

CAYMAN ISLANDS



CORONERS ACT

(2021 Revision)

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PUBLISHING DETAILS

Law 15 of 1975 consolidated with Laws 20 of 1979, 21 of 1991, 19 of 2012, 7 of 2015 and 56 of 2020.

Revised under the authority of the *Law Revision Act (2020 Revision)*.

Originally enacted —

Law 15 of 1975-3rd September, 1975

Law 20 of 1979-11th June, 1979

Law 21 of 1991-12th September, 1991

Law 19 of 2012-31st August, 2012

Law 7 of 2015-17th April, 2015

Law 56 of 2020-7th December, 2020.

Consolidated and revised this 31st day of December, 2020.

Note (not forming part of this Act): This revision replaces the 2015 Revision which should now be discarded.



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CORONERS ACT

(2021 Revision)

Short title

1. This Act may be cited as the *Coroners Act (2021 Revision)*.

Definitions

2. In this Act —

“**Clerk of the Court**” has the meaning ascribed to it in the *Grand Court Act (2015 Revision)*;

“**Commissioner**” means the Commissioner of Police and any person under that person’s authority;

“**Coroner**” means a person appointed as such under this Act;

“**inquest**” means an inquiry by a Coroner sitting with a jury;

“**jury**” means a jury empanelled under section 6;

“**medical practitioner**” means a person registered as being authorised to practise medicine under the *Health Practice Act (2021 Revision)*;

“**Registrar**” means the person responsible for the registration of deaths; and

“**verdict**” means the verdict of a jury.

Magistrates to be coroners

3. Magistrates having jurisdiction over a summary court by virtue of the *Summary Jurisdiction Act (2019 Revision)* are hereby appointed within their jurisdiction to be Coroners for the purposes of this Act.



Coroner to enquire into certain deaths

4. When a Coroner becomes aware that the dead body of any person is lying within that Coroner's jurisdiction, and there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause has not been medically determined, or that such person has died in prison, or in such place or in such circumstances as require an inquest to be held in pursuance of any law, the Coroner shall, as soon as practicable, hold an inquest touching the death of such person and, for such purpose, together with any constable or constables and any medical practitioner may enter any place where such body is located.

Coroner may abstain from holding inquests in certain cases

5. Whenever any person is charged before a court with a criminal offence in having caused the death of the deceased person the Coroner may in that Coroner's discretion abstain from holding an inquest.

The jury

6.
 - (1) Where an inquest is to be held the Coroner shall notify the time and place thereof to the Clerk of the Court who shall forthwith empanel a jury of twelve persons from the jury list compiled under section 9 of the *Judicature Act (2021 Revision)*, being persons who have not served on a jury under this Law or the *Judicature Act (2021 Revision)* during the previous two years, and summons them to appear at the time and place notified by the Coroner.
 - (2) At the convening of the inquest the Coroner shall select seven jurors from those present and the seven persons selected shall elect one of their number to be foreperson.
 - (3) The verdict of the jury shall be that of the majority thereof.
 - (4) The verdict of the jury shall, subject to the evidence available, state —
 - (a) the name and description of the deceased;
 - (b) when the deceased came to that person's death;
 - (c) where the deceased came to that person's death; and
 - (d) the cause and manner of death.
 - (5) When the evidence is insufficient to enable a conclusion to be reached the verdict shall to that extent be an open one.
 - (6) In order to assist the jury to reach a verdict the Coroner shall sum up the evidence to them and explain to them any points of law and their duties under the law.



The inquest

7. Before the first sitting of an inquest the Coroner shall, if practicable, view the body upon which the inquest is being held and shall thereafter examine upon oath or affirmation all persons offering to give evidence before that Coroner touching the inquest and shall summons to attend all such persons as that Coroner believes may be able to testify in furtherance of the inquest.

Coroner's summons

8. The Coroner's summons to a witness shall be in the form provided in the Schedule to the *Coroners Rules (2021 Revision)* and shall take precedence over all other judicial process issuing out of any court and shall be enforceable by the Coroner in the same manner and under the same penalties as a Judge of the Grand Court may enforce a summons issuing out of that court.

Recording of evidence at an inquest

9. The Coroner, holding an inquest under section 4, shall record the evidence of all the witnesses appearing or summoned before that Coroner and shall cause all exhibits produced to that Coroner in connection with the inquest to be identified, marked and preserved until the final disposal of the case and of any other proceedings arising thereout.

Proof at an inquest by written statement

10. (1) At an inquest, a written statement by any person is admissible as evidence to the like extent as oral evidence to the like effect by that person if —
 - (a) the statement purports to be signed by the person who made it; and
 - (b) the statement contains a declaration by that person to the effect that it is true to the best of that person's knowledge and belief and that that person made the statement knowing that, if it were tendered in evidence, that person would be liable to prosecution if that person wilfully stated in it anything which that person knew to be false or did not believe to be true.
- (2) The following provisions shall also have effect in relation to a written statement tendered in evidence under subsection (1) —
 - (a) if the statement is made by a person under the age of eighteen years, it shall give that person's age; and
 - (b) if the statement is made by a person who cannot read, it shall be read to that person before that person signs it or attests it by that person's mark, and shall be accompanied by a declaration by the person who read the statement to that person to the effect that it was so read and that that person expressed agreement with it.

- (3) Notwithstanding that a written statement by any person may be admissible as evidence under subsection (1), the Coroner may require that person to attend at the inquest and give evidence.
- (4) So much of any statement as is admitted in evidence under subsection (1) shall, unless the Coroner otherwise directs, be read aloud at the inquest, and, where the Coroner so directs, an account shall be given orally of so much of any statement as is not read aloud.
- (5) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under subsection (1) shall be treated as if it had been produced as an exhibit and identified at the inquest by the maker of the statement.
- (6) A person who, in a written statement tendered in evidence at an inquest under subsection (1), wilfully makes a statement material in those proceedings which that person knows to be false or does not believe to be true, commits an offence and is liable on conviction to imprisonment for seven years.

Intervention by Director of Public Prosecutions

11. Should the Director of Public Prosecutions decide to institute criminal proceedings against any person for causing the death of any person upon whose body a Coroner's inquest is in course of being held, that person shall notify the Coroner who shall stay the inquest pending the outcome of the criminal case and shall cause the statements taken in evidence under section 4 taken up to that time and any exhibits produced before that Coroner in the case to be made available to the Director of Public Prosecutions.

Coroner to record conviction of any person relevant to an inquest

12. When an inquest is stayed under section 11 and thereafter any person is convicted of an offence by which the death of the person upon whom the inquest was being held was brought about, the Coroner shall make in the record a note of all details of the conviction and shall close the inquest.

The verdict

13. Where an inquest has not been stayed or has been resumed after being stayed, the Coroner shall continue to hear the evidence of any witnesses who have not yet testified and shall record the verdict as to who the person was upon whose body the inquest has been held and how, when and where that person met that person's death or that the cause of death was unknown as the case may be; but the Coroner shall not record a verdict inconsistent with the finding of any criminal court acquitting any person charged before it with any crime connected with the death.



Proceeding upon inquisition charging any person with a criminal offence

14. (1) Where the verdict charges that the death was caused as the result of an indictable offence committed by any person, the Coroner shall bind by recognisance all persons examined by that Coroner as know or declare anything material touching the said offence to appear, if required, at the next session of the Grand Court then and there to give evidence at the trial of such person.
- (2) When the Coroner has recorded a verdict under subsection (1) that Coroner shall forthwith deliver to the Director of Public Prosecutions the inquisition, statements taken in evidence under section 4, exhibits and recognisances with a certificate that the same have been taken by that Coroner and shall deliver copies of all such documents and a list and description of the exhibits to the person charged with the offence.

Coroner may order burial and may order autopsy

15. A Coroner may at, or at any time before, the completion of any inquest which has not been stayed under section 11 —
- (a) order that the body be buried in a suitable burial ground;
 - (b) order that an autopsy be held by a medical officer of the Government or, if no such officer is available, then by any medical practitioner available; and
 - (c) order that the body shall be exhumed and re-buried.

Penalty upon medical practitioner failing to testify, etc.

16. Any medical practitioner who refuses to testify at a Coroner's inquest with reference to relevant matter of which that person has or may be presumed to have cognisance, or to hold an autopsy if required by a Coroner so to do, shall be liable, in addition to any penalty under any other law, to pay a fine of two hundred dollars enforceable by the Coroner in the same manner as a fine imposed by a summary court.

Report to Registrar

17. The Coroner shall notify the Registrar so soon as practicable of every death of which that Coroner becomes aware under section 4 and thereafter of the verdict at which that Coroner arrives or, if the inquest is closed by virtue of section 12, of the note made by that Coroner at the time of closing the inquest; the notification to the Registrar shall be made in compliance with section 30(1) of the *Births and Deaths Registration Act (2021 Revision)*.

Reporting of deaths to which this Act has application

18. Every person discovering the body of a dead person, or becoming aware that a death has occurred to which section 4 is applicable, shall forthwith notify the nearest police station or nearest constable and the Commissioner shall cause the Coroner to be notified without delay.



Refractory witnesses

19. The Coroner shall have the same power of dealing with refractory witnesses as is conferred upon a court by virtue of section 42 of the *Criminal Procedure Code (2021 Revision)*.

Penalty for interference, etc., with dead body

20. A person who deals with or does or omits to do anything in connection with the body of a dead person in a manner calculated or tending to circumvent, delay or frustrate the operation or proper administration of this Act, commits an offence and is liable, in addition to any liability under any other law, on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

General penalty

21. A person who contravenes any provision of this Act for which no special penalty is provided commits an offence and is liable, on summary conviction, to a fine of one hundred dollars and to imprisonment for three months.

Forms

22. The Rules Committee of the Grand Court shall make and publish forms to give effect to this Act.

Cabinet may appoint a Coroner to act in case of emergency

23. In case of an emergency the Cabinet may appoint any suitable person to act as Coroner for inquiry into any specified matter.

Rules

24. The Rules Committee may make rules for the better implementation of this Act.

Witnesses fees and allowances

25. Fees and allowances of jurors and witnesses may be provided on the same scale as those provided for similar matters in the Schedules to the *Judicature Act (2021 Revision)* and medical practitioners who carry out autopsies under paragraph (b) of section 15 shall be provided with fees and allowances commensurate with the duties involved to be determined by the Coroner on that basis; but no fees or allowances shall be payable to public officers except with the approval of the Cabinet.

Transitional provisions

26. (1) Every form used under the former Law shall be regarded as issued for use under this new Law until another form is issued under this new Law in place of that form.



- (2) All inquests commenced under the former Law and not completed at the date of the commencement of this new Law shall be continued as if this new Law had not come into force.
- (3) For the purposes of subsection (2) an inquest shall be considered to have commenced when the Coroner notifies the Clerk of the Court of that Coroner's intention to hold an inquest under section 6 and a jury is empanelled by the Clerk of the Court pursuant to such notice.
- (4) In this section —
“**the former Law**” means the Act in force immediately before the date of commencement of the *Coroners (Amendment) Act, 2015 [Law 7 of 2015]*; and
“**this new Law**” means the principal Act as amended by the *Coroners (Amendment) Act, 2015 [Law 7 of 2015]*.

Publication in consolidated and revised form authorised by the Cabinet this 5th day of January, 2021.

Kim Bullings
Clerk of Cabinet

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ENDNOTES

Table of Legislation history:

SL#	Law #	Legislation	Commencement	Gazette
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
		Coroners Law (2015 Revision)	7-Aug-2015	GE59/2015/s2
38/2015		Coroners (Amendment) Law, 2015 (Commencement) Order, 2015	26-Aug-2015	GE64/2015/s1
	7/2015	Coroners (Amendment) Law, 2015	28-Aug-2015	G10/2015/s1
	19/2012	Director of Public Prosecutions (Miscellaneous Amendments) Law, 2012	17-Sep-2012	GE90/2012/s17
		Coroners Law (1995 Revision)	20-Mar-1995	G6/1995/s2
	21/1991	Coroners (Amendment) Law, 1991	6-Nov-1991	GE-6-Nov/1991/s6
	20/1979	Coroners (Amendment) Law, 1979	3-Jul-1979	G14/1979/s4
39/1976		Coroners Law, 1975 (Commencement) Order, 1976	27-Sep-76	G20/1976/p1
	15/1975	Coroners Law, 1975	1-Oct-1976	G26/1975/s2





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