

1980 No. 444

CORONERS

**Coroners (Practice and Procedure) (Amendment) Rules
(Northern Ireland) 1980**

Made 4th December 1980

Coming into operation 1st February 1981

The Lord Chancellor in pursuance of section 36(1)(b) of the Coroners Act (Northern Ireland) 1959(a) and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Coroners (Practice and Procedure) (Amendment) Rules (Northern Ireland) 1980 and shall come into operation on 1st February 1981.

Amendment of the 1963 Rules

2. The provisions of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963(b) specified in the first column of the Schedule hereto shall have effect subject to the amendments specified in the second column thereof.

Hailsham of St. Marylebone, C.

Dated 4th December 1980

(a) 1959 c. 15 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541) and as amended by 1978 c. 23
(b) S.R. & O. (N.I.) 1963 No. 199 (p. 672) as amended by S.R. & O. (N.I.) 1967 No. 105 (p. 319), and S.R. 1976 No. 340 (II, p. 1686)

<i>Provision amended</i>	<i>Amendment</i>
Rule 8	For paragraph (1) there shall be substituted the following paragraph: “(1) Except as provided in rule 9(2) the coroner may at his discretion examine on oath at an inquest any person summoned as a witness or any person tendering evidence and likely to have knowledge of the relevant facts.”
Rule 9	In paragraph (1) after the word “himself” there shall be added the words “or his spouse”.
Rule 11	For rule 11 there shall be substituted the following rule: “11.—(1) A coroner may— (a) adjourn an inquest either before the time for which it has been fixed or at or after its commencement, and he may adjourn it either to a fixed date, hour and place or sine die; (b) if he adjourns the inquest after the jury has been sworn he may discharge the jury. (2) A coroner may decide not to resume an inquest which has been adjourned, and if he does resume an adjourned inquest where the jury has been discharged he shall proceed in all respects as if the inquest were a fresh inquest and the provisions of the Coroners Act (Northern Ireland) 1959 shall apply accordingly. (3) Where a coroner adjourns an inquest he shall give notice of the date, hour and place of the resumed hearing to the members of the jury, if any, the witnesses and any other person appearing in person or represented at the inquest and shall similarly give notice if he decides not to resume the inquest”.
Rule 12	For paragraph (1) there shall be substituted the following paragraph: “(1) If the superintendent requests a coroner to adjourn an inquest on the ground that a person may be charged with the murder, manslaughter, child destruction or infanticide of the deceased or under section 118(1) of the Road Traffic Act (Northern Ireland) 1970(a) with the offence of having caused the death of the deceased by driving recklessly, or under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966(b) with the offence of aiding, abetting, counselling or procuring the suicide of the deceased, the coroner shall adjourn the inquest for twenty-eight days or for such longer period as he may think fit”.
Rule 13	In paragraph (1): (a) for the reference to “section 38(3) of the Road Traffic Act (Northern Ireland) 1955” there shall be substituted a reference to “section 118(1) of the Road Traffic Act (Northern Ireland) 1970”.

(a) 1970 c. 2 (N.I.)

(b) 1966 c. 20 (N.I.)

<i>Provision amended</i>	<i>Amendment</i>
	<p>(b) for the word "dangerously" there shall be substituted the word "recklessly".</p> <p>(c) after the words "driving recklessly" there shall be inserted the words "or under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 with the offence of aiding, abetting, counselling or procuring the suicide of the deceased."</p> <p>(d) the words from "and may" to the end of the paragraph are hereby revoked.</p> <p>Paragraph (3) is hereby revoked.</p> <p>In paragraph (5) for the word "dangerously" there shall be substituted the word "recklessly" and after the word "recklessly" there shall be inserted the words "or with aiding, abetting, counselling or procuring the suicide of another."</p>
Rule 14	Rule 14 is hereby revoked.
Rule 15	In paragraph (c) for the reference to "the Births and Deaths Registration Acts (Northern Ireland) 1863 to 1956" there shall be substituted a reference to "the Births and Deaths Registration (Northern Ireland) Order 1976"(a).
Rule 16	The proviso to rule 16 is hereby revoked.
Rule 17	<p>For rule 17 there shall be substituted the following rule:</p> <p>"(1) A document may be admitted in evidence at an inquest if the coroner considers that the attendance as a witness by the maker of the document is unnecessary and the document is produced from a source considered reliable by the coroner.</p> <p>(2) If such a document is admitted in evidence at an inquest the inquest may, at the discretion of the coroner, be adjourned to enable the maker of the document to give oral evidence if the coroner or any properly interested person reasonably so desires.</p> <p>(3) Such a document shall be marked by the coroner in accordance with these rules with the additional words "received pursuant to rule 17".</p>
Rule 21	<p>For rule 21 there shall be substituted the following rule:</p> <p>"Where the coroner sits with a jury he shall sum up the evidence to the jury and draw their attention to such of these rules as may be relevant before they consider their verdict".</p>
Rule 22	In paragraph (1) for the words "who the deceased was, and how, when and where he died" there shall be substituted the words "the matters specified in rule 15".

(a) S.I. 1976/1041 (N.I. 14)

<i>Provisions amended</i>	<i>Amendment</i>
Rule 23	<p>For paragraph (2) there shall be substituted the following paragraph:</p> <p>“(2) A coroner who believes that action should be taken to prevent the occurrence of fatalities similar to that in respect of which the inquest is being held, may announce at the inquest that he is reporting the matter to the person or authority who may have power to take such action and report the matter accordingly.”</p>
Rule 24	<p>In paragraph (3) the word “morgue” wherever it occurs shall be deleted.</p>
Rule 28	<p>At the end of the rule add: “If such interference is attempted such person may be removed and not re-admitted.”</p>
Rule 33	<p>At the end of the rule add: “and the registered medical practitioner making the post mortem examination.”</p>
Third Schedule Form 2	<p>For Form 2 there shall be substituted the following form:</p> <p style="text-align: center;">“ 2 [Sec 11(4)]</p> <p style="text-align: center;">Order to Exhume</p> <p>To:—</p> <p>(insert the names of the Minister and church wardens or other persons having power of control over the churchyard, cemetery or other place in which the body is believed to be buried).</p> <p>Whereas I, _____, Her Majesty’s coroner for the district of _____, am credibly informed that the body of _____ [or a person unknown] has been buried in (insert the name of the churchyard, cemetery or other place), and I have cause to inquire into the death of such person.</p> <p>I hereby order you to cause the said body to be disinterred in order that such inquiries may be made.</p> <p style="text-align: center;">Dated this _____ day of _____ 19 _____</p> <p style="text-align: center;">Coroner for _____”</p>
Form 5	<p>In Form 5 the words “touching the death of” and “will, without fear or favour, affection or ill will,” shall be deleted.</p>
Form 14	<p>In Form 14 after the words “which occurred at” there shall be inserted the words “[who was dead on arrival at] [whose body was found at].”</p>
Form 17	<p>In Form 17 after the words “which occurred at” there shall be inserted the words “[who was dead on arrival at] [whose body was found at].”</p>

Provisions amended	Amendment
Form 18	In Form 18 the words "now lying within your jurisdiction at" shall be deleted.
Form 20	For Form 20 there shall be substituted the following forms:
	<p style="text-align: right;">20. [Sec 9]</p> <p>Coroner's authority for cremation after post mortem examination</p> <p>I CERTIFY that I have been informed by Dr. _____ that he has completed a post mortem examination on the body of late of _____ who died [whose body was found] on _____ and that the said pathologist has stated that no further examination of the body is necessary save in respect of certain parts of the body which have been retained by him.</p> <p>I accordingly authorize the cremation of the body save such parts thereof as have been retained as aforesaid.</p> <p>Dated this _____ day of _____ 19 _____</p> <p style="text-align: right;">Coroner for _____</p> <p style="text-align: right;">20A. [Sec 9]</p> <p>Coroner's authority for cremation</p> <p>I certify that I have made investigations into the death of late of _____ who died [whose body was found] on _____ and that I am satisfied that the cause of death was _____ as certified by Dr. _____ and that no circumstances exist which would render necessary any further examination of the body.</p> <p>I accordingly authorize cremation of the body.</p> <p>Dated this _____ day of _____ 19 _____</p> <p style="text-align: right;">Coroner for _____</p>
Form 21	In Form 21 the words "How injuries were sustained:" "Date and place where accident occurred:" "Whether deceased was at work:" and "Verdict" shall be deleted and the word "Findings" shall be substituted.
Form 22	<p>For Form 22 there shall be substituted the following form:</p> <p style="text-align: center;">"Verdict on Inquest"</p> <p>On an inquest taken for our Sovereign Lady the Queen at _____ in the County Court Division of _____ on the _____ day of _____, 19 _____, [and by adjournment on the _____ day of _____, 19 _____] before the _____, Coroner for the district of _____ [and the undermentioned jurors] touching the death of _____, to inquire how, when and where the said _____ came to death, the following matters were found:—</p>

<i>Provisions amended</i>	<i>Amendment</i>
	<ol style="list-style-type: none">1. Name and surname of deceased:2. Sex:3. Date of death:4. Place of death:5. Usual address (if difference from place of death):6. Marital status:7. Date and place of birth:8. Occupation:9. Maiden surname:10. Cause of death: <p>I a</p> <p>b</p> <p>c</p> <p>II</p> <p>Findings:</p>
	<p>Date Signed</p> <p>Coroner for</p> <p>[and Jurors]</p>

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

The rules amend the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963. Rule 8 is amended to allow the coroner a wider discretion in deciding who shall give evidence at an inquest. Rule 9 extends the existing protection against self incrimination to the spouse of a witness. Rule 11 substitutes a new rule giving the coroner wider powers in relation to the adjournment and resumption of inquests and provides for the notices to be given in relation thereto. Rule 12 specifies additional circumstances in which the Superintendent may request an adjournment and extends the period of such adjournment. Rule 13 contains amendments consequential on the new rules 11 and 12(1). The proviso to rule 16 is revoked consequent on the new rule 23(2). Rule 17 gives the coroner power at his discretion to dispense with the attendance at an inquest of the maker of any document, or to adjourn the inquest to enable such maker to give oral evidence. The rules also contain further minor consequential amendments. The Third Schedule contains some minor amendments to Forms 2, 5, 14, 17 and 18, and for Form 20 substitutes Forms 20 and 20A in relation to the giving of the coroner's authority for cremation. Form 21 is amended to provide for the substitution of "Findings" on the "Coroner's Certificate" in place of "Verdict". A new Form 22 is substituted which is in line with Form 21 in relation to "Findings".