

JAMAICA

No. 2 - 2009

I assent,

[L.S.]

(Seal) Pict Kenneth C. Hall
Governor-General
18th February 2009

AN ACT to Amend the Coroners Act.

[*19th February 2009*]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Coroners (Amendment) Act, 2009, and shall be read and construed as one with the Coroners Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title
and con-
struction.

2. Section 3 of the principal Act is amended by inserting the following definitions in the appropriate alphabetical sequence—

Amendment
of section 3
of principal
Act.

“agent of the State” means—

- (a) a person who is a member of—
 - (i) the Jamaica Constabulary Force;

- (ii) the Jamaica Defence Force, except when acting in time of war;
- (iii) the Island Special Constabulary Force; and
- (iv) the Rural Police;
- (b) a person appointed as a parish Special Constable pursuant to the Constables (Special) Act;
- (c) a correctional officer;
- (d) an officer within the meaning of section 2 of the Customs Act; and
- (e) such other public officer, as the Minister may by order specify, being a person upon whom is conferred any of the powers, authority and privileges as are conferred by law on a member of the Jamaica Constabulary Force;

“the appropriate Coroner” means—

- (a) the Office of the Special Coroner, in any case where there is reasonable cause to suspect that death occurred as a result of the act or omission of an agent of the State; or
- (b) subject to section 5B, in any other case, the Coroner having jurisdiction for the relevant parish pursuant to section 4,

and references, in any other enactment, to a Coroner shall be construed to mean the appropriate Coroner;

“the Office” means the Office of the Special Coroner established under section 5A;”.

Amendment
of section 4
of principal
Act.

3. Section 4 of the principal Act is amended in subsections (1) and (2) by deleting the word “The” wherever it appears and substituting therefor, in each case, the words “Subject to sections 5A and 5B, the”.

4. The principal Act is amended by renumbering section 5A as section 5C and inserting next after section 5 the following heading and sections—

Insertion of new sections 5A and 5B in principal Act

“ SPECIAL CORONER

Establishment of Office of the Special Coroner.

5A.—(1) There is hereby established an Office of the Special Coroner.

(2) The Office shall be constituted by the following persons appointed by the Governor-General, acting on the advice of the Judicial Service Commission—

- (a) the Special Coroner, who shall be in charge of the administration and operations of the Office; and
- (b) such number of Assistant Special Coroners as may be necessary for the efficient administration and operation of the Office.

(3) A person shall not be qualified for appointment under subsection (2) unless that person is a Resident Magistrate and possesses the qualifications for appointment as a Senior Resident Magistrate.

(4) The office of the Special Coroner shall be provided with such staff as is necessary for the efficient administration and operation of the Office as determined by the Special Coroner.

Jurisdiction and functions of Special Coroner.

5B.—(1) The Office shall exercise the jurisdiction and functions of the Coroner in respect of any death occurring at any place in Jamaica where there is reasonable cause to suspect that the death occurred as a result of the act or omission of an agent of the State.

(2) Nothing in subsection (1) shall be construed as prohibiting the Coroner for a parish from exercising jurisdiction in relation to a death within the parish of such Coroner, in the circumstances mentioned in subsection (1), in any case where jurisdiction has neither been assumed by, nor transferred to, the Special Coroner.”.

Amendment of section 5C of principal Act as renumbered.

5. Section 5C of the principal Act as renumbered is amended by inserting in paragraph (b) immediately after the word “Coroner” the words “and the Office”.

Amendment of section 6 of principal Act.

6. Section 6 of the principal Act is amended—

- (a) in subsection (1), by deleting the word “Where” and substituting therefor the words “Subject to subsection (1A), where”;
- (b) by inserting next after the subsection (1) the following as subsection (1A)—

“(1A) Where a Coroner, Justice of the Peace or designated police officer receives information described in subsection (1) as regards any dead body and there is reasonable cause to suspect that death occurred as a result of the act or omission of an agent of the State, the Coroner or Justice of the Peace (as the case may be) shall forthwith notify the Office, and the Office may direct any duly qualified medical practitioner to make a *post mortem* examination of the body.”; and
- (c) in subsection (2) by deleting the words “A Coroner or” and substituting therefor the words “The appropriate Coroner or a”.

Repeal and replacement of section 12 of principal Act.

7. Section 12 of the principal Act is repealed and the following substituted therefor—

“Transfer of jurisdiction to appropriate Coroner. 12.—(1) Notwithstanding anything to the contrary, where any Coroner is satisfied, upon receipt of the reports referred to in section 11 in relation to any

body or part thereof lying within the parish for which he is Coroner, that—

- (a) the body or part thereof is the body of a person the cause of whose death arose in some other parish, he may certify accordingly to the Coroner for such parish; or
- (b) there are reasonable grounds to suspect that the death occurred as a result of the act or omission of an agent of the State, he may certify accordingly to the Office.

(2) Upon receipt of any certificate under—

- (a) subsection (1)(a), the receiving Coroner shall have in relation to the body or part thereof the subject of such certificate the like jurisdiction as if the body or part thereof had at all times lain within the parish for which he is the Coroner; or
- (b) subsection (1)(b), the Office shall assume jurisdiction over the case,

and the jurisdiction of the certifying Coroner in relation to the body or part thereof shall cease and determine.

(3) Notwithstanding anything to the contrary, where the Office is satisfied, upon receipt of the reports referred to in section 11 in relation to any death, that there is no reasonable cause to suspect that the death occurred as a result of the act or omission of an agent of the State—

- (a) the Office may certify accordingly to the Coroner for the relevant parish; and

- (b) upon receipt of such certification, the Coroner for the relevant parish shall assume jurisdiction over the case, and the jurisdiction of the Office with respect thereto shall cease and determine.”.

Repeal and replacement of section 17 of principal Act.

8. Section 17 of the principal Act is repealed and the following substituted therefor—

“ Procedure where body destroyed or irrecoverable.

17.—(1) Subsection (2) shall apply in any case where the appropriate Coroner has reasonable cause to suspect that a death has occurred in such circumstances that—

- (a) an inquest ought to be held; and
- (b) owing to the destruction of the body by fire, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of this section.

(2) The appropriate Coroner may report the facts to the Minister who may, if he considers it desirable to do so, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the appropriate Coroner or such other Coroner as the Minister may direct, and the law relating to Coroners and Coroners’ inquests shall apply with such modifications as may be necessary in consequence of the inquest being held by virtue of the provisions of this section.”.

Amendment of other provisions of principal Act. Schedule.

9. The provisions of the principal Act specified in the first column of the Schedule are amended in the manner specified in relation thereto in the second column of the Schedule.

Provisions	SCHEDULE (Section 9) Amendments
Section 7	In paragraphs (a) and (b) of subsection (2) delete the word “Coroner” wherever it appears and substitute therefor in each case the words “appropriate Coroner”.
Section 7A	Delete the word “Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.
Section 8	Delete the word “Coroner” and substitute therefor the words “appropriate Coroner”.
Section 9	Delete the word “Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.
Section 10	Delete the word “Coroner” wherever it appears and substitute therefor in each case the words “appropriate Coroner”.
Sections 11 and 13	<ol style="list-style-type: none">1. In the marginal note, insert the word “appropriate” immediately before the word “Coroner”.2. In subsections (1) and (2), delete the word “Coroner” wherever it appears and substitute therefor in each case the words “appropriate Coroner”.
Section 14	Delete the word “Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.
Section 15	Delete the word “Coroner” wherever it appears and substitute therefor in each case the words “appropriate Coroner”.
Section 16	<ol style="list-style-type: none">1. In the marginal note, insert the word “appropriate” immediately before the word “Coroner”.2. In subsection (1), delete the words “a Coroner” and substitute therefor the words “the appropriate Coroner”.

Provisions	Amendments
	3. In subsections (2) and (3), delete the word “Coroner” wherever it appears and substitute therefor in each case the words “appropriate Coroner”.
Section 18	<p>1. In the marginal note, insert immediately before the word “Coroner” the word “the appropriate”.</p> <p>2. Delete the words “the Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.</p>
Section 19	Delete the word “Coroner” wherever it appears in the subsections (1), (2), (3), (7) and (8) and substitute therefor in each case the words “appropriate Coroner”.
Section 20	<p>1. In subsection (1), delete the words “a Coroner” and substitute therefor the words “the appropriate Coroner”.</p> <p>2. In subsections (1) and (2), delete the words “the Coroner” and substitute therefor the words “the appropriate Coroner”.</p> <p>3. In subsection (3), delete the words “The Coroner” and substitute therefor the words “The appropriate Coroner”.</p>
Section 21	<p>1. In subsection (1), delete the words “a Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.</p> <p>2. In subsections (1) and (2), delete the words “said Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.</p> <p>3. In subsections (2) and (3), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.</p>

Provisions	Amendments
Section 22	In the marginal note thereto and paragraphs (a) and (c) of subsection (1), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.
Section 22A	<ol style="list-style-type: none"><li data-bbox="586 468 1062 583">1. In subsections (1), (6), (7), (8) and (10), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.<li data-bbox="586 611 1062 699">2. In subsection (b), delete the words “that Coroner” and substitute therefor the words “the appropriate Coroner”.<li data-bbox="586 726 1062 810">3. In subsection (9), delete the words “The Coroner” and substitute therefor the words “The appropriate Coroner”.
Section 22B	<ol style="list-style-type: none"><li data-bbox="586 835 1062 951">1. In subsections (1), (2) and (3), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.<li data-bbox="586 978 1062 1066">2. In subsection (2), delete the words “A Coroner” and substitute therefor the words “The appropriate Coroner”.
Section 22C	<ol style="list-style-type: none"><li data-bbox="586 1092 1062 1207">1. In subsections (1) and (3), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.<li data-bbox="586 1234 1062 1323">2. In subsection (3), delete the words “The Coroner” and substitute therefor the words “The appropriate Coroner”.
Section 22D	Delete the word “Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.
Section 23	<ol style="list-style-type: none"><li data-bbox="586 1461 1062 1577">1. In subsections (1), (2) and (3), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.

Provisions	Amendments
	2. In subsections (4) and (5), delete the words “a Coroner” and substitute therefor in each case the words “the appropriate Coroner”.
Section 23A	In subsections (2), (5), (6) and (7), delete the words “the Coroner” wherever they appear and substitute therefor in each case the words “the appropriate Coroner”.
Section 23B	In subsection (2), delete the word “Coroner” and substitute therefor the words “appropriate Coroner”.
Section 24	In subsection (2), delete the word “Coroner” and substitute therefor the words “appropriate Coroner”.
Section 25	Delete the word “Coroner” and substitute therefor the words “appropriate Coroner”.
Section 26	Delete the word “Coroner” and substitute therefor the words “person who performs duties as Coroner by virtue of section 4 or 5A”.
Section 28	Delete the word “Coroner” wherever it appears in the section and substitute therefor in each case the words “appropriate Coroner”.
Section 29	1. Delete the words “A Coroner” and substitute therefor the words “Any person performing duties as Coroner by virtue of section 4 or 5A and who”. 2. Delete the words “any Coroner” and substitute therefor the words “any such person”.
Schedule.	1. In Form B, delete the words “Resident Magistrate for the parish of _____, and as such Coroner for such parish” and substitute therefor the words “[Resident Magistrate for the parish of _____, and as such Coroner for such parish] [of the Office of the Special Coroner]”.

Provisions

Amendments

2. In Form C, delete the words “Her Majesty’s Coroner for the parish of _____” and substitute therefor the words “ [Her Majesty’s Coroner for the parish of _____] [Special Coroner] [Assistant Special Coroner]”
3. In Form D, delete the word “Coroner” wherever it appears in the Form and substitute therefor in each case the words “[Coroner] [Office of the Special Coroner]”.
4. In Forms E and G, delete the words “Coroner for the parish of _____” and “Coroner” substitute therefor in each case the words “[Coroner for the parish of _____] [Special Coroner] [Assistant Special Coroner]”.
5. In Form F, delete the word “Coroner” substitute therefor in each case the words “[Coroner for the parish of _____] [Special] [Assistant Special Coroner]”.

Passed in the Honourable Senate this 5th day of December, 2008 with three (3) amendments.

OSWALD G. HARDING, O.J., C.D., Q.C.
President.

Passed in the House of Representatives this 13th day of January, 2009 with one (1) amendment.

DELROY CHUCK
Speaker.

On the 23rd day of January, 2009, the Senate agreed to the amendments made by the House of Representatives.

OSWALD G. HARDING, O.J., C.D., Q.C.

President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.