrister shall not act as solicitor or barrister in criminal proceedings arising out of any matter which may have come before him as coroner or deputy coroner. 40

**54.**—The local authority by whom a coroner was appointed shall supply him with such supplies of stationery and of prescribed forms as shall be reasonably required by him for the discharge of his duties. 45

Returns to be made by coroner.

[cf. 1927, s. 23]

**55.**—(1) Every coroner shall, on or before the 1st day of February in each year, furnish to the Minister a written return of the inquests held and deaths inquired into in his district during the year ended on the immediately preceding 31st day of December. 50

(2) In addition to the yearly return specified in subsection (1) of this section, every coroner shall furnish to the Minister or to such other Minister as the Minister may direct such written returns in relation to inquests held and deaths inquired into in his district as the Minister may from time to time require. 55

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

56.—(1) The following forms may be prescribed in respect of inquests, namely, the form of—

Prescribing of forms of oaths, etc., in respect of inquests.

- (a) oath to be taken by jurors and to be taken by witnesses,  
(b) summons to be served on jurors and to be served on witnesses,  
(c) deposition, and  
(d) record of verdict.

[cf. 1927, ss. 21, 22]

(2) 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 with the provisions of this Act.

57.—The following fees and expenses shall be prescribed, after consultation with the Minister for Local Government, namely—

Prescribing of certain fees and expenses.

- (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.

[new]

58.—(1) A coroner may, in respect of any matter for which a fee or expenses is or are prescribed under section 57 of this Act, issue his certificate for the payment by a specified local authority to the person concerned of a sum not greater than the sum prescribed in that behalf.

Certification and payment of certain sums.

[cf. 1846, ss. 24, 28, 29, 30, 48, 49]

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

(3) The local authority to be specified in a certificate issued under this section shall be—

- (a) in a case where the certificate is issued after an inquest by a coroner who would not ordinarily hold the inquest, the local authority by whom the coroner who would ordinarily hold the inquest was appointed,  
(b) in case the certificate is issued by a deputy coroner acting in place of a coroner, the local authority by whom the coroner was appointed,  
(c) in every other case, the local authority by whom the coroner issuing the certificate was appointed.

(4) 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.

[1846, s. 32]

1947, No. 28.

59.—Section 5 (which relates to exemption from jury service) of the Juries Act, 1927, shall have effect as if there were added to Part I of the First Schedule thereto " Coroners, deputy coroners and persons appointed under subsection (2) of section 5 of the Local Authorities (Officers and Employees) Act, 1926, to fill the office of coroner temporarily "

Amendment of Juries Act, 1927.

[new]

1927, No. 23.  
1926, No. 39.

SCHEDULE

Section 5

ENACTMENTS REPEALED

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
4 Edw. I.	The Office of the Coroner.	The whole Act.
6 Geo. IV, c. 51.	The Assizes (Ireland) Act, 1825.	So much of section 4 as relates to any inquisition taken before a coroner; in section 6, the words from "and by order" to "his or their jurisdictions;"
9 Geo. IV, c. 54.	Criminal Law (Ireland) Act, 1828.	Section 4; sections 5 and 6 in so far as they relate to coroners.
10 Geo. IV, c. 37.	Coroners (Ireland) Act, 1829.	The whole Act.
6 & 7 Will. IV, c. 89.	Coroners (Ireland) Act, 1836.	The whole Act.
3 & 4 Vic., c. 108.	Municipal Corporations (Ireland) Act, 1840.	Sections 153, 154, 155 and 156.
6 & 7 Vic., c. 12.	Coroners Act, 1843.	The whole Act.
8 & 9 Vic., c. 18.	Lands Clauses Consolidation Act, 1845.	Sections 39 and 40, in so far as they relate to coroners.
9 & 10 Vic., c. 37.	Coroners (Ireland) Act, 1846.	The whole Act.
23 & 24 Vic., c. 74.	Borough Coroners (Ireland) Act, 1860.	The whole Act.
36 & 37 Vic., c. 76.	Railways Regulation Act (Returns of Signal Arrangements, Workings, etc.), 1873.	Section 5.
39 & 40 Vic., c. xciii.	Coroners (Dublin) Act, 1876.	The whole Act except section 6.
41 & 42 Vic., c. 69.	Petty Sessions Clerks and Fines (Ireland) Act, 1878.	In section 9, the words "or coroner" wherever they occur.
43 & 44 Vic., c. 13.	Births and Deaths Registration Act (Ireland), 1880.	In section 16, from the beginning of the section to the words "from the coroner".
44 & 45 Vic., c. 35.	Coroners (Ireland) Act, 1881.	The whole Act.
55 & 56 Vic., c. 56.	Coroners Act, 1892.	Subsections (1), (2), (3), (4), (5) and (8) of section 1.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Subsections (1), (2) and (5) of section 14; subsection (3) of section 40; in subsection (1) of section 69, the word "coroner".
8 Edw. VII, c. 37.	Coroners (Ireland) Act, 1908.	The whole Act.
No. 4 of 1924.	Coroners (Qualification) Act, 1924.	The whole Act.
No. 1 of 1927.	Coroners (Amendment) Act, 1927.	The whole Act.
No. 27 of 1930.	Local Government (Dublin) Act, 1930.	Subsection (2) of section 23
No. 3 (Private) of 1937.	Local Government (Galway) Act, 1937.	Section 36.
No. 21 of 1940.	Local Government (Dublin) (Amendment) Act, 1940.	Subsection (1) of section 9.
No. 50 of 1947.	Coroners (Amendment) Act, 1947.	The whole Act.

SCHEDULE—continued

ENACTMENTS REPEALED

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 1 (Private) of 1950.	Local Government Provisional Orders Confirmation Act, 1950.	Paragraph 1 of Article 9 of the Order set out in the First Schedule.
No. 10 of 1953.	Local Government (Dublin) (Amendment) Act, 1953.	Section 2.
No. 1 (Private) of 1955.	Local Government Provisional Orders Confirmation Act, 1955.	Article 11 of the Order set out in the First Schedule; Article 11 of the Order set out in the Third Schedule.

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*Rite ag dhá Theach an Oireachtais,  
3 Aibreán, 1962*

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## BILL

*entitled*

An Act to amend and consolidate the law relating to coroners and to coroners' inquests.

*Passed by both Houses of the Oireachtas,  
3rd April, 1962*

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