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**CHAPTER 56****CORONERS**

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**CHAPTER 56****CORONERS****An Act relating to Coroners.**

6 of 1909  
 12 of 1936  
 14 of 1946  
 10 of 1961  
 43 of 1964  
 46 of 1964  
 18 of 1965  
 E.L.A.O., 1974  
 5 of 1987  
 12 of 1988  
 23 of 1993

[Assent 23rd August, 1909]  
 [Commencement 1st January, 1910]

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

Short title.

**PART I  
 INTERPRETATION**

2. In this Act, unless the context otherwise requires — Interpretation.

“analyst” means any person who, in the opinion of the coroner by whom he has been summoned to perform any service under this Act, is skilled in chemical analysis;

“coroner” means a coroner appointed under this Act and includes the deputy of a coroner;

“court” means the Supreme Court;

“duly qualified medical practitioner” means a person registered as a qualified practitioner under the Medical Act, and includes medical officers of the Health Department and public physicians; Ch. 224.

“hospital or asylum” means the Princess Margaret Hospital or any branch thereof;

“medical officers” means the medical officers of the Health Department and public physicians;

“Schedule” means a Schedule to this Act.

**PART II  
 APPOINTMENT AND JURISDICTION**

3. Every magistrate and every commissioner shall, within the limits of his district, be *ex officio* coroner.

Magistrate and commissioner to be *ex officio* coroners.  
 10 of 1961, s. 2.

Governor-General may appoint coroner for any district within or without the district of a commissioner.

*E.L.A.O., 1974.*

4. (1) The Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint, from time to time, a person to be coroner at any place or district on any Out Island which is not included in the district of a commissioner or which, although included therein, is shown to the satisfaction of the Governor-General to be at such a distance from the residence of such commissioner as to render it difficult to perform his duties as *ex officio* coroner of the district.

(2) Every coroner so appointed shall be paid a reasonable allowance for his services, to be fixed by the Minister responsible for Coroners with the consent of the Minister of Finance.

Governor-General may appoint deputy coroners.

*E.L.A.O., 1974.*

5. (1) The Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint, from time to time, deputy coroners for any coroner's district to hold inquests and inquiries during the absence, illness or incapacity of coroners.

(2) The deputy of a coroner shall, notwithstanding the coroner vacates his office by death or otherwise, continue in office and shall act as the coroner while the office is so vacant in like manner as during the illness of the coroner, and in the case of the district of New Providence shall be entitled to receive in respect of the period of the vacancy the like remuneration as the coroner.

Justices of the peace may hold inquests, etc.

(3) Whenever a justice of the peace becomes cognisant of a death calling for inquiry or inquest and is of the opinion that the coroner is unable to act by reason of his being at too great a distance from where the body is lying, such justice of the peace shall forthwith hold an inquiry or inquest; and every such justice so acting shall for the purpose of every such inquiry or inquest be vested with all the powers of a coroner and shall be entitled to the same rate of remuneration as a deputy coroner under section 61 of this Act and shall be subject to the provisions of such section.

6. Every coroner appointed under this Act shall, for all purposes connected with any inquiry or inquest made or held under this Act, or acting under a requisition issued by the Attorney-General under this Act, have all the powers of a magistrate when inquiring into an offence or cause of complaint upon which he has the power to make a summary conviction.

Coroner to have the powers of a magistrate.

7. Every coroner and coroner's jury shall be subject to the jurisdiction of the court in the same manner as coroners and coroners' juries in England are subject to the jurisdiction of Her Majesty's High Court of Justice.

Coroner and coroner's jury subject to the jurisdiction of the court.

8. In matters not provided for or varied by or repugnant to this Act every coroner shall have the jurisdiction and authority within The Bahamas of a coroner under the common law of England.

Coroner to have the jurisdiction of a coroner under the common law of England.

### PART III INQUIRIES AND INQUESTS

9. When the dead body of any person is brought within any port or place within The Bahamas the coroner of the district where the body may be shall, if necessary, inquire concerning the death of the person in the same manner and with the same powers as if the person had died within the coroner's district, although the death or the cause of death may have occurred beyond the limits of the district or beyond The Bahamas.

Coroner may inquire into the death of a person brought into his district.

10. It shall be the duty of every coroner to inquire into the cause of death, and, if necessary, to hold an inquest —

Cases for inquiry and inquest.

- (1) in the case of all persons found dead within his district;
- (2) in the case of every sudden or unnatural death arising from either accident or violence, or in the case of a sudden death of which the cause is unknown, occurring within his district;
- (3) whenever a skeleton suspected to be a skeleton of a human being is found within his district and not interred in any burial ground or usual place of burial,

and to hold an inquest —

- (4) in the case of all deaths of lunatics confined in the hospital or asylum and of all persons confined in any prison or other place of lawful detention within his district.

Deaths calling for inquiry or inquest to be notified to coroner.

**11.** Every person who becomes aware of a death calling for inquiry or inquest shall notify the same to the coroner of the district in which such death has occurred, or to the nearest police station.

Persons present at death or discovering a body to notify the same to the coroner.

**12.** (1) If any death calling for inquiry or inquest takes place, any person who has been present at the death, or by whom the body has been discovered shall forthwith notify the same to the coroner of the district in which such death has occurred, or to the nearest police station.

(2) The superintendent of the hospital or asylum, the gaoler or keeper or other person in charge of any prison or other place of lawful detention shall at once notify the coroner of the district of all deaths of lunatics in the said hospital or asylum and of all persons confined in any prison or other place of lawful detention.

Duty of peace officers.

**13.** Where any death calling for inquiry or inquest is reported to or comes to the knowledge of any peace officer he shall forthwith cause a report to be made to the coroner of the district in which he may be stationed and serving.

Examination of body.

**14.** On receiving such report, other than a report of a death of a lunatic person confined in the hospital or asylum and of any person confined in any prison or other place of lawful detention, the coroner shall, whenever it is practicable so to do, cause the body to be examined by a duly qualified medical practitioner, with or without a post mortem examination or analysis of the contents of the stomach and intestines, and a report thereof in writing to be made to him; and shall also cause the facts and circumstances attending the death to be carefully investigated under his direction by the police, and a report thereof in writing to be made to him, or shall himself investigate such facts and circumstances.

**15.** If as a result of the reports and investigations the coroner is of opinion that the cause of death is sufficiently apparent and that no further light would be thrown upon the case by a public inquiry, he shall, in place of holding an inquest, draw up a report of the case, with his opinion and the reasons for it, and forward it forthwith to the Attorney-General, together with the medical report and the information and report furnished by the police or by himself.

Report of result of inquiry to Attorney-General.

**16.** The report, if approved by the Attorney-General, shall be endorsed with his approval and forwarded by him to the Registrar of the court, to be kept together with the inquisitions as a public document:

Report may be approved by the Attorney-General, or he may direct an inquest to be held, or coroner may hold inquest.

Provided that the Attorney-General may on receipt of the report direct that an inquest shall be held if a public inquiry seems to him advisable:

Provided also that nothing herein contained shall prevent the coroner from holding an inquest at any time after making the report, if he thinks fit.

**17.** Whenever a person is reasonably supposed to be dead but the body cannot be found, a coroner may, and, whenever required by the Attorney-General shall, hold an inquiry into the circumstances connected with any such supposed death, and for that purpose he shall have the same powers and authorities as to the summoning of witnesses and compelling their attendance before him as he has with regard to inquiries and inquests. And upon the conclusion of an inquiry held under this section the coroner holding the same shall forward a report to the Attorney-General.

Supposed deaths to be inquired into.

**18.** (1) In this section “the criminal proceedings” means the proceedings before a magistrate holding a preliminary inquiry and before any court to which the accused person is committed for trial.

Inquests in case of homicide.  
*12 of 1936, s. 2;*  
*10 of 1961, s. 3.*

(2) If on an inquest touching a death the coroner is informed before the jury have given their verdict that some person is charged before a magistrate with the homicide of the deceased, he shall adjourn the inquest until after the conclusion of the criminal proceedings and may discharge the jury, but he shall not resume the inquest unless he is so directed in writing by the Attorney-General.

(3) Where by direction of the Attorney-General a coroner resumes an inquest, if in the criminal proceedings any person has been charged on information, then upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted on an information or contain any finding which is inconsistent with the determination of any matter by the result of those proceedings.

(4) Where a coroner resumes an inquest under this section and the jury has been discharged, he shall proceed in all respects as if the inquest had not been previously begun, and the provisions of this Act shall apply as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the coroner to view the body.

(5) If the inquest is not resumed, the coroner shall furnish to the Registrar of Births and Deaths a report 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 the Registrar shall enter the death and particulars in the form and manner prescribed by the Acts relating to the registration of births and deaths and any regulations made thereunder.

*10 of 1961, s. 3.*

(6) The magistrate before whom a person is charged with homicide shall inform the coroner responsible for holding an inquest upon the body of the making of the charge and of the committal for trial or discharge, as the case may be, of the person charged and where a person charged with homicide is committed for trial, it shall be the duty of the Registrar of the Supreme Court to inform the coroner of the result of the proceeding.

#### **PART IV WITNESSES**

Summoning  
witnesses.

**19.** (1) Any peace officer may by verbal notice call upon any person who appears to be able to give material evidence to attend before the coroner and his jury at the time and place of inquiry.

The coroner may, if he thinks fit, summon any person to attend before him to give evidence.

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(2) Every coroner, by an order in writing, may cause any person confined in any prison within his district to be brought before him for examination as a witness.

If any coroner wishes to examine as a witness any person who is confined in any prison outside his district he shall apply to the Attorney-General who may at his discretion direct such person to be taken from such prison to a place specified by the coroner for the purpose of examination.

Every such person shall be deemed to be in lawful custody during the time he is absent from such prison.

**20.** Whenever it appears necessary to the coroner or to the majority of the jury empanelled on any inquest that medical evidence should be given touching the death of the deceased, or that a post mortem examination or autopsy should be made with or without an analysis of the stomach and intestines or that any clothing, receptacle, weapon or any other article or thing suspected to be connected with the death of the deceased should be examined or analysed, the coroner may summon the duly qualified medical practitioner who attended the deceased during his last illness, or any other duly qualified medical practitioner or analyst as a witness at the inquest; and the coroner, in his summons for the attendance of such medical practitioner or analyst or at any time between the issuing of the summons and the termination of the inquest, may direct the performance by such medical practitioner of a post mortem examination autopsy or by such medical practitioner or analyst of an analysis of the contents of the stomach and intestines of the deceased, or of any clothing, receptacle, weapon or any other article or thing suspected to be connected with the death of the deceased:

Summoning  
medical  
practitioners.

Provided that, if any person shall state on oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of any duly qualified medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the post mortem examination of the deceased.

The summons may be served personally by the coroner or by a peace officer or left at the place of residence of such medical practitioner or analyst.

Witnesses refusing to be sworn may make affirmation.

**21.** If any witness refuses or is unwilling from alleged conscientious motives to be sworn, the coroner may, upon being satisfied of the sincerity of the objection, allow the witness to make affirmation.

## PART V JURY

Number of jury.  
*12 of 1988, s. 2.*

**22.** The jury on a coroner's inquest shall consist of seven persons and no more, and it shall suffice if four of the jurors concur in a verdict.

Qualification of jurors.  
*12 of 1988, s 3.*

**23.** Every person between the ages of twenty-one years of age and sixty years of age shall be liable to serve on a coroner's jury:

Exemptions. Disqualifications.  
First Schedule.  
Second Schedule

Provided that the persons set out in the First Schedule are exempted from serving on a coroner's jury; and that the persons set out in the Second Schedule are disqualified for serving on a coroner's jury.

Summoning of jurors.

**24.** (1) On every inquest twelve persons duly qualified to serve as jurors as aforesaid shall be summoned either personally and verbally by the coroner or by any peace officer duly authorised by precept signed by the coroner, and the coroner or peace officer may enter into any building, house, shop or store, or upon any land, as well as upon the highway, for the purpose of summoning jurors under this Act:

Provided that not more than one person shall be summoned from the same place of business to serve as a juror on the same inquest.

(2) Out of the twelve persons so summoned as aforesaid a jury of seven persons shall be drawn by the coroner.

Bystanders may be empanelled.

**25.** If at the time and place appointed for the inquest any of the jurors duly summoned fails to appear, or is found disqualified to serve on a coroner's jury, the coroner may direct so many of the bystanders to be empanelled as will complete the number of jurors require.

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**PART VI  
PROCEDURE UPON INQUESTS AND  
INQUIRIES**

**26.** So soon as the coroner and jurors at any inquest have assembled and the jury is drawn the coroner shall administer to each of the jurors the following oath: Oath of jurors.

“You shall diligently inquire and true presentment make, on behalf of our Sovereign Lady the Queen, when, where, how and after what manner (*here name the deceased, if known, or, if unknown, state a person unknown now dead*), came to his death, and of such other matters relating to such death as shall be lawfully inquired of by you. So help you God.”

**27.** (1) The coroner and the jury shall view the body unless the coroner is of the opinion that such view is not necessary for the purpose of the inquest, or that it would be dangerous to the public health. View of body.

(2) If the body has been buried, the coroner shall order its exhumation unless he certifies that, in his opinion, the exhumation would be useless for the purpose of the inquest or dangerous to the public health.

**28.** On every inquest —

(a) the coroner shall take the sworn information of all material witnesses in writing; Evidence to be taken in writing.

(b) the coroner and every juror who concurs in a verdict shall sign the inquisition with their usual signatures; but if any juror cannot write he shall affix his mark; and no seal shall be necessary or affixed to any inquisition; Signing inquisition.

(c) the coroner may adjourn the proceedings from place to place and from time to time as often as necessary; Adjournment.

(d) if at the end of one hour the jury do not agree on a verdict, the coroner may direct them to find whether any fact or series of facts is proved, and thereupon the jury shall proceed to consider the matters thus left to consideration. If the jury (or the majority mentioned aforesaid) agree as to the fact or series of facts being proven the fact or Disagreement of jury.

series of facts shall be written down and shall form part of the inquisition and shall be signed by the jurors or the majority of them aforesaid. In the event of such agreement, the coroner may, should he be of opinion that the fact or series of facts so proven justifies his so doing, intepret the finding as one of murder or manslaughter, or accidental death or otherwise, and the inquisition shall be drawn up to that effect and shall be signed by the coroner;

Discharge of jury.

(e) if the jury cannot agree at the end of two hours, and there is then no prospect of their coming to agreement, the coroner may discharge them without any verdict being returned, and the inquisition shall be drawn up to that effect;

Certificate of coroner at close of each day's evidence.

(f) at the conclusion of each day's evidence the coroner shall certify in the following form —

“The foregoing depositions of ..... were taken and sworn before me and the further inquiry was adjourned to ..... at ..... o'clock. Coroner.....District.”

Apprehension of witnesses not attending.

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

Committal of witness refusing to be examined, etc.

**30.** Where on the appearance of any person who has been so summoned, either in obedience to the summons or on being brought by virtue of a warrant or where any person present is called on by the coroner to give evidence, then if such person —

- (1) refuses to be examined upon oath concerning the premises;
- (2) refuses to take the oath, or, having taken it, refuses to answer such questions concerning the premises as may then be put to him;
- (3) refuses to produce any document which he may be summoned to produce;
- (4) refuses to subscribe his deposition,

the coroner may, by warrant under his hand, commit the person so refusing to any prison of The Bahamas for any time not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, or to produce the document, if any, or to subscribe his deposition, as the case may be.

**31.** Where a verdict or finding of homicide is returned against any person, the coroner shall forthwith make out his warrant for his committal to the prison in New Providence, thence to be brought before the court at the sessions to be holden next after the taking of the inquisition, and thereupon such person, if then present, shall forthwith be taken and conveyed to the prison, or, if absent, may be apprehended under warrant and conveyed as aforesaid.

Committal of  
accused.  
*10 of 1961, s. 4.*

**32.** Where a verdict or finding of homicide other than murder is returned against any person, the coroner before or by whom the inquest or inquiry is taken may accept bail, if he thinks fit, with good and sufficient sureties for the appearance of the person so charged before the court at the sessions aforesaid and also before any magistrate if summoned by the latter; and thereupon such person, if in custody, shall be discharged therefrom.

Power to take  
bail in case of  
homicide other  
than murder.  
*10 of 1961, s. 5.*

**33.** Every person who has been committed to prison or held to bail, under and by virtue of any verdict of a coroner's jury or any finding of a coroner, may require, and shall be entitled to, copies of the depositions and of the statement of the accused, if any, on paying for the same at the rate of twenty-five cents for each folio.

Copies of  
depositions.

*5 of 1987, Sch.*

Coroner to bind over material witnesses.  
*10 of 1961, s. 6.*

**34.** On every inquisition where a verdict is passed against any person of homicide or as accessory before the fact to any murder, the coroner shall bind by recognisance all material witnesses on the inquisition to appear and give evidence against the person charged at the sessions of the court to be holden next after the taking of the inquisition.

No objection to deposition unsigned if attested by coroner.

**35.** No objection shall be allowed to any deposition taken before any coroner because it is unsigned by the deponent, but every such deposition shall be good and valid if the coroner's signature appear thereto attesting the taking thereof. No objection shall be allowed to any inquisition if it is signed at the foot by the coroner and four jurors.

Coroner's court to be open.  
*23 of 1993, s. 2.*

**36.** (1) The room, building or other place in which a coroner's court is held shall be deemed to be an open court to which the public generally may have access, so far as the same can conveniently contain them.

(2) The presiding coroner, may, at any stage of the inquest or inquiry order that the public generally or any particular person shall not have access to or remain in the room or building when the inquest or inquiry is being conducted if it appears to him to be necessary for the due administration of justice or in the interests of defence, public safety, public order or public morality or for the welfare of persons under eighteen years of age.

Proceedings on Sunday valid.

**37.** Every summons served and warrant issued and every inquisition held or verdict found on a Sunday shall be as valid as if served, issued, held or found on any other day.

Coroner to send inquisition to Registrar.

**38.** Immediately after the taking of every inquest the coroner shall transmit to the Registrar of the court the inquisition together with the depositions taken and all papers and documents connected therewith.

Inquisitions to be sent to Attorney-General by Registrar.

**39.** Every inquisition and the documents connected therewith shall be forthwith laid by the Registrar before the Attorney-General and shall thereafter be preserved in the Registry of the court and there remain upon record.

**40.** If, in the opinion of the Attorney-General, it is desirable that further inquiry should be made into the cause of the death referred to in any inquisition so laid before him he may return the inquisition to the coroner taking the same, and may direct and require such coroner to make further inquiry and take further evidence in the matter.

Attorney-General may require further evidence.

**41.** Upon receipt of such requisition the coroner shall make such further inquiry and take such additional evidence in the matter and forward the same together with the inquisition to the Attorney-General who shall transmit the same to the Registrar of the court to be preserved in the Registry of the court and there remain upon record.

Upon request, coroner shall take further evidence.

**42.** Where a verdict of homicide is returned against any person the Attorney-General may file such information against him founded upon the depositions or the further evidence hereafter mentioned as to him may seem fit.

Attorney-General may file information where verdict of homicide is returned. *10 of 1961, s. 7.*

**43.** Where a verdict of homicide is returned against any person any magistrate in the district, or, by the direction of the Attorney-General, any other magistrate shall hear and take further evidence against such person as may be tendered to him. Such further evidence shall be taken and obtained in the same manner and by the same means as evidence in indictable offences, and the magistrate shall for the purpose have power to summon witnesses and shall by warrant require the gaoler to bring before him the person against whom the verdict is returned, or, if the latter is on bail, shall summon him to attend at the said magistrates' court in order that he may be present when the further evidence is taken.

Further evidence. *10 of 1961, s. 7.*

**44.** The further evidence taken as aforesaid shall, together with a copy thereof, be forwarded forthwith by the magistrate to the Registrar of the court, and the latter shall deliver the copy to the Attorney-General and shall file the original further depositions and exhibits, if any, with the inquisitions and other documents connected therewith.

Further evidence to be forwarded to Registrar with copy for Attorney-General.

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**PART VII  
BURIALS AND EXHUMATIONS**

Body not to be buried without warrant of coroner or justice of the peace.  
*5 of 1987, s. 2.*

**45.** Whenever any such death as is mentioned in paragraph (2) of section 10 of this Act shall have occurred, the body shall not be buried except by order of the coroner or of a justice of the peace, till after the lapse of twenty-four hours from the time of such death having taken place; and any person burying any such body without such order shall be liable on summary conviction to a fine of eighty dollars.

Coroner may order exhumation.

**46.** (1) Whenever it appears to any coroner that the body of any person who has died under circumstances requiring the holding of an inquiry or inquest has been buried without notice having been given to the coroner or without such inquiry or inquest having been held, or in case the inquiry or inquest although held is insufficient, it shall be lawful for the coroner by his warrant to order the exhumation of the body; and the coroner shall proceed after the exhumation to hold an inquiry or inquest thereon and the expenses of the exhumation and of the re-interment shall be paid on the coroner's certificate; but an exhumation shall not be ordered in any case where it would be injurious to the public health or where there is no probability of a satisfactory inquiry or inquisition resulting therefrom.

Attorney-General may order exhumation.

(2) The Attorney-General may at any time by his warrant order the exhumation of a body and the examination thereof when, in his opinion, the ends of justice will be advanced.

**PART VIII  
JURORS' AND WITNESSES' FEES**

Remuneration of medical practitioners.

**47.** (1) Any duly qualified medical practitioner, or analyst, who makes any report under the direction of a coroner on any inquiry by him, or attends at any coroner's inquest in obedience to a summons of the coroner issued for that purpose, or performs at or in connection with the inquiry or inquest any of the duties or services specified in the Fourth Schedule shall be entitled to receive the remuneration apportioned to those duties or services in that Schedule:

Fourth Schedule.

Provided that no remuneration shall be paid to any duly qualified medical practitioner for the performance of any post mortem examination or analysis made without the previous direction of the coroner.

(2) Nothing in this section contained shall entitle any medical officer to receive any fees under this Act for giving evidence at inquests or performing post mortem examinations.

(3) Jurors shall be entitled to the fees set out in the Fourth Schedule. Fourth Schedule.

### PART IX OFFENCES

**48.** Whoever, being required by this Act to inform a coroner of any death, refuses or neglects to do so as required shall be liable on summary conviction to a fine of forty dollars. Neglect to give information to coroner.  
*5 of 1987, s. 2.*

**49.** Whoever, being summoned as a juror on any inquest, refuses or neglects to attend or to be sworn or to serve as a juror; or being called on to complete the number of jurors required, refuses to be sworn or to serve as a juror; or, after attendance, absents himself without leave from the coroner, shall be liable on summary conviction to a fine of forty dollars. Default of jurors.  
  
*5 of 1987, s. 2.*

**50.** Any duly qualified medical practitioner or analyst, who — Default of medical practitioners.

(a) being directed by any coroner to examine the body of any person and report thereon;

(b) being duly summoned to attend any coroner's court to give evidence;

(c) being directed to make any post mortem examination or analysis,

refuses or neglects to do so; or

(d) shall after attendance, absent himself without leave from the coroner,

shall be liable on summary conviction to a fine of forty dollars. *5 of 1987, s. 2.*

Default of witnesses.

**51. Whoever —**

- (1) having been called upon or summoned to attend as a witness on any inquiry or inquest, refuses or neglects to attend;
- (2) being present in any coroner's court, refuses to be sworn or to give evidence;
- (3) having given evidence, refuses to sign his deposition when required to do so,

*5 of 1987, s. 2.*

shall be liable on summary conviction to a fine of forty dollars.

Refusing to enter into recognisance.

**52.** Any juror or witness who refuses to enter into any recognisance by this Act required shall be committed by the coroner by warrant to any prison there to be kept and imprisoned until the return day of the recognisance, unless in the meantime he duly enters into the recognisance either before the coroner or before any justice of the peace; and the coroner or justice of the peace taking the recognisance shall thereupon issue his order to the keeper of the prison for the discharge of the prisoner from custody.

Obstructing persons in execution of duties.

**53. Whoever —**

- (1) obstructs the coroner or his jury in any view, inquiry or inquest;
- (2) wilfully does any act with the view of defeating the object of any inquiry or inquest;
- (3) obstructs or annoys any duly qualified medical practitioner or analyst in the discharge of any service or duty imposed on him by this Act;
- (4) impedes or obstructs the disinterment or burial of any body ordered by the coroner to be disinterred or buried,

*5 of 1987, s. 2.*

shall be liable on summary conviction to a fine of one hundred dollars.

Obstructing proceedings in coroner's court.

**54.** Whoever obstructs or impedes the proceedings in any coroner's court, or wilfully insults the coroner or any juror or officer of the court, or wilfully misbehaves himself, shall be liable to be committed by the coroner for contempt for a period of fourteen days, or to pay a fine to be imposed by the coroner of fifty dollars, or to be imprisoned in default of payment for a period of fourteen days.

*5 of 1987, Sch.*

**55.** Any person committing an offence under this Act may be prosecuted by the coroner in whose court or district the offence was committed, or by the Attorney-General, or by any person authorized by the Attorney-General.

Who may prosecute.

**56.** All forfeited recognisances shall forthwith be lodged by the coroner with the Registrar of the court to be proceeded upon in like manner as other recognisances.

Proceedings on forfeited recognisances.

## PART X MISCELLANEOUS

**57.** If, on the trial of any person against whom a verdict or finding of homicide has been returned at any inquest or inquiry, it is proved, by the oath of any credible witness that any person whose deposition has been taken at the inquest or inquiry is dead or so ill as not to be able to travel, or is absent from The Bahamas, or is a medical officer, then, if the deposition purports to be signed by the coroner before whom it purports to have been taken, it may be read as evidence without any further proof thereof, unless it is proved that it was not in fact signed by the coroner purporting to sign it:

Admissibility of deposition on trial.  
*10 of 1961, s. 9.*

Provided that the Supreme Court may, at any time, if it is of opinion that the interests of justice so require, direct that any such medical officer shall attend the court and give evidence in person.

**58.** (1) Whenever the coroner is obliged to proceed to any place distant more than one mile from his residence for the purpose of making any investigation or inquiry or holding any inquest under this Act there shall be paid to such coroner the expense of his conveyance to and from such place.

Travelling allowance.

(2) When an inquest or inquiry is held at any place distant more than one mile from the residence of any juror or witness attending thereat, there shall be paid to each such juror and witness an allowance of one dollar per mile in respect of each mile his residence is so distant exclusive of any other fee allowed by this Act.

Mileage fees.

*5 of 1987, Sch.*

Removal of dead body.

**59.** Whenever a person is found dead, the coroner of the district may direct the corpse to be removed to some convenient place within his district and there, or at some other convenient place, kept until the corpse is interred.

Reports, etc., not provided for to be sent by Attorney-General to Registrar.

**60.** All reports, inquisitions and other documents not otherwise provided for by this Act shall, after having been laid before the Attorney-General, be transmitted to the Registrar of the court and shall thereafter be preserved in the Registry of the court and there remain upon record.

Remuneration of deputy coroners.  
*E.L.A.O., 1974.*

**61.** Deputy coroners shall be remunerated by fees to be from time to time fixed by the Minister responsible for Coroners with the concurrence of the Minister of Finance for each inquiry or inquest held by them:

*5 of 1987, s. 2.*

Provided that no deputy coroner shall receive more than forty dollars in any one year in respect of such fees and that the necessity for the holding of any inquiry or inquest by such deputy coroner is certified by the Attorney-General on such evidence as to him may seem proper.

Forms.  
Third Schedule.  
*Ch. 53; 46 of 1964, Sch.*

**62.** The forms contained in the Third Schedule shall be used and deemed sufficient in the matters to which they apply. The Rules Committee under section 75 of the Supreme Court Act may at any time add to or alter the forms, and any amended form shall come into force on its publication in the *Gazette*.

Rules.  
*46 of 1964, Sch.*  
Ch. 53.

**63.** The Rules Committee under section 75 of the Supreme Court Act may, from time to time, make rules for regulating the procedure upon the holding of inquiries and inquests and generally for the better carrying out of the provisions of this Act.

Payments.

**64.** All salaries, fees, disbursements and the expenses of carrying this Act into operation shall be payable out of the Consolidated Fund by warrant in the usual manner.

Payments to jurors.

**65.** All payments to jurors and witnesses including transport allowance and fees and all other payments for services and duties performed under this Act other than the payment of salaries to coroners shall, in the absence of other provision, in the first instance, be paid by the coroner

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by whom such juror and witnesses are summoned or by whom such services or duties are required and shall be repaid to him by the Treasury on the production of satisfactory evidence of the payment thereof.

## SCHEDULES

### FIRST SCHEDULE (Section 23)

#### PERSONS EXEMPT FROM SERVING ON A CORONER'S JURY

1. The Governor-General and his private secretary.
2. Each Justice of the Supreme Court and his private secretary or clerk. *43 of 1964, Third Schedule.*
3. Members of the Senate.
4. Members of the House of Assembly.
5. Counsel and attorneys of the court actually practising and their clerks.
6. Registered medical practitioners, dental and veterinary surgeons who openly practise their profession.
7. Officers of the navy, army and air force and of the Imperial Light House Service, and of the several departments appertaining or attached to such services, doing duty in The Bahamas and the persons employed in such departments. *18 of 1965, Sch.*
8. Persons actually officiating as priests or ministers of their respective religions and marriage officers.
9. Stipendiary and circuit magistrates and coroners.
10. Chemists, pharmacists and dispensers actually engaged in business.
11. The Provost Marshal and his deputy.
12. The cashier and manager attached to any bank.
13. The officers of any court of justice and prison officers.
14. Members of the police force and the captains and engineers of the several fire brigades.
15. All public officers who are required by the tenure of their respective offices to give daily attendance and attention to the discharge of their duties. All persons serving on public boards not otherwise exempted.

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16. Temporary tidewaiters while actually performing the duties of their office.
17. Pilots.
- 18 of 1965, Sch.*  
Ch. 46. 18. Teachers in maintained and assisted schools within the meaning of the Education Act.
19. Persons under permanent physical incapacity.
- Ch. 375. 20. Any person appointed to collect taxes under the Real Property Tax Act.
21. Any person of British nationality holding the office of consul, vice-consul or consular agent of any foreign power declared by notice in the *Gazette* by the Governor-General to be exempt from service on juries.

### SECOND SCHEDULE (Section 23)

#### PERSONS DISQUALIFIED FOR SERVING ON A CORONER'S JURY

*5 of 1987, Sch.*

Any person who is not a citizen of The Bahamas.

Any person who has been convicted of treason, murder, felony or of any crime that is infamous, unless he shall have obtained a free pardon.

Any lunatic, idiot or person of unsound mind, or under permanent mental incapacity or an habitual drunkard.

Any person who is a leper or who is suffering from contagious or infectious disease.





*Form of Inquisition (Section 28(2))*

THE BAHAMAS

..... DISTRICT.

AN Inquisition taken for our Sovereign Lady the Queen at  
..... situate in the ..... district of  
The Bahamas on the ..... day of ..... 19 .....,  
before ....., one of the coroners of our Sovereign  
Lady the Queen for The Bahamas, upon the oath of the jurors  
whose names are hereunto subscribed, being good and lawful  
persons of the said Bahamas duly chosen and who, being then and  
there duly sworn and charged to inquire for our Sovereign Lady the  
Queen, when, how and by what means the said .....  
came to his death<sup>1</sup>, do upon their oaths say:

*12 of 1988, s. 4.*

That In Witness whereof as well as the said coroner the jurors  
aforesaid have hereunto subscribed their hands the day and year  
first above written.

*Recognisance of Jurors upon an Adjournment (Section 28(3))*

THE BAHAMAS

..... DISTRICT.

You ..... acknowledge yourselves severally to owe to  
our Sovereign Lady the Queen the sum of ..... dollars, to  
be levied upon your goods and lands for Her Majesty’s use, upon  
condition that if you and each of you do personally appear here  
again or at<sup>2</sup> ..... on ..... next  
being the ..... day of ..... 19 .....  
at ..... of the clock then and there to make further  
inquiry on behalf of our Sovereign Lady the Queen touching  
the death of ..... [of whose body you have had  
the view] then this recognisance to be void, or else to remain in  
full force against any of you making default.

Are you content?

Acknowledged before me this ..... day of ..... 19.....

.....

*Coroner*

.....

*District.*

<sup>1</sup> Note: In the event of adjournment insert after “death” “which said Inquisition was then and there duly adjourned by the said coroner until the ..... day of ..... 19 at the hour ..... of to be then further holden at and the said inquisition being now further held and proceeded with pursuant to the said ..... adjournment at the last mentioned time and place before the coroner aforesaid upon the oaths of the jurors aforesaid the said jurors.”

<sup>2</sup> Adjourned place.



*Recognisance of Bail in Cases of Homicide other than Murder*  
(Section 32)

THE BAHAMAS

10 of 1961, s. 10.

..... DISTRICT.

Be it remembered that on the ..... day of .....  
19 ....., of ....., of ....., and  
..... of ..... personally came before  
me and acknowledged themselves severally to owe to our Sovereign  
Lady the Queen the sums following (that is to say) the .....  
said the ..... sum ..... of ..... and the ..... said  
the sum of ..... each, to be levied on their  
goods and lands for Her Majesty's use, if the said .....  
fail in the condition following:

18 of 1965, Sch.

The condition of this recognisance is that whereas a verdict of  
homicide other than murder has been found against .....  
at an inquest held to inquire how and by what means .....  
came by his death, if therefore the said .....  
shall appear at the next session of the court to be holden in The  
Bahamas and surrender himself into the custody of the court and  
plead to any inquisition of any information that may be exhibited  
against him and take his trial upon the same and not depart the  
said court without leave, and if he shall obey every summons  
issued to him by the magistrate of the district then the said  
recognisance shall be void, or else to remain in full force.

Acknowledged before me this ..... day of ..... 19

.....  
*Coroner* ..... *District.*

*Recognisance of Witnesses to Appear at Trial in case of Murder, etc.*  
(Section 34)

THE BAHAMAS

..... DISTRICT.

Be it remembered that on ..... the ..... day  
of ..... 19 ..... of .....,  
and ..... of .....  
personally came before me and acknowledged themselves  
severally to owe to our Sovereign Lady the Queen the sum of  
..... dollars to be levied on their goods and lands for Her  
Majesty's use, in case default shall be made in the condition  
following:

The condition of this recognisance is such that if the above  
bounden ..... do personally appear at the next  
session of the court to be holden in The Bahamas at .....  
there to give evidence on the trial of ..... for



appearance at the adjourned inquiry (or<sup>8</sup> *at the court next to be holden after such inquiry there*<sup>9</sup> *to give evidence touching the premises*) to the great hindrance and delay of justice. These are therefore in Her Majesty's name to command you or any of you to convey the said ..... to ..... the prison at ..... and safely deliver him to the keeper of the said prison. And you the said keeper are hereby required in Her Majesty's name to receive the said ..... in your custody and him safely to keep in the said prison until he shall enter into such recognisance before me or before one of Her Majesty's justices of the peace for the said district of The Bahamas for the purposes aforesaid, or until he shall be otherwise discharged by due course of law.

Given under my hand this ..... day of ..... 19 .....

#### FOURTH SCHEDULE (Section 47)

##### FEES FOR DULY QUALIFIED MEDICAL PRACTITIONERS, ANALYSTS AND JURORS

For the examination of any body by a duly qualified medical practitioner and reporting thereon where no post mortem examination is made .....	\$5.00	<i>5 of 1987, Sch.</i>
For attending to give evidence at any coroner's inquest where no post mortem examination is made, for each day.....	\$5.00	
For making a post mortem examination of the body of deceased under the coroner's orders and for reporting or attending to give evidence thereon .....	\$20.00	
For every analysis by a duly qualified medical practitioner or analyst – such sum as may be sanctioned by the Governor-General .....		
For the attendance of every juror-for each day .....	\$3.00.	

<sup>8</sup> Words in italics to be used in the case of a witness.

<sup>9</sup> Words in italics to be used in the case of a witness.