DÁIL ÉIREANN

AN BILLE CRÓINÉIRÍ (LEASÚ), 2018
CORONERS (AMENDMENT) BILL 2018
LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD

[No. 94b of 2018]

[5 July, 2019]
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AN BILLE CRÓINÉIRÍ (LEASÚ), 2018
[BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

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[DÁIL BILL AMENDED BY THE SEANAD]

Leasuithe a rinne an Seanad
Amendments made by the Seanad

[The page and line references in this list of amendments are to the text of the Bill as passed by Dáil Éireann]

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 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “until he or she attains the age of 72 years” for “until he reaches the age of seventy years”, and

(b) in subsection (3), by the substitution of “on attaining the age of 72 years” for “on attaining the age of 70 years”.

2. In page 10, line 36, to delete “and”.

3. In page 11, line 3, to delete “section 9.” and substitute the following:

“section 9”, and

(e) by the substitution of the following subsections for subsection (9):

“(9) Every deputy coroner appointed after the commencement of section 6 of the Coroners (Amendment) Act 2019 shall, unless he or she sooner dies, resigns or is removed from office or his or her appointment as deputy coroner is revoked under subsection (2), hold office until he or she attains the age of 72 years.

(10) Where a deputy coroner intends to resign or before vacating office on attaining the age of 72 years, he or she shall give notice of not less than 3 months of such intention to resign or vacation of office to the coroner for the coroner’s district concerned and to the Minister.”.”.

SECTION 7

4. In page 11, between lines 3 and 4, to insert the following:

“Arrangements for coroner’s district of Dublin

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

[No. 94b of 2018] [5 July, 2019]
“13A. (1) Notwithstanding subsection (3) of section 13, the Minister may, upon a request in writing in that behalf from a coroner for the coroner’s district of Dublin, authorise a deputy coroner appointed by that coroner to act for that coroner—

(a) during a period, specified in the authorisation, that ends no later than 2 years from the commencement of section 7 of the Coroners (Amendment) Act 2019, and

(b) in any circumstances (not limited to the circumstances specified in that subsection),

for the purpose of increasing the number and progress of inquiries into deaths under this Act in that district during that period.

(2) A deputy coroner for the coroner’s district of Dublin who is authorised under subsection (1) to act for a coroner for that district shall, for the period while the authorisation is in force, have all the powers and duties of the coroner for that district and he or she shall be paid in respect of that period such salary as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.”.

SECTION 14

5. 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 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
6. In page 18, line 33, to delete “in every case in which” and substitute “where”.
7. In page 18, line 34, after “inspector” to insert “in any case other than a case to which paragraph (d) applies”.
8. 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”.
9. 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”.
10. In page 18, line 40, after “Commission” to insert “in a case in which there is a relevant Ombudsman Commission investigation”.

SECTION 23
11. 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 the inquest”.”.

12. In page 24, to delete lines 5 and 6.
SECTION 33

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

“Directions of High Court

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 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).”.

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

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

16. 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 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.”.”.