



DÁIL ÉIREANN

**AN BILLE CRÓINEIRÍ, 2015
CORONERS BILL 2015**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE CRÓINÉIRÍ, 2015 —ROGHCHOISTE

CORONERS BILL 2015 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 8, line 7, to delete “2006” and substitute “2015”.

—Clare Daly.

2. In page 8, between lines 13 and 14, to insert the following:

“ “direct maternal death” means death resulting from obstetric complications of the pregnancy state (pregnancy, labour and the puerperium), directly caused by obstetric interventions, omissions, incorrect treatment, or from a chain of events resulting from any of the above;”.

—Clare Daly.

3. In page 8, to delete lines 18 to 20 and substitute the following:

“ “family member”, in relation to a deceased person, means—

- (a) a parent, grandparent, child, brother, sister, nephew, niece, uncle or aunt, whether of the whole blood, of the half blood or by affinity, of the person,
- (b) a spouse, a civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or a cohabiting partner of the person,
- (c) any other person who is ordinarily a member of the person’s household, or
- (d) any child who has been placed in foster care with the person or any person referred to in *paragraphs (a) to (c)*,

and includes a reference to any such member of his or her family who is adopted;”.

—Clare Daly.

4. In page 8, between lines 22 and 23, to insert the following:

“ “indirect maternal death” means death resulting from previous existing disease or disease that developed during pregnancy and which was not due to direct obstetric causes, but which was aggravated by physiologic effects of pregnancy;”.

—Clare Daly.

[SECTION 2]

5. In page 9, between lines 6 and 7, to insert the following:

“ “late maternal death” means the direct or indirect maternal death of a woman more than 42 days but less than one year after termination of pregnancy;”.

—Clare Daly.

6. In page 9, between lines 6 and 7, to insert the following:

“ “maternal death” means the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes;”.

—Clare Daly.

7. In page 9, line 8, to delete “2006” and substitute “2015”.

—Clare Daly.

8. In page 9, to delete line 20.

—Clare Daly.

9. In page 9, line 38, to delete “An Bord Altranais under section 27 of the Nurses Act 1985;” and substitute “by the Nursing and Midwifery Board of Ireland under section 46 of the Nurses and Midwives Act 2011;”.

—Clare Daly.

10. In page 10, line 10, to delete “2005” and substitute “2014”.

—Clare Daly.

11. In page 10, line 11, after “Accidents” to insert “, Serious Incidents”.

—Clare Daly.

12. In page 10, line 12, to delete “1997 (S.I. No. 205 of 1997)” and substitute “2009 (S.I. No. 460 of 2009)”.

—Clare Daly.

13. In page 10, between lines 12 and 13, to insert the following:

“ “the Service” means the Public Appointments Service;”.

—Clare Daly.

SECTION 13

14. In page 12, line 26, to delete “, on the nomination of the Minister.”.

—Clare Daly.

15. In page 12, between lines 27 and 28, to insert the following:

“(2) (a) In appointing the Chief Coroner, and where a vacancy arises, or is anticipated to arise, the Government shall, for the purposes of identifying persons for appointment as the Chief Coroner, invite the Service to undertake a selection

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competition.

- (b) The Service shall appoint a selection panel.
- (c) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service—
 - (i) have an understanding of the administration of justice, and
 - (ii) have knowledge of, or expertise in relation to, the law and the work of coroners.
- (d) The role of Chief Coroner shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.
- (e) The Service may adopt such procedures as it thinks fit to carry out its functions under this subsection.
- (f) A person shall not be recommended for appointment under this subsection unless the person fulfils the conditions set out in *section 19*, and is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on the Chief Coroner by or under this Act.”.

—Clare Daly.

16. In page 12, to delete lines 29 and 30.

—Clare Daly.

17. In page 13, line 6, to delete “1977” and substitute “1997”.

—Clare Daly.

18. In page 13, to delete lines 20 and 21.

—Clare Daly.

SECTION 15

19. In page 14, line 2, to delete “, on the nomination of the Minister.”.

—Clare Daly.

20. In page 14, between lines 3 and 4, to insert the following:

- “(2) (a) In appointing the Deputy Chief Coroner, and where a vacancy arises, or is anticipated to arise, the Government shall, for the purposes of identifying persons for appointment as the Deputy Chief Coroner, invite the Service to undertake a selection competition.
- (b) The Service shall appoint a selection panel.
- (c) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service—

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- (i) have an understanding of the administration of justice, and
 - (ii) have knowledge of, or expertise in relation to, the law and the work of coroners.
- (d) The role of Deputy Chief Coroner shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.
- (e) The Service may adopt such procedures as it thinks fit to carry out its functions under this subsection.
- (f) A person shall not be recommended for appointment under this subsection unless the person fulfils the conditions set out in *section 19*, and the person holds the role of coroner and the person is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on the Deputy Chief Coroner by or under this Act.”.

—Clare Daly.

21. In page 14, to delete lines 6 and 7.

—Clare Daly.

22. In page 14, line 22, to delete “1977” and substitute “1997”.

—Clare Daly.

SECTION 17

23. In page 15, line 4, to delete “, on the nomination of the Minister,”.

—Clare Daly.

24. In page 15, between lines 5 and 6, to insert the following:

- “(2) (a) In appointing coroners, and where a vacancy arises, or is anticipated to arise, the Government shall, for the purposes of identifying persons for appointment as coroners, invite the Service to undertake a selection competition.
- (b) The Service shall appoint a selection panel.
- (c) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service—
- (i) have an understanding of the administration of justice, and
 - (ii) have knowledge of, or expertise in relation to, the law and the work of coroners.
- (d) The role of coroner shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.
- (e) The Service may adopt such procedures as it thinks fit to carry out its functions under this subsection.

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- (f) A person shall not be recommended for appointment under this subsection unless the person fulfils the conditions set out in *section 19* and is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on coroners by or under this Act.”.

—Clare Daly.

25. In page 15, to delete lines 8 and 9.

—Clare Daly.

26. In page 15, line 21, to delete “1977” and substitute “1997”.

—Clare Daly.

SECTION 18

27. In page 15, line 34, to delete “, on the nomination of the Minister,”.

—Clare Daly.

28. In page 15, between lines 35 and 36, to insert the following:

- “(2) (a) In appointing assistant coroners, and where a vacancy arises, or is anticipated to arise, the Government shall, for the purposes of identifying persons for appointment as coroners, invite the Service to undertake a selection competition.
- (b) The Service shall appoint a selection panel.
- (c) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service—
 - (i) have an understanding of the administration of justice, and
 - (ii) have knowledge of, or expertise in relation to, the law and the work of coroners.
- (d) The role of assistant coroner shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.
- (e) The Service may adopt such procedures as it thinks fit to carry out its functions under this subsection.
- (f) A person shall not be recommended for appointment under this subsection unless the person fulfils the conditions set out in *section 19* and is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on assistant coroners by or under this Act.”.

—Clare Daly.

29. In page 16, to delete lines 1 and 2.

—Clare Daly.

[SECTION 18]

30. In page 16, line 18, to delete “1977” and substitute “1997”.

—Clare Daly.

SECTION 24

31. In page 19, line 4, after “may” to insert “, subject to the agreement of the Coroner Service Advisory Committee,”.

—Clare Daly.

SECTION 31

32. In page 22, lines 33 and 34, to delete “section 49 (prohibition on driving vehicle while under influence of intoxicant)” and substitute “sections 4 and 5 of the Road Traffic Act 2010”.

—Clare Daly.

33. In page 22, line 36, to delete “section 2(1)” and substitute “section 2(2)”.

—Clare Daly.

SECTION 43

34. In page 30, to delete lines 26 to 31 and substitute the following:

“(g) that is a maternal death, to include a direct or indirect maternal death,”.

—Clare Daly.

35. In page 30, between lines 31 and 32, to insert the following:

“(h) that is a late maternal death, or”.

—Clare Daly.

SECTION 44

36. In page 30, between lines 34 and 35, to insert the following:

“Duty to hold inquest - exceptions

44. (1) In the case of a death under *section 43(g)** or *(h)***, a family member, or, if there is none, a friend of long standing of the deceased person, may, after private consultation with the coroner, which consultation shall be facilitated by the coroner, inform the coroner that they do not wish for an inquest to proceed, and upon communicating such wish to the coroner in writing, the provisions of *section 43* shall not apply.

- (2) In the case of a death under *section 43(g)**, if it is not possible to contact a family member or friend of long standing of the deceased person, the inquest shall proceed.”.

—Clare Daly.

[*This is a reference to the paragraph proposed to be inserted by amendment No. 34.]

[**This is a reference to the paragraph proposed to be inserted by amendment No. 35.]

SECTION 53

37. In page 36, line 20, to delete “Taoiseach” and substitute “Government”.

—Clare Daly.

[SECTION 53]

38. In page 36, line 30, to delete “Taoiseach” and substitute “Government”.

—Clare Daly.

39. In page 36, line 33, to delete “Taoiseach” and substitute “Government”.

—Clare Daly.

SECTION 75

40. In page 46, to delete lines 9 to 14 and substitute the following:

“(g) that is a maternal death, to include a direct or indirect maternal death,”.

—Clare Daly.

41. In page 46, between lines 14 and 15, to insert the following:

“(h) that is a late maternal death,”.

—Clare Daly.

SECTION 84

42. In page 52, between lines 4 and 5, to insert the following:

“(5) The Chief Coroner shall arrange for the data, excluding any personal data as defined by the Data Protection Acts, collected under *paragraphs (a) to (h) of section 84*, to be published on the website of the Office of the Chief Coroner and to be provided, upon request, to the Central Statistics Office.”.

—Clare Daly.

SECTION 85

43. In page 52, between lines 23 and 24, to insert the following:

“(h) the Attorney General,”.

—Clare Daly.

SECTION 86

44. In page 52, to delete lines 33 to 36 and substitute the following:

“(2) (a) A family member of the deceased, or, in the absence of such family member, a friend of long standing of the deceased, may apply to the coroner for a request to be submitted by that coroner to the Legal Aid Board in relation to the granting of legal aid or legal advice, or both, to the applicant pursuant to the Civil Legal Aid Act 1995.

(b) An application referred to in *paragraph (a)* shall be made before the commencement of the inquest, unless the coroner otherwise permits.

(c) A coroner shall determine an application referred to in *paragraph (a)* and shall notify the applicant of his or her determination within 10 working days of the receipt of the application.

(d) Subject to *subsections (3) and (4)*, where a coroner receives an application referred to in *paragraph (a)* in respect of an inquest, he or she shall request the Legal Aid Board to grant legal aid or legal advice, or both, to the applicant in

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respect of the inquest concerned.”.

—Clare Daly.

45. In page 53, to delete lines 10 to 16 and substitute the following:

“(iv) the death was a maternal death, to include a direct or indirect maternal death,”.

—Clare Daly.

46. In page 53, between lines 16 and 17, to insert the following:

“(v) the death was a late maternal death,”.

—Clare Daly.

47. In page 53, between lines 16 and 17, to insert the following:

“(v) the deceased was in custody in a remand centre or a children detention school within the meaning of the Children Act 2001 at the time of his or her death or immediately before his or her death,”.

—Clare Daly.

48. In page 53, between lines 16 and 17, to insert the following:

“(v) the deceased was in service custody within the meaning of section 2 of the Defence Act 1954 at the time of his or her death or immediately before his or her death,”.

—Clare Daly.

49. In page 53, between lines 17 and 18, to insert the following:

“or, the coroner is of the opinion 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 such that there is a significant public interest in the family member of the deceased person being granted legal aid or legal advice, or both, for the purposes of the inquest concerned,”.

—Clare Daly.

50. In page 53, to delete lines 30 to 35 and substitute the following:

“(4) Where legal aid or legal advice, or both, are granted by the Legal Aid Board to an applicant in respect of an inquest further to a request by a coroner under *subsection (2)(d)**, no further applications under *subsection (2)(a)** may be made by a family member in respect of the inquest concerned.”.

—Clare Daly.

[*These are references to the paragraphs proposed to be inserted by amendment No. 44.]

SECTION 89

[SECTION 89]

51. In page 54, line 37, to delete “2004” and substitute “2015”.

—Clare Daly.

SCHEDULE 1

52. In page 57, after line 9, to insert the following:

“

| | | |
|----------------|--|------------|
| No. 32 of 2013 | Courts and Civil Law (Miscellaneous Provisions) Act 2013 | Section 24 |
|----------------|--|------------|

”.

—Clare Daly.

SCHEDULE 2

53. In page 58, line 27, to delete “two” and substitute “four”.

—Clare Daly.

SCHEDULE 3

54. In page 60, to delete line 4 and substitute the following:

“1. Where a death was directly or indirectly due to unnatural causes (regardless of the length of time between injury and death).”.

—Clare Daly.

55. In page 60, between lines 6 and 7, to insert the following:

“4. Any violent death.”.

—Clare Daly.

56. In page 60, line 15, after “procedure” to insert “, including any allergic or toxic reaction to a drug or side effect of a drug,”.

—Clare Daly.

57. In page 60, lines 18 and 19, to delete “that occurs during or following pregnancy (up to a period of six weeks *post-partum*) or that might be reasonably related to pregnancy” and substitute “to include a direct or indirect maternal death”.

—Clare Daly.

58. In page 60, between lines 19 and 20, to insert the following:

“12. Any late maternal death.”.

—Clare Daly.

59. In page 61, line 6, after “(MRSA)” to insert “or any other healthcare associated infection”.

—Clare Daly.

60. In page 61, after line 8, to insert the following:

“30. Where a death occurs in the Accident and Emergency department of a hospital and

[SCHEDULE 3]

where a person is brought in dead (BID, DOA, dead on arrival) to the Accident and Emergency department of a hospital.

31. Where a patient dies in hospital, having been recently transferred or discharged from a nursing home or other residential institution (including mental hospital or prison).
32. Any death in any public or private institution for the care of elderly or infirm persons.
33. Death from septicaemia which may be caused by injury.”.

—Clare Daly.

- 61.** In page 62, line 20, to delete “Saint Patrick’s Institution”.

—Clare Daly.

SCHEDULE 4

- 62.** In page 63, line 34, to delete “Local Government Act 1941” and substitute “Local Government Acts 1941 and 2014”.

—Clare Daly.

- 63.** In page 64, lines 17 to 26, to delete all words from and including “Ireland—” in line 17 down to and including line 26 and substitute the following:

“Ireland, he or she has at any time in the last ten years served any part of a sentence of imprisonment for a term of at least one year.”.

—Clare Daly.