

PRESS RELEASE

CORONERS REPORT

The Law Reform Commission today published its Report on Coroners after some three years' work, first by a sub-committee of the Commission chaired by Dr Henrietta Ip, and then by the Commission itself. The Report points out that the present law and procedure governing the work of coroners is unsatisfactory in a number of aspects. In particular, there is, generally speaking, no legal duty to report any death to the coroner. While informal practices have developed whereby doctors and the police report certain types of death to the coroner, there is no guarantee that all deaths of which the coroner should be aware are in fact brought to his attention.

2. The Report goes on to say that even where a death is reported to the coroner, it is rarely made promptly and the coroner is therefore unable to investigate the case at a time when evidence is most likely to be readily available. The coroner's investigations are further hampered by his limited powers. He cannot seize exhibits, photocopy documents or even insist upon examining the medical records of the deceased.

3. Other criticisms made by the Commission of the existing law relating to coroners include the fact that no protection is afforded to persons whose conduct is likely to be open to criticism at an inquest and that there is no statutory appeal procedure against a coroner's findings.

4. To meet these criticisms the Commission proposes a number of amendments to the existing law. The Report recommends that a list of the type of deaths which must be reported to the Coroner should be prescribed by statute. A duty to report any such death which comes to their attention should be imposed on the police, the Registrar of Births and Deaths and the doctor certifying the death.

5. In order to facilitate the investigation into a coroner's case, the Commission proposes the establishment of a team of investigators, headed by a legally qualified chief coroner's officer, under the control of the coroner. The team would investigate coroner's cases independently and free from outside interference. The Commission recommends that the coroner should be given statutory power of search and seizure to enable him to look for and take any evidence and, in the case of medical records, to obtain temporary possession of them for photocopying purposes.

6. Referring to the proposed power of search and seizure, Dr Ip said that a minority of the Commission had felt that such a power was unnecessary. "The majority of the Commission agreed with the sub-committee's view that a power of search and seizure should be given to the coroner to prevent the investigation of coroner's cases from being hindered by an inability to immediately seize important evidence," Dr Ip said. "There have been cases where, for instance, medical records have been mislaid and there

would be less likelihood of that happening if the coroner could take photocopies at an early stage."

7. Other proposals made by the Commission include: -
- a recommendation that any person whose conduct is likely to be called into question at an inquest should be given notice of this fact.
 - the coroner should cease to have the power to charge a person with any homicide offence or to issue a warrant for committal to prison of any person.
 - the Attorney General should no longer have power to require a coroner to re-open an inquest but he should retain the power to direct that an inquest be held.
 - the High Court should be given express power, on the application of any interested person, and in the public interest, to order that an inquest be held. Where an inquest has been held, the Court should be empowered to quash the finding of that inquest and order a new inquest where it is necessary or desirable in the interest of justice.
8. A spokesman for the Law Reform Commission said that the Commission would welcome comment on the Report. Any views should be sent to the Secretary of the Commission.