



SEANAD ÉIREANN

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

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE CRÓINÉIRÍ (LEASÚ), 2018 —AN COISTE

CORONERS (AMENDMENT) BILL 2018 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 6

1. In page 10, between lines 23 and 24, to insert the following:

“Amendment of section 11 of Principal Act

6. Section 11(1) of the Principal Act is amended by the substitution of “72 years” for “seventy years”.”.

—*Senator Mark Daly.*

SECTION 14

- *2. In page 16, between lines 21 and 22, to insert the following:

“Amendment of section 25 of Principal Act

14. Section 25 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) Where, at an inquest in relation to a death—

- (a) a member of the Garda Síochána not below the rank of inspector in any case other than a case to which paragraph (c) applies,
 - (b) a member of the Defence Forces not below the rank of commandant in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015, or
 - (c) a designated officer of the Ombudsman Commission in a case where there is a relevant Ombudsman Commission investigation,
- requests the coroner to adjourn the inquest on the ground that criminal proceedings in relation to the death are being considered, the coroner—
- (i) shall adjourn the inquest for such period as he or she thinks proper, and
 - (ii) shall further adjourn the inquest for similar periods so often as a

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member of the Garda Síochána not below the rank of inspector, a member of the Defence Forces not below the rank of commandant or a designated officer of the Ombudsman Commission, as the case may be, so requests the coroner on the ground aforesaid so to do.”, and

(b) in subsection (2), by the substitution of “Where, at an inquest in relation to a death—

(a) a member of the Garda Síochána not below the rank of inspector in any case other than a case to which paragraph (c) applies,

(b) a member of the Defence Forces not below the rank of commandant in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015, or

(c) a designated officer of the Ombudsman Commission in a case where there is a relevant Ombudsman Commission investigation,

requests the coroner to adjourn the inquest” for “Where, at an inquest in relation to any death, a member of the Garda Síochána not below the rank of inspector requests the coroner to adjourn the inquest”.”.

SECTION 18

*3. In page 18, line 33, to delete “in every case in which” and substitute “where”.

*4. In page 18, line 34, after “inspector” to insert “in any case other than a case to which paragraph (d) applies”.

*5. In page 18, line 36, after “commandant” to insert “in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015”.

*6. In page 18, line 39, after “death” to insert “in a case in which the body is investigating the accident, incident or disease resulting in the death concerned”.

*7. In page 18, line 40, after “Commission” to insert “in a case in which there is a relevant Ombudsman Commission investigation”.

SECTION 23

*8. In page 24, between lines 4 and 5, to insert the following:

“Amendment of section 40 of Principal Act

23. Section 40 of the Principal Act is amended—

(a) in subsection (1), by the deletion of paragraph (d), and

(b) in subsection (3), by the substitution of “is informed by a member of the Garda Síochána not below the rank of inspector, a member of the Defence Forces not below the rank of commandant or a designated officer of the Ombudsman Commission that he or she will, under subsection (1) or (2) of section 25, request an adjournment of the inquest” for “is informed by a member of the Garda Síochána not below the rank of inspector that he will request an adjournment of

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the inquest”.”.

[*Acceptance of this amendment involves the deletion of section 23 of the Bill.*]

SECTION 33

***9.** In page 27, between lines 19 and 20, to insert the following:

“Directions of High Court

33. The Principal Act is amended by the insertion of the following section after section 61 (inserted by *section 32*):

- “62.** (1) A coroner may, whenever he or she considers it appropriate to do so, apply to the High Court for directions on a point of law regarding the performance of his or her functions under this Act in relation to the death of any person.
- (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, hear an application under subsection (1) otherwise than in public if satisfied that it is appropriate to do so because of—
- (a) the subject matter in relation to which directions are sought,
- (b) a risk of prejudice to criminal proceedings, or
- (c) any other matter relating to the nature of the evidence to be given at the hearing of the application.
- (4) The High Court shall give such priority as it reasonably can, having regard to all of the circumstances, to the disposal of proceedings in the Court under this section.
- (5) An appeal shall lie by leave of the High Court to the Court of Appeal from a determination of the High Court of an application under subsection (1).
- (6) The Superior Court Rules Committee may, with the concurrence of the Minister, make rules of court to facilitate the giving of effect to subsection (4).”.”.

***10.** In page 27, line 24, to delete “**101A.**” and substitute “**101A.(1)**”.

***11.** In page 27, lines 28 and 29, to delete “the circumstances of”.

***12.** In page 27, to delete line 36 and substitute the following:

“completed.

- (2) A designated officer of the Ombudsman Commission has, for the purposes of performing the functions of such an officer referred to in paragraph (a) of subsection (1) and of providing the assistance referred

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to in paragraph (b) of that subsection, all the powers, immunities and privileges conferred and all the duties imposed on a member of the Garda Síochána by or under any enactment or the common law.

- (3) In this section ‘enactment’ has the meaning it has in section 98.”.”.