



DÁIL ÉIREANN

AN BILLE CRÓINÉIRÍ (LEASÚ), 2018 CORONERS (AMENDMENT) BILL 2018

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE CRÓINÉIRÍ (LEASÚ), 2018 —ROGHCHOISTE

CORONERS (AMENDMENT) BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 6, line 29, to delete “previous existing” and substitute “pre-existing”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 3

2. In page 7, between lines 36 and 37, to insert the following:

“Application of Act to stillbirths

3. The Principal Act is amended by the insertion of the following section after section 2:

“2A. (1) This Act, other than sections 17, 18, 33A and 40, shall, where the context so requires, apply to a stillborn child in the same manner as it applies to a deceased person subject to the modification that the provisions in subsections (2) to (5) shall apply to a stillborn child instead of sections 17, 18 and 33A, and any other necessary modifications.

(2) Where a coroner is informed that the body of a stillborn child is lying within his or her district and that a medical certificate stating that the cause of death due to a natural cause or causes is not procurable, he or she may inquire into the circumstances of the death of the stillborn child and direct that a post-mortem examination of the body of the stillborn child be made under this Act and, if he or she is unable to ascertain the cause of death, may, if he or she so thinks proper, hold an inquest in relation to the death.

(3) A coroner may, for the purposes of performing his or her functions under subsection (2), have regard to any of the following circumstances in so far as they applied, or may have applied, to the mother of the stillborn child concerned and the likelihood that they may have caused or contributed to the death of the stillborn child:

(a) violence affecting the mother of the stillborn child at the time of the

[SECTION 3]

- death, or immediately before the death, of the stillborn child;
- (b) the mother of the stillborn child was in State custody or detention at the time of the death, or immediately before the death, of the stillborn child;
 - (c) the mother of the stillborn child was involved in an accident at work or was affected by an industrial or occupational injury or disease or industrial poisoning at the time of the death, or immediately before the death, of the stillborn child;
 - (d) the death of the mother occurred unexpectedly and from unknown causes or in an unexplained manner;
 - (e) the death of the mother was a maternal death or a late maternal death;
 - (f) the death of the mother occurred in circumstances which, under provisions in that behalf in any other enactment, require that an inquest in relation to her death should be held.
- (4) When deciding under subsection (2) whether to hold an inquest in relation to the death of a stillborn child, a coroner shall—
- (a) have regard to the matters referred to in subsection (5), and
 - (b) if it is practicable to do so, consult with a family member of the stillborn child.
- (5) The matters to which a coroner shall have regard for the purposes of subsection (4) include the following:
- (a) whether the death of the stillborn child concerned has been reported to the coroner in accordance with section 16A;
 - (b) whether, upon inquiry by the coroner into the death, sufficient information in respect of the death of the stillborn child concerned has been provided to the coroner;
 - (c) whether a post-mortem examination of the body of the stillborn child concerned has been made under this Act and the report of that examination;
 - (d) the views (if any) of a family member of the stillborn child concerned furnished to the coroner in writing as to whether the death was a natural one.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 5

3. In page 8, after line 38, to insert the following:

“Amendment of section 11 of Principal Act

5. Section 11(1) of the Principal Act is amended by the substitution of “the age of seventy

[SECTION 5]

two years” for “the age of seventy years”.”.

—Jim O’Callaghan.

SECTION 6

4. In page 11, line 8, to delete “prior to” and substitute “before”.

—An tAire Dlí agus Cirt agus Comhionannais.

5. In page 11, between lines 9 and 10, to insert the following:

“(i) where the deceased person was in State custody or detention immediately before his or her death, a person who, pursuant to an enactment or otherwise, had responsibility for the deceased person;”.

—An tAire Dlí agus Cirt agus Comhionannais.

6. In page 11, line 10, to delete “(i) the person” and substitute “(j) the person”.

—An tAire Dlí agus Cirt agus Comhionannais.

7. In page 11, line 13, to delete “(j) a registrar” and substitute “(k) a registrar”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 7

8. In page 12, to delete lines 19 to 25 and substitute the following:

“(3) At the request in writing of a family member of the woman concerned, a coroner may decide not to hold an inquest in relation to the death of a woman that is a maternal death or a late maternal death, if, having regard to the matters referred to in subsection (4), the coroner is satisfied that the death of the woman is a natural one and, therefore, an inquest in relation to the death is not necessary.”.

—Clare Daly, Mick Wallace.

9. In page 12, line 36, after “views” to insert “(if any)”.

—An tAire Dlí agus Cirt agus Comhionannais.

10. In page 12, after line 38, to insert the following:

“(2) The amendments of section 17 of the Principal Act effected by *subsection (1)** shall apply to the duty of a coroner to hold an inquest in relation to the death of a person that occurred before the commencement of this section only if, upon that commencement, the inquiries of the coroner into the circumstances of the death have not been completed and he or she has not decided whether to hold an inquest in relation to the death.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*This is the appropriate reference if this amendment is accepted.]

[SECTION 13]

SECTION 13

11. In page 15, between lines 13 and 14, to insert the following:

“Amendment of Principal Act

13. The Principal Act is amended by the insertion of the following:

“Verdict of iatrogenic suicide

- 29A. (1) A coroner or, as the case may be, a jury in accordance with Part 4 of this Act, shall return a verdict of iatrogenic suicide where, in accordance with the provisions of this Act, such a verdict is deemed to be accurate.
- (2) For the purposes of this section, ‘iatrogenic suicide’ means the ending of one’s own life where the effect of medical treatment undertaken by the deceased, including any prescribed medication, is the primary cause of such an action.
- (3) Nothing in this section shall contravene the provision in section 30 of this Act.”.”.

—Donnchadh Ó Laoghaire.

SECTION 16

12. In page 17, between lines 31 and 32, to insert the following:

- “(4) Where, under section 33, 33A or 33C, a coroner directs that a post-mortem examination of the body of a deceased person be made, the coroner may direct—
- (a) a person in charge of a hospital, or other health institution, in which the deceased person received treatment immediately before his or her death, or
- (b) a medical practitioner who has possession or control of medical records relating to the deceased,
- to give to the registered medical practitioner making the examination, within such period as may be specified in the direction, such medical records relating to the deceased person as are, in the opinion of the coroner, necessary to enable a proper examination of the body to be made.
- (5) A registered medical practitioner to whom medical records are given pursuant to a direction of a coroner under subsection (4) shall return those records to the hospital or other health institution or the medical practitioner, as the case may be, from whom they were received, as soon as practicable after the post-mortem examination of the body of the deceased person concerned has been made or, as may be appropriate, an inquest in relation to the death of that person has been held.

[SECTION 16]

- (6) A direction given by a coroner under subsection (4) shall be given in writing or, if given orally, it shall be confirmed in writing as soon as practicable.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SCHEDULE

- 13.** In page 25, line 35, to delete “a hospital or other institution” and substitute “an institution”.

—An tAire Dlí agus Cirt agus Comhionannais.