

CHAPTER 113

CORONERS

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

PART I

PRELIMINARY

2. Interpretation.
- 2A. Coroner for Barbados.
- 2B. Transitional provisions.

PART II

PROCEDURE IN CASES OF UNNATURAL DEATHS

3. Report of unnatural death.
4. Duty of police.
5. Duty of coroner.
6. Power of coroner to dispense with inquest.
7. Order for *post mortem* examination.
8. Report of examination.

PART III

INQUESTS

9. Inquest on body of prisoner.

SECTION

10. Inquest where body not available.
11. Procedure in cases of murder, manslaughter or infanticide.
12. Abolition of coroner's juries and modification of provisions relating to inquests.
13. Coroner may view body at an inquest.
14. Nature of investigation.
15. Summoning and examining witnesses.
16. Witness not attending.
17. Committal of recalcitrant witness.
18. Where cause of death not satisfactorily explained.
19. Verdict or finding of coroner.
20. Adjournment.
21. Coroner to transmit record of proceedings to Registrar and Director of Public Prosecutions.
22. Exhumation of body.

PART IV

OFFENCES

23. Non-compliance by medical practitioner or specially qualified person with order of coroner.
24. Burial of body without authority.
25. Obstruction of person acting under Act.

SECTION

PART V

MISCELLANEOUS

26. Fees.
27. Communication of orders by telephone.
28. Rules.
29. Forms.
30. Savings.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 113**CORONERS**

An Act to amend and consolidate the law relating to coroners.

1969-44.
1987-23.
1987/133.
2003/67.
2005-26.

[1st October, 1969] Commence-
ment.

1. This Act may be cited as the *Coroners Act*.

Short title.

PART I**PRELIMINARY**

2. For the purposes of this Act, the expression

Interpreta-
tion.

"coroner" means a magistrate to whom section 2A applies;

2005-26.

"inquest" means an investigation held by a coroner as to the death of any person;

"medical practitioner" means a medical practitioner registered under the *Medical Registration Act*;

Cap. 371.

"Registrar" means the Registrar of the Supreme Court;

"unnatural death" includes every case of the death of a person

- (a) which occurs in a sudden, violent or unnatural manner; or
- (b) when the dead body is found; or
- (c) as to which any reasonable suspicion exists
 - (i) that it has not arisen from natural causes; or
 - (ii) that any person is criminally responsible therefor.

ss.2A-6

Coroner for
Barbados.
2005-26.

2A. The Chief Justice shall assign a magistrate to be the coroner for Barbados, and that coroner shall have jurisdiction in all magisterial districts to

(a) cause an investigation to be conducted into the cause of an unnatural death; and

(b) hold, where necessary, an inquest into an unnatural death.

Transitional
provisions.
2005-26.

2B. Notwithstanding section 2A, where an investigation or inquest into an unnatural death commenced prior to the coming into operation of the *Coroners (Amendment) Act, 2005* it shall be concluded by that magistrate.

PART II

PROCEDURE IN CASES OF UNNATURAL DEATHS

Report of
unnatural
death.

3. Any person who becomes aware of an unnatural death shall as soon as possible notify it to the coroner or to a member of the Police Force at a police station.

Duty of
police.

4. When an unnatural death is reported to, or comes to the knowledge of, any member of the Police Force, he shall forthwith cause a report thereof to be made to the coroner.

Duty of
coroner.

5. When an unnatural death is reported to, or comes to the knowledge of the coroner, he shall forthwith cause a due investigation to be made as to the cause of death and, if necessary, hold an inquest.

Power of
coroner to
dispense
with inquest.

6. (1) Where there is any case of an unnatural death, the coroner, if he is of the opinion that a *post mortem* examination may prove an inquest to be unnecessary, may order that a *post mortem* examination be made by a medical practitioner, who shall after identification of the body report the result of such examination to the coroner in writing.

(2) Where as a result of any such *post mortem* examination the coroner is satisfied that an inquest is unnecessary, he may dispense with the holding of an inquest and issue his warrant for the burial of the body.

7. (1) Whenever the coroner considers it expedient that the dead body of a person should be examined by a medical practitioner, he shall forthwith issue his order to a medical practitioner to make a *post mortem* examination of that body. Order for *post mortem* examination.

(2) A medical practitioner who is ordered under this Act to make a *post mortem* examination shall thereupon, unless he is unavoidably prevented from so doing, proceed to the place where the body is lying and make such examination of it as may enable him to ascertain the cause of death.

(3) The medical practitioner, if he considers it necessary in order to ascertain the cause of death or if advised to do so by the coroner, shall extend the examination to the dissection of the body and an analysis of any portion thereof and its contents and may cause any portion thereof and its contents to be transmitted to a Government Bacteriologist and Pathologist or a Government Analyst or to such specially qualified person as the coroner may order to conduct a special examination under subsection (4).

(4) The coroner may, if he thinks fit, order any person whom he considers to possess special qualifications to conduct a special examination by way of analysis, test or otherwise of such parts or contents of the dead body of any person or such other substances or things as ought in the opinion of the coroner to be submitted to such special examination with a view to ascertaining how that person came to his death.

(5) Where a medical practitioner ordered under this Act to make a *post mortem* examination or a specially qualified person ordered under subsection (4) to conduct a special examination is unavoidably prevented from complying with the order, he shall forthwith give notice of the fact and of the reasons for his non-compliance to the coroner or to a member of the Police Force at a police station, and any member of the Police Force so notified shall forthwith give to the coroner notice of the fact and of the reasons for the non-compliance.

8. (1) A medical practitioner who makes a *post mortem* examination under this Act shall, after doing so, draw up a report of the appearance of the body and of the conclusions which he draws therefrom and certify as to the cause of death so far as he can ascertain it, and shall date and sign the report. Report of examination.

(2) A specially qualified person who makes a special examination under subsection (4) of section 7 shall, after doing so, draw up a report of the nature of the examination and the conclusions which he draws therefrom and shall certify as to the cause of death so far as he can ascertain it, and shall date and sign the report.

(3) The medical practitioner or specially qualified person, as the case may be, shall cause his report to be delivered to the coroner as soon as possible after the examination, and for this purpose he may deliver the report to a member of the Police Force for transmission to the coroner.

(4) A report drawn up in accordance with subsection (1) or (2) shall be admissible as evidence at any inquest, and shall be *prima facie* evidence of the facts stated therein.

PART III

INQUESTS

Inquest on
body of
prisoner.

9. An inquest shall be held in every case of the death of any person confined in any prison, lock-up or place of confinement for persons accused or convicted of having committed any offence.

Inquest
where body
is not
available.

10. In any case where a person comes to his death, or there are reasonable grounds for believing a person to be dead but his body cannot be found or is not available, a coroner may hold an inquest into the circumstances connected with the death or supposed death.

Procedure in
cases of
murder,
man-
slaughter or
infanticide.

11. (1) Where on an inquest the coroner is informed before he has given his verdict that some person is charged before a court with the murder, manslaughter or infanticide of the deceased, he shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings.

(2) Where the criminal proceedings have been terminated by virtue of the fact that the magistrate has discharged the person charged, the magistrate shall, upon the conclusion of the criminal proceedings, give notice in writing of the result of the criminal proceedings to the coroner responsible for holding the inquest.

(3) Where the criminal proceedings have been terminated for any reason other than that to which reference is made in subsection (2), the Registrar shall give notice in writing of the result of the criminal proceedings to the coroner responsible for holding the inquest.

(4) After the conclusion of the criminal proceedings, the coroner may, subject to subsection (5), resume the adjourned inquest if he is of the opinion that there is sufficient reason for so doing.

(5) When in the course of the criminal proceedings any person has been charged on indictment, then, upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted in the indictment or contain any finding which is inconsistent with the determination of any matter by the result of the said proceedings.

(6) Where a coroner resumes an inquest under this section he shall proceed in all respects as if the inquest had not been previously begun, and this Act shall apply as if the resumed inquest were a fresh inquest.

(7) Where an inquest is not resumed, the coroner shall furnish to the registrar of deaths for the appropriate district a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest, and that registrar shall enter the death and particulars in the form and manner prescribed by or under the *Vital Statistics Registration Act*. Cap. 192A.

(8) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a magistrate holding a preliminary enquiry and before any court to which the accused person is committed for trial or has appealed.

ss.12-16

Abolition of coroner's juries and modification of provisions relating to inquests.

12. (1) Subject to subsection (3), juries in coroner's inquests are hereby abolished.

(2) The provisions of any law relating to the procedure in connection with an inquest shall have effect subject to such modifications as are rendered necessary by the absence of a jury, and the inquisition shall be under the hand of the coroner alone.

Coroner may view body at an inquest.

13. (1) The coroner at an inquest may view the body, but it shall not be necessary for him to do so.

(2) Notwithstanding subsection (1), where at an inquest it appears to the coroner to be expedient to view the body, he shall view the body, and if the body has been buried, the coroner shall order its exhumation for the purpose, unless he certifies that in his opinion exhumation would be useless for the purpose of the inquest or dangerous to the public health.

Nature of investigation.

14. The coroner at every inquest shall enquire when, where and after what manner the deceased person came to his death, and also whether any person is criminally concerned in the cause of the death.

Summoning and examining witnesses.

15. (1) The coroner shall summon such witnesses as he deems necessary and examine them upon oath as to the matter of the inquest.

(2) The evidence of every witness shall be taken down in writing by the coroner and read over to and subscribed by the witness in the presence of the coroner.

Witness not attending.

16. Where any person summoned as a witness at any inquest refuses or neglects to appear at the time and place appointed by the summons and otherwise to comply therewith and no just excuse is offered for his refusal or neglect, then, after proof upon oath that the summons has been served upon him, either personally or by leaving it for him with some adult person at his place of abode or has been communicated to him in any manner authorised by this Act, the coroner may issue a warrant of arrest under his hand to bring and have that person at a time and place therein mentioned before the coroner to testify as aforesaid.

17. Where on the appearance of a person summoned as a witness at an inquest, either in obedience to a summons or on being brought by virtue of a warrant or where any person at an inquest is called on by the coroner to give evidence, then, if that person refuses

Committal of recalcitrant witness.

- (a) to be examined upon oath concerning the said inquest; or
- (b) to be sworn or, having been sworn, refuses to answer the questions concerning the said inquest then put to him; or
- (c) to produce any document which he is summoned to produce ;
or
- (d) to subscribe his deposition,

the coroner may, by warrant under his hand, commit the person so refusing to prison for any term not exceeding 7 days, unless in the meantime such person consents to be examined and to answer questions concerning the said inquest or to produce the document (if any) or to subscribe his deposition, as the case may be.

18. Where at any inquest it appears to the coroner that the cause of death has not been satisfactorily explained, he may order any medical practitioner to make a *post mortem* examination of the body, with or without an analysis of any portion thereof or the contents thereof, whether or not a *post mortem* examination has already been performed upon the body.

Where cause of death not satisfactorily explained.

19. After the whole of the evidence at an inquest is closed, the coroner shall proceed to give his verdict and the verdict shall thereupon be reduced into writing in the form of an inquisition and authenticated by the signature of the coroner.

Verdict or finding of coroner.

20. The coroner may adjourn an inquest from time to time, until the whole of the evidence touching and concerning the death and the cause thereof has been obtained.

Adjournment.

ss.21-24

Coroner to transmit record of proceedings to Registrar and Director of Public Prosecutions.

21. The coroner shall as soon as possible after the inquest is concluded cause to be transmitted to the Registrar for filing the record of the proceedings, and a copy thereof to be transmitted to the Director of Public Prosecutions.

Exhumation of body.

22. Where the body of any person is buried without any examination or without sufficient examination, a coroner about to hold or holding an inquest as to the death of that person may by warrant under his hand addressed to the Commissioner of Police direct that the body be exhumed.

PART IV

OFFENCES

Non-compliance by medical practitioner or specially qualified person with order of coroner.

23. Where any medical practitioner is ordered to perform a *post mortem* examination under this Act, or any specially qualified person is ordered to make a special examination under subsection (4) of section 7 and the order has been personally served on or left with some adult person at the residence of the practitioner or specially qualified person, or has been communicated to him in any manner authorised by this Act in sufficient time to enable him to comply therewith and he fails to comply with the order, he shall be guilty of an offence and shall be liable on summary conviction to a fine of \$100, unless he proves to the satisfaction of the magistrate that he had good and sufficient cause for the non-compliance and that he forthwith gave notice to the coroner, or to a member of the Police Force at a police station, that he was so unavoidably prevented from complying with the order and stating the reasons for his non-compliance.

Burial of body without authority.

24. (1) Any person who without lawful excuse interrs or causes to be interred the dead body of any person in respect to whose death an inquest ought to be held before he has received the order of the coroner shall be guilty of an offence and shall be liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

(2) Where any person is charged with an offence under this section, the onus of proving that he has lawful excuse or that he received the order of the coroner shall be on him.

25. Every person who assaults, resists, obstructs or molests the coroner or any other person acting under the authority of this Act or any order made or warrant issued thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

Obstruction
of person
acting under
Act.

PART V

MISCELLANEOUS

26. (1) The fees specified in the *First Schedule* shall be the fees payable to the persons and for the purposes therein mentioned.

Fees.
First
Schedule.

(2) The Minister responsible for Finance may from time to time by order amend the *First Schedule*.

(3) Where an inquest is held with respect to the death of any person who has died in any hospital, prison, infirmary or other institution, the medical officer whose duty it has been to attend the deceased person as a medical officer of that hospital, infirmary or other institution shall not be entitled to the fee or remuneration provided in the *First Schedule* for medical practitioners.

(4) An order made under subsection (2)

1987-23.

(a) may have retrospective effect; and

(b) is subject to negative resolution.

27. Unless otherwise provided, any order, authorisation or summons under this Act may be communicated verbally, by telephone or other electrical apparatus.

Communi-
cation of
orders by
telephone.

Rules. **28.** The Judicial Advisory Council may, when and so often as it considers it necessary to do so, make rules regulating the practice and procedure at or in connection with inquests and *post mortem* examinations.

Forms.
Second
Schedule. **29.** (1) The forms specified in the *Second Schedule* may be used for and in respect of the several matters therein mentioned.

(2) The Judicial Advisory Council may by order from time to time amend the *Second Schedule*.

Savings. **30.** The provisions of this Act shall be in addition to and not in derogation of the rules and principles of the common law and any powers given by any enactment for the time being in force and not repugnant to this Act relating to coroners.

2003/67.

FIRST SCHEDULE

(Section 26)

TABLE OF FEES

A. *Medical Practitioners*

1. To every medical practitioner for making an examination of the body of a deceased person, making the report required by the Act and certifying the cause of death:

	\$
(a) where the examination does not extend to dissection of the body for any reason other than putrefaction	100 00
(b) where the examination extends to dissection of the body	300 00
(c) where the examination is of a body in an advanced state of putrefaction or is an examination of an exhumed body, whether or not the examination extends to dissection thereof	300 00

2. To every medical practitioner referred to in paragraph 1, where it is necessary in any case to attend to give evidence at a coroner's inquest, an additional sum of 20 00

B. Persons Possessing Special Qualifications

	\$	¢
1. To every person possessing special qualifications, for making a special examination by way of analysis, test or otherwise of any part of, or the contents of, the body of a deceased person	60.00	
2. To every such person, where it is necessary in any such case to attend to give evidence at a coroner's inquest, an additional sum of		20.00

(Section 29)

SECOND SCHEDULE

CORONERS ACT, CAP. 113

(Sections 6(1), 7(1) and 18)

*Order to *Medical Practitioner
Specially Qualified Person*

BARBADOS

Parish of.....

To of Medical Practitioner or

By virtue of this my order, as coroner in and for Barbados, you are required to make a * post mortem examination of special

* the body of
the parts or contents of the body of
the substances or things submitted to you by me and report thereon to me as required by law.

Dated this day of, 20

(Signed)

Coroner.

**Delete whichever is inapplicable.*

CORONERS ACT, CAP. 113

(Section 6(2))

Warrant to Bury a Body after Examination

BARBADOS

Parish of
To
and to all whom it may concern.

WHEREAS due examination by a medical practitioner has been made of the body of
who now lies dead at
in the parish of

NOW THEREFORE I do hereby certify that you may lawfully permit the body of the said to be buried, and for so doing this shall be your warrant.

Dated thisday of, 20

(Signed)

Coroner.

CORONERS ACT, CAP. 113

(Section 15)

Written Summons for a Witness

BARBADOS

Parish of
To of
You,,
are hereby required to be and appear before me, the undersigned, Coroner in and for Barbados, at
on the day of, 20,
at o'clockm., then and there to give evidence touching the cause of death of

Dated this day of, 20

(Signed).....

Coroner.

CORONERS ACT, CAP. 113

(Section 16)

Warrant of Arrest of a Witness for Refusing to Attend

BARBADOS

Parish of

To all Members of the Police Force and Constables in Barbados.

WHEREAS I, the undersigned, Coroner in and for Barbados, did duly issue my summons to requiring him to be and appear before me at on the.....day of....., 20....., at.....o'clock.....m., then and there to give evidence touching the cause of death of

AND WHEREAS proof has this day been made before me upon oath of that summons having been duly intimated to the said

AND WHEREAS the said has neglected to appear at the time and place appointed by the summons, and no just excuse has been offered for the neglect:

NOW, THEREFORE, by virtue of my office, I do hereby command you and each of you to bring and have the said before me at on the.....day of....., 20....., at o'clock m., to give evidence as aforesaid.

Dated thisday of, 20

(Signed)
Coroner.

CORONERS ACT, CAP. 113

(Section 17)

Warrant of Commitment of a Witness for Refusing to give Evidence

BARBADOS

Parish of
To all Members of the Police Force and Constables in Barbados and to the Keeper of
thePrison at in Barbados.

WHEREAS I, the undersigned, Coroner in and for Barbados, did duly issue my
summons to requiring
him to be and appear before me at on the day
of, 20....., ato'clockm., then and there to
give
evidence touching the cause of death of

AND WHEREAS the said now appearing
before me (or being before me by virtue of a warrant in that behalf to testify as
aforesaid) and being required to make oath as a witness in that behalf, has now
refused to do so (or being duly sworn as a witness, does now refuse to answer certain
questions concerning the premises which are here put to him, or does now refuse to
subscribe his deposition as a witness,) without any just excuse for that refusal;

NOW, THEREFORE, by virtue of my office, I do hereby command you and each of
you, the said Members of the Police Force and Constables, to take the said
.....and him safely
to convey to the prison at aforesaid,
and there deliver him to the said Keeper thereof, with this precept; and I do hereby
by virtue of my office, require you, the said Keeper, to receive the said
.....into your custody in
the said prison, and him there safely keep for the space of days for his said
contempt, unless he shall in the meantime consent to be examined, and to answer
concerning the premises (or duly subscribe his deposition as a witness); and for so
doing, this shall be your warrant.

Dated this day of, 20.....

(Signed)

Coroner.

CORONERS ACT, CAP. 113

(Section 19)

Inquisition

BARBADOS

Parish of

An inquisition found at

in the parish of in Barbados, on the

..... day of, 20 by me

the undersigned, Coroner in and for Barbados, having required when, where and

after what manner came to his/her death, do say that *(here state fully the finding of the Coroner)*

.....

.....

.....

.....

.....

.....

In witness whereof, I have hereunto set my hand the day and year first above written.

A.B., Coroner.

CORONERS ACT, CAP. 113

(Sections 13(2) and 22)

Warrant of Exhumation

BARBADOS

Parish of

To Commissioner of Police.

WHEREAS the body of one.....
was buried on the.....day of....., 20.....,
atin the said parish;

AND WHEREAS it is necessary that the said body should be exhumed, and
full investigation made as to the cause of death of the said
.....in manner required by law:

Now THEREFORE, I do hereby charge and command you that you forthwith cause
the body of the said
.....to be taken up and safely conveyed to
..... in the said parish, in order that due
investigation may be made as to the cause of death, and that I may proceed therein
according to law; and for so doing, this shall be your warrant.

Dated this day of, 20.....

(Signed)

Coroner.