
CHAPTER 56

CORONERS

LIST OF AUTHORISED PAGES

1 – 28 LRO 1/2017

ARRANGEMENT OF SECTIONS

SECTION

PART I PRELIMINARY

1. Short title.
2. Interpretation.
3. Purpose of this Act.

PART II CORONER'S COURT

4. Establishment of coroner's court.
5. Territorial limits of jurisdiction.
6. Seal.
7. Administrator.

PART III APPOINTMENT AND JURISDICTION OF CORONERS AND DEPUTY CORONERS

8. Appointment of coroner.
9. Appointment of deputy coroners.
10. Coroner's role.
11. No delay by coroners.

PART IV INQUIRIES

12. Purposes of inquiries.
13. Adverse comments by coroners.
14. Reporting of deaths.
15. Representative for liaison with immediate family.
16. Notice of significant matters.
17. Significant matters referred to in section 16(1).
18. Family may request pathologist's report on post-mortem.
19. Powers of inquiry.

20. Inquest unnecessary.
21. Record of inquiries.
22. What coroner shall consider.
23. Expert assistance.

**PART V
INQUESTS**

24. Inquests to be open.
25. Right of appearance and taking evidence.
26. Holding of inquests by coroner.
27. Decision to hold inquest.
28. Date etc. and notice of inquest.
29. Power of exhumation.
30. Coroner may direct post-mortem.
31. Criteria for decision whether to direct post-mortem.
32. Proceedings on inquests.
33. Principles governing inquests.
34. Findings on inquests.
- 34A. Committal of accused, power to take bail in case of homicide other than murder and copies of depositions.
- 34B. Coroner to bind over material witnesses.
- 34C. No objection to deposition unsigned if attested by coroner.
- 34D. Admissibility of deposition on trial.
35. Re-opening of inquests.
36. Appeals from findings made on inquests.

**PART VI
JURY**

37. Inquest to be held with a jury.
38. Qualification and disqualification of jurors.
39. Summoning of jurors.

**PART VII
MISCELLANEOUS**

40. Authorisation for disposal of human remains.
41. Immunities.
42. Confidentiality.
43. Accessibility of evidence, etc.
44. Annual report.
45. Legal process.
46. Service.
47. Rules of Court.
48. Transitional.
49. Repeal.

CHAPTER 56*2 of 2011
48 of 2014***CORONERS****An act to consolidate with amendments and to make fresh provisions relating to the law on coroners.***[Assent 8th February, 2011]**[Commencement 23rd February, 2011]***PART I
PRELIMINARY**

1. (1) This Act may be cited as the Coroners Act. Short title.
- (2) This Act shall come into operation on such day as the Minister may, by notice published in the Gazette, appoint.
2. In this Act — Interpretation.
- “coroner” means a coroner appointed under this Act;
- “coroner’s court” or “court” means the coroner’s court established under section 4;
- “death in custody” means the death of a person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the person —
- (a) was being detained in any place within The Bahamas under any law (and, for the purposes of this paragraph, a detainee who is absent from the place of his detention but is in the custody of an escort will be regarded as being in detention, but not otherwise);
- (b) was in the process of being apprehended or was being held —
- (i) at any place (whether within or outside The Bahamas), by a person authorised to do so under any law of The Bahamas; or

- (ii) at any place within The Bahamas, by a person authorised to do so under any law of any jurisdiction;
- (c) was evading apprehension by a person referred to in paragraph (b); or
- (d) was escaping or attempting to escape from any place or person referred to in paragraph (a) or (b);

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental disorder, and any institution for the reception and treatment of persons during convalescence;

“immediate family” means the spouse, parents, children, brothers and sisters of the deceased;

“inquest” means a coroner’s court hearing to inquire into the cause or circumstances of a death, generally to be held in public and with a jury;

“inquiry” means an investigation into a death opened and conducted by a coroner;

“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;

“post-mortem” means a post-mortem examination;

“reportable death” means the death in The Bahamas of a person —

- (a) by unexpected, unnatural, unusual, violent or unknown cause;
- (b) on an aircraft during a flight, or on a vessel during a voyage;
- (c) in custody;
- (d) where the person was, at the time of death—

- (i) a patient in an approved treatment centre under the Mental Health Act; or

- (ii) accommodated in a hospital or other treatment facility for the purposes of being treated for drug addiction;

Ch. 224.

Ch. 230.

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- (e) that occurs at a place other than a hospital but within 24 hours of —
 - (i) the person having been discharged from a hospital after being an inpatient of the hospital; or
 - (ii) the person having sought emergency treatment at a hospital;
 - (f) where no certificate as to cause of death has been given to the Registrar of Births and Deaths; or
 - (g) that occurs in circumstances prescribed by the rules.
- 3.** (1) The purpose of this Act is to help to prevent reportable deaths and to promote justice through — Purpose of this Act.
- (a) inquiries and inquests and the identification of the causes and circumstances, of sudden or unexplained deaths, or deaths in special circumstances; and
 - (b) the making of specified recommendations or comments that, if drawn to public attention, may reduce the chances of the occurrence of other deaths in circumstances similar to those in which those deaths occurred.
- (2) To help to achieve its purpose, this Act —
- (a) identifies deaths that must be reported to a coroner and the process for reporting and investigating those deaths;
 - (b) recognises both —
 - (i) the cultural and spiritual needs of family of, and of others who were in a close relationship to, a person who has died; and
 - (ii) the public good associated with a proper and timely understanding of the causes and circumstances of deaths.

PART II
CORONER'S COURT

Establishment of
coroner's court.

4. (1) There shall be and is hereby constituted for the whole of The Bahamas a court to be known as the coroner's court, subordinate to the Supreme Court and to be presided over by persons appointed under this Act to be the coroner and deputy coroners and such court shall exercise such jurisdiction as is by this Act and any other law provided.

(2) Any power, authority, function or discretion vested in a coroner's court by this or any other law shall be possessed and may be exercised by a coroner or deputy coroner having adequate jurisdiction.

(3) The coroner's court shall be a court of record.

(4) There shall be attached to the coroner's court such officers as may from time to time be required and as may be authorized by any Act of Parliament relating to the public service or judicial and legal service of The Bahamas.

Territorial limits
of jurisdiction.

5. (1) Subject to any express provision of this or any other law, the coroner's court shall exercise jurisdiction throughout the limits of The Bahamas.

(2) The jurisdiction of the coroner's court shall extend over any territorial waters of The Bahamas.

Seal.

6. (1) The coroner's court shall have and use a seal of such nature and pattern as the Chief Justice shall approve.

(2) The seal of the coroner's court shall be kept in safe custody by the coroner for the time being appointed to preside over such court, and all summonses and other processes of such court required to be sealed under the provisions of this Act or any other law shall be sealed therewith.

(3) The seal of the coroner's court shall be authenticated by the signature of the coroner or deputy coroner affixing the same and shall be officially and judicially noted.

7. (1) The Governor-General, acting in accordance with the advice of the Public Service Commission, may appoint a person to be the administrator of the coroner's court. Administrator.

(2) The administrator shall assist the coroner in the discharge of his administrative functions as coroner and shall have, in addition, such other powers and authorities and perform such other functions as shall be necessary for the due conduct and discharge of the business of the coroner and as the coroner shall direct.

(3) There shall be attached to the office of the administrator, such other officers as may from time to time be required and as may be authorised by any Act of Parliament relating to the public service of The Bahamas.

PART III APPOINTMENT AND JURISDICTION OF CORONERS AND DEPUTY CORONERS

8. (1) The Governor-General acting in accordance with the advice of the Judicial and Legal Service Commission shall appoint (and may reappoint) for a period not exceeding five years a person to be coroner for the whole of The Bahamas. Appointment of coroner.

(2) A person shall be qualified to be a coroner if such person is a counsel and attorney who is a member of the Bar of The Bahamas and has practised as such for a period of not less than five years.

(3) The coroner shall be invested with all the authorities, powers, jurisdictions, rights, privileges, duties and liabilities conferred or imposed upon a justice of the peace, a magistrate or a stipendiary and circuit magistrate by any Act.

(4) A person appointed to be a coroner shall not be qualified to exercise jurisdiction as such until he has taken the Oath of Allegiance and the Judicial Oath in accordance with the provisions of the Official Oaths Act, and every appointment made under this section shall be published in the Gazette as soon as may be after the oaths referred to in this subsection have been taken by the person appointed. Ch. 31.

9. (1) The Governor-General acting in accordance with the advice of the Judicial and Legal Service Commission shall appoint deputy coroners for The Bahamas. Appointment of deputy coroners.

Provided that one of the deputy coroners shall be resident in Freeport, Grand Bahama and others may be appointed from time to time as circumstances may require.

(2) A person shall be qualified to be a deputy coroner if such person is a counsel and attorney who is a member of the Bar of The Bahamas and has practised as such for a period of not less than three years.

(3) Every person appointed to be a deputy coroner shall be invested with all the authorities, powers, jurisdictions, rights, privileges, duties and liabilities conferred or imposed upon a justice of the peace, a magistrate or a stipendiary and circuit magistrate by any law and may be assigned by the Chief Justice to any part of The Bahamas.

(4) A person appointed to be a deputy coroner shall not be qualified to exercise jurisdiction as such until he has taken the Oath or Allegiance and the Judicial Oath in accordance with the provisions of the Official Oaths Act and every appointment made under this section shall be published in the *Gazette* as soon as may be after the oaths referred to in this subsection have been taken by the person appointed.

Ch. 31.

Coroner's role.

10. A coroner's role in relation to a death is —

- (a) to receive a report of the death;
- (b) to decide whether to direct a post-mortem and, if one is directed, to determine whether to authorise certain persons (other than the pathologist) to attend;
- (c) to authorise the release of the body (including determining, if a post-mortem has been directed, whether the pathologist wishes and is permitted, on the release of the body, to retain body parts or bodily samples);
- (d) to decide whether to open an inquiry (and, if one is to be conducted, whether an inquest should be held);
- (e) if an inquiry is to be opened and conducted —
 - (i) to open and conduct it for the three purposes stated in section 12, and not to determine civil, criminal or disciplinary liability;
 - (ii) to determine related matters such as whether to prohibit the making public of

evidence and whether to authorise the making public of certain particulars of deaths suspected or found to be self-inflicted deaths; and

- (iii) on completing it, to complete and sign a certificate of findings in relation to the death; and
- (f) to give members and representatives of the immediate family of the person who is, or of a person who is suspected to be, the dead person concerned, and certain others, notice of significant matters pursuant to section 16 in the carrying out of the duties and processes required by law to be performed or followed in relation to the death.

11. Every coroner must, so far as it is consistent with justice and practicable to do so, perform or exercise his or her functions, powers and duties without delay.

No delay by coroners.

PART IV INQUIRIES

12. (1) A coroner opens and conducts an inquiry for the three purposes stated in this section, and not to determine civil, criminal or disciplinary liability.

Purpose of inquiries.

(2) The first purpose is to establish, so far as possible —

- (a) that a person has died;
- (b) the person's identity;
- (c) when and where the person died;
- (d) the causes of the death; and
- (e) the circumstances of the death.

(3) The second purpose is to make specified recommendations or comments that, in the coroner's opinion, may, if drawn to public attention, reduce the chances of the occurrence of other deaths in circumstances similar to those in which the death occurred.

(4) The third purpose is to determine whether the public interest would be served by the death being investigated by other investigating authorities in the performance or exercise of their functions, powers or duties, and to refer the death to them if satisfied that the public interest would be served by their investigating it in

the performance or exercise of their functions, powers or duties.

Adverse
comments by
coroners.

13. (1) Subject to this section, a coroner may, in the course of, or as part of the findings of, an inquiry, comment on the conduct, in relation to the circumstances of the death concerned, of any person.

(2) The coroner must not comment adversely on a dead person without —

- (a) indicating an intention to do so;
- (b) adjourning the inquiry for at least five working days;
- (c) notifying every member of the person's immediate family who during the adjournment requests the coroner to do so of the proposed comment; and
- (d) giving every such member a reasonable opportunity to be heard, either personally or by counsel and attorney, in relation to the proposed comment.

(3) The coroner must not comment adversely on a living person, corporation sole, body corporate or unincorporated body without —

- (a) taking all reasonable steps to notify the person, corporation or body of the proposed comment; and
- (b) giving the person, corporation or body a reasonable opportunity to be heard, either personally or by counsel and attorney, in relation to the proposed comment.

(4) Notifications or opportunities to be heard, required to be given to a body corporate or unincorporated body must be given to an officer or other representative of the body who is, or appears to be, authorised by the body for the purpose.

Reporting of
deaths.

14. (1) A person must, immediately after becoming aware of a death that is or may be a reportable death, notify the coroner or (except in the case of a death in custody) a police officer of the death, unless the person believes on reasonable grounds that the death has already been reported, or that the coroner is otherwise aware of the death.

(2) The person notifying the coroner or police officer must —

- (a) give the coroner or police officer any information that such person has in relation to the death; and
- (b) if the person is a medical practitioner who was responsible for the medical care of the dead person prior to death or who examined the body of the person after death, gives his or her opinion as to the cause of death.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for 12 months or both.

(4) A police officer must, on being notified of a death under this section, immediately notify the coroner of the death and of any information that the police officer has, or has been given, in relation to the matter.

15. (1) This section applies to —

- (a) a death reported to a coroner; and
- (b) the immediate family of the person who is, or of a person who is suspected to be, the dead person concerned.

Representative
for liaison with
immediate
family.

(2) To facilitate effective liaison with the immediate family on the duties and processes required by law to be performed or followed in relation to the death, the coroner may, on a request by, or on behalf of, the immediate family, recognise and, after recognition, liaise mainly with one or more representatives of the immediate family.

(3) The coroner may recognise under this section only the smallest number of representatives necessary to represent fairly the interests of all the different members of the immediate family.

(4) No recognition under this section is effective until the coroner is given a proposed representative's name and contact details.

(5) Nothing in this section requires the performance or exercise of functions, powers or duties in relation to the death to be delayed until a representative is recognised, or until his or her details are given to the coroner.

16. (1) A coroner to whom a death has been reported must take all reasonable steps to give the

Notice of
significant
matters.

following notice, as soon as practicable, of significant matters specified in section 17 in the carrying out of the duties and processes required by law to be performed or followed in relation to the death —

- (a) any representatives recognised under section 15 of the immediate family of the person who is, or of a person who is suspected to be, the dead person concerned;
- (b) every member of the immediate family of that person (being a member of that immediate family who has asked to be notified of matters under this section, and has given the coroner contact details for that purpose, because his or her interests are not represented by a representative recognised under section 15);
- (c) by other persons or organisations the coroner considers have an interest in the death apart from any interest in common with the public, and whose contact details are available to the coroner.

(2) A failure to comply with this section does not affect the validity of any action taken by or on behalf of the coroner.

17. The significant matters referred to in section 16(1) include, without limitation —

- (a) for persons specified in section 16(1)(a) and (b) only, the right to object to a proposed post-mortem;
- (b) a direction by the coroner that a post-mortem of the body concerned be performed;
- (c) the coroner's reasons for directing that a post-mortem be performed;
- (d) for persons specified in section 16(1)(a) and (b) only, the retention or proposed retention of a body part or bodily sample for the purposes of the post-mortem;
- (e) that a copy of the pathologist's report on a post-mortem can be obtained under section 18;
- (f) the opening of an inquiry;
- (g) the completion of an inquiry;
- (h) the date, time, and place fixed for an inquest.

Significant matters referred to in section 16(1).

18. (1) The coroner must (without charge) give the member of the person's immediate family a copy of the report if —

Family may request pathologist's report on post-mortem.

- (a) a coroner has, under section 30, directed a pathologist to perform a post-mortem of a person's body;
- (b) the coroner has possession of the pathologist's report on the postmortem;
- (c) a member of the person's immediate family asks the coroner, after the completion of the post-mortem, for a copy of the report; and
- (d) the copy of the report is not, and does not (because of alterations or deletions) contain in legible form, information that the coroner has been asked by the police to withhold in order to avoid prejudicing the prevention, detection, investigation, prosecution and punishment of criminal offences relating to the death concerned or its circumstances.

(2) A copy of the report (whether it is, or contains, information withheld under subsection (1)(d), or not) may be requested, and made available, in accordance with a written request by the deceased's immediate family or personal representative.

19. (1) Where a reportable death has come to the notice of the coroner he may —

Powers of inquiry.

- (a) view or take possession of the dead body, or both;
- (b) enter and inspect any place where the dead body is and any place from which the coroner has reasonable grounds for believing the body was removed.

(2) Where the coroner believes on reasonable and probable grounds that to do so is necessary for the purposes of an inquiry he may —

- (a) inspect any place in which the deceased person was, or in which the coroner has reasonable grounds to believe the deceased person was, prior to his death;
- (b) inspect and extract information from any records or writings relating to the deceased or his circumstances and reproduce such copies therefrom as the coroner believes necessary;

- (c) seize anything that the coroner has reasonable grounds to believe is material to the purposes of the inquiry.

Inquest unnecessary.

20. (1) The coroner to whom a death has been reported must decide whether or not to open and conduct an inquest into it.

(2) Where the coroner after an inquiry determines that an inquest is unnecessary, the coroner shall forthwith transmit to the Attorney-General a signed statement setting forth briefly the result of his inquiry and shall also transmit to the Registrar General a notice of the death and the Registrar General shall enter the death and particulars in the form and manner prescribed by the Births and Deaths Registration Act.

Ch. 188.

Record of inquiries.

21. The coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the post-mortem examination and of any other examinations or analyses of the body carried out, and such information shall be available to the immediate family of the deceased and to his personal representative, upon request.

What coroner shall consider.

22. When making a determination after an inquiry whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider —

- (a) whether the matters described in section 34(1)(a) to (e) are known;
- (b) the desirability of the public being fully informed of the circumstances of the death through an inquest;
- (c) the likelihood that the coroner on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

Expert assistance.

23. The coroner may obtain assistance or retain expert services for all or any part of an inquiry or inquest.

PART V INQUESTS

24. (1) Subject to subsection (2) or to any other written law, inquests held by a coroner must be open to the public. Inquests to be open.

(2) The coroner may at any stage of the inquest order that the public generally or any particular person shall not have access to or remain in the court when the inquest is being held if it appears to him to be necessary for the due administration of justice or in the interests of defence, public safety or public morality or for the welfare of minors.

25. (1) The following persons are entitled to appear personally or by counsel and attorney in proceedings before the coroner's court — Right of appearance and taking evidence.

- (a) the Attorney-General;
- (b) any person who, in the opinion of the coroner, has a sufficient interest in the subject or result of the proceedings.

(2) A person appearing before the court under subsection (1) may examine and cross-examine any witness testifying in the proceedings.

(3) The court may accept evidence in the proceedings from a witness by affidavit.

26. Subject to subsection (2), the coroner may hold an inquest to ascertain the cause or circumstances of the following events — Holding of inquests by coroner.

- (a) a death in custody;
- (b) if the coroner considers it necessary or desirable to do so, or the Attorney-General so directs —
 - (i) any other reportable death;
 - (ii) the disappearance from any place of a person ordinarily resident in The Bahamas;
 - (iii) the disappearance from, or within, The Bahamas of any person; or
 - (iv) a fire or accident that causes death to a person;
- (c) any other event if so required under some other written law.

(2) If a person has been charged in criminal proceedings with causing the event that is, or is to be, the subject of an inquest, the coroner may not commence or proceed further with the inquest.

(3) An inquest may be held to ascertain the cause or circumstances of more than one event.

Decision to hold inquest.

27. (1) A coroner conducting an inquiry into a death —

(a) must decide to hold an inquest for the purposes of the inquiry if the death appears to have been a death in official custody or care as defined in subsection (2); and

(b) may decide to hold an inquest for the purposes of the inquiry if the death does not appear to have been a death in official custody or care (as so defined).

(2) A death in official custody or care means —

(a) the death of a child or young person while that child or young person —

(i) is in a juvenile correction centre as defined in section 2 of the Child Protection Act; or

(ii) is in the charge of any person or organisation;

(b) the death of a patient as defined in section 2 of the Mental Health Act, and receiving treatment in a hospital;

(c) the death of a prisoner as defined in section 2 of the Prisons Act*;

(d) the death of a person in the custody of the police.

Ch. 132.

Ch. 230.

22 of 1943.

Date etc. and notice of inquest.

28. (1) A coroner who decides to hold an inquest after an inquiry must fix a date, time, and place for the inquest, and must —

(a) comply with section 16 in relation to the date, time, and place fixed for the inquest and at least 10 working days before the date fixed; and

(b) give notice, at least 10 working days before the date fixed, of the date, time, and place fixed for the inquest to every person (not being a person to be notified under section 16) who has

* This Act (formally Ch. 208) was repealed by The Correctional Services Act (No. 8 of 2014) – now Ch. 208.

sufficient interest in the subject or outcome of the inquest.

(2) A coroner who becomes aware before or during the inquest that the persons who have a sufficient interest in the inquest include a person who was not given notice under subsection (1) must —

- (a) permit the person to prepare for, and attend, the inquest;
- (b) fix a new date, time and place for the inquest; and
- (c) ensure notice is given under subsection (1) of that new date, time and place for the inquest.

(3) In fixing under this section the place for an inquest, the coroner must have regard to the location (if known) where the death concerned appears to have occurred, and to the locations of the residences or principal places of business of all persons who the coroner knows —

- (a) are members of the family of the person who is, or is suspected to be, the dead person concerned;
- (b) have a sufficient interest in the subject or outcome of the inquest;
- (c) will or may give evidence, or cross-examine witnesses giving evidence, at the inquest; or
- (d) may be required to be heard, in accordance with section 13(2) or (3), in relation to a proposed adverse comment by the coroner in the course, or as part of the findings, of the inquiry concerned.

(4) A failure to comply with subsection (1) or subsection (2) does not affect the validity of any action taken by or on behalf, or at the direction, of a coroner.

(5) Subsection (4) does not limit or affect any inquiries or further inquiries ordered by the Attorney-General.

29. The following powers of exhumation may be exercised by the coroner for the purposes of determining whether or not it is necessary or desirable to hold an inquest or for the purposes of an inquest, namely, powers—

Power of exhumation.

- (a) to issue a warrant for the removal of the body of a dead person to a specified place;

(b) to issue a warrant for the exhumation of the body, or retrieval of the ashes, of a dead person (an exhumation warrant).

(2) An exhumation warrant of the coroner may only be issued with the approval of the Attorney-General.

Coroner may direct post mortem.

30. (1) A coroner may direct a pathologist to perform a post-mortem of a body —

(a) for the purpose of enabling the coroner to decide whether to open an inquiry into the death concerned; or

(b) if the coroner is to open, or has opened and not complete, an inquiry into the death concerned.

(2) The pathologist must be a medical practitioner.

(3) The pathologist must not be a medical practitioner who, to the coroner's knowledge, was a medical practitioner who attended the person concerned immediately before death.

(4) If the coroner so directs, the pathologist must perform the post-mortem immediately.

(5) As soon as practicable after completing the post-mortem, the pathologist must give the coroner a written report on the results of the post-mortem.

Criteria for decision whether to direct post-mortem.

31. In deciding whether to direct a post-mortem under section 30, a coroner must have regard to the following matters —

(a) the extent to which the matters required by this Act to be established by an inquiry —

(i) are not already disclosed in respect of the death concerned by information available directly to the coroner or from information arising from investigations or examinations the coroner has made or caused to be made; but

(ii) are likely to be disclosed by a post-mortem;

(b) whether the Minister of Health has ordered or is likely to order a post-mortem of the body concerned;

(c) whether the death appears to have been unnatural or violent;

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- (d) if the death appears to have been unnatural or violent, whether it appears to have been due to the actions or inaction of other persons;
 - (e) the existence and extent of any allegations, rumours, suspicions or public concern about the cause of the death;
 - (f) the desirability or minimising the causing of distress to people who, by reason of their ethnic origins, social attitudes or customs or spiritual beliefs, customarily require bodies to be available to family members as soon as possible after death;
 - (g) the desirability of minimising the causing of offence to people who, by reason of their ethnic origins, social attitudes or customs or spiritual beliefs, find post-mortems of bodies offensive;
 - (h) the desire of any member of the immediate family or the person concerned that a post-mortem should be performed; and
 - (i) any other matters the coroner thinks relevant.

32. (1) The coroner may, for the purposes of an inquest —

Proceedings on inquests.

- (a) by summons, require the appearance before the inquest of any person;
- (b) by summons, require the production of any relevant records or documents and, in the case of a record or document that is not in the English language, require the production of a written statement in the English language of the contents of the record or document;
- (c) inspect any records or documents produced before the court, and retain them for such reasonable period as the court thinks fit, and make copies of the records or documents of their contents;
- (d) require any person appearing before the court (whether summoned to appear or not) to answer any questions put by the court or by any person appearing before the court; or
- (e) require any person to make an oath or affirmation to answer truthfully questions put by the court or by any person appearing before the court.

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- (2) If —
- (a) a person fails without reasonable excuse to comply with a summons to appear before the court; or
 - (b) there are grounds for believing that, if such summons were issued, the person would not comply with it, the court may issue a warrant to have the person arrested and brought before the court.
- (3) If a person who is in custody has been summoned under this section to appear before the court, the manager of the place in which the person is detained must cause the person to be brought to the court as required by the summons.
- (4) Subject to subsection (5), a person who —
- (a) fails, without reasonable excuse, to comply with a summons issued to appear, or to produce records or documents, before the court;
 - (b) having been served with a summons to produce a written statement of the contents of a record or document in the English language fails, without reasonable excuse, to comply with the summons or produces a statement that he knows or ought to know is false or misleading in a material particular;
 - (c) refuses to be sworn or to affirm, or refuses or fails to answer truthfully a relevant question when required to do so by the court;
 - (d) refuses to obey a lawful direction of the court; or
 - (e) misbehaves before the court, wilfully insults the coroner or interrupts the proceedings of the court,

is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for 12 months or both.

- (5) A person is not required to answer any question, or to produce any record or document, under this section if —
- (a) the answer to the question, or the contents of the record or document, would tend to incriminate the person of an offence; or

- (b) answering the question, or producing the record or document, would result in breach of legal professional privilege.

33. In holding an inquest, the coroner's court —

- (a) is not bound by the rules of evidence and may inform itself on any matter as it thinks fit; and
- (b) must act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms.

Principles governing inquests.

34. (1) In holding an inquest, the coroner shall inquire into the circumstances of death and determine —

Findings on inquests.

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death; and
- (e) by what means the deceased came to his death.

(2) The coroner's court must, as soon as practicable after the completion of an inquest, give its findings in writing setting out as far as has been ascertained the cause and circumstances of the event that was the subject of the inquest.

(3) The court may add to its findings any recommendation that might, in the opinion of the court, prevent or reduce the likelihood of or recurrence of an event similar to the event that was the subject of the inquest.

(4) The court must, as soon as practicable after the completion of the inquest, forward a copy of its findings and any recommendations —

48 of 2014, s. 2.

- (a) to the Attorney-General; and
- (b) in the case of an inquest into the death in custody —
- (i) if the court has added to its findings a recommendation directed to a Minister or other agency of the Crown, to each such Minister or agency of the Crown;
- (ii) to each person who appeared personally or by counsel and attorney at the inquest; and
- (iii) to any other person, who in the opinion of the coroner has a sufficient interest in the matter.

(5) The court must also forthwith transmit to the Registrar General a copy of its findings and the Registrar General shall enter the death and particulars in the form and manner prescribed by the Births and Deaths Registration Act.

48 of 2014, s. 2.

Ch. 188.

Committal of accused, power to take bail in case of homicide other than murder and copies of depositions.
48 of 2014, s. 3.

34A. (1) Where a verdict or finding of homicide is returned against any person, the coroner shall forthwith make out his warrant for his committal for trial before the Supreme Court 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.

(2) 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 Supreme Court aforesaid and also before any magistrate if summoned by the latter and thereupon such person, if in custody, shall be discharged therefrom.

(3) 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.

Coroner to bind over material witnesses.

34B. 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 recognizance 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.

48 of 2014, s. 3.

No objection to deposition unsigned if attested by coroner.

34C. No objection shall be allowed to any —

- (a) 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;
- (b) inquisition if it is signed at the foot by the coroner and four jurors.

48 of 2014, s.3.

Admissibility of deposition on trial.

34D. 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

48 of 2014, s. 3.

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:

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.

35. (1) The coroner's court may re-open an inquest at any time and must do so if the Attorney-General so directs the coroner. Reopening of inquests.

(2) If an inquest is re-opened, the court may do one or more of the following —

- (a) confirm any previous finding;
- (b) set aside any previous finding;
- (c) substitute a finding that appears justified by the evidence.

36. (1) The Attorney-General or a person who has a sufficient interest in a finding made on an inquest may, subject to this section and in accordance with rules of court, appeal to the Supreme Court against the finding. Appeals from findings made on inquests.

(2) Subject to subsection (3), an application under subsection (1) must be made within one month after the finding on the inquest is given by the coroner's court.

(3) The Supreme Court may, in its discretion, extend the time fixed for making an application, even if the time for making the application has expired.

(4) On an appeal, the Supreme Court may, if the interests of justice so require, rehear witnesses or receive fresh evidence.

(5) On the hearing of the appeal, the Supreme Court may exercise any one or more of the following powers —

- (a) it may confirm or set aside the finding subject to the appeal;
- (b) it may substitute a finding that appears justified by the evidence;

- (c) it may order that the inquest be reopened, or that a fresh inquest be held;
 - (d) it may make any other order (including an order for costs) that may be necessary or desirable in the circumstances.
- (6) For the purposes of this section, a person has a sufficient interest in a finding made on an inquest if—
- (a) the finding affects or may affect that person's pecuniary interests;
 - (b) the finding reflects adversely on the person's competence in his trade, profession or occupation; or
 - (c) the person has, in the opinion of the Supreme Court, some other interest sufficient to ground an application under this section.

PART VI

JURY

Inquest to be held with a jury.

37. Every inquest shall be held with a jury unless the Attorney-General determines otherwise.

Qualification and disqualification of jurors.
Ch. 59.

38. The qualification and disqualification of jurors shall be respectively the same as in sections 3 and 4 of the Juries Act.

Summoning of jurors.

39. (1) On every inquest twelve persons duly qualified to serve as jurors as aforesaid shall be summoned in written form either personally by the coroner or by any police officer duly authorised in written form signed by the coroner.

Ch. 59.

(2) Names of jurors to serve on a coroner's jury shall be selected from the jury lists published in the Gazette in accordance with section 9 of the Juries Act.

(3) Out of the twelve persons so summoned as aforesaid a jury of five persons shall be drawn by the coroner, the coroner shall administer to the jurors the prescribed oath and it shall suffice if at least three of the jurors concur in a finding.

Ch. 59.

(4) Every juror who is summoned under this Act shall be entitled to be paid for each day or part of a day that he is required to attend the inquest such sum as is prescribed by section 29 of the Juries Act.

**PART VII
MISCELLANEOUS**

40. (1) If there has been a reportable death and the body of the dead person is within The Bahamas, the body is under the exclusive control of the coroner until the coroner —

Authorisation for disposal of human remains.

- (a) considers that the body is not further required for the purposes of an inquest into the death of the person; and
- (b) issues an authorisation for the disposal of human remains in respect of the body.

(2) If the coroner becomes aware of a dispute as to who may be entitled at law to possession of the body of a dead person for the purposes of its disposal, the coroner may refrain from issuing an authorisation for the disposal of human remains in respect of the body until the dispute is resolved.

41. No action or other proceeding for damages lies or shall be instituted against a coroner or deputy coroner or any person acting under the coroner's authority for an act done by him in good faith in the performance or intended performance of any power or duty under this Act or the rules, or for any neglect or default in the performance in good faith of any such power or duty.

Immunities.

42. (1) A person must not divulge information about another obtained (whether by the person divulging the information or by some other person) in the course of the administration of this Act, except —

Confidentiality

- (a) where the information is publicly known;
- (b) as required or authorised by this Act or any other written law;
- (c) as reasonably required in connection with the administration of this Act or any other written law;
- (d) for the purposes of legal proceedings arising out of the administration of this Act;
- (e) to an agency of the Crown for the purposes of the proper performance of its functions; or
- (f) with the consent of the person to whom the information relates.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for 12 months or both.

Accessibility of evidence, etc.

43. (1) Subject to this section, the coroner must, on application by a member of the public, allow the applicant to inspect or obtain a copy of any of the following —

- (a) any process relating to proceedings and forming part of the records of the coroner's court;
- (b) a transcript of evidence taken by the court in any proceedings;
- (c) any documentary material admitted into evidence in any proceeding;
- (d) a transcript of the written findings and any recommendations of the court;
- (e) an order made by the court.

(2) A member of the public may inspect or obtain a copy of the following material only with the permission of the coroner —

- (a) material that was not taken or received in open court;
- (b) material that the coroner's court has suppressed from publication;
- (c) a photograph, slide, film, video tape, audio tape or other form of recording from which a visual image or sound can be produced;
- (d) material of a class prescribed by the rules.

(3) The coroner may permit inspection or copying of material referred to in subsection (2) subject to any condition the coroner considers appropriate, including a condition limiting the publication or use of the material.

(4) A decision by the coroner on an application under this section is final and not subject to any form of review.

(5) The coroner may charge a fee, fixed by the rules, for inspection or copying of material under this section.

Annual report.

44. (1) The coroner must, on or before 30 June in each year, make a report to the Attorney-General on the administration of the coroner's court and the provision of coroner's services under this Act during the previous year.

(2) The report must include all recommendations made by the coroner under section 34 during that year.

45. (1) Any process of the coroner's court may be issued, served or executed on a Sunday as well as any other day. Legal process.

(2) The validity of process is not affected by the fact that the person who issued it dies or ceases to hold office.

46. (1) If it is not practicable to serve any process, notice or other document relating to proceedings in the coroner's court in the manner otherwise prescribed or contemplated by law, the court may, by order — Service.

- (a) provide for service by post; or
- (b) make any other provision that may be necessary or desirable for service.

(2) Notwithstanding any law to the contrary, any process, notice or other document served in accordance with an order under subsection (1) shall be taken to have been duly served.

47. (1) The Rules Committee established under section 75 of the Supreme Court Act, may, after consultation with the Attorney-General, make rules for regulating the practice and procedure of the coroner's court and in particular but without prejudice to the generality for the foregoing provision such rules may provide for — Rules of Court.
Ch. 53.

- (a) regulating the business of the court;
- (b) providing for the issue of summonses and warrants on behalf of the court, the adjournment of proceedings or the exercise of any other procedural powers on behalf of the court;
- (c) regulating the form in which evidence is taken or received by the court;
- (d) providing for and fixing the fees and allowances to be paid to witnesses and to persons performing examinations on behalf of the court;
- (e) dealing with any other matter necessary or expedient for the effective and efficient operation of the court.

(2) The Rules Committee may prescribe any form considered necessary or desirable for the purposes of this Act.

Transitional.

48. (1) If an inquest held under the repealed Act had not been completed before the commencement of this Act, the proceedings shall continue under this Act as if the coroner holding the inquest were the coroner's court under this Act.

(2) This Act applies in relation to a notification of death to a coroner or police officer under the repealed Act (whether made before or after the commencement of this Act and whether or not the death is a reportable death under this Act) as if it were a notification of a reportable death under this Act.

(3) This Act applies to a finding of a coroner's court under the repealed Act as if it were a finding of the coroner's court under this Act.