



An Bille Cróinéirí, 2015
Coroners Bill 2015

Mar a tionscnaíodh

As initiated



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AN BILLE CRÓINÉIRÍ, 2015
CORONERS BILL 2015

Bill

entitled

An Act to amend, consolidate and extend the law relating to coroners, coroners' investigations and coroners' inquests, to provide for the establishment of a body to be known as an tSeirbhís Chróinéara or, in the English language, the Coroner Service, to define its functions, to provide for certain transitional matters including the completion of inquests commenced under the Coroners Act 1962, the transfer of certain documents preserved under the Coroners Act 1962 to the Coroner Service and the continuance in use of certain forms under that act, to repeal certain enactments and provisions of enactments, to amend certain enactments and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL 15

Short title and commencement

- (1) This Act may be cited as the Coroners Act 2015.
- (2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions. 20

Interpretation

- In this Act, except in so far as the contrary intention appears—
 - “assistant coroner” means a person appointed as an assistant coroner under *section 18*;
 - “body” in relation to a deceased human person (including a stillborn child) means the body or part of the body of that person and includes the cremated remains of that person; 25
 - “child in care” means a child who had been taken into the care of the Health Service Executive under section 4 of the Child Care Act 1991, or by virtue of an emergency care order under Part III of that Act, or an interim care order or care order made under Part IV of that Act or an interim special care order or special care order made under Part IVA of 30

that Act;

“Chief Coroner” has the meaning given to it by *section 13*;

“civil proceedings” for the purposes of *section 23* means any civil proceedings whatsoever and includes a tribunal of inquiry, a commission of inquiry, arbitration proceedings and mediation proceedings and conveyancing; 5

“criminal proceedings” for the purposes of *sections 23* and *57* includes any criminal proceedings under the Defence Acts 1954 to 2006;

“coroner” means a person appointed as a coroner under *section 17* or a person appointed as an assistant coroner under *section 18*;

“coroner’s officer” means a person appointed as a coroner’s officer under *section 20*; 10

“Coroner Service Advisory Committee” means the Committee referred to in *section 22*;

“Deputy Chief Coroner” means a person appointed as Deputy Chief Coroner under *section 15*;

“disposal” in relation to a body, means lawful disposal by burial, either on land, at sea, by cremation or by any other means and cognate words shall be construed accordingly; 15

“evidence” includes any expression, orally, in writing or otherwise, of an opinion, belief or intention;

“family member” means a spouse, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, step-father, step-mother, half-brother, half-sister or a person with whom the deceased was at the time of death cohabiting; 20

“funeral director” means an undertaker or a person employed or directed to manage the disposal of the body of a deceased person;

“inquest” means a coroner’s inquest under *Part 6*;

“interested person” in relation to a deceased person means—

(a) a friend of long standing of the deceased, 25

(b) the personal representative of the deceased,

(c) a beneficiary under a policy of insurance issued on the life of the deceased,

(d) the insurer who issued any such policy of insurance,

(e) a person whose act or omission, or that of his or her employee or agent, may have caused or contributed to the death of the deceased, 30

(f) in a case where his or her death may have been caused by an injury received in the course of his or her employment or by an industrial disease—

(i) a representative of a trade union or association of which the deceased was a member at the time of his or her death, or

(ii) the employer or agent thereof or a representative of an employers’ association, 35

(g) a person appointed by, or a representative of, a statutory body,

- (h) a member of the Garda Síochána not below the rank of Inspector,
 - (i) a person appointed by a Government Department to attend any inquest under this Act into a death or to assist in, or provide evidence for the purposes of, any investigation under this Act into a death,
 - (j) any other person that the coroner considers has a sufficient interest; 5
- “investigation” means a coroner’s investigation under *Part 5*;
- “military custody” means a military prison or detention barracks within the meaning, in each case, of the Defence Acts 1954 to 2006, or any other location within a military installation where a person subject to military law may be detained;
- “Minister” means the Minister for Justice and Equality; 10
- “notice” means a notice in writing (including one sent by electronic means);
- “post-mortem examination” includes an examination of marks or injuries on the body and, if appropriate, a full three cavity examination carried out by an appropriate person or under his or her direction;
- “prescribed” means prescribed by regulations made by the Minister under this Act; 15
- “premises” includes any land or building, dwelling, temporary construction, vehicle, ship or aircraft;
- “prison” means a place of custody (other than a Garda Síochána station) administered by or on behalf of the Minister and includes—
- (a) St. Patrick’s Institution, 20
 - (b) a place provided under section 2 of the Prisons Act 1970,
 - (c) a place specified under section 3 of the Prisons Act 1972;
- “record” means any book, document (including accounts) or any other written or printed material in any form including—
- (a) any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form and that is capable of being reproduced in a legible form, and 25
 - (b) all the electronic or other automatic means, if any, by which any such material or information is capable of being so reproduced,
- and a record in the power of a body corporate or an unincorporated body of any kind is considered, in the absence of evidence to the contrary, to be also in the power of any individual who, because of his or her functions or position within the body corporate or the unincorporated body, as the case may be, can reasonably be expected to have control over the record; 30
- “registered medical practitioner” means a person who is registered, other than as an intern or temporarily, in the General Register of Medical Practitioners; 35
- “registered nurse” means a person whose name is entered in the register of nurses maintained by An Bord Altranais under section 27 of the Nurses Act 1985;
- “reportable death” means a death of a kind specified in *Schedule 3*;

“special examination” means an examination by way of analysis, test or otherwise of material be it tissue, organs, biological fluids or other parts or contents of the body obtained from the body of the deceased person in the course of a post-mortem examination, or of any other substance or thing relevant to such post-mortem examination; 5

“staff of the Coroner Service” means a person appointed to be a member of the staff of the Coroner Service under *section 11*;

“statutory body” means a body or authority established by or under statute and includes the Railway Safety Commission, the Marine Casualty Investigation Board, authorised officers under the Merchant Shipping Acts 1894 to 2005 and Inspectors of Air Accidents under Regulation 7 of the Air Navigation (Notification and Investigation of Accidents and Incidents) Regulations 1997 (S.I. No. 205 of 1997); 10

“verdict” in relation to an inquest, means the verdict returned by an inquest pursuant to *section 46*.

Regulations 15

3. The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

Laying of regulations and rules

4. Every regulation or rule made under this Act by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or rule is passed by either such House within the next 21 days on which that House has sat after the regulation or rule is laid before it, the regulation or rule shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 20

Repeals 25

5. Each enactment specified in *Schedule 1* is hereby repealed to the extent specified in the third column of that Schedule.

Expenses

6. The expenses incurred by the Minister in respect of the Coroner Service and otherwise 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. 30

PART 2

CORONER SERVICE

Establishment day

7. The Minister shall by order appoint a day to be the establishment day for the purposes of this Act. 35

Establishment of Coroner Service

8. (1) On the establishment day there shall stand established a service, to be known as an tSeirbhís Chroínara or, in the English language, the Coroner Service, to perform the functions conferred on it by this Act.
- (2) Nothing in this Act shall affect the completion of an inquest under the Coroners Act 1962 by a person who held office as coroner or deputy coroner immediately before the establishment day where that inquest had commenced prior to the establishment day. 5

Functions of Coroner Service

9. The principal functions of the Coroner Service shall be to— 10
- (a) provide a national service for coroners' investigations and inquests,
 - (b) provide the necessary supports to coroners to ensure that every such investigation or inquest is conducted effectively and efficiently,
 - (c) liaise efficiently and sympathetically with bereaved families and interested persons involved in an investigation or inquest, 15
 - (d) where relevant to a reportable death, liaise with any statutory body involved in the investigation of accidents, incidents or diseases,
 - (e) provide to the appropriate registrar a certificate in accordance with section 41 of the Civil Registration Act 2004,
 - (f) contribute to the enhancement of public health and safety, 20
 - (g) advise the Minister on any matter relating to its functions,
 - (h) carry out any other duties and exercise any other powers assigned to it under this Act.

Composition of Coroner Service

10. The Coroner Service shall consist of— 25
- (a) the Chief Coroner,
 - (b) the Deputy Chief Coroner,
 - (c) any coroner appointed under *section 17*,
 - (d) any assistant coroner appointed under *section 18*,
 - (e) any coroner's officer appointed under *section 20*, 30
 - (f) the Director of the Coroner Service appointed under *section 11*, and
 - (g) any members of staff of the Coroner Service appointed under *section 11*.

Provision of staff, funds, premises etc., to Coroner Service

11. (1) Such funds, premises, facilities and services as may be necessary for the proper functioning of the Coroner Service shall be provided to it by the Minister with the 35

consent of the Minister for Finance.

- (2) The Minister may appoint such and so many persons to be members of the staff of the Coroner Service as he or she, with the consent of the Minister for Finance, considers necessary to assist the Coroner Service in the performance of its functions.
- (3) Such members of staff shall be appointed at such grades, on such terms, subject to such conditions and shall receive such remuneration as the Minister may, with the consent of the Minister for Finance, determine. 5
- (4) Such members of staff shall include a Director of the Coroner Service whose principal function shall be to manage and control generally the staff and administration of the Coroner Service. 10

Organisation of Coroner Service

12. (1) The Coroner Service shall operate on a regional basis.
- (2) The Minister may from time to time determine the number of coroner regions in the State.
- (3) In determining the number of coroner regions, the Minister shall have regard to— 15
 - (a) the size of the population in the proposed region and its distribution,
 - (b) the mortality rate,
 - (c) the configuration of cities, towns and hospitals,
 - (d) the likely availability and distribution of support services, and
 - (e) the opinion of the Chief Coroner. 20
- (4) Each coroner region shall have allocated to it no less than two coroners.
- (5) Each coroner region shall have allocated to it no less than one assistant coroner.
- (6) Each coroner region shall have allocated to it no less than two coroner's officers, not including members of the Garda Síochána acting as such.

Office of Chief Coroner 25

13. (1) The Government, on the nomination of the Minister, shall appoint a person who shall be, and is in this Act referred to as, the Chief Coroner.
- (2) The first appointment of the Chief Coroner shall take effect on the establishment day.
- (3) In order to qualify for appointment as the Chief Coroner a person must fulfil the conditions set out in *section 19*. 30
- (4) A person appointed as the Chief Coroner—
 - (a) may, at his or her own request, be relieved of office by the Government,
 - (b) may, on the recommendation of the Minister, be removed from office by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy, 35
 - (c) shall, in any case, vacate the office upon attaining the age of 70.

- (5) A person shall cease to hold the office of Chief Coroner as soon as he or she—
- (a) is nominated as a member of Seanad Éireann,
 - (b) is elected as a member of either House of the Oireachtas or of the European Parliament,
 - (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1977 as having been elected to the European Parliament to fill a vacancy, or 5
 - (d) becomes a member of a local authority.
- (6) The Chief Coroner shall be appointed on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as may be determined by the Government. 10
- (7) A person appointed as the Chief Coroner shall not hold any other office or employment in respect of which emoluments are payable.
- (8) The Chief Coroner shall, at the written request of a committee of either or both Houses of the Oireachtas (other than the Committee of Public Accounts) in connection with the subject matter of any report under *section 83* of which copies have been laid before those Houses attend before it in relation to any aspect of the matter. 15
- (9) In carrying out his or her duties under *subsection (8)*, the Chief Coroner shall not—
- (a) question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such policy, or 20
 - (b) provide information that might facilitate the commission of an offence, prejudice a criminal investigation or prosecution or jeopardise the safety of any person.

Functions of Chief Coroner

- 14.** The Chief Coroner shall— 25
- (a) provide leadership and direction in all coronial matters,
 - (b) ensure the efficient and effective management of coronial matters,
 - (c) subject to the provisions of *section 12*, determine the allocation of coroners, assistant coroners and coroner's officers to regions,
 - (d) determine expeditiously appeals or applications to him or her under this Act, 30
 - (e) liaise with other statutory bodies charged with the investigation of accidents, incidents or diseases which have or may have caused or resulted in a reportable death,
 - (f) ensure that proper and effective communication is made with the public regarding the role and activities of the Coroner Service, 35
 - (g) ensure that all necessary training and development is provided to coroners, and
 - (h) provide advice to the Minister on coronial matters.

Office of Deputy Chief Coroner

15. (1) The Government, on the nomination of the Minister, shall appoint a person who shall be known, and is in this Act referred to, as the Deputy Chief Coroner.
- (2) The first appointment of the Deputy Chief Coroner shall take effect on the establishment day. 5
- (3) In order to qualify for appointment as Deputy Chief Coroner a person to be appointed Deputy Chief Coroner must fulfil the conditions set out in *section 19*.
- (4) The Deputy Chief Coroner shall be appointed from amongst those persons appointed as a coroner under this Act.
- (5) A person appointed as Deputy Chief Coroner— 10
- (a) may, at his or her own request, be relieved of office by the Government,
- (b) may, on the recommendation of the Minister, be removed from office by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy,
- (c) shall, in any case, vacate the office on attaining the age of 70. 15
- (6) A person shall cease to hold the office of Deputy Chief Coroner as soon as he or she—
- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or of the European Parliament, 20
- (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1977 as having been elected to the European Parliament to fill a vacancy, or
- (d) becomes a member of a local authority.
- (7) A coroner shall be appointed on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as may be determined by the Government. 25
- (8) The Deputy Chief Coroner shall be appointed on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as may be determined by the Government. 30
- (9) A person appointed as Deputy Chief Coroner shall not hold any other office or employment in respect of which emoluments are payable.
- (10) The Deputy Chief Coroner, when exercising any power conferred by this Act, shall, on request by any person affected, produce evidence of identification for inspection.

Functions of Deputy Chief Coroner

16. (1) The Deputy Chief Coroner shall perform such functions in relation to the Coroner Service as may be determined by the Chief Coroner. 35
- (2) If the Chief Coroner is temporarily unable to perform the functions of his or her office

or if there is a vacancy in that office, the Deputy Chief Coroner shall act, for the period of inability or of the vacancy, in the Chief Coroner's place.

Office of coroner

17. (1) The Government, on the nomination of the Minister, shall appoint persons who shall be known, and are in this Act referred to as, coroners. 5
- (2) The first appointment of a coroner under this Act shall take effect on the establishment day.
- (3) In order to qualify for appointment as a coroner a person must fulfil the conditions set out in *section 19*.
- (4) A person appointed as a coroner— 10
- (a) may, at his or her own request, be relieved of office by the Government,
- (b) may, on the recommendation of the Minister, be removed from office by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy,
- (c) shall, in any case, vacate the office on attaining the age of 70. 15
- (5) A person shall cease to hold the office of coroner as soon as he or she—
- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or of the European Parliament,
- (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1977 as having been elected to the European Parliament to fill a vacancy, or 20
- (d) becomes a member of a local authority.
- (6) A coroner shall be appointed on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as may be determined by the Government. 25
- (7) A person appointed as a coroner shall not hold any other office or employment in respect of which emoluments are payable.
- (8) A coroner shall be entitled to receive the assistance and protection of the Garda Síochána in the performance of his or her functions under this Act. 30
- (9) A coroner when exercising any power conferred by this Act shall, on request by any person affected, produce evidence of identification for inspection.

Office of assistant coroner

18. (1) The Government, on the nomination of the Minister, shall appoint persons who shall be known, and are in this Act referred to, as assistant coroners. 35
- (2) The first appointment of an assistant coroner under this Act shall take effect on the establishment day.

- (3) In order to qualify for appointment as an assistant coroner a person must fulfil the conditions set out in *section 19*.
- (4) A person appointed as an assistant coroner shall, save by the express consent of the Minister, hold office on a part-time basis.
- (5) A person appointed as an assistant coroner may perform all of the functions conferred on a coroner by this Act. 5
- (6) A person appointed as an assistant coroner—
 - (a) may, at his or her own request, be relieved of office by the Government,
 - (b) may, on the recommendation of the Minister, be removed from office by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy, 10
 - (c) shall, in any case, vacate the office upon attaining the age of 70.
- (7) A person shall cease to hold the office of assistant coroner as soon as he or she—
 - (a) is nominated as a member of Seanad Éireann,
 - (b) is elected as a member of either House of the Oireachtas or of the European Parliament, 15
 - (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1977 as having been elected to the European Parliament to fill a vacancy, or
 - (d) becomes a member of a local authority. 20
- (8) A person appointed as an assistant coroner under *subsection (1)*, shall hold office on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as the Minister may, with the consent of the Minister for Finance, determine.
- (9) An assistant coroner shall be entitled to receive the assistance and protection of the Garda Síochána in the performance of his or her functions under this Act. 25
- (10) An assistant coroner when exercising any power conferred by this Act shall, on request by any person affected produce evidence of identification for inspection.

Qualification for appointment as Chief Coroner, Deputy Chief Coroner, coroner or assistant coroner 30

- 19.** (1) No person shall be appointed as the Chief Coroner or the Deputy Chief Coroner under this Act unless he or she is a practising barrister or a practising solicitor of at least 10 years' standing or a registered medical practitioner for at least 10 years.
- (2) No person shall be appointed as a coroner or an assistant coroner under this Act unless he or she is a practising barrister or a practising solicitor of at least 5 years' standing or a registered medical practitioner, for at least 5 years. 35
- (3) In reckoning the number of years' standing of a barrister, solicitor or registered medical practitioner who—
- (a) during the period immediately before the commencement of this Act, was a

coroner or a deputy coroner within the meaning of the Coroners Act 1962, or

(b) was serving as a coroner or an assistant coroner under this Act,

such period shall be taken into account.

- (4) 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. 5
- (5) Subject to *sections 13, 15, 17 and 18*, cessation of practice as a barrister or solicitor, other than by disbarment by the relevant professional body, or as a registered medical practitioner, other than by erasure from the General Register of Medical Practitioners, shall not affect the standing of such a person to continue in office as a coroner or assistant coroner. 10
- (6) Service as a coroner shall be taken into account as service as a practising barrister or solicitor, as the case may be, for the purposes of reckonability of service for eligibility for appointment as a judge of any court established by law in the State.

Coroner's officers 15

20. (1) The Minister may, on the advice of the Chief Coroner, appoint persons to be coroner's officers.
- (2) A person appointed as a coroner's officer shall hold office for such period, on such terms and subject to such conditions and shall receive such remuneration (including allowances for expenses, benefits-in-kind and superannuation) as the Minister, with the consent of the Minister for Finance, may determine. 20
- (3) Each coroner's officer shall be given a warrant of his or her appointment and, when exercising any power conferred by this Act, shall, on request by any person affected, produce the warrant or a copy thereof, together with a form of personal identification.
- (4) It shall be the function of a coroner's officer to— 25
- (a) assist a coroner in carrying out his or her duties under this Act,
- (b) carry out all reasonable directions of a coroner,
- (c) on behalf of the coroner, receive and record information about a death which a coroner is investigating or in relation to which he or she is conducting an inquest.

Member of Garda Síochána to be coroner's officer 30

21. (1) A member of the Garda Síochána while acting in support of a coroner in the performance of his or her functions under this Act shall be deemed for that purpose to be a coroner's officer.
- (2) *Subsection (1)* shall not require or authorise a member of the Garda Síochána to carry out a direction of a coroner if that direction is in conflict with a direction of the Commissioner of the Garda Síochána. 35
- (3) When acting in support of a coroner in the performance of his or her functions under this Act, a member of the Garda Síochána shall identify him or her self as such to any person affected and shall, on request by any such person, produce his or her warrant

card for inspection.

- (4) The Chief Coroner may, for the purposes of providing support for coroners in the performance of their functions under this Act enter into an arrangement with the Garda Commissioner for the engagement, whether on a part-time or full time basis, of members of the Garda Síochána who have applied to be considered for service under such an arrangement. 5
- (5) A member of the Garda Síochána shall not act as a coroner's officer in any investigation by a coroner into a death of a person in or immediately after being in Garda custody.

Coroner Service Advisory Committee 10

22. The Minister may establish a committee to be known as the Coroner Service Advisory Committee, and in this Act referred to as "the Advisory Committee", to advise the Minister in relation to the matters set out in *Schedule 2* to this Act and the provisions of *Part 3* of that Schedule shall apply to the Advisory Committee.

Prohibition on certain coroners from acting in certain proceedings 15

23. (1) A Chief Coroner, Deputy Chief Coroner or coroner, who is a solicitor or barrister, shall on his or her appointment to that office cease to act as solicitor or barrister in any criminal or civil proceedings.
- (2) A Chief Coroner, Deputy Chief Coroner or coroner, who is a solicitor or barrister, shall excuse himself or herself from conducting any investigation or inquest into the death of a person where prior to appointment he or she had an involvement in criminal or civil proceedings which may form part of that investigation or inquest. 20
- (3) An assistant coroner who is a solicitor or barrister shall not act as solicitor or barrister in criminal or civil proceedings arising out of any matter that may have come before him or her as an assistant coroner. 25
- (4) (a) The Chief Coroner, Deputy Chief Coroner, a coroner or assistant coroner shall not investigate or hold an inquest into the death of any person, if he or she has drawn up, or assisted in the drawing up of, or benefits under, any testamentary deposition made by that person.
- (b) For the purpose of *paragraph (a)*, a Chief Coroner, Deputy Chief Coroner, coroner or assistant coroner, who is a solicitor and executor of the deceased, shall not be taken to benefit under a testamentary deposition merely because he or she is authorised to charge fees in respect of the administration of the estate or the making of the testamentary instrument. 30
- (5) A Chief Coroner, Deputy Chief Coroner, coroner or assistant coroner who is a registered medical practitioner shall not investigate or hold an inquest into the death of any person who was attended by him or her within 12 months before the person's death. 35

PART 3

CORONER RULES

Power of Minister to make rules

24. Subject to *section 50*, the Minister may make rules setting out the practice and procedure for the conduct of investigations, inquests, post-mortem and other special examinations, the exhumation of bodies, recovery of cremated remains and certification of fact of death under this Act. 5

PART 4

REPORTING OF DEATH

Reportable deaths

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25. (1) Any death occurring of a kind specified in *Schedule 3* shall be a reportable death for the purposes of this Act.
- (2) The Minister may, after consultation with the Chief Coroner, by order vary (whether by amendment, addition or deletion) the categories of death specified in *Schedule 3*.
- (3) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and it shall not have effect unless and until a resolution has been passed by each House confirming the order, provided that if either House fails to pass such a resolution within 28 days of the order having been so laid and neither House has passed a resolution annulling the order, the order shall have effect at the end of that period. 15 20

Persons obliged to report death to coroner

26. (1) A person specified in *subsection (3)* shall, as soon as practicable after becoming aware of a reportable death, and if he or she has reasonable grounds for believing that the death has not been reported to a coroner, report or cause to be reported the death to a coroner for the region in which the death occurred or the body was discovered or to the Coroner Service. 25
- (2) Any person who knowingly contravenes *subsection (1)* shall be guilty of an offence.
- (3) The persons required to report a death under *subsection (1)* are—
- (a) any registered medical practitioner or registered nurse having had responsibility for, or involvement in the care of, the deceased person in the period immediately before his or her death or having been present at his or her death, 30
- (b) the funeral director responsible for the disposal of the body of the deceased person,
- (c) an occupier of a house or other dwelling, including a mobile dwelling, in which the deceased person was residing at the time of his or her death, 35
- (d) the person in charge of any public or private institution or premises, or part of

such institution or premises, in which the deceased person was residing or receiving treatment or care at the time of his or her death,

- (e) a person having care of the deceased person immediately prior to his or her death,
 - (f) the person in charge of the aircraft or vessel, which the deceased person was on at the time of his or her death, in which case the person in charge shall immediately after the arrival of the aircraft or vessel at the place of disembarkation in the State, report or cause to be reported the death. 5
- (4) The obligation imposed on a person by *subsection (1)* shall be deemed to be discharged if he or she notifies a member of the Garda Síochána of the death as soon as is practicable after becoming aware of it. 10
- (5) It shall be the duty of a member of the Garda Síochána, on becoming aware of—
- (a) the finding of the body of a deceased person, or
 - (b) a reportable death,
- to inform a coroner for the region in which the body was found or the death occurred as soon as practicable after such finding or death. 15
- (6) Where the person notifying a death under *subsection (1)* is a registered medical practitioner who was responsible for the medical care of the deceased or who examined the body of the deceased after death, he or she must, at the same time, notify in writing the coroner or a member of the Garda Síochána of his or her opinion as to the cause of death. 20
- (7) Any person who reports a death pursuant to *subsection (1), (4) or (5)* shall give to the coroner (or, as the case may be, a member of the Garda Síochána) all such information available to him or her as may assist a coroner in the performance of his or her functions under this Act.

PART 5 25

INVESTIGATION OF DEATH

Nature of investigation by, and independence of, coroner

27. (1) An investigation by a coroner into the death of a person shall be inquisitorial in nature.
- (2) A coroner shall be independent in the performance of his or her functions under this Act. 30
- (3) A coroner shall have regard to section 3(1) of the European Convention on Human Rights Act 2003 in the performance of his or her functions under this Act.

Duty of coroner to investigate death

28. (1) Where, pursuant to *section 26*, a coroner is made aware of a reportable death or the finding of the body of a deceased person in the coroner region to which he or she is allocated or otherwise becomes so aware, he or she shall investigate the death. 35

- (2) Where the deceased person was, immediately before his or her death, ordinarily resident in another coroner region, the coroner allocated to that other coroner region shall conduct the investigation into the death.
- (3) Notwithstanding *subsections (1) and (2)*, the Chief Coroner may, where he or she considers it appropriate in all the circumstances, direct a coroner other than a coroner allocated to the coroner region in which a reportable death has occurred or the body of a deceased person has been found or the deceased was, immediately before his or her death, ordinarily resident to investigate the death and the coroner so directed shall, as soon as practicable, investigate the death. 5
- (4) An investigation under this section shall be without prejudice to any investigation into an accident, incident or disease that has resulted in a reportable death conducted by a statutory body having responsibility for investigating the accident, incident or disease under another enactment. 10
- (5) Where an investigation into an accident, incident or disease that has resulted in a reportable death is conducted by a statutory body the coroner shall— 15
 - (a) be kept informed as to the progress of that investigation, and
 - (b) be informed as soon as practicable of the outcome of that investigation,
 and shall not, unless he or she decides it to be otherwise necessary, separately investigate the accident, incident or disease in question.

Investigation where several deaths may arise from same occurrence 20

- 29. (1) Where the bodies of two or more persons whose deaths appear to have been caused by the same occurrence are lying within different coroner regions, the coroners concerned may decide that one of their number shall investigate all of the deaths and thereupon that coroner shall investigate the deaths and hold any subsequent inquest or inquests in like manner as if all of the bodies were lying within his or her coroner region. 25
- (2) If there is any failure to decide under *subsection (1)* the Chief Coroner shall direct that one of the coroners concerned or another coroner shall investigate the deaths and hold any subsequent inquest or inquests whereupon the coroner so directed shall investigate the deaths and hold any subsequent inquest or inquests in like manner as if all of the bodies were lying within his or her coroner region. 30

Investigation of deaths over 70 years ago

- 30. (1) The duty of a coroner to investigate the death of a person under *section 28* shall not arise if the coroner has reasonable cause to suspect that the period— 35
 - (a) beginning with the date of the death, and
 - (b) ending with the date on which he or she became aware of the death, exceeds 70 years.
- (2) Notwithstanding *subsection (1)*, the coroner may report the death to the Chief Coroner if he or she thinks that there ought to be an investigation into the death.
- (3) In the event that the Chief Coroner considers that an investigation into the death is 40

warranted, he or she may direct the coroner or another coroner to investigate the death and the coroner so directed shall investigate the death as soon as practicable.

- (4) Where the coroner so directed is not the coroner in whose region the body is situated, he or she may order the removal of the body to any suitable place (whether in his or her coroner region or elsewhere). 5

Deaths outside State

31. (1) Where the death of a person who was, immediately before his or her death, ordinarily resident in the State occurs outside the State, the death shall not be investigated by a coroner unless the death has been notified to the Chief Coroner, and—
- (a) the Chief Coroner has reasonable cause to suspect that the cause of death is linked to circumstances arising in the State, 10
 - (b) the Chief Coroner has reasonable cause to suspect that the circumstances of the death might reasonably be expected to give rise to action in the State to avoid deaths in similar circumstances in the future,
 - (c) the deceased was— 15
 - (i) a member of the Defence Forces,
 - (ii) a member of the Garda Síochána, or
 - (iii) a public servant, despatched for service outside the State, and the Chief Coroner considers that the death should be investigated,
- or 20
- (d) the Chief Coroner has reasonable cause to suspect that a relevant act involving the death has taken place, and—
 - (i) in so far as the Chief Coroner is aware, there has not been and is not likely to be an investigation, inquiry or any criminal proceedings in relation to that act or the death in the state or territory in which the death occurred, or 25
 - (ii) having regard to the nature of any investigation, inquiry or criminal proceedings conducted in relation to that act or the death in the state or territory in which the death occurred the Chief Coroner considers that the death ought to be investigated by a coroner.
- (2) Relevant act for the purposes of this section means an act or omission which, if it had taken place in the State, would constitute an offence— 30
- (a) of murder, manslaughter or infanticide,
 - (b) under section 49 (prohibition on driving vehicle while under influence of intoxicant) or section 53 (dangerous driving causing death or serious bodily harm) of the Road Traffic Act 1961, or 35
 - (c) under section 2(1) (aiding, abetting, counselling or procuring the suicide of another) of the Criminal Law (Suicide) Act 1993.
- (3) Where the Chief Coroner decides that a death to which *subsection (1)* applies should be investigated under this section he or she shall nominate a coroner to conduct such

investigation and the coroner so nominated shall investigate the death as soon as practicable.

- (4) Where the Minister considers, on application by an interested person or otherwise, that it is in the public interest to conduct an investigation into a death which would otherwise be prevented under *subsection (1)*, he or she may report the death to the Chief Coroner. 5
- (5) Where the Minister reports a death to the Chief Coroner under *subsection (4)*, the Chief Coroner shall nominate a coroner to conduct an investigation into the death and the coroner so nominated shall investigate the death as soon as practicable.
- (6) An investigation under this section shall be conducted, in so far as is practicable, in like manner and to the like effect as if it were an investigation under *section 28(1)*. 10

Identification of body

32. (1) For the purpose of establishing the identity of the deceased person pursuant to *section 28*, a coroner may direct a member of the Garda Síochána, a coroner's officer or any other person that the coroner considers appropriate— 15
- (a) (i) to view the body of the deceased person, or
- (ii) in circumstances where it is not possible to view the body, to examine and consider any other evidence of identity,
- and
- (b) to give evidence of identity of the deceased person to the coroner. 20
- (2) Where evidence of identity is given to the coroner under *subsection (1)(b)* and that evidence is subsequently presented by the coroner at an inquest, it shall be proof of the identity of the deceased, unless the contrary is shown.
- (3) A person directed to view the body or, in circumstances where it is not possible to view the body, to examine and consider any other evidence of identity shall, if his or her evidence is disputed, attend at any subsequent inquest. 25
- (4) Where it is not possible to identify the deceased person, the absence of such identification shall not preclude the coroner from investigating the death or holding an inquest.

Custody and removal of body pending investigation 30

33. (1) Where a coroner is conducting an investigation into the death of a person he or she shall be entitled to possession of the body of the deceased person for such period as he or she considers necessary for the performance of his or her functions under this Act, including for the purpose of any post-mortem or special examination of the body of the deceased under *section 74* or *75*. 35
- (2) A coroner may, for the purpose of securing possession of the body of the deceased—
- (a) enter and search any place where he or she has reasonable cause to believe that the body of the deceased is to be found,
- (b) take possession of and remove, or direct the removal of, the body to a convenient

- mortuary or morgue or other suitable place (whether inside or outside his or her coroner region),
- (c) direct the keeping of the body in a place referred to in *paragraph (b)* until he or she otherwise directs,
 - (d) make such arrangements for the removal of the body under *paragraph (b)* or the keeping of the body under *paragraph (c)* as he or she considers appropriate, 5
 - (e) authorise a coroner's officer to carry out any or all of the functions specified at *paragraphs (a) to (d)* on his or her behalf as he or she considers appropriate.
- (3) In carrying out any of the functions specified in *subsection (2)(a) to (d)* the coroner or coroner's officer— 10
- (a) shall, if requested by any person thereby affected, produce identification, and
 - (b) may be accompanied by a member of the Garda Síochána or, as the case may be, another member or members of the Garda Síochána.
- (4) The person in charge of a mortuary, morgue or other place to which the body of a deceased person is directed to be removed under *subsection (2)(b)* shall allow the body to be deposited in such a mortuary, morgue or other place and the body shall remain therein until the coroner or coroner's officer otherwise directs. 15
- (5) Any person who—
- (a) obstructs the removal of a body pursuant to a direction under *subsection (2)(b)*,
 - (b) being in charge of a mortuary, morgue or other place to which the body of a deceased person is directed to be removed under *subsection (2)(b)* fails without reasonable excuse to comply with *subsection (4)*, or 20
 - (c) otherwise obstructs, or fails to comply with a direction of a coroner or a coroner's officer in the exercise of his or her powers under this section, shall be guilty of an offence. 25
- (6) The removal of a body in pursuance of a direction by a coroner or a coroner's officer under this section to any place outside his or her region, shall not affect the functions of that coroner in relation to the body of the deceased or the investigation of the death of the deceased nor shall it confer or impose any rights, powers or duties upon any other coroner. 30
- (7) In *subsection (2)(a)* "place" includes any dwelling, any building or part of a building and any vehicle, vessel, structure or container used or intended to be used for the carriage of goods by road.
- (8) For the purposes of this section, if satisfied on the sworn information of a coroner or a coroner's officer that there are reasonable grounds for suspecting that the body of a deceased person is in any private dwelling or on any premises, part of which is used as a private dwelling, a judge of the District Court may issue a warrant authorising the coroner or the coroner's officer, on production of the warrant, to enter the private dwelling or the part of those premises used as a dwelling, at any time within 7 days after the issue of the warrant, accompanied, if necessary, by one or more members of the Garda Síochána, using such reasonable force as is necessary for the purpose of entry, in order to take possession of the body of the deceased person. 35 40

- (9) This section shall not operate to prevent the investigation of a death by—
- (a) the Garda Síochána,
 - (b) the Defence Forces,
 - (c) any statutory body empowered to investigate accidents, incidents or diseases resulting in death under another enactment, or
 - (d) the Garda Ombudsman Commission,
- whether at the location where the body is found or at any other location.

Certificate of fact of death

34. (1) Where a coroner is conducting an investigation into the death of a person he or she shall, as soon as practicable after establishing that a death has occurred that requires investigation, issue to a person specified in *section 35(1)(a)* or *(b)* and in the prescribed form a certificate certifying the fact of the death of that person, to be known as and referred to subsequently in this Act as a Fact of Death Certificate. 10
- (2) A Fact of Death Certificate shall make no reference to the circumstances of the death.
- (3) The issuance of a Fact of Death Certificate shall be taken as— 15
- (a) authority to proceed with the disposal of the body of the deceased, and
 - (b) proof of the death of the deceased for the purpose of any claim for entitlement under any scheme operated by a Department of State or statutory body.

Power of coroner to authorise disposal of body

35. (1) A coroner conducting an investigation into the death of a person may authorise— 20
- (a) a family member or any other person who proposes to cause the body of the deceased person to be disposed of, or
 - (b) the funeral director or any other person, who is in charge of the funeral of the deceased person,
- to dispose of the body of the deceased person before providing to the appropriate registrar a certificate in accordance with section 41 of the Civil Registration Act 2004, whether the body is lying for the time being in or outside his or her coroner region and irrespective of whether it may become necessary to hold an inquest in relation to the death. 25
- (2) No disposal of the body of a deceased person under *subsection (1)* shall take place before the coroner issues a Fact of Death Certificate in respect of that person. 30

Information to be given to family etc., by coroner

36. (1) Where a coroner is conducting an investigation into the death of a person he or she shall, as soon as may be, give or cause to be given to—
- (a) a family member of the deceased person, if known, and
 - (b) such interested person as the coroner considers appropriate,

the following information—

- (i) that he or she is investigating the death under this Act,
 - (ii) that the body of the deceased person is in the possession of the coroner, if such is the case,
 - (iii) that a post-mortem examination or special examination has been or, as the case may be, may be performed on the body, 5
 - (iv) in a case where a post-mortem examination or special examination has been performed on the body, whether organs, tissue or other material has been removed from the body and retained after the completion of the post-mortem examination or, as the case may be, special examination, in order to further the investigation into the death or any criminal investigation or to prevent further deaths, 10
 - (v) in a case where a post-mortem examination or special examination may be performed on the body that there is a possibility that organs and tissue and other material may be removed from the body and retained after the completion of the post-mortem examination or, as the case may be, other special examination, where it is necessary to do so in order to further the investigation into the death or any criminal investigation or to prevent further deaths and for no other purpose, 15
 - (vi) that there may be an inquest into the death, 20
 - (vii) that a Fact of Death Certificate shall be issued under *section 34* in respect of the deceased person,
 - (viii) any other information that the coroner considers relevant.
- (2) The information provided under *subsection (1)* shall, in so far as practicable, be in a form and language likely to be understood by the person or persons to whom it is provided. 25
- (3) Where a coroner is conducting an investigation into the death of a person he or she shall, in so far as practicable, continue to inform any person to whom information has been given under *subsection (1)* as to the progress, including the conclusion, of the investigation. 30

Powers of entry, inspection, etc.

37. (1) A coroner or under his or her direction, a coroner’s officer, conducting an investigation into the death of a person and in no other circumstances may do any or all of the following:
- (a) enter at any reasonable time any premises in which the coroner has reasonable grounds for believing that there are any documents, or there is information in any form, relating to the investigation; 35
 - (b) inspect any documents, or information in any form, on the premises;
 - (c) secure for later inspection any documents, any information in any form and any equipment in which those documents or that information may be held; 40

- (d) secure for later inspection the premises, or any part of the premises, but only if the coroner or coroner's officer considers it necessary to do so in order to preserve for inspection documents or information in any form that he or she has reason to believe may be kept there and may relate to the investigation;
 - (e) take copies of or extracts from any documents or any electronic information system on the premises, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form; 5
 - (f) remove for later examination or copying any documents, or information in any form;
 - (g) direct any person on the premises to produce any documents, or information in any form, kept on the premises; 10
 - (h) direct any person on the premises having charge of, or otherwise concerned with the operation of, data equipment or any associated apparatus or material to provide all reasonable assistance in relation to the equipment, apparatus or material; 15
 - (i) take possession of any article, substance or thing which the coroner or coroner's officer reasonably believes is relevant to the investigation and retain for such period as the coroner considers reasonable for the purposes of the investigation.
- (2) Any article, substance or thing that is taken possession of under this section shall be in the legal custody, care and control of the coroner conducting the investigation into the death and shall not, during that period, be used for the purposes of the investigation of any alleged offence or any other purpose. 20
- (3) When exercising powers under this section, a coroner or a coroner's officer may be accompanied by such other named persons and members of the Garda Síochána or, as the case may be, other members of the Garda Síochána as he or she considers necessary. 25
- (4) Notwithstanding *subsections (1) and (3)*, a coroner or a coroner's officer may not enter a private dwelling or the part of any premises that is used as a private dwelling, except—
- (a) with the consent of the occupier, or 30
 - (b) under the authority of a warrant issued under *section 38* by a judge of the District Court.
- (5) The production of a document in compliance with a direction under this section does not prejudice a person's lien on the document.
- (6) Any person who obstructs or fails to comply with a direction of a coroner, coroner's officer or a person permitted by a warrant issued under *section 38* to accompany the coroner or coroner's officer, in the exercise of his or her powers under this section shall be guilty of an offence. 35
- (7) This section shall not operate to prevent the investigation of a death by the Garda Síochána or the Garda Ombudsman Commission or the Defence Forces whether at the location where the body is found or at any other location. 40
- (8) This section—

- (a) shall operate without prejudice to the investigation or any requirements concerning the non-disclosure of information, and
- (b) shall not operate to prevent the investigation into an accident, incident or disease that has resulted in a reportable death, by any statutory body under any other enactment, whether at the location where the body is found or at any other location. 5

Power of District Court to issue warrant authorising entry

38. (1) If satisfied on the sworn information of a coroner that there are reasonable grounds for suspecting that in any private dwelling or on any premises part of which is used as a private dwelling there is information in any form or there are any documents, articles, substances or other things, relating to an investigation by a coroner under this Act and required by the coroner for the purposes of his or her investigation, a judge of the District Court may issue a warrant authorising the coroner or a named coroner’s officer to enter, on production of the warrant, the private dwelling or the part of those premises used as such a dwelling, at any time or times within one month after the date of issue of the warrant, for the purpose of exercising there the powers conferred by *section 37*. 10 15
- (2) The warrant issued by a judge of the District Court may also permit—
- (a) the coroner or named coroner’s officer, as the case may be, to be accompanied during the entry and inspection of the private dwelling or the part of the premises used as such a dwelling by such other named persons and members of the Garda Síochána as the coroner or named coroner’s officer, as the case may be, thinks necessary, and 20
 - (b) the use of such reasonable force as is necessary for the purposes of entry.

Movement of body into State for disposal 25

39. (1) Subject to *section 31*, a body which is brought into the State for disposal shall not be so disposed of or caused to be disposed of by any person unless a coroner allocated to the coroner region in which it is intended to dispose of the body has been notified of the intended disposal of the body.
- (2) A notification under *subsection (1)* shall be given in the prescribed manner and in the prescribed form. 30
- (3) A person who disposes or causes the disposal of a body contrary to the provisions of this section shall be guilty of an offence.

Movement of body out of State for disposal

40. (1) A person shall not remove a body, or cause a body to be removed, from the State for disposal outside the State unless a coroner in the region where the body lies has issued in the prescribed form a certificate to the effect that he or she is satisfied as to the cause of death and that the retention of the body, or any part thereof, in the State is not required. 35
- (2) Where a coroner decides that for the purposes of his or her investigation into the 40

death of the deceased, the body of the deceased should remain in the State for so long as the coroner considers necessary, the body shall not be removed from the State.

- (3) The issuance of a certificate under *subsection (1)* shall be taken as authority to proceed with the removal of the body from the State.
- (4) A coroner shall carry out his or her duties under *subsection (1)* as expeditiously as possible but shall not issue a certificate under *subsection (1)* unless he or she is so satisfied. 5
- (5) A decision of a coroner not to issue a certificate under *subsection (1)* may be appealed to the Chief Coroner, who may uphold, vary or rescind the coroner's decision.
- (6) A person who removes, or causes the removal of, a body from the State contrary to the provisions of this section shall be guilty of an offence. 10

Directions of High Court

41. (1) A coroner may, where he or she considers it appropriate to do so, apply to the High Court for directions on a point of law relating to the performance of his or her functions under this Act. 15
- (2) The High Court shall determine an application under *subsection (1)* by giving such directions and making such orders as it considers appropriate.
- (3) The High Court may, on application to it in that behalf or on its own motion, hear an application under *subsection (1)* otherwise than in public, if satisfied that it is appropriate to do so because of— 20
 - (a) the subject matter in relation to which directions are sought,
 - (b) a risk of prejudice to criminal or civil proceedings that are pending or in progress, or
 - (c) any other matter relating to the nature of the evidence to be given at the hearing of the application. 25
- (4) The High Court shall give such priority as it reasonably can, having regard to all the circumstances, to the disposal of proceedings in the Court under this section.
- (5) A coroner shall not seek to exercise the power provided under *subsection (1)* save with the written approval of the Chief Coroner.
- (6) The Superior Court Rules Committee may, with the consent of the Minister, make Rules of Court to facilitate the giving of effect to *subsection (4)*. 30

Discontinuance of investigation by coroner

42. (1) A coroner who is under a duty to investigate the death of a person under this Act may discontinue the investigation if—
 - (a) following an examination under *section 74* or *75* the cause of death is established, a medical certificate of the cause of death is procurable and a certificate has been given to the appropriate registrar by the coroner in accordance with *section 41* of the Civil Registration Act 2004, 35

- (b) he or she has no reasonable cause to suspect that the death occurred in a manner, place or circumstance specified in *section 43*, or
 - (c) he or she considers that it is no longer necessary to continue the investigation.
- (2) A coroner who discontinues an investigation under *subsection (1)* shall inform, as soon as practicable, a family member or, if none is known, a friend of long standing of the deceased, of such discontinuance. 5
- (3) Such family member or friend of long standing of the deceased may, for stated reasons, request the coroner to continue the investigation.
- (4) A person whose request under *subsection (3)* has been refused by a coroner may appeal that decision to the Chief Coroner, who may confirm, revoke or vary the decision of the coroner. 10

PART 6

INQUEST

Duty to hold inquest

43. If a coroner is of opinion that a death may have occurred— 15
- (a) in a violent or unnatural manner,
 - (b) from unknown causes,
 - (c) in or immediately after being in Garda Síochána, military or prison custody,
 - (d) in custody in a remand centre or a children detention school, within the meaning of the Children Act 2001, or immediately after being in such custody, 20
 - (e) in an institution administered by or on behalf of the State, including a hospital or other institution for the care and treatment of mentally ill or intellectually disabled persons, where the deceased person was being detained involuntarily, or immediately after being so detained,
 - (f) of a child in care, 25
 - (g) of any pregnant or *post-partum* woman (up to six weeks *post-partum*) who at the time of death is in the care of any hospital, any maternity care unit, or any location where births take place, as an outpatient or inpatient, and any pregnant or *post-partum* woman (up to six weeks *post-partum*) who has been discharged from the care of any hospital, any maternity care unit, or any location where births take place in the previous six weeks, or 30
 - (h) in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest should be held, he or she shall hold an inquest in relation to that death.

Power to hold inquest

44. (1) If a medical certificate of the cause of death of a person is not procurable and the coroner, having investigated the circumstances of the death of that person under *Part*

5 is unable to ascertain the cause of death, the coroner may, if he or she considers it appropriate so to do, hold an inquest in relation to the death.

- (2) A coroner may hold an inquest in relation to a death to which *section 28(1)* refers if he or she has reason to believe that the death has occurred in such circumstances that an inquest is appropriate, even if the body has been destroyed or is irrecoverable. 5
- (3) Where the body of any deceased person in respect of whose death the coroner—
- (a) has a duty to hold an inquest under *section 43*, or
 - (b) decides to hold an inquest under this section, has been buried and the coroner determines that no good purpose will be effected by exhuming the body for the purposes of an inquest, he or she may proceed to hold an inquest without having 10 the body exhumed.
- (4) Where, for whatever reason, a coroner allocated to a coroner region is not in a position to hold an inquest or there is no coroner allocated to the region, the Chief Coroner shall direct another coroner to hold the inquest.

Inquest on direction of Attorney General 15

45. (1) Where the Attorney General has reason to believe that a person has died in circumstances which in his or her opinion make the holding of an inquest advisable, he or she may, for stated reasons, following consultation with the Chief Coroner, direct that a coroner, to be nominated by the Chief Coroner (whether or not he or she is the coroner who would ordinarily hold the inquest) hold an inquest in relation to the 20 death of that person.
- (2) A coroner so nominated under *subsection (1)* shall proceed to hold an inquest in accordance with the provisions of this Act whether or not he or she or any other coroner has conducted any investigation, held any inquest in relation to or done any other act in connection with the death. 25

Purpose of inquest

46. (1) The purpose of an inquest shall be to—
- (a) establish—
 - (i) the identity of the deceased,
 - (ii) when and where the death took place, 30
 - (iii) in so far as practicable, the circumstances in which the death took place including the medical cause of death, and make findings in respect of these matters,
 - and
 - (b) return a verdict. 35
- (2) Should it arise that an inquest is unable to make findings in respect of the matters specified in *subsection (1)(a)* or return a verdict, the coroner shall adjourn the inquest.
- (3) If, on the resumption of an inquest adjourned under *subsection (2)*, the inquest

- remains unable to make findings in respect of the matters specified in *subsection (1)(a)* or return a verdict, the coroner shall abandon that inquest and conduct a new inquest.
- (4) A record of the findings of and verdict returned at an inquest shall be signed by the coroner holding the inquest and where he or she is sitting with a jury, by the foreperson of the jury. 5
- (5) Subject to *subsection (6)*, an inquest—
- (a) shall not make findings on any matter other than a matter referred to in *subsection (1)(a)*,
- (b) shall not frame a finding or return a verdict in such a way as to appear to determine any question of civil or criminal liability in respect of any named individual or contain a censure or exoneration of any named person. 10
- (6) Nothing in *subsection (5)(b)* shall prevent an inquest from returning a verdict of unlawful killing.

PART 7

15

CONDUCT OF INQUEST

Notice of inquest

47. A coroner shall, whether by post or such other means as he or she considers suitable, arrange for the notification of any or all of the following persons—
- (a) a family member of the deceased, 20
- (b) any witness whose presence is required, and
- (c) any interested person of whom the coroner may be aware and who, in the opinion of the coroner, ought to be notified, at least 14 days before an inquest is to be held, of the date, time, place and subject of the inquest.

Inquiry into relevant matters at inquest

25

48. (1) A coroner conducting an inquest shall not inquire into a relevant matter unless he or she is satisfied that the likely cost and duration of the inquiry into the matter is likely to be justified by the importance of the facts that are likely to be established in consequence of that inquiry.
- (2) In *subsection (1)*, “relevant matter”, in relation to an inquest, means a matter which, although falling within the scope of the inquest is, in the opinion of a coroner, not central to the inquest. 30

Inquest to be held in public

49. (1) Subject to the provisions of *subsection (2)*, an inquest shall be conducted in public.
- (2) A coroner may, whether or not following the receipt of representations in that behalf, direct the exclusion from an inquest or any part of an inquest of any person if he or 35

she reasonably believes that—

- (a) it is in the interest of the proper conduct of the inquest,
 - (b) it is in the public interest expedient to do so for reasons connected with the matters the subject of the inquest or the nature of the evidence to be given,
 - (c) there is a risk of prejudice to criminal or civil proceedings that are pending or in progress, or 5
 - (d) there is a risk to the personal security of any person.
- (3) A person who has been excluded from an inquest by direction of the coroner under *subsection (2)* may appeal that exclusion to the Chief Coroner and the Chief Coroner may confirm, revoke or vary the decision of the coroner and may attach such conditions, if any, to a decision to permit that person's attendance at the inquest as the Chief Coroner may consider necessary for the proper conduct of the inquest. 10
- (4) Any person who, not having appealed pursuant to *subsection (3)* a direction of a coroner under *subsection (2)*, refuses to comply with such direction or, having so appealed refuses to comply with a direction of the coroner given pursuant to the Chief Coroner's decision under *subsection (3)*, shall be guilty of an offence. 15

Power of Coroner Service to adopt rules and procedures

- 50.** (1) The Coroner Service shall, having regard to the need to observe fair procedures in the conduct of an inquest, adopt rules and procedures for—
- (a) receiving, taking and recording evidence, and 20
 - (b) receiving submissions.
- (2) The rules and procedures adopted under *subsection (1)* may, among other things, specify—
- (a) the form in which and the means by which evidence or submissions may be received by the inquest, 25
 - (b) the conditions subject to which evidence or submissions may be received by the inquest by means of a live video link, a video recording, a sound recording or any other mode of transmission,
 - (c) without prejudice to *section 51* the cases, if any, in which evidence must be given orally before the inquest. 30
- (3) The Coroner Service shall make copies of any rules and procedures adopted under *subsection (1)* available to any persons likely to be affected by them.

Giving of evidence in written form

- 51.** (1) Evidence at an inquest may be tendered in written form, (whether by affidavit, submission, report or otherwise, including by electronic means or any other means capable of being produced in legible form) and a copy of such evidence shall be given to every person who has been given notice of the inquest under *section 47*. 35
- (2) Subject to *subsections (3)* and *(4)*, where a coroner is satisfied that a copy of any

evidence tendered to an inquest in written form has been given to the appropriate persons under *subsection (1)*, he or she shall only require that part, if any, of such evidence to be given orally in respect of which one or more of the persons referred to in *subsection (1)* has made—

- (a) a request that it be heard orally, or 5
- (b) an objection to it being given in written form only, and only if every person who has made such a request or an objection has—
 - (i) stated his or her reasons for the request or objection, and
 - (ii) not had his or her request refused or objection overruled by the coroner under *subsection (3)*. 10
- (3) A coroner to whom a person has made a request or an objection under *subsection (2)* may question such person on the reasons for the request or objection, and if, after such questioning, the coroner is satisfied that the request or objection is not well founded, may refuse the request or overrule the objection.
- (4) A person whose request or objection has been refused or overruled by a coroner under *subsection (3)* may appeal that decision to the Chief Coroner, who may confirm, revoke or vary the decision of the coroner. 15

Preservation of documents and evidence given at inquest

- 52.** (1) Every examination at an inquest, or if there is no such examination, a note of the names and addresses of witnesses taken at an inquest, every report of a post-mortem or other special examination in pursuance of this Act and every record of a finding, verdict or recommendation returned at an inquest shall be preserved by the coroner in accordance with such arrangements as may be specified from time to time by the Coroner Service. 20
- (2) A copy of any document preserved by a coroner under this section shall be furnished to any applicant therefor on payment to the Coroner Service of such fee as may, with the consent of the Minister for Finance, be prescribed by the Minister. 25
- (3) Where an application under *subsection (2)* is made on behalf of a—
- (a) person in receipt of legal advice in respect of his or her involvement in an investigation under this Act, 30
 - (b) person in receipt of a legal aid certificate in respect of his or her representation at an inquest under this Act,
 - (c) a Minister of the Government,
 - (d) the Garda Síochána,
 - (e) the Defence Forces, 35
 - (f) a statutory body under another enactment, or
 - (g) the Garda Ombudsman Commission,
- no fee shall be payable under that subsection.
- (4) All fees payable to the Coroner Service under this section shall be paid into or

disposed of for the benefit of the Exchequer, and the Public Offices (Fees) Act 1879 shall not apply in respect of them.

Publication of report of coroner

53. (1) Subject to *subsection (2)*, the coroner shall, on the conclusion of an inquest, prepare a written report containing— 5
- (a) details of the findings made and the verdict returned,
 - (b) a brief description of any evidence received by the inquest,
 - (c) any facts established by the inquest in relation to matters the subject of the inquest,
 - (d) any recommendations made by the inquest, and 10
 - (e) such other matters as the coroner may consider appropriate, which report shall be published by the coroner as soon as practicable thereafter.
- (2) A coroner prior to the publication of a report under *subsection (1)* shall give a copy of the report to—
- (a) the Chief Coroner, 15
 - (b) any person interested in or likely to be affected by the report.
- (3) Where for any reason (including insufficient, conflicting or inconsistent evidence) an inquest considers that the facts relating to a particular matter which is the subject of the inquest have not been established, the coroner in the report required under *subsection (1)*— 20
- (a) shall identify the matter, and
 - (b) may indicate the inquest's opinion as to the quality and weight of any evidence relating to the matter.
- (4) A coroner may omit from the report required under *subsection (1)* any information that identifies or could reasonably be expected to lead to the identification of a person who gave evidence to the inquest or any other person if, in the opinion of the coroner— 25
- (a) the context in which the person was identified has not been clearly established,
 - (b) disclosure of the information might prejudice any criminal or civil proceedings that are pending or in progress, 30
 - (c) disclosure of the information would not be in the interests of the inquest, or
 - (d) it would not be in the person's interests to have the person's identity made public and the omission of the information would not be contrary to the purpose of the inquest or any subsequent inquest.
- (5) Where the coroner considers, whether or not following the receipt of representations in that behalf, that the publication of any information received by the inquest could reasonably be expected to affect adversely the security of the State or be prejudicial to the State in its relations with other states, he or she shall refer the matter to the Minister and shall seek directions from the Minister regarding the publication of that 35

information.

- (6) If the Minister considers that publication of all or part of the information would not adversely affect the security of the State or be prejudicial to the State in its relations with other states, he or she may issue a direction to the coroner—
- (a) specifying that all or part, as the case may be, of the information be published, and 5
 - (b) imposing such conditions or restrictions, if any, relating to the security of the State or the State's relations with other states as the Minister considers appropriate,
- otherwise he or she shall issue a direction to the coroner prohibiting the publication of the information. 10
- (7) After consultation with the Minister, the President of the High Court shall invite a judge of the High Court to undertake (while serving as a judge) the functions specified in *subsection (9)*, and if the invitation is accepted, the Government shall designate the judge for the purpose. 15
- (8) The designated judge shall hold office in accordance with the terms of his or her designation.
- (9) The functions of the designated judge shall be—
- (a) to review as and when necessary the operation of *subsection (6)*, and
 - (b) to report to the Taoiseach from time to time concerning any matters relating to the operation of that subsection that the judge considers ought to be reported. 20
- (10) For the purpose of performing his or her functions, the designated judge shall—
- (a) investigate any case in which a direction is issued by the Minister under *subsection (6)*, and
 - (b) be entitled to access to, and may inspect any documents relating to, that direction. 25
- (11) Any person involved in, or who has information relating to, a matter referred to the Minister under *subsection (5)* or a direction of the Minister under *subsection (6)* shall, at the request of the designated judge, give to him or her any information that the person has relating to the matter or the direction.
- (12) The Taoiseach shall ensure that a copy of any report given to him or her under *subsection (9)* is laid before each House of the Oireachtas together with a statement as to whether any matter has been excluded under *subsection (13)* from the report. 30
- (13) If the Taoiseach considers, after consulting with the designated judge, that the publication of any matter in a report, copies of which are to be laid before the Houses of the Oireachtas under *subsection (12)*, would adversely affect the security of the State or be prejudicial to the State in its relations with other states, the Taoiseach may exclude the matter from those copies. 35

Power of inquest to make recommendations

54. (1) An inquest may make a recommendation designed to—

- (a) prevent the recurrence of a death similar to that in respect of which the inquest is being held,
 - (b) prevent other hazards to life disclosed by the evidence at the inquest,
 - (c) bring to the attention of any person who may have power to take appropriate action to remedy any deficiency in a system or method of work which is disclosed by the evidence at the inquest and which may give rise to public concern. 5
- (2) Where an inquest has addressed a recommendation to a Minister of the Government, a local authority or a statutory body, the Minister, local authority or body shall issue a response to the recommendation to the coroner concerned in writing no later than 6 months from the date of receipt of the recommendation and shall indicate the measures, if any, taken or proposed to be taken on foot of the recommendation. 10
- (3) A recommendation shall not be framed in such a way as to appear to determine any question of civil or criminal liability in respect of any named individual.

Non-admissibility in criminal proceedings of evidence given at inquest 15

55. A statement or admission made by a person—
- (a) at an inquest, or
 - (b) when being examined pursuant to a request by a coroner under this Act, shall not be admissible as evidence against the person in any criminal proceedings unless— 20
 - (i) the criminal proceedings relate to an offence under *section 64*, or
 - (ii) the statement or admission is capable of being proven independently of its being given as mentioned in *paragraph (a)* or *(b)*.

Admissibility of *section 53(1)* report in civil proceedings

56. A report under *section 53(1)* shall be admissible in any civil proceedings as evidence of— 25
- (a) the findings made and verdict returned by the inquest and contained in the report, and
 - (b) any facts established by the inquest in relation to matters the subject of the inquest and contained in the report, without further proof, unless the contrary is shown. 30

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

57. (1) At an inquest in relation to any death, a coroner shall adjourn the inquest for such period or periods as he or she thinks proper if and when requested to do so by— 35
- (a) a member of the Garda Síochána not below the rank of inspector,
 - (b) a member of the Defence Forces not below the rank of commandant,

- (c) a duly authorised officer of a statutory body empowered to investigate accidents, incidents or diseases resulting in deaths under another enactment, or
- (d) the Garda Ombudsman Commission, on the grounds that—
 - (i) criminal proceedings in relation to the death are being considered,
 - (ii) criminal proceedings in relation to the death have been instituted, 5
 - (iii) in the case of a body to which *paragraph (c)* relates, that body is investigating or proposing to investigate the accident, incident or disease which resulted in the death, or
 - (iv) in the case of the Garda Ombudsman Commission, an investigation into a death to which section 91 of the Garda Síochána Act 2005 refers is being or is proposed to be carried out. 10
- (2) Prior to adjourning an inquest under *subsection (1)* a coroner may hear evidence of identification and, if available, of the medical cause of death.
- (3) When adjourning an inquest under this section a coroner shall discharge the jury (if any) summoned therefor. 15
- (4) Where an inquest in relation to a death has been adjourned under *subsection (1)* it shall be the duty of a relevant member of the Garda Síochána, relevant member of the Defence Forces, duly authorised officer or, as the case may be, the Garda Ombudsman Commission, to inform in writing the coroner holding the inquest of the discontinuance or conclusion of the criminal proceedings or, as appropriate, relevant investigation. 20

Adjournment of inquest in event of inquiry under Tribunals of Inquiry Acts 1921 to 2004 or Commissions of Investigation Act 2004

- 58.** (1) Where, at an inquest in relation to any death, a coroner is informed by the clerk of a tribunal established under the Tribunals of Inquiry Acts 1921 to 2004 or of a commission of investigation established under the Commissions of Investigation Act 2004 that the circumstances of the death are likely to be adequately investigated by that tribunal or commission, the coroner shall adjourn the inquest. 25
- (2) Prior to adjourning an inquest under *subsection (1)* a coroner may hear evidence of identification and, if available, of the medical cause of death. 30
 - (3) When adjourning an inquest under this section a coroner shall discharge the jury (if any) summoned therefor.
 - (4) Where an inquest in relation to a death has been adjourned under *subsection (1)* it shall be the duty of the clerk of the tribunal or commission at the discontinuance or conclusion of the tribunal of inquiry or commission of investigation to inform in writing the coroner holding the inquest of such discontinuance or conclusion. 35

Resumption of inquest adjourned under *section 57* or *58*

- 59.** (1) A coroner shall not be required to resume an inquest adjourned under *section 57* or *58* unless he or she considers that there are sufficient reasons for so doing.

- (2) Where a coroner resumes an inquest adjourned under *section 57* or *58*, he or she shall proceed in all respects as if a new inquest is being held.

Holding of adjourned inquest by different coroner

- 60.** An inquest which has been adjourned and at which only evidence of identification and, if available, the medical cause of death has been given may be resumed by a different coroner. 5

Restriction on publication of reports, images, etc., at inquest

- 61.** (1) A coroner may direct that a report (other than a report by the coroner under *section 53(1)*), or partial report, of any part of the proceedings of, or the name and address of any witness at, or any evidence given at, an inquest, not be published if he or she reasonably believes that it would be contrary to the proper conduct of the inquest, the administration of justice or the personal security of any person. 10
- (2) *Subsection (1)* shall not apply to the publication of any report by a statutory body where such publication is required for reasons of public safety.
- (3) The taking of photographs or other images by whatever means and the recording of sound at an inquest save with the express permission of the coroner shall be prohibited. 15
- (4) A coroner may specify the period during which a direction under *subsection (1)* shall continue in force.
- (5) A direction of a coroner under *subsection (1)* may be appealed to the Chief Coroner who may confirm, vary or rescind that direction. 20
- (6) Any person who, not having appealed pursuant to *subsection (5)* a direction of coroner under *subsection (1)*, publishes a report or partial report contrary to such a direction or who, having so appealed refuses to comply with a direction of the coroner given pursuant to the Chief Coroner's decision under *subsection (5)*, or who takes a photograph, image or sound recording contrary to *subsection (3)* shall be guilty of an offence. 25

Judicial review of decision by Chief Coroner or coroner

- 62.** (1) A person shall not question a decision by the Chief Coroner or, subject to any other provision of this Act, a coroner made in the conduct of an investigation or in the course of an inquest into a death otherwise than by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) ("the Order"). 30
- (2) An application for leave to apply for judicial review under the Order in respect of a decision of the Chief Coroner or a coroner shall— 35
- (a) subject to *subsection (3)*, be made not later than 28 days from the date of the decision,
- (b) be made by motion on notice (grounded in the manner specified in the Order in respect of a motion *ex parte* applying for leave) to the Chief Coroner or, as the case may be, coroner who made the decision, and 40

- (c) only be granted if the High Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed.
- (3) The High Court may extend the period specified in *subsection (2)(a)* if it considers that there is good and sufficient reason for doing so.
- (4) Subject to *subsection (5)*, the decision of the High Court on an application referred to in *subsection (1)* or *(2)* shall be final and no appeal shall lie from the decision to the Supreme Court except with the leave of the High Court granted only where the High Court certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court. 5 10
- (5) *Subsection (4)* shall not apply to a decision of the High Court in so far as it involves a question as to the validity of any law having regard to the provisions of the Constitution.
- (6) Where an application for a judicial review has been made under *subsection (1)*, the High Court may direct the adjournment of the inquest, if such has been commenced, until the determination of the judicial review proceedings. 15

PART 8

PROVISIONS RELATING TO WITNESSES AT INQUEST

Summoning of witnesses to attend at inquest

- 63. (1) A coroner may, at any time before the conclusion of an inquest held by him or her, cause a summons in the prescribed form to attend and give evidence at the inquest on a date and at a time and place specified to be served on a person (including any registered medical practitioner) whose evidence would, in the opinion of the coroner, be of assistance at the inquest. 20
- (2) A summons requiring the attendance of a person at an inquest as a witness shall be served on the person by or on behalf of the Coroner Service in one of the following ways: 25
 - (a) by delivering it to the person;
 - (b) by delivering it at the address at which the person ordinarily resides to a person who has attained the age of 16 years or upwards and who resides or is employed at that address; or 30
 - (c) by sending it by prepaid registered post to the address at which the person ordinarily resides or, in a case where an address for service has been furnished, to that address.

Powers with respect to taking of evidence at inquest

- 64. (1) If a coroner considers it necessary for the purposes of the proper conduct of an inquest, the coroner may— 35
 - (a) direct the taking of an oath or affirmation by any witness,

- (b) direct a witness to answer questions,
 - (c) direct the production by any person of any document, article, substance or thing in their possession or under their power or control,
 - (d) inspect, copy and keep for such period as the coroner considers necessary any document, article, substance or thing produced at the inquest, and 5
 - (e) give any other direction and do anything else the coroner considers necessary.
- (2) Where a person fails or refuses to comply with a summons under *section 63* or a direction under *subsection (1)*, the High Court may on application to it in that behalf by a coroner—
- (a) order the person to comply with the summons or, as the case may be, direction, and 10
 - (b) make such other orders, if any, as it considers necessary and just to enable the order to have full effect.
- (3) A witness at an inquest shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court. 15
- (4) If a coroner considers that it is necessary for the purposes of an inquest, he or she may be assisted by such expert persons as the coroner may determine.
- (5) Any person who knowingly gives evidence to an inquest that is false or misleading shall be guilty of an offence.

Taking of evidence from person about to leave State 20

65. Where a coroner is satisfied that a person who may be summoned to give evidence or to produce a document, article, substance or thing relevant to an inquest is likely to be absent from the State during the conduct of the inquest, he or she may direct that the evidence of that person be taken or the document, article, substance or thing be produced before him or her, at any time before the inquest, in the same manner as the evidence would be taken or the document, article, substance or thing produced at the inquest. 25

PART 9

PROVISIONS RELATING TO JURIES AT INQUEST

Jury at inquest

66. (1) Subject to *subsections (2) and (3)*, a coroner shall hold an inquest without a jury. 30
- (2) An inquest shall be held with a jury if, either before or during the inquest, the coroner becomes of opinion that—
- (a) the deceased came by his or her death by murder, infanticide or manslaughter,
 - (b) the death of the deceased may have occurred in Garda, military or prison custody, or immediately after being in such custody, 35
 - (c) the death of the deceased may have resulted from an act or omission of a member

of the Garda Síochána, a member of the Defence Forces or a prison officer in the purported execution of his or her duty,	
(d) the death of the deceased may have occurred in custody in a remand centre or a children detention school, within the meaning of the Children Act 2001, or immediately after being in such custody,	5
(e) the death of the deceased may have occurred in an institution, administered by or on behalf of the State, including a hospital or other institution, for the care and treatment of mentally ill or intellectually disabled persons, where the deceased was being detained involuntarily, or immediately after being so detained,	
(f) was of a child in care, or	10
(g) 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 with a jury.	
(3) An inquest may be held with a jury if the coroner considers that the death gives rise to issues of major public importance or where 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.	15
(4) A decision of a coroner not to hold an inquest with a jury may be appealed to the Chief Coroner who may confirm, vary or rescind that decision.	
Function of jury at inquest	20
67. (1) The jury at an inquest shall establish, insofar as possible, the identity of the deceased, when and where the death took place and the circumstances in which the death took place (including the medical cause of death) and make findings in respect of these matters and shall return a verdict.	
(2) Any findings of a jury and any verdict returned under <i>subsection (1)</i> shall have the same force and effect as if they had been made or returned by a coroner sitting alone.	25
(3) A jury at an inquest may comment on any matter connected with the death the subject of the inquest, including a matter of public health or safety.	
(4) A jury at an inquest shall agree any findings or verdict by simple majority.	
(5) If a jury at an inquest fails to agree on any findings or verdict, the coroner may adjourn the inquest for such period of time as he or she considers necessary to allow the jury to agree on such findings or verdict.	30
(6) If at the end of the period of time referred to in <i>subsection (5)</i> a jury continues to be unable to agree on its findings or verdict, a coroner shall discharge the jury and hold a new inquest.	35
Eligibility to serve on jury at inquest	
68. (1) Subject to the provisions of <i>Schedule 4</i> , every person—	
(a) aged 18 years or upwards and under the age of 70 years,	
(b) who is residing in a county where a coroner for the region, which includes that	

- county, proposes to hold an inquest,
shall be eligible to serve on the jury at that inquest.
- (2) A person who, having been duly served with a summons requiring him or her to attend an inquest as a juror under *section 70* and without—
- (a) having notified the Coroner Service that he or she is—
 - (i) an ineligible person under the provisions of *Part 1* of *Schedule 4*,
 - (ii) an excusable person as of right under the provisions of *Part 2* of *Schedule 4*,
or
 - (iii) a disqualified person under the provisions of *Part 3* of *Schedule 4*,
 - (b) having sought to be excused from that duty under *section 71(2)*, or
 - (c) reasonable cause,
- fails to attend on the date and at the time and place specified in the summons, shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding €500.

Number of jurors at inquest

- 69.** (1) A jury at an inquest shall consist of not less than 5 and not more than 7 persons.
- (2) The jury at an inquest shall be sworn or make an affirmation by or before the coroner in the prescribed form.
- (3) The oath or affirmation may be administered to 2 or more jurors at the same time.

Summoning of jury at inquest

- 70.** (1) Where an inquest is being held with a jury the Coroner Service shall summon a jury for the purposes of that inquest.
- (2) For the purposes of *subsection (1)*, the Coroner Service shall have access to the list of jurors liable to serve on a jury of the Circuit Court in the county of the coroner region where it is proposed to hold the inquest.
- (3) The Coroner Service shall select randomly, by ballot, a jury from that list.
- (4) The Coroner Service shall cause a written summons, in the prescribed form, to be served on every person selected to be a juror requiring him or her to attend at the inquest in question on the date and at the time and place specified in the summons and thereafter on such dates and at such times as may be specified by the coroner.
- (5) Every summons to attend an inquest as a juror shall be served by or on behalf of the Coroner Service in one of the following ways—
- (a) by delivering it to the person,
 - (b) by delivering it at the address at which the person ordinarily resides to a person of the age of 16 years or upwards and who resides or is employed at that address,

or

- (c) by sending it by prepaid registered post to the address at which the person ordinarily resides or, in a case where an address for service has been furnished, to that address.
- (6) The Coroner Service shall endeavour to ensure that a summons requiring any person to attend for jury service at an inquest is served no less than 28 days before the commencement of the inquest. 5

Persons ineligible, excused or disqualified from service on jury at inquest

71. (1) A person summoned to attend as a juror at an inquest shall as soon as practicable after receipt of the summons notify the Coroner Service if he or she is— 10
- (a) an ineligible person under the provisions of *Part 1 of Schedule 4*,
 - (b) an excusable person as of right under the provisions of *Part 2 of Schedule 4*, or
 - (c) a disqualified person under the provisions of *Part 3 of Schedule 4*.
- (2) A person summoned to attend as a juror at an inquest, not being a person who has notified the Coroner Service under *subsection (1)* may, no later than 21 days before the date of the inquest, apply in writing to the Coroner Service to be excused from that duty for stated reasons. 15
- (3) The Coroner Service may excuse a person who has notified the Coroner Service under *subsection (2)* from serving on the jury at an inquest if that person shows to the Coroner Service's satisfaction that there is good reason why he or she should be excused. 20
- (4) Where the Coroner Service has refused to excuse a person from serving on the jury at an inquest, that person may within 10 days of the receipt of the decision appeal the decision to the Chief Coroner and he or she shall deliver his or her decision no later than 5 days after receipt of the appeal. 25
- (5) Any person who serves on a jury while knowing himself or herself to be an ineligible person within the meaning of *subsection (1)(a)* or a disqualified person within the meaning of *subsection (1)(c)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000.

Discharge of jurors at inquest 30

72. (1) A coroner may at any time during an inquest discharge a juror,
- (a) where, in the interests of justice, it appears to the coroner necessary to do so, or
 - (b) in the interests of the juror.
- (2) Where during an inquest a juror is discharged under *subsection (1)* or dies—
- (a) the inquest shall be proceeded with in a like manner as if the required number of jurors had continued on the jury, and 35
 - (b) the jury shall be considered as remaining properly constituted for the purpose of the inquest.

- (3) Notwithstanding *subsection (2)*, if the number of the remaining jurors is less than 5, the coroner shall discharge the jury and hold a new inquest.

Holding of adjourned inquest with different jury

73. An inquest sitting with a jury, which has been adjourned and at which only evidence of identification and medical cause of death has been given, may be resumed with a different jury. 5

PART 10

POST-MORTEM AND SPECIAL EXAMINATIONS

Post-mortem and special examinations

74. (1) Subject to *subsection (5)*, a coroner may, at any time during an investigation into the death of any person, request a registered medical practitioner to conduct a post-mortem examination of the body of the deceased person or to arrange for the conduct of such special examination as the coroner considers appropriate. 10
- (2) Subject to *subsection (5)*, a coroner may, at any time during an investigation into the death of any person, request such person as the coroner considers appropriate to conduct or arrange for the conduct of such special examination as the coroner considers appropriate. 15
- (3) Where a registered medical practitioner conducts a post-mortem examination or arranges for the conduct of a special examination under *subsection (1)*, or a person conducts or arranges for the conduct of a special examination under *subsection (2)*, he or she shall do so under the direction of the coroner. 20
- (4) Where a coroner has requested a post-mortem examination or special examination of the body of a deceased person under this section, he or she shall ensure, in so far as is practicable, that a member of the family of the deceased person is informed of the fact. 25
- (5) It shall be the duty of a coroner to exercise his or her power to request a post-mortem examination or special examination under *subsections (1) and (2)* in every case in which a member of the Garda Síochána not below the rank of inspector, a member of the Defence Forces not below the rank of commandant, a duly authorised officer empowered to investigate accidents, incidents or diseases resulting in deaths under another enactment or the Garda Ombudsman Commission requests him or her so to do and states the reasons for such request in writing. 30

Mandatory post-mortem and special examinations

75. (1) If, in the course of an investigation into a death of a person under this Act, a coroner is of the opinion that the death may have occurred— 35
- (a) in a violent or unnatural manner,
- (b) from unknown causes,

- (c) in or immediately after being in Garda Síochána, military or prison custody,
- (d) in custody in a remand centre or a children detention school, each within the meaning of the Children Act 2001, or immediately after being in such custody,
- (e) in an institution administered by or on behalf of the State, including a hospital or other institution for the care and treatment of mentally ill or intellectually disabled persons, where the deceased was being detained involuntarily, or immediately after being so detained, 5
- (f) of a child in care,
- (g) of any pregnant or *post-partum* woman (up to six weeks *post-partum*) who at the time of death is in the care of any hospital, any maternity care unit, or any location where births take place, as an outpatient or inpatient, and any pregnant or *post-partum* woman (up to six weeks *post-partum*) who has been discharged from the care of any hospital, any maternity care unit, or any location where births take place in the previous six weeks, 10
- (h) in circumstances which, under provisions in that behalf contained in any other enactment, require that a post-mortem or other special examination should be held, 15
- (i) in an unexplained manner, or
- (j) as a result of an industrial accident or disease,

he or she shall request a registered medical practitioner to conduct a post-mortem examination of the body of the deceased and arrange for the conduct of such special examination, if any, as the coroner considers appropriate or may request such person as the coroner considers appropriate to conduct or arrange for the conduct of such special examination as the coroner considers appropriate. 20

- (2) Where a registered medical practitioner conducts a post-mortem examination or arranges for the conduct of a special examination or a person conducts or arranges for the conduct of special examination under *subsection (1)* he or she shall do so under the direction of the coroner. 25
- (3) Where a coroner has requested a post-mortem examination or special examination of the body of a deceased person under this section, he or she shall ensure, in so far as is practicable, that a member of the family of the deceased person is informed of the fact. 30

Provisions governing post-mortem or special examination requested by coroner

- 76. (1) Where a coroner requests a post-mortem examination or special examination of a body under this Part, the person requested to conduct the examination shall be authorised to remove from the body and preserve, for such period as the coroner shall direct, any material (whether it be tissue, organs, biological fluids or other part or parts of the body) which appears to the person so requested to relate to the circumstances of the death, including the cause of death, of the deceased person. 35
- (2) Any material removed under *subsection (1)* shall be dealt with in accordance with such direction as may be given by a coroner and any rules made in relation thereto under *section 24*. 40

- (3) Where any material is likely to be removed under *subsection (1)*, the coroner shall ensure, in so far as is practicable before the material is removed, that a family member or, if there is none, friend of long standing of the deceased person or another interested person is informed of such a likelihood and the purpose for which it is intended to be removed. 5
- (4) A coroner may, on his or her own initiative or at the request of a family member or, as the case may be, friend of long standing of the deceased person or another interested person, direct the return to such member, friend or interested person for the disposal where practicable of any material removed under *subsection (1)* which is no longer required for the purpose of the investigation. 10
- (5) Where—
- (a) it is not possible to contact a family member or friend of long standing of the deceased person or other interested person, or
 - (b) a said family member, friend or interested person so requests,
- a coroner may arrange for the proper disposal of any material removed under *subsection (1)* that is no longer required for the purpose of the investigation. 15
- (6) A post-mortem examination or special examination of the body of a deceased person under this Part shall not be performed or assisted by a registered medical practitioner who had attended the deceased within 28 days of the person's death.
- (7) A coroner may direct the person in charge of a hospital or an institution in which the deceased person was receiving treatment immediately prior to his or her death or a registered medical practitioner or other person in possession or control of medical records relating to the deceased person to give to— 20
- (a) the registered medical practitioner conducting a post-mortem examination or arranging for the conduct of a special examination under this Part, or 25
 - (b) any other person conducting or arranging for the conduct of a special examination under this Part,
- any medical records relating to the deceased person.
- (8) Unless otherwise directed by the coroner, the registered medical practitioner or other person to whom medical records are given under *subsection (7)* shall return the records to the person in charge of the relevant hospital or institution, to the said registered medical practitioner or to the said other person, as the case may be, as soon as practicable after the completion of the post-mortem examination or special examination. 30
- (9) A coroner may request the same or another registered medical practitioner to conduct a further post-mortem examination of the body or to arrange for the conduct of a further special examination, or may request the same or another appropriate person to conduct or arrange for the conduct of a further special examination if the coroner considers it appropriate. 35
- (10) Any request or direction made or given by a coroner under this section shall be in writing and may be delivered by electronic means. 40
- (11) Where a post-mortem examination or special examination is requested under this Part,

any person who knowingly causes any material be it tissue, organs, biological fluids or other part or parts of the body to be removed from the body of the deceased person or examined or dealt with otherwise than in accordance with the provisions of this section shall be guilty of an offence.

- Report of post-mortem and special examinations to be given to coroner etc.** 5
- 77.** (1) Where a post-mortem examination of the body of a deceased person or any other special examination is requested by a coroner under this Part the person to whom the request is made shall, as soon as practicable thereafter, furnish a report of that examination to the coroner.
- (2) A report under *subsection (1)* shall contain a record of any material be it tissue, organs, biological fluids or other part or parts of the body retained for further examination. 10
- (3) The coroner to whom a report is furnished under *subsection (1)* shall make it available to—
- (a) a member of the Garda Síochána, 15
- (b) a member of the Defence Forces not below the rank of commandant,
- (c) a duly authorised officer of a statutory body empowered to investigate accidents, incidents or diseases resulting in deaths under another enactment, or
- (d) the Garda Ombudsman Commission,
- where such member, officer or the Commission requested that such post-mortem examination or special examination be carried out under *section 74(5)*. 20
- (4) The coroner to whom a report is furnished under *subsection (1)* shall make it available on request to a family member or friend of long standing of the deceased.

PART 11

EXHUMATION OF BODY OR RECOVERY OF CREMATED REMAINS 25

Exhumation of body or recovery of cremated remains

- 78.** (1) A coroner may direct—
- (a) the exhumation of a body, or
- (b) in a case where the body of the deceased person has been cremated and the cremated remains are still available, the recovery of the cremated remains, if the coroner is satisfied that— 30
- (i) he or she has reasonable cause to believe that a person died in circumstances in respect of which the coroner has a duty under *section 28* to investigate,
- (ii) he or she has reasonable cause to believe that an exhumation or recovery, as the case may be, may be necessary for the performance of his or her duties or to assist another coroner in the investigation of a death, 35

- (iii) a post-mortem or other special examination or further post-mortem or further special examination of the body or cremated remains of the deceased person should be made,
 - (iv) the body of a deceased person has been buried or cremated and the investigation or inquest concerning the death of that person has not been completed, or 5
 - (v) a new inquest is required or is to be held.
- (2) If informed in writing by—
- (a) a member of the Garda Síochána not below the rank of superintendent,
 - (b) a member of the Defence Forces not below the rank of commandant, 10
 - (c) a duly authorised officer of a statutory body empowered to investigate accidents, incidents or diseases resulting in deaths under another enactment, or
 - (d) the Garda Ombudsman Commission,
- that in the opinion of such member, officer or the Commission, the death of a person whose body has been buried in the coroner region to which the coroner is allocated 15 may have occurred in a manner which requires further investigation (including investigation under another enactment), the coroner may direct the exhumation of the body or in a case where the body has been cremated and the cremated remains are still available, the recovery of the cremated remains.
- (3) A decision by a coroner not to direct the exhumation of a body or the recovery of cremated remains under *subsection (2)* may be appealed to the Chief Coroner by the said member of the Garda Síochána, member of the Defence Forces, the duly authorised officer of a statutory body or the Garda Ombudsman Commission, as the case may be, who may confirm, vary or rescind the decision of the coroner. 20
- (4) Every direction under this section for the exhumation of a body or the recovery of the cremated remains shall operate to authorise the exhumation or the recovery, as the case may be, in accordance with the terms of the direction. 25
- (5) Where the body of a deceased person is exhumed or his or her cremated remains recovered in pursuance of a direction under this section, the coroner concerned shall have the like powers and duties as if it had not been buried or cremated. 30

Procedure for exhumation of body, recovery of cremated remains, etc.

79. (1) A direction under *section 78* shall be in writing and shall authorise the person specified therein to arrange for—
- (a) the exhumation of a body or the recovery of cremated remains,
 - (b) the taking of the body or cremated remains to such place as may be specified by the coroner, and 35
 - (c) the re-interment of the body or return of the cremated remains as soon as the coroner is satisfied that the body should be re-interred or the cremated remains returned to the person entitled to them.
- (2) The Coroner Service shall, as soon as may be, give or cause to be given to a family 40

member or, as appropriate, friend of long standing of the deceased person or other interested person a copy of any direction issued under *section 78*.

PART 12

OFFENCES

Offences by bodies corporate

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80. (1) Where a body corporate commits an offence under this Act, each person who was an officer of the body corporate when the offence was committed shall be guilty of an offence under this section if it is proved that he or she—

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

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

(2) A person may be proceeded against for an offence under this section whether or not the body corporate of which he or she was an officer when the offence was committed has been convicted of that offence.

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(3) A person found guilty of an offence under this section shall be liable to a fine not exceeding the fine for which the body corporate shall be liable for the offence.

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

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Penalties for offences

81. (1) Except as otherwise provided for under this Act, any person, other than a body corporate, found guilty of an offence under this Act shall be liable—

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

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

(2) A body corporate found guilty of an offence under this Act shall be liable—

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

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

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Prosecutions

82. A prosecution for an offence under this Act may be brought only by or with the consent of the Director of Public Prosecutions.

PART 13

MISCELLANEOUS PROVISIONS

Annual report of Coroner Service

- 83.** (1) The Chief Coroner shall, not later than 30 April in each year, make a report to the Minister on the performance of the functions and activities of the Coroner Service during the preceding year. 5
- (2) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.
- (3) The report shall be in such form as the Minister may approve and include information in such form and regarding such matters as he or she may direct. 10
- (4) The Chief Coroner may from time to time make such other reports to the Minister on the performance of the functions and activities of the Coroner Service as the Chief Coroner thinks fit or as may be requested by the Minister.
- (5) The Chief Coroner shall give to the Minister such other information regarding such performance as the Minister may from time to time require. 15
- (6) For the purposes of *subsection (1)*, the period between the date of the establishment of the Coroner Service and the following 31 December shall be deemed to be a preceding year.

Returns to be made in respect of each coroner region

- 84.** (1) The Coroner Service shall, in respect of each coroner region, on or before 1 March in each year, prepare for the Chief Coroner a written return of— 20
- (a) the number of deaths reported, whether those deaths required investigation or not,
- (b) the number of deaths investigated,
- (c) the number of post-mortem or other special examinations conducted
- (d) the number of inquests pending, opened, adjourned and completed under the provisions of this Act, 25
- (e) in the case of completed inquests, the verdicts returned,
- (f) any recommendations issued on the completion of an inquest,
- (g) the number of exhumations and recovery of cremated remains directed,
- (h) such other matter or matters as the Chief Coroner may direct in respect of investigations carried out or inquests held, during the year ended on the immediately preceding 31 December. 30
- (2) In addition to the annual return specified in *subsection (1)*, the Coroner Service shall prepare for the Chief Coroner such written returns in relation to any of the matters specified in *subsection (1)* conducted in each coroner region as the Chief Coroner may from time to time direct. 35
- (3) Every return furnished under this section shall be in such form and contain such

particulars as the Chief Coroner may from time to time direct.

- (4) For the purposes of *subsection (1)*, the period between the date of the establishment of the Coroner Service and the following 31 December shall be deemed to be a preceding year.

Preservation of documents

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85. (1) The Coroner Service shall make arrangements for all documents previously preserved under section 29 of the Coroners Act 1962, by a coroner, or a county registrar for the county or county borough in which the district of such coroner was, immediately prior to the commencement of this Act, situate to be transferred to the Coroner Service.

(2) The Coroner Service shall preserve all documents transferred under *subsection (1)*. 10

(3) A copy of any document preserved by the Coroner Service under *subsection (2)* shall be furnished to every applicant therefor on payment of such fee and in such manner as may, from time to time, with the consent of the Minister for Finance, be prescribed.

(4) Where an application under *subsection (3)* is made on behalf of—

(a) a person in receipt of legal advice in respect of his or her involvement in an investigation under this Act, 15

(b) a person in receipt of a legal aid certificate in respect of his or her representation at an inquest under this Act,

(c) a Minister of the Government,

(d) the Garda Síochána, 20

(e) the Defence Forces,

(f) a statutory body under another enactment,

(g) the Garda Ombudsman Commission,

no fee shall be payable under that subsection.

(5) All fees payable to the Coroner Service under this section shall be paid into or disposed of for the benefit of the Exchequer and the Public Offices (Fees) Act 1879 shall not apply in respect of them. 25

Legal aid and advice in proceedings before coroner

86. (1) Subject to this section, a person to whom *subsection (4)* applies may be granted legal advice pursuant to section 26(3A) (inserted by section 92 of this Act) of the Civil Legal Aid Act 1995 in respect of his or her involvement in an investigation by a coroner into the death of a deceased person under this Act. 30

(2) Subject to this section, a person to whom *subsection (4)* applies may be granted a legal aid certificate pursuant to section 28(5B) (inserted by section 92 of this Act) of the Civil Legal Aid Act 1995 in respect of his or her representation at an inquest into the death of a deceased person under this Act. 35

(3) The granting of legal advice or a legal aid certificate under the Civil Legal Aid Act 1995 for the purposes of an investigation or, as the case may be, an inquest shall be

subject to the coroner certifying that in his or her opinion—

- (a) (i) the deceased was in Garda Síochána, military or prison custody at the time of his or her death or immediately before his or her death,
 - (ii) the death of the deceased may have occurred in an institution administered by or on behalf of the State, including a hospital or other institution for the care and treatment of mentally ill or intellectually disabled persons, where the person was being detained involuntarily, or immediately after being so detained, 5
 - (iii) the death was of a child in care,
 - (iv) the death was of any pregnant or *post-partum* woman (up to six weeks *post-partum*) who at the time of death was in the care of any hospital, any maternity care unit, or any location where births take place, as an outpatient or inpatient, or any pregnant or *post-partum* woman (up to six weeks *post-partum*) who had been discharged from the care of any hospital, any maternity care unit, or any location where births take place in the previous six weeks, or 10
 - (v) the death gives rise to complex issues of major public importance, 15
- and
- (b) there is a significant public interest in the person receiving legal advice for the purposes of the investigation into the death or, as the case may be, having legal representation at the inquest having regard to all the circumstances, including the following: 20
 - (i) whether the person may be able to participate effectively in the investigation or inquest without legal advice or representation;
 - (ii) the nature and seriousness of any allegations which are likely to be raised during the investigation or at the inquest; and 25
 - (iii) whether other forms of investigation, including internal investigations by a public body, have taken place and whether the person has been or will likely be involved in such investigations.
- (4) This subsection applies to— 30
 - (a) any family member of the deceased, or
 - (b) in the absence of such family member, a friend of long standing of the deceased, provided that legal advice or, as the case may be, legal representation may only be granted to one such person in respect of any one investigation by a coroner into the death of a deceased person or any one inquest. 35

Prescribing of forms

- 87. (1) The Minister may, after consultation with the Coroner Service, prescribe forms in respect of inquests, post-mortem and other special examinations, exhumations and recovery of cremated remains or such other matters as he or she may consider appropriate for the purposes of this Act. 40

- (2) Without prejudice to *subsection (1)*, the forms that may be prescribed under *subsection (1)* may include the form of—
 - (a) oath or affirmation to be taken by jurors and by witnesses, and
 - (b) summons to be served on jurors and on witnesses.
- (3) Until forms have been prescribed under this section, such forms as were in use immediately before the commencement of this Act in respect of any of the matters specified in *subsection (1)* may continue to be used and may, where necessary, be modified so as to conform to the provisions of this Act. 5

Prescribing of certain fees and expenses

- 88. (1) The Minister may, after consultation with the Coroner Service and with the consent of the Minister for Finance, prescribe such fees and expenses as shall be payable by the Coroner Service under this Act. 10
- (2) Without prejudice to the generality of *subsection (1)*, the fees and expenses that may be prescribed under that subsection shall include—
 - (a) the fees payable to persons performing, or assisting at, post-mortem and other special examinations, 15
 - (b) the expenses payable to witnesses and jurors at an inquest,
 - (c) the expenses payable in connection with the removal or custody, in accordance with the direction of a coroner, of a body, and
 - (d) the expenses payable in connection with the removal, custody, or re-interment, in accordance with the direction of a coroner, of an exhumed body or the removal, custody or return of cremated remains. 20
- (3) Until fees and expenses have been prescribed under this section, such fees and expenses as were payable immediately before the commencement of this Act in connection with any of the matters specified in *subsection (2)* may continue to be payable and may, where necessary, be modified so as to conform to the provisions of this Act. 25

Certification and payment of certain sums

- 89. (1) A coroner may, in respect of any matter for which a fee or expenses is or are prescribed under *section 88* issue a certificate for the payment to the person concerned of a sum not greater than the sum prescribed in that behalf. 30
- (2) Every person to whom a certificate has been issued under this section may present the certificate to the Coroner Service and thereupon the Coroner Service shall pay the sum mentioned in the certificate to the person.
- (3) No certificate for the payment of any fee shall be issued under this section to a registered medical practitioner who is on the staff of a health institution, within the meaning of the Health Acts 1947 to 2004, or a hospital in connection with an inquest on the body of a person who died in the institution or hospital, if it was his or her duty to attend the person. 35

Protocols

90. As soon as practicable after the commencement of this section—

- (a) the Coroner Service and the Garda Commissioner shall, by means of written protocols, make arrangements regarding the following matters:
 - (i) the engagement of members of the Garda Síochána for the purposes of providing support to coroners pursuant to *section 21*; 5
 - (ii) in addition to *subparagraph (i)*, the provision of assistance and, as appropriate, protection to coroners or coroner's officers in the performance of their functions under this Act and, in particular *sections 33* (custody and removal of body pending investigation), *37* (powers of entry, inspection etc.) 10 and *38* (power of District Court to issue warrant authorising entry);
 - (iii) the conduct of any investigations by coroners under this Act that coincide with investigations of the Garda Síochána into the same matters; and
 - (iv) the sharing with each other of information relating to the death of a person obtained by either a coroner or the Garda Síochána, 15
- (b) the Coroner Service and the Garda Ombudsman Commission shall by means of written protocols, make arrangements regarding the following matters—
 - (i) the conduct of any investigations by coroners under this Act that coincide with investigations by the Garda Ombudsman Commission into the same matters, and 20
 - (ii) the sharing with each other of information relating to the death of a person obtained by either the coroner or the Garda Ombudsman Commission,
- (c) the Coroner Service and each statutory body having responsibility under another enactment for the investigation of an accident, incident or disease which resulted in the death of a person shall, by means of written protocols, make arrangements regarding the following matters— 25
 - (i) the conduct of any investigations by coroners under this Act that coincide with investigations by the relevant statutory body into the same matters, and
 - (ii) the sharing with each other of information relating to the death of a person obtained by either the coroner or the statutory body in question. 30

Restriction of Data Protection Acts 1988 and 2003

91. Section 4 of the Data Protection Acts 1988 and 2003 do not apply to personal data provided to a coroner for as long as the data are—

- (a) in the custody of a coroner, or the Coroner Service, or
- (b) given to or obtained by the coroner pursuant to *sections 26, 37, 52 and 65*. 35

Amendments to Civil Legal Aid Act 1995

92. The Civil Legal Aid Act 1995 is hereby amended—

- (a) in section 26 by the insertion of the following new subsection after subsection

(3):

“(3A) Notwithstanding any other provision of this Act, the Board shall grant legal advice to a person in respect of his or her involvement in an investigation by a coroner into the death of a deceased person under the *Coroners Act 2015*, subject to the provisions of *section 86* of that Act.” 5

(b) in section 28 by the insertion of the following new subsection after subsection (5A):

“(5B) Notwithstanding any other provision of this Act, the Board shall grant a legal aid certificate to a person in respect of his or her representation at an inquest into the death of a deceased person under the *Coroners Act 2015*, subject to the provisions of *section 86* of that Act.” 10

(c) given to or obtained by the coroner pursuant to *sections 26, 37, 52 and 65*.

SCHEDULE 1

Section 5

REPEALS

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 9 of 1962	Coroners Act 1962	The whole Act
No. 4 of 1976	Juries Act 1976	Sections 30 and 31
No. 3 of 2004	Civil Registration Act 2004	Section 44
No. 33 of 2005	Coroners (Amendment) Act 2005	The whole Act

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SCHEDULE 2

Section 22

CORONER SERVICE ADVISORY COMMITTEE

PART 1

ADVISORY COMMITTEE

1. The Advisory Committee may advise the Coroner Service and, as appropriate, the Minister in relation to—
- (a) reportable deaths, 5
 - (b) procedures relating to investigation of deaths by a coroner,
 - (c) procedures relating to post-mortem and other special examinations, 10
 - (d) procedures relating to the conduct of inquests,
 - (e) findings and verdicts,
 - (f) procedures relating to the certification of fact of death,
 - (g) appeals,
 - (h) forms to be prescribed, 15
 - (i) procedures relating to the disposal of a body,
 - (j) revision of Coroner Rules.

PART 2

RECOMMENDATIONS BY ADVISORY COMMITTEE

2. The Advisory Committee may make recommendations to the Coroner Service and, as appropriate, the Minister with regard to any of the provisions of this Act. 20

PART 3

MEMBERSHIP OF ADVISORY COMMITTEE

3. (1) The Advisory Committee shall consist of—
- (a) the Chief Coroner, 25
 - (b) the Deputy Chief Coroner,
 - (c) two representatives from among serving coroners and assistant coroners,
 - (d) the Commissioner of the Garda Síochána or such other member of the Garda Síochána not below the rank of Superintendent as the Commissioner may nominate in that behalf, 30
 - (e) the Director of the Coroner Service,
 - (f) an officer of the Minister,
 - (g) a representative of any other Minister of the Government who, in the opinion of the Minister, is directly concerned with or responsible for activities

relevant to the functions of the Coroner Service, and

(h) such other persons as the Minister shall from time to time appoint.

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

SCHEDULE 3

Section 25

DEATHS REPORTABLE TO CORONER

1. Where the death may have occurred in a violent or unnatural manner.
2. Any death where the cause of death appears to be unknown. 5
3. Any accidental death.
4. A death in suspicious circumstances.
5. Suicide, suspected suicide or suspected assisted suicide.
6. If the deceased has not been seen and treated by a registered medical practitioner within 28 days before death. 10
7. A death due to possible negligence, misconduct or malpractice.
8. A death occurring within 24 hours of admission to a hospital or other health institution.
9. Any death which may have occurred during an operation, or before recovery from the effects of anaesthetic, or from a diagnostic or therapeutic procedure regardless of the length of time between the procedure and death. 15
10. Any death which may have occurred from a non-conventional medicine or procedure.
11. Any maternal death that occurs during or following pregnancy (up to a period of six weeks *post-partum*) or that might be reasonably related to pregnancy.
12. Any death of a child in care. 20
13. Infant deaths, including Sudden Infant Death Syndrome and non-accidental injury.
14. Unnatural stillbirths and intra-uterine deaths.
15. Any death that occurs in an institution, including a hospital or other institution for the care and treatment of mentally ill or intellectually disabled persons administered by or on behalf of the State, where the person was being detained involuntarily. 25
16. If the deceased was in Garda Síochána or military or prison custody at the time of death or immediately before his or her death.
17. Any death that occurs in a remand centre or a children detention school within the meaning of the Children Act 2001, or immediately after being so detained.
18. A death due to want of care, exposure or neglect. 30
19. Any death due to accident at work, occupational disease or industrial poisoning.
20. Where a body is to be removed from the State.
21. Where a body is to be repatriated to the State.
22. Where a body is unidentified.
23. Where a member of the family of the deceased cannot be traced. 35
24. Where human remains are discovered.

25. A death in any public or private institution for the care of elderly or infirm persons.
26. A death due to poisoning by alcohol, drugs or other substance.
27. Any death which may be due to Transmissible Spongiform Encephalopathy – including, for example, Creutzfeldt-Jakob Disease.
28. Any death which may be due to Methicillin-Sensitive Staphylococcus Aureus (MRSA). 5
29. Where a satisfactory certificate of the cause of death is not procurable from a registered medical practitioner.

SCHEDULE 4

Section 68

PART 1

PERSONS INELIGIBLE FOR SERVICE ON A JURY AT AN INQUEST

Uachtarán na h-Éireann.	5
Persons concerned with the administration of justice.	
Persons holding or who have at any time held any judicial office within the meaning of the Courts (Establishment and Constitution) Act 1961.	
The Chief Coroner, Deputy Chief Coroner, coroners or assistant coroners.	
The Attorney General and members of his or her staff.	10
The Director of Public Prosecutions and members of his or her staff.	
Barristers and solicitors actually practising as such.	
Solicitors' apprentices, solicitors' clerks and other persons employed on work of a legal character in solicitors' offices.	
Officers attached to a court or to the President of the High Court and officers and other persons employed in any office attached to a court or attached to the President of the High Court.	15
Persons employed from time to time in any court for the purpose of taking a record of the proceedings of the court.	
Members of the Garda Síochána.	
Prison officers and other persons employed in any prison, Saint Patrick's Institution or any place provided under section 2 of the Prisons Act 1970 or in any place in which persons are kept in military custody pursuant to section 2 of the Prisons Act 1972 or in any place specified to be used as a prison under section 3 of the latter Act, chaplains and medical officers of, and members of visiting committees for, any such establishment or place.	20
Persons employed in the Probation and Welfare Service of the Department of Justice and Equality.	25
A person in charge of, or employed in, a forensic science laboratory.	
Members of the Defence Forces.	
Every member of the Permanent Defence Force, including the Army Nursing Service.	
Every member of the Reserve Defence Force during any period during which he or she is in receipt of pay for any service or duty as a member of the Reserve Defence Force.	30
Persons who have—	
(a) an incapacity to read, or	
(b) an enduring impairment,	
such that it is not practicable for them to perform the duties of a juror.	35
A person who suffers or has suffered from mental illness or mental disability and on account of that condition is resident in a hospital or other similar institution.	

PART 2

PERSONS EXCUSABLE FROM SERVICE ON A JURY AT AN INQUEST AS OF RIGHT

Members of either House of the Oireachtas.	
Members of the Council of State.	
The Comptroller and Auditor General.	5
The Clerk of Dáil Éireann.	
The Clerk of Seanad Éireann.	
A person in Holy Orders.	
A regular minister of any religious denomination or community.	
Vowed members of any religious order living in a monastery, convent or other religious community.	10
The following persons if actually practising their profession and registered (including registered as an intern or temporarily registered), enrolled or certified under the statutory provisions relating to that profession:	
Registered medical practitioners;	15
Dentists;	
Registered Nurses;	
Midwives;	
Veterinary surgeons;	
Pharmaceutical chemists.	20
A member of the staff of either House of the Oireachtas on a certificate from the Clerk of that House that it would be contrary to the public interest for the member to have to serve as a juror because he or she performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.	
Heads of Government Departments and Offices and any civil servant on a certificate from the head of his or her Department or Office that it would be contrary to the public interest for the civil servant to have to serve as a juror because he or she performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.	25
Any civilian employed by the Minister for Defence under section 30(1)(g) of the Defence Act 1954 on a certificate from the Secretary General of the Department of Defence that it would be contrary to the public interest for the civilian to have to serve as a juror because he or she performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.	30
Chief officers of local authorities for the purposes of the Local Government Act 1941, the Health Service Executive, the Health and Safety Authority, and harbour authorities, within the meaning of the Harbours Act 1946 and any employee of a local authority, the Health Service Executive, the Health and Safety Authority or harbour authority on a certificate from its chief officer that it would be contrary to the public interest for the employee to have to serve as a juror because he or she performs essential and urgent services of public importance that cannot	35

reasonably be performed by another or postponed.

The head or principal teacher of the college of a university, of a school or other educational institution, and any professor, lecturer or member of the teaching staff of any such institution on a certificate from such head or principal teacher that the person concerned performs services in the institution that cannot reasonably be performed by another or postponed. 5

Whole-time students at any such educational institution as is mentioned in the preceding paragraph.

The Chief Executive of the Commissioners of Irish Lights and any person in the employment of the Commissioners on a certificate from the Chief Executive that the person concerned performs services for the Commissioners that cannot reasonably be performed by another or postponed. 10

Masters of vessels, duly licensed pilots and duly licensed aircraft commanders.

Persons aged sixty-five years or upwards and under the age of seventy years.

PART 3

PERSONS DISQUALIFIED FROM SERVICE ON A JURY AT AN INQUEST 15

A person shall be disqualified for jury service if on conviction of an offence in the State or Northern Ireland—

(a) he or she has at any time been sentenced to imprisonment for a term of five years or more or to detention under section 142 of the Children Act 2001 or under the corresponding law of Northern Ireland, or 20

(b) he or she has at any time in the last ten years—

(i) served any part of a sentence of imprisonment for a term of at least three months, or

(ii) served any part of a sentence of detention in Saint Patrick's Institution or in a corresponding institution in Northern Ireland, being a sentence for a term of at least three months. 25

An Bille Cróinéirí, 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú, do chomhdhlúthú agus do leathnú an dlí a bhaineann le cróinéirí, le himscrúduithe cróinéirí agus le hionchoisní cróinéirí, do dhéanamh socrú chun comhlacht a bhunú ar a dtabharfar an tSeirbhís Cróinéara nó, sa Bhéarla, *the Coroner Service*, do mhíniú a fheidhmeanna, do dhéanamh socrú maidir le nithe idirthréimhseacha áirithe lena n-áirítear ionchoisní arna dtosú faoin Acht Cróinéirí, 1962 a chríochnú, doiciméid áirithe arna gcaomhnú faoin Acht Cróinéirí, 1962 a aistriú chuig an tSeirbhís Cróinéara agus leanúint d'úsáid foirmeacha áirithe faoin Acht sin, d'aisghairm achtacháin áirithe agus forálacha áirithe d'achtacháin, do leasú achtacháin áirithe agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Clare Daly a thug isteach,

2 Iúil, 2015

Coroners Bill 2015

BILL

(as initiated)

entitled

An Act to amend, consolidate and extend the law relating to coroners, coroners' investigations and coroners' inquests, to provide for the establishment of a body to be known as *an tSeirbhís Cróinéara* or, in the English language, the Coroner Service, to define its functions, to provide for certain transitional matters including the completion of inquests commenced under the Coroners Act 1962, the transfer of certain documents preserved under the Coroners Act 1962 to the Coroner Service and the continuance in use of certain forms under that Act, to repeal certain enactments and provisions of enactments, to amend certain enactments and to provide for related matters.

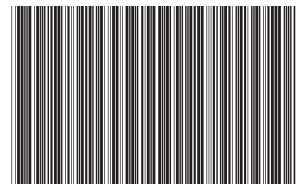
Introduced by Deputy Clare Daly,

2nd July, 2015

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