



# Coroners Act (Northern Ireland) 1959

## 1959 CHAPTER 15

An Act to amend and consolidate the law relating to coroners. [8th December 1959]

### Annotations:

#### Modifications etc. (not altering text)

- C1** Functions of Lord Chancellor are transferred to the Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(1), Sch. 17 para. 25 (with arts. 15(6), 28-31); S.I. 2010/977, art. 1(2)

### 1 Administration of matters relating to coroners.

[<sup>F1F2</sup> The Lord Chancellor shall be responsible] for the administration of all matters relating to coroners.

### Annotations:

- F1** 1978 c.23  
**F2** prosp. subst., 2002 c.26

### 2 Appointment of coroners, etc.

[<sup>F3</sup>(1) The Northern Ireland Judicial Appointments Commission may appoint one, or more than one, coroner and deputy coroner for a district or districts on such conditions as to remuneration, superannuation or otherwise as the Lord Chancellor may determine after consultation with the Treasury.]

[<sup>F4</sup>Salaries and other amounts payable under this subsection shall be paid by the Department of Justice.]

[<sup>F5</sup>(1A) The Lord Chief Justice must [<sup>F6</sup>be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to] coroners or deputy coroners.

(1B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1A)—

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- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- (2) <sup>F7</sup> . . . . .
- (3) No person, other than a person who is a coroner in Northern Ireland immediately before the coming into force of this Act, shall be appointed a coroner unless<sup>F8</sup> he is—
- (a) a member of the Bar of Northern Ireland of at least five years' standing; or
  - (b) a solicitor of the<sup>F9</sup> Court of Judicature] of at least five years' standing.]
- (4) Any person who is a coroner immediately before the commencement of this Act shall be deemed to have been appointed a coroner under this Act and to have been appointed for the same district and on the same conditions as immediately before the commencement of this Act.
- (5) A coroner shall not act as solicitor or barrister in proceedings arising out of any matter which may have come before him as coroner<sup>F10</sup> . . . . .<sup>F11</sup>.
- (6) A solicitor or barrister appointed as coroner or deputy coroner under this Act shall not conduct any inquest upon the body of, or hold any inquiry into the death of, any person, if he has drawn up, or assisted in the drawing up of, and is a beneficiary under, any testamentary disposition made by such person.
- (7) A coroner who is a registered medical practitioner shall not conduct any inquest upon the body of, or hold any inquiry into the death of, any person on whom he had, within one month prior to the death of such person, attended in his capacity as such practitioner.

#### Annotations:

- F3** S. 2(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 2(2)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F4** Words in s. 2(1) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 100** (with arts. 28-31) S.I. 2010/977, **art. 1(2)**
- F5** S. 2(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F6** Words in s. 2(1A) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 2(3)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F7** S. 2(2) repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87(1), Sch. 13; S.R. 2006/124, **art. 2**, Sch. para. 11(a)
- F8** 2002 c.26
- F9** Words in s. 2(3)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6(1); S.I. 2009/1604, **art. 2(d)**
- F10** SR 1982/192
- F11** 1974 NI 6

### 3 Power to amalgamate districts.

- [<sup>F12</sup>(1)] Upon the death or resignation or removal from office of a coroner, the [<sup>F13</sup> Lord Chancellor], as from such date he may appoint, may by order amalgamate his district or part of his district with the district of any other coroner, and as from that date such

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other coroner shall be deemed to have been appointed coroner for the first-mentioned district or part (as the case may be).

[<sup>F14</sup>(2) The Lord Chief Justice must be consulted before any date is appointed and before any order is made under subsection (1).

(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

**Annotations:**

**F12** S. 3 renumbered (3.4.2006) as subsection (1) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 4(1)(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

**F13** 1978 c.23

**F14** S. 3(2)(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 4(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

*S. 4 rep. by 1978 c. 23*

## **5 Administrative expenses.**

All expenses reasonably and properly incurred in connection with coroners and in relation to the holding of coroners' courts (including expenses so incurred by coroners in the course of their duties) shall be defrayed out of [<sup>F15</sup> moneys provided by the [<sup>F16</sup>Assembly]].

**Annotations:**

**F15** 1978 c.23

**F16** Words in s. 5 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 101 (with arts. 28-31) S.I. 2010/977, art. 1(2)

### **[<sup>F17</sup>5A Indemnity.**

(1) A coroner shall indemnified by the Lord Chalcclor in respect of—

- (a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;
- (b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;
- (c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
- (d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.

(2) Sub#section (1) applies in relation to proceedings by a coroner only if and to the extent that the Lord Chancellor agrees in advance to indemnify him.]

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#### Annotations:

**F17** 1999 c. 22

### 6 Coroner to hold inquests in district to which he is appointed.

- (1) Subject to the provisions of sub-section (2) and of section fourteen a coroner shall hold inquests only within the district for which he is, or is deemed to have been, appointed under this Act.
- (2) Where the coroner for any district is unable owing to illness, absence or for any other cause to discharge his duties as such or neglects or fails to discharge those duties the<sup>F18</sup>Lord Chief Justice may, after consultation with the Lord Chancellor,] in writing direct any coroner or other person possessing the qualifications referred to in sub-section (3) of section two to act, during such period or periods as the<sup>F18</sup>Lord Chief Justice may, after consultation with the Lord Chancellor,] specify, in that district, and such coroner or other person shall during that period or periods have the same powers and perform the same duties within that district as the coroner appointed therefor.
- <sup>F19</sup>(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—
  - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Annotations:

- F18** Words in s. 6(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 5(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)
- F19** S. 6(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 5(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

### 7 Duty to give information to coroner.

Every medical practitioner, registrar of deaths or funeral undertaker and every occupier of a house or mobile dwelling and every person in charge of any institution or premises in which a deceased person was residing, who has reason to believe that the deceased person died, either directly or indirectly, as a result of violence or misadventure or by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or from any cause other than natural illness or disease for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death, or in such circumstances as may require investigation (including death as the result of the administration of an anaesthetic), shall immediately notify the coroner within whose district the body of such deceased person is of the facts and circumstances relating to the death.

### 8 Police to inform coroner.

Whenever a dead body is found, or an unexpected or unexplained death, or a death attended by suspicious circumstances, occurs, the district inspector<sup>F20</sup> within whose district the body is found, or the death occurs, shall give or cause to be given immediate notice in writing thereof to the coroner within whose district the body is found or the

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death occurs, together with such information also in writing as he is able to obtain concerning the finding of the body or concerning the death.

**Annotations:**

**F20** Now superintendent or chief superintendent, SRO (NI) 1970/111

**9 Cremation, etc., prohibited.**

Where there is reason to believe that a deceased person died in any of the circumstances mentioned in section seven, the body of the deceased person shall not be cremated or buried and no chemical shall be applied to it externally or internally and no alteration of any kind shall be made thereto until the coroner so authorises.

**10 Enforcement of ss.7 and 9.**

- (1) Every person who contravenes section seven shall be guilty of an offence and be liable on summary conviction to a fine not exceeding<sup>[F21]</sup> level 2 on the standard scale].
- (2) Every person who contravenes section nine shall be guilty of an offence and be liable on summary conviction to a fine not exceeding<sup>[F21]</sup> level 3 on the standard scale].

**Annotations:**

**F21** 1984 NI 3

**11 Coroner may take possession of body.**

- (1) Where a coroner is informed that there is within his district the body of a deceased person and that there is reason to believe that the deceased person died in any of the circumstances mentioned in section seven or section eight he shall instruct a constable to take possession of the body and shall make such investigation as may be required to enable him to determine whether or not an inquest is necessary.
- (2) For the purposes of an investigation under sub-section (1) the coroner may view the body but shall not be obliged to do so.
- (3) The coroner may, with the consent of the <sup>[F22]</sup> Lord Chancellor], employ such persons as he considers necessary to assist him in such investigation.
- (4) For the purposes of exercising his powers under this section, a coroner may direct the exhumation of any body which has been buried within his district and the consent of any other authority or person to any exhumation so directed shall not be required by any<sup>F23</sup> . . . regulations under section one hundred and eighty-one of the Public Health (Ireland) Act, 1878 .

**Annotations:**

**F22** 1978 c.23

**F23** SR 1992/238



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## 12 Coroner may order deposit of body.

- (1) Where a coroner considers it necessary to hold an inquest on, or post-mortem examination of, a dead body he may direct that the body shall be brought into a convenient mortuary or morgue or other suitable place (whether within or without his district) and may make such arrangements for the transport thereof as he shall think necessary or desirable; and the person in charge of such mortuary or morgue or place shall allow the body to be deposited in it and shall be responsible for the custody thereof until the inquest or examination shall have been held.
- (2) Any person in charge of a mortuary or morgue or place who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F24]</sup> level 1 on the standard scale].
- (3) The removal of a body in pursuance of an order made by a coroner under this section to any place outside his district shall not affect his powers and duties in relation to the body or the inquest thereon, nor shall it confer or impose any rights, powers or duties upon any other coroner.
- (4) Expenses reasonably and properly incurred by a coroner in connection with the transport, deposit and custody of a dead body shall be defrayed as part of the expenses incurred by him in the course of his duties.

### Annotations:

F24 1984 NI 3

## 13 Coroner may hold inquest.

- <sup>F25</sup>(1) Subject to sub-section (2)] a coroner within whose district—
  - (a) a dead body is found; or
  - (b) an unexpected or unexplained death, or a death in suspicious circumstances or in any of the circumstances mentioned in section seven, occurs;
 may hold an inquest either with a jury or, except in the cases in which a jury is required by sub-section (1) of section eighteen, without a jury.
- (2) Where more than one death occurs as a result of any circumstances and it appears to any coroner who may hold an inquest into one of the deaths under sub-section (1) that one inquest ought to be held into all the deaths so resulting he may—
  - (a) with the consent of any other coroner who may hold an inquest into one of the deaths, hold the inquest; or
  - (b) request that other coroner to hold the inquest.]

### Annotations:

F25 1980 NI 6

## 14 Inquest on order of Attorney General.

- <sup>[F26]</sup>(1) Where the Attorney General has reason to believe that a deceased person has died in circumstances which in his opinion make the holding of an inquest advisable he may direct any coroner (whether or not he is the coroner for the district in which the death has occurred) to conduct an inquest into the death of that person, and that coroner shall proceed to conduct an inquest in accordance with the provisions of this Act (and

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as if, not being the coroner for the district in which the death occurred, he were such coroner) whether or not he or any other coroner has viewed the body, made any inquiry or investigation, held any inquest into or done any other act in connection with the death.

[<sup>F27</sup>(2) Subsection (3) applies in relation to the death of a person if the Secretary of State certifies that there is information relevant to the question of whether a direction should be given under this section in relation to the death which is or includes information the disclosure of which may be against the interests of national security.

(3) The functions of the Attorney General under this section are to be exercised by the Advocate General for Northern Ireland instead.]

**Annotations:**

**F26** S. 14 renumbered (12.4.2010) as sub-section (1) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 1(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F27** S. 14(2)(3) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 1(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**15 Inquest without exhuming body.**

Where the body of any person upon whom it is necessary to hold an inquest has been buried and it is known to the coroner that no good purpose will be effected by exhuming the same for the purposes of an inquest he may proceed to hold an inquest without having exhumed the body.

**16 Inquest where body cannot be found.**

Where a coroner is satisfied that the death of any person has occurred within the district for which he is appointed but, either from the nature of the event causing the death or for some other reason, neither the body nor any part thereof can be found or recovered, he may proceed to hold an inquest.

**17 Witnesses to be summoned.**

- (1) Where a coroner proceeds to hold an inquest, whether with or without a jury, he may issue a summons for any witness whom he thinks necessary to attend such inquest at the time and place specified in the summons, for the purpose of giving evidence relative to such dead body and shall deliver or cause to be delivered all such summonses to a constable who shall forthwith proceed to serve the same.
- (2) Nothing in this section shall prevent a person who has not been summoned from giving evidence at an inquest.

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## PROSPECTIVE

### [<sup>F28</sup>17B Giving or producing evidence: further provision

- (1) The power of a coroner under section 17A(6) is additional to, and does not affect, any other power the coroner may have—
  - (a) to compel a person to appear before him;
  - (b) to compel a person to give evidence or produce any document or other thing;
  - (c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.

But a person may not be fined under that section and also be punished under any such other power.

- (2) A person may not be required to give or produce any evidence or document under section 17A if—
  - (a) he could not be required to do so in civil proceedings in a court in Northern Ireland, or
  - (b) the requirement would be incompatible with a Community obligation.
- (3) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an inquest as they apply in relation to civil proceedings in a court in Northern Ireland.]

#### Annotations:

**F28** Ss. 17A, 17B, 17C substituted (prosp.) for s. 17 by virtue of Coroners and Justice Act 2009 (c. 25), ss. 49(2), 182(4)(a)(5), Sch. 11 para. 1

## PROSPECTIVE

### [<sup>F29</sup>17C Offences relating to evidence

- (1) It is an offence for a person to do anything that is intended to have the effect of—
  - (a) distorting or otherwise altering any evidence, document or other thing that is given or produced for the purposes of any investigation or inquest under this Act, or
  - (b) preventing any evidence, document or other thing from being given or produced for the purposes of such an investigation or inquest,
 or to do anything that the person knows or believes is likely to have that effect.
- (2) It is an offence for a person—
  - (a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or
  - (b) intentionally to alter or destroy such a document.
- (3) For the purposes of subsection (2) a document is a “relevant document” if it is likely that a coroner making any investigation or holding an inquest would (if aware of its existence) wish to be provided with it.



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- (4) A person does not commit an offence under subsection (1) or (2) by doing anything that is authorised or required—
  - (a) by a coroner, or
  - (b) by virtue of section 17B(2) or (3) or any privilege that applies.
- (5) Proceedings for an offence under subsection (1) or (2) may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (6) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.]

**Annotations:**

**F29** Ss. 17A, 17B, 17C substituted (prosp.) for s. 17 by virtue of Coroners and Justice Act 2009 (c. 25), ss. 49(2), 182(4)(a)(5), Sch. 11 para. 1

**18<sup>F30</sup> Jury must be summoned in certain cases.**

- (1) If it appears to the coroner, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect that—

*Para. (a) rep. by 1980 NI 6*

- (b) the death occurred in prison; or
- (c) the death was caused by an accident, poisoning or disease notice of which is required, under or in pursuance of any enactment, to be given to a government department, or to any inspector or other officer of a government department [<sup>F31</sup> or to an inspector appointed under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 ]; or

*Para. (d) rep. by 1980 NI 6*

- (e) the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

he shall instruct the [<sup>F32</sup> Juries Officer to summon a sufficient number of persons in accordance with the Juries (Northern Ireland) Order 1996] to attend and be sworn as jurors upon such inquest at the time and place specified by the coroner.

- (2) If in any case other than those referred to in sub-section (1) it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable to summon a jury, he may proceed to cause a jury to be summoned in accordance with the said sub-section.

[<sup>F32</sup>(3) In sub#section (1) “the Juries Officer” means the Juries Officer for the county court division which includes the place specified by the coroner under that sub#section.]

[<sup>F33</sup>(4) This section and section 39(3) of the Prison Act (Northern Ireland) 1953 (prison officers etc not to be jurors) shall apply where a death occurs on service custody premises within the meaning of section 300 of the Armed Forces Act 2006 as they apply where a death occurs in prison.]

**Annotations:**

**F30** 1969 c.28 (NI)

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**F31** 1978 NI 9

**F32** 1996 NI 6

**F33** S. 18(4) inserted (28.3.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch.16 para. 44**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**Modifications etc. (not altering text)**

**C2** S. 18(4) modified (24.4.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(3), 205, **Sch. 1 para. 7**

**19 Service of summonses.**

A summons to a<sup>F34</sup> . . . witness may be served by personal service or by post pursuant to sub-section (1) of section twenty-four of the Interpretation Act (Northern Ireland), 1954 .

**Annotations:**

**F34** 1996 NI 6

**20 Provisions as to Jurymen and witnesses.**

- (1) Where a person duly summoned to serve<sup>F35</sup> . . . as a witness does not appear in answer to the summons, the coroner may, after proof upon oath that the summons has been served, and in the absence of any reasonable excuse, impose upon such person a fine not exceeding<sup>F36</sup> £1000].
- (2) Where a person summoned to serve. . . as a witness appears before the coroner, and refuses without reasonable excuse so to serve or testify, the coroner may impose upon such person a fine not exceeding<sup>F36</sup> £1000].

*Subs. (3) rep. by SLR 1973*

**Annotations:**

**F35** 1996 NI 6

**F36** 1994 NI 15

**21 Number of jurors.**

A jury at an inquest held by a coroner shall consist of not less than seven and not more than eleven persons.

**22 View of body on inquest.**

For the purposes of an inquest other than an inquest to which section fifteen or section sixteen applies—

- (a) the coroner may view the body but shall not be obliged to do so;
- (b) no juror shall be required to view the body unless the coroner, having himself viewed the body, considers that a view is necessary in order to assist the jury in arriving at their verdict; and
- (c) every juror shall have the right to view the body if he so wishes.

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## **23 Certificate to registrar of deaths following inquest.**

Where an inquest is held on a dead body, the coroner shall send to the appropriate registrar of deaths, within five days after the inquest has been held, a certificate under his hand, giving the particulars required to be registered concerning the death, the findings with respect to those particulars, and to the cause of death, and stating the date and place at which the inquest was held; and the registrar shall, in the form and manner prescribed under the Births and Deaths Registration Acts (Northern Ireland), 1863 to 1956<sup>F37</sup>, enter the particulars concerning the death, and shall state in such entry that the information was received from the coroner.

### **Annotations:**

**F37** 1967 c.25 (NI)

## **24 Authority for burial where inquest unnecessary.**

- (1) Where a coroner decides that an inquest is unnecessary he shall issue his authority to bury the body, and shall forthwith transmit to the registrar of deaths a statement setting forth briefly the result of the investigation and the grounds on which the authority was issued.
- (2) Such statement shall contain particulars of the cause of death sufficient to enable the registrar of deaths to register the death.

## **25 Removal of body outside Northern Ireland.**

Where it is brought to the notice of a coroner that it is intended to remove out of Northern Ireland the body of a deceased person which is within his jurisdiction he may certify, in such manner as may be prescribed, that he has been satisfied as to the cause of death and that no circumstances exist necessitating the retention of the body, or any part thereof, in Northern Ireland.

## **26 Lord Chancellor to keep list of anatomists and pathologists.**

The [<sup>F38</sup> Lord Chancellor] shall keep a list of registered medical practitioners [<sup>F39</sup> employed by the Secretary of State under Article 11 of the Criminal Justice (Northern Ireland) Order 1980 or with whom the Secretary of State has entered into an arrangement under that Article for the provision of the practitioner's services] to conduct post-mortem examinations or analyses and shall furnish coroners with copies of such list.

### **Annotations:**

**F38** 1978 c.23

**F39** 1980 NI 6

## **27 Post-mortem examination.**

- (1) Where on any inquest it appears to a coroner that the cause of death has not been satisfactorily explained to him, he may, ...<sup>F40</sup>, employ a registered medical practitioner on the list mentioned in section twenty-six to perform a complete post-mortem examination.

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*Subs. (2) rep. by 1980 NI 6*

**Annotations:**

**F40** 1980 NI 6

**28 Post-mortem examination without inquest.**

<sup>F41</sup>(1) Where a coroner is satisfied that a post-mortem examination should be performed upon the body of a person into whose death he may conduct an inquest, the coroner may] secure the services of a registered medical practitioner on the list mentioned in section twenty-six for the performance of a post-mortem examination of the body of the deceased, and for the purposes of the examination the coroner and the medical practitioner whose services have been thus secured shall have the like powers, authorities and immunities as if the examination were a post-mortem examination directed by the coroner at an inquest upon the body of the deceased.

(2) If as a result of such post-mortem examination as aforesaid the coroner is satisfied that an inquest is unnecessary, he shall send to the registrar of deaths whose duty it is by law to register the death a certificate under his hand stating the cause of death as disclosed by the report of the post-mortem examination ... <sup>F42</sup>.

**Annotations:**

**F41** 1980 NI 6

**F42** 1967 c.25 (NI)

**29 Report on examination.**

(1) Every registered medical practitioner who performs a post-mortem examination shall immediately report the result thereof in writing to the coroner and such report shall not be furnished to any other person without the permission of the coroner.

(2) A court may order a coroner to produce for the purposes of proceedings in that court a copy certified by him as correct of any report furnished to him under sub-section (1), not earlier than ten years before the date of the order and it shall be the duty of the coroner to comply with any such order.

**30 Coroner may order analysis.**

A coroner who considers an analysis of any matter or thing of or concerning any dead body to be necessary may direct that such analysis be made by or under the supervision of a registered medical practitioner on the list mentioned in section twenty-six or by or under the supervision of the Director of the [<sup>F43</sup> Northern Ireland Forensic Science Laboratory] and it shall be the duty of such registered medical practitioner or Director (as the case may be) to submit a report of such analysis to the coroner.

**Annotations:**

**F43** 1980 NI 6



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### 31 Verdicts.

- (1) Where all members of the jury at an inquest are agreed they shall give, in the form prescribed by rules under section thirty-six, their verdict setting forth, so far as such particulars have been proved to them, who the deceased person was and how, when and where he came to his death.
- (2) Where all members of the jury at an inquest fail, within such reasonable time as the coroner may determine, to agree upon a verdict as aforesaid, the coroner may discharge the jury and instruct<sup>F44</sup> Juries Officer for the county court division where the inquest is held to summon another jury in accordance with the Juries (Northern Ireland) Order 1996], and thereupon the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place (save that none of the former jurors shall be eligible to serve on it).

#### Annotations:

F44 1996 NI 6

### 32 Power of coroner to arrange for removal of body out of his jurisdiction.

- (1) If it appears to a coroner that an inquest ought to be held on a body lying within his district but that it is expedient to allow or necessary to order the body to be removed into the district of another coroner, he may with the consent of that coroner, instead of himself<sup>F45</sup> causing a jury to be summoned] or holding an inquest on the body, allow or order the removal of the body to any place to which that coroner could have allowed or ordered the body to be removed if it had been found within his district and that coroner may deal with the body as if it had been found within his district.
- (2) The expenses of any removal ordered by a coroner under this section shall be defrayed as part of the expenses incurred by him in the course of his duties and not as part of the expenses of the coroner by whom the inquest is held.

#### Annotations:

F45 1996 NI 6

### 33 Inquest on treasure trove.

A coroner shall have jurisdiction to inquire into the finding of<sup>F46</sup> treasure] in his district and the provisions of this Act (other than provisions relating to post-mortem examinations or to the removal of bodies to mortuaries or morgues) shall, so far as is consistent with the tenor thereof, apply to every such inquest.

#### Annotations:

F46 1996 c. 24

### 34 Powers of attachment, committal, etc.

If any person—

- (a) wilfully insults or acts contumaciously towards a coroner, or any coroner's officer or any officer of the coroner's court, or any witness, during his sitting or attendance in court, or in going to or returning from the court; or

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- (b) wilfully interrupts the proceedings of a coroner's court or otherwise misbehaves in court;

he shall be guilty of contempt of court, and any officer of the court or constable, with or without the assistance of any other person, may by order of the coroner take the offender into custody and detain him until the rising of the court, and the coroner may, if he thinks fit, by order impose on the offender a fine not exceeding<sup>F47</sup> £2500] in respect of every such offence.

#### Annotations:

F47 1994 NI 15

### 35 Recovery of fines.

- (1) Every fine imposed by a coroner under this Act may be recovered by warrant issued by a coroner under his hand which warrant may be enforced in like manner as if it were a warrant issued by a court of summary jurisdiction for the payment of a penal sum adjudged by the court to be payable upon a conviction of the person named in the warrant.
- (2) A court of summary jurisdiction to whom complaint of default in payment of any fine imposed by this Act is made by any coroner or by any constable may order that the person by whom such default is made be imprisoned for such term, not exceeding three months, as the court may think proper.
- (3) A fine imposed by a coroner under this Act shall be deemed to be a fine within the meaning of section twenty of the Administration of Justice Act (Northern Ireland), 1954 .

### 36 Rules and fees.

<sup>F48</sup>(1) [<sup>F49</sup>Rules under this section may]—

- (a) <sup>F50</sup> . . . make provision with respect to the records, accounts and returns which the [<sup>F51</sup>relevant authority] may require coroners to keep and submit to [<sup>F52</sup>it] and with respect to information to be supplied by coroners;]
- (b) <sup>F53</sup> . . . regulate the practice and procedure at or in connection with inquests . . . <sup>F54</sup> and, in particular (without prejudice to the generality of the foregoing provisions), such rules may contain provisions—
  - (i) as to the procedure at inquests held with a jury;
  - (ii) as to the procedure at inquests held without a jury;
  - (iii) as to the issue by coroners of orders authorising exhumations or burials;
  - (iv) for empowering a coroner to alter the date fixed for the holding of any adjourned inquest within the jurisdiction of the coroner;
  - (v) as to the procedure to be followed where a coroner decides not to resume an adjourned inquest;
  - (vi) as to the notices to be given to jurymen or witnesses where the date fixed for an adjourned inquest is altered or where a coroner decides not to resume an adjourned inquest; and
  - (vii) for prescribing forms of verdicts for use at inquests.

[<sup>F55</sup>(1ZA) For the purposes of this section, “relevant authority” means—

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- (a) in relation to rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and
  - (b) otherwise, the Department of Justice.]
- [<sup>F56</sup>(1A) It is for the [<sup>F51</sup>relevant authority] to make rules under subsection (1)(a), after consultation with the Treasury [<sup>F57</sup>or, in relation to rules falling to be made by the Department of Justice, the Department of Finance and Personnel].
- (1B) It is for the Lord Chief Justice to make rules under subsection (1)(b), in accordance with subsections (1C) to (1G).
- (1C) The Lord Chief Justice may make rules under subsection (1)(b) only with the agreement of the [<sup>F51</sup>relevant authority].
- (1D) If the [<sup>F51</sup>relevant authority] does not agree such rules made by the Lord Chief Justice, the [<sup>F51</sup>relevant authority] must give the Lord Chief Justice written reasons why [<sup>F58</sup>it] does not agree the rules.
- (1E) Subsection (1F) applies if the [<sup>F51</sup>relevant authority] gives the Lord Chief Justice written notice that [<sup>F58</sup>it] thinks it is expedient for rules under subsection (1)(b) to include provision that would achieve a purpose specified in the notice.
- (1F) The Lord Chief Justice must make such rules under subsection (1)(b) as he considers necessary to achieve the specified purpose.
- (1G) Those rules must be—
- (a) made within a reasonable period after the [<sup>F51</sup>relevant authority] gives notice under subsection (1E);
  - (b) made in accordance with the relevant provisions of this section.
- (1H) The Lord Chief Justice may nominate any of the following to exercise his functions under subsections (1B), (1C) and (1F)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(2) <sup>F59</sup>.....

[<sup>F60</sup>(3) The Department of Justice may with the consent of the Department of Finance and Personnel determine the allowances payable to witnesses under this Act.

(4) For the purposes of this section “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998.]

**Annotations:**

**F48** 1978 c.23

**F49** Words in s. 36(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c.4), ss. 15(2), 148(1), Sch. 5 para. 6(2)(a); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

**F50** Words in s. 36(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 6(2)(b), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a), 30(c)

**F51** Words in s. 36(1)(1A)(1C) to (1E) and (1G) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 102(a) (with arts. 28-31) S.I. 2010/977, art. 1(2)

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- F52** Word in s. 36(1)(a) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(b)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**
- F53** Words in s. 36(1)(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 6(2)(c), Sch. 18 Pt. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a), 30(c)
- F54** 1980 NI 6
- F55** S. 36(1ZA) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(c)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**
- F56** S. 36(1A)-(1H) inserted (3.4.2006) by Constitutional Reform Act 2005 (c.4), ss. 15(2), 148(1), Sch. 5 para. 6(3); S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F57** Words in s. 36(1A) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(d)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**
- F58** Word in s. 36(1D)(1E) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(e)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**
- F59** S. 36(2) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(f)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**
- F60** S. 36(3)(4) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 102(g)** (with arts, 28-31) S.I. 2010/977, **art. 1(2)**

*S. 37 rep. by 1975 c. 25*

*S. 38 rep. by SLR 1973*

### 39 Savings.

*Subs. (1) rep. by 1967 c. 18 (NI)*

(2) Nothing in this Act shall affect—

- (a) the power of a coroner under section seventeen of the Births and Deaths Registration Act, (Ireland), 1880 <sup>F61</sup>, to authorise a body to be buried before registry of the death;
- (b) the operation of [<sup>F62</sup> section one hundred and one of the Mines Act (Northern Ireland) 1969 ],<sup>F63</sup> . . . , section seventy-one of the Factories Act (Northern Ireland), 1938 <sup>F64</sup>, section thirty-nine of the Prison Act (Northern Ireland), 1953 , or section seven of the Visiting Forces Act, 1952 .

(3) This Act shall, in its application to inquests on the body of any offender on whom judgment of death is executed, have effect subject to section five of the Capital Punishment Amendment Act, 1868 .

#### Annotations:

**F61** 1967 c.25 (NI)

**F62** 1969 c.6 (NI)

**F63** 1983 NI 4

**F64** 1965 c.20 (NI)



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#### 40 Interpretation.

In this Act—

*Definition rep. by 1978 c. 23*

“constable” means any officer or member of the Royal Ulster Constabulary;

“coroner” includes a deputy coroner;

*Definitions rep. by 1978 c. 23*

“district inspector”<sup>F65</sup> means a district inspector of the Royal Ulster Constabulary;

*Definitions rep. by 1978 c. 23*

##### **Annotations:**

**F65** Now superintendent or chief superintendent, SRO (NI) 1970/111

*S. 41 rep. by SLR 1973*

#### 42 Short title.

This Act may be cited as the Coroners Act (Northern Ireland), 1959.

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*Schedule rep. by SLR 1973*

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**Changes and effects yet to be applied to :**

- s. 2(1) substituted by 2009 c. 3 Sch. 4 para. 2(2)
- s. 2(1) words inserted by S.I. 2010/976 Sch. 18 para. 100
- s. 2(1A) words substituted by 2009 c. 3 Sch. 4 para. 2(3)
- s. 5 words substituted by S.I. 2010/976 Sch. 18 para. 101
- s. 13(1) words substituted by 2009 c. 25 s. 49(1)
- s. 14(1) s. 14 renumbered as s.14(1) by S.I. 2010/976 Sch. 14 para. 1(2)
- s. 14(2)(3) inserted by S.I. 2010/976 Sch. 14 para. 1(3)
- s. 17A-17C substituted for s. 17 by 2009 c. 25 Sch. 11 para. 1
- s. 18(4) modified by S.I. 2009/1059 Sch. 1 para. 7
- s. 19 repealed by 2009 c. 25 Sch. 11 para. 2 Sch. 23 Pt. 1
- s. 20 repealed by 2009 c. 25 Sch. 11 para. 2 Sch. 23 Pt. 1
- s. 36(1) words substituted by S.I. 2010/976 Sch. 18 para. 102(a)
- s. 36(1)(a) word substituted by S.I. 2010/976 Sch. 18 para. 102(b)
- s. 36(1A) words inserted by S.I. 2010/976 Sch. 18 para. 102(d)
- s. 36(1A) words substituted by S.I. 2010/976 Sch. 18 para. 102(a)
- s. 36(1C)-(1E) words substituted by S.I. 2010/976 Sch. 18 para. 102(a)
- s. 36(1D) word substituted by S.I. 2010/976 Sch. 18 para. 102(e)
- s. 36(1E) word substituted by S.I. 2010/976 Sch. 18 para. 102(e)
- s. 36(1G) words substituted by S.I. 2010/976 Sch. 18 para. 102(a)
- s. 36(1ZA) inserted by S.I. 2010/976 Sch. 18 para. 102(c)
- s. 36(2) omitted by S.I. 2010/976 Sch. 18 para. 102(f)
- s. 36(3)(4) inserted by S.I. 2010/976 Sch. 18 para. 102(g)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act transfer of functions by S.I. 2010/976 Sch. 17 para. 25

**Commencement Orders yet to be applied to the Coroners Act (Northern Ireland) 1959:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2009/812 art. 3(a)(b) commences (2006 c. 52)
- S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812
- S.I. 2010/812 art. 2 commences (2009 c. 3)
- S.R. 2010/113 art. 2 commences (2002 c. 26)