



# **DÁIL ÉIREANN**

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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## AN BILLE CRÓINÉIRÍ (LEASÚ), 2018 —AN TUARASCÁIL

### CORONERS (AMENDMENT) BILL 2018 —REPORT

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#### *Leasuithe Amendments*

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1. In page 5, between lines 24 and 25, to insert the following:

“ ‘designated officer of the Ombudsman Commission’ means—

(a) an officer of the Ombudsman Commission, or

(b) a person engaged by the Ombudsman Commission under section 74 of the Garda Síochána Act 2005,

who is designated by the Ombudsman Commission under section 73 of that Act for the purpose of performing functions under Part 4 of that Act relating to a relevant Ombudsman Commission investigation;”.

—An tAire Dlí agus Cirt agus Comhionannais.

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

“ ‘Ombudsman Commission’ means the Garda Síochána Ombudsman Commission;”.

—An tAire Dlí agus Cirt agus Comhionannais.

3. In page 7, between lines 14 and 15, to insert the following:

“ ‘relevant Ombudsman Commission investigation’ means an investigation of a complaint or matter by the Ombudsman Commission under Part 4 of the Garda Síochána Act 2005 concerning the death of the person in relation to whose death a coroner is performing functions under this Act;”.

—An tAire Dlí agus Cirt agus Comhionannais.

4. In page 13, line 25, to delete “subsections” and substitute “subsection”.

—An tAire Dlí agus Cirt agus Comhionannais.

5. In page 13, to delete lines 31 to 40, and in page 14, to delete lines 1 to 11 and substitute the following:

“(b) the death of the person is a maternal death or a late maternal death.”.

—An tAire Dlí agus Cirt agus Comhionannais.

6. In page 15, between lines 23 and 24, to insert the following:

**“Amendment of section 20 of Principal Act**

12. Section 20 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “any member of the Garda Síochána not below the rank of inspector, or a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death an inquest is to be held, may request the Minister to direct any other coroner to hold the inquest and the Minister may, if he or she so thinks proper, so direct another coroner” for “any member of the Garda Síochána not below the rank of inspector may request the coroner for an adjoining district to hold the inquest”, and
- (b) in subsection (2), by—
  - (i) the insertion of “, or the Minister if that coroner is a coroner for the coroner’s district of Dublin,” after “the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest”, and
  - (ii) the substitution of “such sum to cover his or her travelling and other expenses as shall be agreed upon between him or her and the local authority, or the Minister, in the case of a coroner for the coroner’s district of Dublin” for “such sum to cover his travelling and other expenses as shall be agreed upon between him and the local authority or, in default of agreement, as shall be fixed by the Minister”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

7. In page 16, line 7, after “Síochána,” to insert the following:

“a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of that person, ”.

—An tAire Dlí agus Cirt agus Comhionannais.

8. In page 16, between lines 30 and 31, to insert the following:

**“Amendment of section 29 of Principal Act**

14. The Principal Act is amended by the insertion of the following section after section 29:

**“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.

9. In page 17, line 26, to delete “section 33D” and substitute “section 33E\*”.

—An tAire Dlí agus Cirt agus Comhionannais.

*\*[This is the appropriate reference if amendment No. 12 is accepted.]*

10. In page 18, to delete lines 19 to 21 and substitute the following:

“(d) a designated officer of the Ombudsman Commission,”.

—An tAire Dlí agus Cirt agus Comhionannais.

11. In page 19, to delete lines 9 to 32.

—An tAire Dlí agus Cirt agus Comhionannais.

12. In page 19, after line 43, to insert the following:

**“Medical records of deceased person for purposes of post-mortem examination**

**33D.** (1) 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,
- (b) a medical practitioner, nurse or midwife who has possession or control of medical records relating to the deceased, or
- (c) a paramedic or advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000) 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.

- (2) Subject to subsection (3), a person to whom a direction is given by a coroner under subsection (1) shall comply with the direction forthwith.
- (3) A person to whom a direction is given by a coroner under subsection (1) may refuse to comply with the direction in relation to a medical record only if he or she would be entitled, by virtue of section 38(3),

as a witness at an inquest to refuse to comply with a direction of the coroner to produce the record at the inquest.

- (4) A direction given by a coroner under subsection (1) shall be given in writing or, if given orally, it shall be confirmed in writing as soon as practicable.
- (5) The validity of a direction given by a coroner under subsection (1) shall not be limited to the coroner's district in respect of which he or she holds the office of coroner.
- (6) Where a person to whom a direction is given by a coroner under subsection (1) fails or refuses to comply with the direction, other than in circumstances to which subsection (3) applies, the High Court may, on application to it in that behalf by the coroner—
  - (a) order the person to comply with the direction immediately or within such period as the Court may determine and specify in the order, and
  - (b) make such other order, if any, as it considers necessary to enable the order made under paragraph (a) to have effect and such order as to costs, if any, as it considers just.
- (7) An application under subsection (6) may, if the High Court so directs, be heard otherwise than in public.
- (8) In determining an application under subsection (6), the High Court shall have regard to—
  - (a) the public interest in the medical record concerned being given for the purposes of the post-mortem examination of the body of the deceased person concerned,
  - (b) the likely importance of the information contained in the medical record concerned for the purposes of that examination, and
  - (c) the likely impact on the effectiveness of that examination if the medical record concerned is not given, or there is a delay in its being given, for the purposes of that examination.
- (9) A registered medical practitioner to whom medical records are given pursuant to a direction of a coroner under subsection (1), or an order of the High Court under subsection (6), shall return those records to the hospital or other health institution or the medical practitioner, nurse, midwife, paramedic or advanced paramedic, 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.

(10) Rules of court may make provision for the expeditious hearing of applications to the High Court under subsection (6).”.

—An tAire Dlí agus Cirt agus Comhionannais.

13. In page 20, line 2, to delete “33D. (1) Where” and substitute “33E.\* (1) Where”.

—An tAire Dlí agus Cirt agus Comhionannais.

*\*[This is the appropriate reference if amendment No. 12 is accepted.]*

14. In page 20, to delete lines 23 to 25 and substitute the following:

“(d) a designated officer of the Ombudsman Commission,”.

—An tAire Dlí agus Cirt agus Comhionannais.

15. In page 20, after line 44, to insert the following:

**“Amendment of section 36 of Principal Act**

18. Section 36 of the Principal Act is amended by the insertion of “, or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, by a designated officer of the Ombudsman Commission,” after “a member of the Garda Síochána”.

—An tAire Dlí agus Cirt agus Comhionannais.

16. In page 22, between lines 19 and 20, to insert the following:

**“Amendment of section 43 of Principal Act**

22. Section 43 of the Principal Act is amended by the substitution of “the coroner shall so inform a member of the Garda Síochána or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, a designated officer of the Ombudsman Commission, and the member or designated officer, as the case may be, shall assemble” for “the coroner shall so inform a member of the Garda Síochána and the member shall assemble”.

—An tAire Dlí agus Cirt agus Comhionannais.

17. In page 22, between lines 28 and 29, to insert the following:

**“Amendment of section 47 of Principal Act**

23. Section 47 of the Principal Act is amended by the insertion of the following subsection after subsection (1):

“(1A) Where there is a relevant Ombudsman Commission investigation and a coroner is informed by a designated officer of the Ombudsman Commission that, in his or her opinion, the death of the person concerned whose body has been buried in the coroner’s district may have occurred in a violent or unnatural manner, the coroner may request the Minister to order the exhumation of the body by the

Ombudsman Commission.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

18. In page 23, line 9, after “Síochána” to insert the following:

“, or designated officers of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the warrant is issued,”.

—An tAire Dlí agus Cirt agus Comhionannais.

19. In page 23, lines 24 and 25, to delete “the coroner or a member of the Garda Síochána” and substitute “the coroner, a member of the Garda Síochána or a designated officer of the Ombudsman Commission”.

—An tAire Dlí agus Cirt agus Comhionannais.

20. In page 25, between lines 12 and 13, to insert the following:

**“Performance of functions by designated officers of Ombudsman Commission under Coroners Act 1962**

29. The Garda Síochána Act 2005 is amended by the insertion of the following section after section 101:

“**101A.**The Ombudsman Commission may, in connection with the investigation of a complaint or matter under this Part that concerns the death of a person, direct a designated officer of the Commission—

- (a) to perform the functions conferred on such an officer by the Coroners Act 1962 in relation to the inquiry by a coroner into the circumstances of the death of the person under that Act, and
- (b) to provide to the coroner, at his or her request, such assistance with regard to the holding of an inquest in relation to the death of that person as would be provided by a member of the Garda Síochána in the case of any other inquest under that Act,

and a designated officer so directed shall perform those functions and provide such assistance whether or not the investigation under this Part is completed.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

21. In page 26, line 34, to delete “or”.

—An tAire Dlí agus Cirt agus Comhionannais.