



## ST. CHRISTOPHER AND NEVIS

### **CHAPTER 3.08**

### **CORONERS ACT**

**Revised Edition**  
showing the law as at 31 December 2002

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#### **CORONERS ACT**

**Act 11 of 1949** ... in force 31st January, 1950

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Act 4 of 1974

Act 6 of 1976

Act 7 of 1976

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## **CHAPTER 3.08**

### **CORONERS ACT**

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## CHAPTER 3.08

### CORONERS ACT

**AN ACT** TO PROVIDE FOR THE APPOINTMENT OF CORONERS, THE HOLDING OF INQUEST WITHOUT JURY IN CERTAIN CIRCUMSTANCES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### PART I

#### PRELIMINARY

##### **Short title.**

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

##### **Interpretation.**

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

“Coroner” includes a Deputy Coroner;

“murder” includes the offence of being an accessory before the fact to a murder;

“unnatural death” includes every case of death of any person

(a) which occurs in a sudden, violent, or unnatural manner; or

(b) where a dead body is found; or

(c) as to which any reasonable suspicion exists that the same has not arisen from natural causes; or

(d) as to which any reasonable suspicion exists that any person is criminally responsible for such death;

“view” includes the making of any necessary external examination.

#### PART II

#### APPOINTMENT AND LIABILITY

##### **Appointment of Coroners.**

3. The Magistrates shall be Coroners for their respective districts, and as Coroners may act for or assist each other in the performance of their duties:

Provided that the Minister may, when he or she shall think fit, appoint Deputy Coroners in any of the districts; which Deputy Coroners shall possess and exercise all the powers and shall perform all the duties of, and be subject to the same penalties for non-performance as, the Coroners.

*(Amended by Act 6 of 1976)*

**Liability of Coroner.**

4. A Coroner who is guilty of extortion or of corruption, or of wilful neglect of his or her duty, or of misbehaviour in the discharge of his or her duty shall be guilty of a misdemeanour and shall be liable to a fine not exceeding one thousand five hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**PART III****DUTIES OF CORONERS AND OTHERS****Notice of death to be given.**

5. (1) Every person who becomes aware of an unnatural death shall forthwith give notice thereof to the nearest Coroner, or to the nearest police station, or to the medical officer of the district in which such death occurs.

(2) Where any unnatural death is reported to, or comes to the knowledge of, any police officer, he or she shall forthwith cause information thereof to be made to the nearest Coroner.

(3) A body in respect of which such notice is given shall not be moved or have its position altered, except so far as is necessary for the safe custody thereof:

Provided that any medical practitioner who has been called in any case of unnatural death may, in cases where there are no circumstances of suspicion and where he or she is unable to view the body within a reasonable time, order the removal of such body to such place as may be named by him or her.

(4) On the death of any person confined in any prison, lunatic asylum or other place of lawful detention, the keeper, superintendent or person in charge shall at once report such death to the nearest Coroner.

(5) Every person becoming aware of any unnatural death who neglects to notify the same as required by this section or contravenes the provisions of subsection (3), shall be liable, on summary conviction to a fine not exceeding three hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Report of unnatural death by manager, etc.**

6. The manager of any estate, the keeper, superintendent or person in charge of any public institution, and the owner or occupier of any house or premises on or in which any unnatural death shall take place, shall notify the same to the nearest Coroner or to the nearest police station or to the medical officer of the district in which such death occurs.

**View of body by district medical officer.**

7. The district medical officer shall view, and, if he or she deems it necessary for the purposes of this Act, make a post-mortem examination of the unburied body of any deceased person within his or her district

- (a) as to whom such district medical officer has ground for believing that he or she died an unnatural death; or
- (b) who died while confined as a prisoner in any prison; or
- (c) whose body the Coroner, within whose district the body is, directs such district medical officer to view.

**Report by district medical officer.**

8. Where the district medical officer has viewed the body of any deceased person, he or she shall make a report as to the cause of death to the Coroner within whose district the view took place, and in such report he or she shall state whether in his or her opinion any further enquiry ought to be made as to the circumstances under which the deceased came by his or her death.

**Inquest after report.**

9. A Coroner having received the report of the district medical officer as to the cause of death of any deceased person, may issue his or her warrant for the burial of the deceased or, shall hold an inquest as to the cause and circumstances of such death in either of the following cases, that is to say,

- (a) if the district medical officer reports that further inquiry ought to be made; or
- (b) if the circumstances of the case appear to the Coroner to render it proper to hold an inquest, although the district medical officer does not report that further inquiry ought to be made.

**Inquest on prisoner or person in official custody.**

10. (1) A Coroner, where there is in his or her district the body of any person who died in official custody or in any prison or as to whose death an inquest is prescribed, shall hold an inquest as to the cause and circumstances of such death, whether the district medical officer does or does not make a report thereon.

(2) In this section, "in official custody" means

- (a) in police custody whether before or after a formal charge is made;
- (b) detained in any institution to which persons suspected to be of unsound mind, are remanded for observation;
- (c) in the custody of any person appointed or detailed as an escort to accompany a person suspected to be or adjudicated as being of unsound mind, or a person suspected or certified to be suffering from leprosy, to any place for treatment or examination.

**Inquest without report.**

11. Where a Coroner has reasonable grounds to believe or suspect that any deceased person whose body is within his or her district died an unnatural death, if he or she thinks the circumstances of the case so require, he or she may, at any time and without waiting for the report of the district medical officer, hold an inquest as to the cause and circumstances of the death of such deceased person.

**Power to hold inquest without a jury in certain cases.**

12. (1) Subject to the provisions of this section, a Coroner within whose district the dead body of a person is lying may, in *lieu* of issuing his or her warrant for the summoning of a jury in the manner required by section 18, for the purpose of inquiring into the death of that person, hold an inquest on the body without a jury.

(2) If it appears to the Coroner either before he or she proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect—

- (a) that the deceased came by his or her death by murder, manslaughter or infanticide; or
- (b) that the death occurred in prison or in such place or in such circumstances as to require an inquest with a Jury under any other Act; or
- (c) that the death was caused by an accident, poisoning or disease notice of which is required to be given to a government department or to any inspector or other officer of a government department, under or in pursuance of any Act; or
- (d) that the death was caused by an accident arising out of the use of a vehicle in a street or public highway; or
- (e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public,

he or she shall proceed to cause a jury to be summoned in the manner required by section 18, and in any other case, if it appears to him or her, either before he or she proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is any reason for summoning a jury, he or she may proceed to cause a jury to be summoned in the manner aforesaid.

(3) The provisions of this Act relating to the procedure in connection with an inquest shall, as respects an inquest or any part of an inquest which is held without a jury, have effect subject to such modifications as are rendered necessary by the absence of a jury, and where the whole of an inquest is held without a jury the inquisition shall be under the hand of the Coroner alone.

(4) Where an inquest or any part of an inquest is held without a jury, anything done at the inquest, or at that part of the inquest, by or before the Coroner alone shall be as validly done as if it had been done by or before the Coroner and a jury.

**Inquest into the death of two or more persons.**

13. A Coroner may hold one inquest into the cause of death of two or more persons whose death appears to him or her to have been caused by the same accident or occurrence.

**Inquest where body destroyed or irrecoverable.**

14. Where a Coroner has reason to believe that a death has occurred in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he or she may if he or she considers it desirable so to do and shall if so directed by the Attorney-General, hold an inquest touching the death,

and an inquest shall be held accordingly, and for that purpose the provisions of this Act shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of the body.

*(Amended by Act 6 of 1976)*

#### **Post-mortem examination without inquest.**

**15.** (1) Where a Coroner is informed that the dead body of a person is lying within his or her district and there is reasonable cause to suspect that the person has died a sudden death of which the cause is unknown, if the Coroner is of opinion that a post-mortem examination may prove an inquest to be unnecessary, he or she may direct the medical officer of the district in which the body is so lying or any other registered medical practitioner, to make a post-mortem examination of the body of the deceased and to report the result thereof to him or her in writing.

(2) If as a result of such post-mortem examination the Coroner is satisfied that an inquest is unnecessary, he or she shall send to the Registrar of Births and Deaths of the district whose duty it is by law to register the death, a certificate under his or her hand stating the cause of death as disclosed by the report and issue his or her warrant authorising the burial of the deceased.

(3) Nothing in this section shall be construed as authorising the Coroner to dispense with an inquest in any case where there is reasonable cause to suspect that the deceased has died an unnatural death, or has died in any prison, or place of confinement or in any lunatic asylum or other place of lawful detention.

#### **Provision for post-mortem and special examination.**

**16.** (1) Notwithstanding the provisions of section 7 and section 15, the Coroner may, at any time after he or she has decided to hold an inquest, request any registered medical practitioner to make—

- (a) a post-mortem examination of the body of the deceased;
- (b) a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the Coroner to be submitted to analyses, tests or other special examination with a view to ascertaining how the deceased came by his or her death.

(2) If any person who has made such post-mortem or special examination as aforesaid is summoned by the Coroner as a witness, he or she may be asked to give evidence as to his or her opinion upon any matter arising out of the examination, and as to how in his or her opinion the deceased came by his or her death.

(3) If it shall appear to the Coroner that the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person shall not be allowed to perform or assist at any post-mortem or special examination made for the purposes of the inquest on the deceased, but such medical practitioner or other person shall have the right, if he or she so desires, to be represented at any such post-mortem examination.

#### **Removal of body for post-mortem examination.**

**17.** Where, by the direction or at the request of a Coroner a post-mortem examination of a body is to be made, the Coroner may order the removal of the body to any place which may be provided for the purpose.

## PART IV

## JURY

**Jury how summoned.**

**18.** (1) Where by this Act a Coroner is required to hold an inquest he or she shall, subject to the provisions of section 12, issue his or her warrant directed to the senior officer of police and other police officers of the district where the body lies, requiring him or her or them to summon five good and lawful persons to appear before him or her at a specified time and place, there to inquire as jurors touching the death of such person as aforesaid.

(2) On receipt of such warrant the said senior officer, or in his or her absence such other police officer as shall be in charge of the police station in the district, shall summon such five good and lawful men as aforesaid which summons shall be served personally, or by leaving a copy at the usual place of abode of the juror, and shall deliver a list of the persons so summoned to the Coroner at the inquest.

(3) No person shall be summoned to serve as a juror or on any inquest on a death of any person confined in any prison or place of confinement or in any lunatic asylum or any other place of lawful detention, who is confined in or connected with the management or service of such prison, place of confinement, asylum or place of detention.

(4) If less than five jurors appear at the time and place so appointed for the inquest, the Coroner shall on proof of the service of the summons upon the absentee deal with him or her in manner hereinafter provided, after which he or she shall direct so many good and lawful persons then present, or in the neighbourhood, to be impanelled as may be sufficient to complete the number of jurors required.

**Refusal or neglect of jurors to perform duty.**

**19.** Any person who—

- (a) being summoned as a juror on any inquest shall refuse or neglect to attend; or
- (b) being in attendance on such summons shall refuse to be sworn or to serve as a juror; or
- (c) being called on to make up a tales shall refuse to be sworn or to serve as a juror,

shall be liable to a fine, to be imposed by the Coroner, not exceeding fifty dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Oaths to be taken by Jurors.**

**20.** So soon as the Coroner and jurors at any inquest have assembled, the Coroner shall call upon one to serve as foreman and they shall be sworn by or before him or her diligently to inquire touching the death of the person on whose body the inquest is about to be held, and a true verdict to give according to the evidence.

**View of body and burial order.**

**21.** (1) At or before the first sitting of an inquest on a body the Coroner shall view the body, and if, before the body has been buried, the Coroner so directs, or a majority of the jury so desires, the body shall be viewed by the jury also:

Provided that, where a previous inquest on the body has been begun but not completed, it shall not be obligatory upon the Coroner holding a subsequent inquest to view the body.

(2) The warrant of a Coroner authorising the burial of a body upon which he or she has decided to hold an inquest may be issued at any time after he or she has viewed the body.

## PART V

## PROCEDURE UPON INQUESTS

**Inquest to be judicial inquiry.**

**22.** Every inquest under this Act shall be a judicial inquiry and may be held as well on Sunday as on any other day.

**Court not an open one.**

**23.** The room or building in which a Coroner's Court is held shall not be deemed an open Court, and it shall be lawful for such Coroner, in his or her discretion, to order that no person shall have access to, or be or remain in, such room or building, the jury excepted, without the consent or permission of such Coroner, if it appears to him or her that the ends of the inquiry will be best answered by so doing.

**Counsel and solicitors.**

**24.** No counsel or solicitor shall be entitled as of right to appear in any proceeding before a Coroner's Court, but the Coroner may, if he or she shall think fit, on application, permit such appearance.

**Proceedings at inquest: Evidence and Inquisition.**

**25.** (1) The Coroner shall, at the first sitting of the inquest examine on oath touching the death all persons who tender their evidence respecting the facts and all persons having knowledge of the facts whom he or she thinks it expedient to examine.

(2) The evidence of every witness shall be taken down in writing in the form of a deposition, which shall be read over to the witness and signed by the Coroner and the witness, or, in case of the incapacity or refusal of the latter to sign the same, then by the Coroner and some other person in whose presence the deposition was taken; and such deposition shall be admissible in evidence in any proceedings in the cases in which and subject to the conditions under which in similar proceedings in England the like deposition taken by or before a Coroner in England would be admissible in evidence. This subsection shall not derogate from the admissibility in evidence of any such deposition independently of this Act.

(3) At the conclusion of each day's evidence the Coroner shall certify it in the following form:

“The foregoing depositions of A.B., C.D., and E.F. were taken and sworn before me this ..... day of ..... 20 .....

G.H., Coroner.”

(4) After hearing the evidence the jury shall give their verdict, and certify it by an inquisition in writing, setting forth, so far as such particulars have been proved to them, who the deceased was, and how, when, and where the deceased came by his or her death, and if he or she came by his or her death by murder or manslaughter, the persons, if any, whom the jury find to have been guilty of such murder or manslaughter, or of being accessories before the fact to such murder.

(5) If the jury at an inquest fail to agree on a unanimous verdict, the Coroner may accept the verdict of four of them and such majority shall, in that case, certify the verdict in accordance with the requirements of subsection (4).

(6) The inquisition shall be under the hands of the jurors who concur in the verdict, and of the Coroner.

(7) In any other case of disagreement the Coroner may discharge the jury and issue a warrant for summoning another jury, and thereupon the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place, except that it shall not be obligatory on the Coroner to view the body.

(8) A Coroner holding an inquest in any place may adjourn the inquest to another day, whether the same be Sunday or any other day, and order the adjourned inquest to be held in the same or any other place.

**Notice to Labour Commissioner of inquest in case of death by accident, etc.**

**26.** (1) Where a Coroner holds an inquest on a body of any person whose death may have been caused by any accident or disease or any explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in places where workers are employed, of which notice is required by any law in force in the State to be given to a Labour Commissioner, the Coroner shall adjourn the inquest unless the Labour Commissioner or some person authorised in that behalf by him or her is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to such Labour Commissioner notice in writing of the time and place of holding the adjourned inquest:

Provided that the Coroner, before the adjournment, may take evidence to identify the body, and may order interment thereof.

(2) With respect to any such inquest as aforesaid the following persons, that is to say—

- (a) the Labour Commissioner aforesaid or some person authorised in that behalf by him or her;
- (b) any relation of the person in respect of whose death the inquest is being held;
- (c) the employer in whose employment the accident or disease occurred or was contracted;
- (d) any person appointed in writing by the majority of the workers employed in the place of employment in which the deceased was employed;
- (e) any person appointed in writing by any Trade Union, organization of workers or other association of persons to which the deceased at the

time of his or her death belonged or to which any worker employed in the said place of employment belongs;

(f) any association of employers of which the said employer is a member, shall, subject to the power of the Coroner to disallow any question which in his or her opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel or solicitor.

(3) If the Labour Commissioner or some person duly authorised by him or her is not present at any such adjourned inquest and evidence is given thereat of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the place of employment appearing to the Coroner to require a remedy, the Coroner shall send to the Labour Commissioner notice in writing of the neglect or defect.

#### **Transmission of finding.**

27. The Coroner after the termination of an inquest on any death shall send to the Registrar of Births and Deaths of the district whose duty it is by law to register the death the finding of the jury in writing.

## PART VI

### WITNESSES

#### **Duty of persons to attend inquest.**

28. It shall be the duty of all persons who are able to give material evidence concerning any matter to be inquired into at an inquest to attend the inquest at the time and place appointed and to give such evidence.

#### **Coroner may summon witnesses.**

29. The Coroner may at any time summon such witnesses, as he or she deems necessary, touching the matter of the inquest.

#### **Penalty in the case of witnesses.**

30. (1) Any person who—

- (a) being summoned to attend as a witness on any inquest, shall refuse or neglect to attend; or
- (b) being present in Court, shall refuse to be sworn, or to give evidence; or
- (c) having given evidence, shall refuse to sign his or her deposition when required to do so,

shall be liable to be committed for contempt, or to pay a fine, to be imposed by the Coroner, not exceeding fifty dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(2) An appeal against any committal or order under subsection (1) of this section shall lie to the Court of Appeal in accordance with the provisions of the Contempt of Court Act, Cap. 3.06.

*(Inserted by Act 6 of 1976)*

**Refusal to enter into recognizance.**

**31.** Any person who shall refuse to enter into any recognizance required to be entered into under this Act, shall be liable to be committed for contempt, or to pay a fine, to be imposed by the Coroner, not exceeding fifty dollars, or to be imprisoned until the return day of such recognizance unless the same is sooner entered into, or, in the discretion of the Coroner, to fine and imprisonment.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

## PART VII

## MURDER, MANSLAUGHTER OR INFANTICIDE

**Inquest in cases of murder, manslaughter or infanticide.**

**32.** (1) If on an inquest touching a death the Coroner is informed before the jury have given their verdict that some person has been charged before a Magistrate with the murder, manslaughter or infanticide of the deceased, he or she shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings and may if he or she thinks fit discharge the jury.

(2) After the conclusion of the criminal proceedings the Coroner may, subject as hereinafter provided, resume the adjourned inquest if he or she is of opinion that there is sufficient cause to do so:

Provided that, if in the course of the criminal proceedings any person has been charged on indictment, then upon the resumed inquest no inquisition shall charge that person with an offence of which he or she could have been convicted on the indictment or contain any finding which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where a Coroner resumes an inquest which has been adjourned in accordance with the requirements of this section and the jury has been discharged, the Coroner shall proceed in all respects as if the inquest had not previously been begun, and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he or she shall furnish the Registrar of Births and Deaths of the district whose duty it is by law to register the death with a certificate 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 law for the time being in force.

(5) Where a Magistrate before whom a person is charged with murder, manslaughter or infanticide is not himself or herself the Coroner who is responsible for holding an inquest upon the body, it shall be his or her duty to inform the Coroner so responsible of the making of the charge, and of the committal for trial, or discharge, as the case may be, of the person charged, and it shall be the duty of the Registrar of the High Court to which a person charged with murder, manslaughter or infanticide is committed for trial, and of the Registrar of the Court before which any appeal from a conviction of murder, manslaughter or infanticide is heard, to inform the Coroner of the result of the proceedings.

(6) For the purposes of this section, the expression “the criminal proceedings” means the proceedings before a Magistrate and before any Court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made.

#### **Warrant for apprehension.**

33. Where a Coroner’s inquisition charges any person with murder, manslaughter or infanticide, the Coroner shall, if the person is at large issue his or her Warrant for his or her apprehension and committal to prison, or, if he or she be already in prison, the Coroner shall issue a Warrant of Detainer addressed to the keeper of the prison in which the accused is confined.

#### **Bail for manslaughter.**

34. In every case in which a Coroner’s jury shall have found a verdict of manslaughter or infanticide against any person or persons, it shall be lawful for the Coroner before whom the inquest was taken to accept bail, if he or she shall think fit, with good and sufficient sureties for the appearance of the person or persons against whom such verdict was returned at the preliminary inquiry whereat he or she is charged with the offence of manslaughter or infanticide, and thereupon such person, if in custody of any officer of the Coroner’s Court, or in any prison under a warrant of commitment issued by such Coroner, shall be discharged therefrom.

#### **Order for production of person committed to or detained in prison.**

35. Whenever any person who has been committed to prison on the Coroner’s Warrant is required to undergo a preliminary examination before a Magistrate, such Magistrate may issue an Order, addressed to the keeper of the prison in which such prisoner is confined, directing him or her to produce such prisoner at the time and place named in such Order and such prisoner shall be deemed during his or her progress to and from, and his or her attendance at, such examination to be in lawful custody.

#### **Copies of depositions.**

36. A person against whom a Coroner’s jury have found a verdict of murder, manslaughter or infanticide shall be entitled to have from the person having for the time being the custody of the inquisition or of the depositions of the witnesses at the inquest, copies thereof on payment of a reasonable sum for the same, not exceeding the rate of three cents for every folio of ninety words.

#### **Recognizances.**

37. Where a verdict or finding of murder, manslaughter or infanticide is returned against any person, it shall be the duty of the Coroner to bind by recognizances every witness who has been examined at the inquest to appear at the hearing of the preliminary inquiry of the accused, then and there to give evidence, and the said recognizance being duly acknowledged by the person entering into the same, shall be subscribed by the Coroner.

## PART VIII

## BURIALS AND EXHUMATIONS

**Burial without warrant prohibited.**

**38.** (1) No minister or other person shall knowingly bury, or allow to be buried, the body of any person who died an unnatural death or under circumstances calling for the interposition of a Coroner, without the production, at or before the time of the funeral, of a warrant of a Coroner authorising such burial.

(2) Any minister or other person who contravenes the provisions of this section shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

**Medical practitioner not to issue certificate of death in certain cases.**

**39.** No certificate of the cause of death shall be issued by any registered medical practitioner in any case where, to his or her knowledge, the deceased died an unnatural death or where such death shall have occurred under circumstances which require a report to be made to the Coroner or where the Coroner is informed of a sudden death of which the cause is unknown.

**Power to exhume.**

**40.** (1) A Coroner may, if he or she thinks fit, and whether an inquest is pending or not, order that the body of any deceased person be exhumed, and direct that it be viewed and if necessary anatomically examined by a registered medical practitioner.

(2) The Director of Public Prosecutions may, at any time, by his or her warrant, order the exhumation of a body and the examination thereof when, in his or her opinion, the ends of justice will be advanced.

*(Amended by Act 12 of 1967)*

## PART IX

## FIRE AND TREASURE TROVE

**Inquest as to fire.**

**41.** Whenever it shall appear to a Coroner that a fire has occurred in his or her district causing injury to person or property, or in respect of which there is reasonable ground to suspect that an offence has been committed, such Coroner may, in his or her discretion, hold an inquest as to the cause and circumstances of such fire; and all the provisions of this Act relating to an inquest into the cause of death, shall, so far as the same are applicable, apply to an inquest into the cause of fire:

Provided that the Coroner shall hold such an inquest if so directed in writing by the Director of Public Prosecutions.

*(Amended by Act 12 of 1967)*

**Inquest on treasure-trove.**

42. A Coroner shall have jurisdiction to inquire of treasure that is found, who were the finders, and who is suspected thereof and the provisions of this Act so far as is consistent with the tenor thereof, shall apply to every such inquest.

## PART X

## SUPPLEMENTARY

**Director of Public Prosecutions may require inquest to be held.**

43. (1) The Director of Public Prosecutions may require any Coroner to hold an inquest into the cause of, and the circumstances connected with, the death of any person, and may so require any Coroner to hold such inquest although an inquest with respect to the same death may have been already commenced, or held, or returned, and every Coroner so required shall have full power to, and shall, hold such inquest.

(2) Where the Director of Public Prosecutions requires any Coroner to hold any inquest and an inquest with respect to the same death is in the course of being held, or has been held, by any other Coroner all proceedings at, or founded on, such last mentioned inquest shall be stayed.

*(Amended by Act 12 of 1967)*

**Director of Public Prosecutions may order further investigation.**

44. Where the proceedings at any inquest have been closed by the Coroner, and it appears to the Director of Public Prosecutions that further investigation is necessary, the Director of Public Prosecutions may require such Coroner to re-open such inquest and make further investigation, and thereupon the Coroner shall have all power to, and shall re-open the inquest and make further investigation, and thereafter proceed in the same manner as if the proceedings at such inquest had not been closed by the Coroner:

Provided that the provisions of this section shall not apply to any inquest at which any verdict or finding of murder, manslaughter or infanticide has been returned against any person therein named.

*(Amended by Act 12 of 1967)*

**Ordering Coroner to hold inquest.**

45. (1) Where—

- (a) a Coroner refuses or neglects to hold an inquest or further investigation as required by sections 43 and 44; or
- (b) the Director of Public Prosecutions is satisfied that a Coroner has held an inquest and that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry or otherwise, it is necessary or desirable, in the interests of justice, that another inquest should be held,

the High Court may order an inquest to be held touching the said death, and may, if the Court think it just, order the said Coroner to pay such costs of and incidental to

the application as to the Court may seem just, and where an inquest has been already held may quash the inquisition on that inquest.

*(Amended by Act 12 of 1967)*

(2) The Court may order that such inquest shall be held either by the said Coroner or by any other Coroner of the State, and the Coroner ordered to hold the inquest shall for that purpose have the same powers and jurisdiction as, and be deemed to be, the said Coroner.

(3) Upon any such inquest, if the case be one of death, it shall not be necessary, unless the Court otherwise order, to view the body, but save as aforesaid the inquest shall be held in like manner in all respects as any other inquest under this Act.

(4) Any power vested by this section in the High Court may, subject to any rules of Court, be exercised by any Judge of that Court.

#### **Records of proceedings to be sent to Director of Public Prosecutions.**

46. All inquisitions and records of proceedings at any inquest shall be transmitted to the Director of Public Prosecutions within seven days at the latest after the inquest is closed.

*(Amended by Act 12 of 1967)*

#### **Deposit of inquisitions, etc.**

47. The Director of Public Prosecutions may deposit in the office of the Registrar of the High Court all inquisitions and records of proceedings at any inquest. The Registrar shall cause a register to be kept of every such document so deposited, and shall cause an alphabetical index of the same to be made.

*(Amended by Act 12 of 1967)*

#### **Fees for post-mortem examinations, etc.**

48. When any registered medical practitioner is ordered, or required to make any post-mortem or anatomical examination of the dead body of any person under this Act he or she shall be entitled to receive a fee of fifteen dollars and twelve cents and such fee shall be paid by the Accountant-General of the State.

## PART XI

### MISCELLANEOUS

#### **Contempt of Court.**

49. Any person who obstructs or impedes the proceedings in any Coroner's Court, or wilfully insults the Coroner or any officer of the Court, or wilfully misbehaves himself or herself in such a manner as to interfere with the proceedings, shall be liable to be committed for contempt or to a fine, to be imposed by the Coroner, not exceeding one hundred and fifty dollars, and, in either case, to be removed from the Court.

**Obstruction.**

**50.** Any person who—

- (a) shall obstruct the Coroner, or his or her jury, in any view or inquest;
- (b) shall wilfully do any act with the view of defeating the object of the inquest;
- (c) shall obstruct or annoy any medical practitioner in the performance of any post-mortem examination or other duty imposed upon him or her by the Coroner; or
- (d) shall obstruct or impede the disinterment or burial of any body ordered by the Coroner to be disinterred or buried,

commits an indictable offence, and shall be liable to imprisonment not exceeding twelve months, or, to a fine not exceeding one thousand five hundred dollars, or to both such fine and imprisonment at the discretion of the Court.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**How fines to be levied.**

**51.** A list of all fines imposed by the Coroner shall be signed by him or her and returned into the Magistrate's Court to be levied and disposed of in the same manner as fines inflicted in such Court.

**Power to make rules.**

**52.** The Chief Justice may make rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular (without prejudice to the generality of the foregoing provision) such rules may provide—

- (a) as to the procedure at inquests held without a jury; and
- (b) as to the procedure to be followed where a Coroner decides not to resume an adjourned inquest.

*(Amended by Act 6 of 1976)*

**Forms.**

**53.** The forms set out in the Schedule may be used in all matters to which they apply, and when so used shall be sufficient in law. Where any form required by this Act is not contained in the Schedule, the Coroner shall follow as nearly as possible the forms which would be adopted in England under similar circumstances.

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**SCHEDULE**

*(Sections 9 and 15)*

**WARRANT TO BURY WHERE INQUEST UNNECESSARY**

**SAINT CHRISTOPHER AND NEVIS**

**DISTRICT**

Whereas I am credibly informed that, on the .....day of ..... 20....., the body of ..... was found dead at ..... in this district and am satisfied of the cause of death of the said ..... and that no inquest touching his or her death should be held; these are therefore to certify that you may permit the body of the said..... to be buried, and for your so doing this is your warrant.

Given under my hand this ..... day of ..... 20.....

*Coroner*

*To*

**WARRANT TO SUMMON JURY.**

*(Section 18)*

**SAINT CHRISTOPHER AND NEVIS**

**DISTRICT**

*To the Senior Officer of Police and all other police officers of the said district.*

By virtue of my office, these are to charge and command you that, on sight hereof, you summon and warn five good and lawful men of the said district personally to be and appear before me on ..... day, the ..... day of ..... instant, at ..... of the clock in the ..... noon, at ....., in the said district, then and there to do and to execute all such things as shall be given them in charge touching the death of .....; and for so doing this is your Warrant:

And that you also attend at the time and place above mentioned to make a return of those you shall so summon: And further to do and execute such other matters as shall be then and there enjoined you: And have you then and there this Warrant.

Given under my hand at ....., in the said district, this .....  
day of ....., 20.....

*A.B., Coroner*

SUMMONS TO JURORS.

*(Section 18)*

SAINT CHRISTOPHER AND NEVIS

DISTRICT

By virtue of a Warrant under the hand of A.B., Esquire, Coroner for this district, you are hereby summoned personally to be and appear before him or her as a juror on ..... day, the..... day of ..... instant, at .....o'clock of the ..... noon precisely, at ....., in the said district, then and there to inquire touching the death of .....; and further to do and execute such matters and things as shall be then and there given you in charge, and depart not without leave.

Hereof fail not at your peril.

Dated this ..... day of ..... 20.....

*C.D., ..... of Police*

*To Mr. E.F., of .....*

WARRANT TO BURY AFTER VIEW.

*(Section 21)*

SAINT CHRISTOPHER AND NEVIS

DISTRICT

I, the undersigned Coroner, do hereby authorise the burial of the body of ..... late of ..... whose death was reported to me on the ..... day of ..... 20....., and whose body has been viewed by me\* (and by the inquest jury).

Given under my hand this ..... day of ....., 20.....

*Coroner.*

\*Strike out if inapplicable.

SUMMONS TO WITNESS.

(Section 29)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

Whereas I am credibly informed that you can give evidence touching the death of ..... \*(now lying dead at ..... ) or \*(whose body has been viewed by me at .....) in this district.

These are therefore, by virtue of my office, to charge and command you personally to be and appear before me at ..... in this district, at ..... of the clock ..... m on ..... the ..... day of ..... instant, then and there to give evidence and be examined before me and my inquest, touching the premises.

Hereof fail not at your peril.

Given under my hand this ..... day of ..... 20.....

Coroner

To

\*Strike out whichever inapplicable. \_\_\_\_\_

FORM OF INQUISITION.

(Section 25)

(WITH JURY)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

AN INQUISITION taken at ....., in the said district, on ..... the ..... day of .....20..... , (and by adjournment on the day of ..... (or as the case may require) before A.B., Esquire, Coroner for the said district, upon the oath (or and affirmation) of C.D., E.F., G.H., I.J., K.L., good and lawful persons of the said State, duly sworn to inquire touching the death of M.N. (or of a person to the jurors unknown) and upon view of his or her body (by me);\* and those of the said jurors whose names are hereunto subscribed upon their oaths do say that etc.

*(Here follows the finding)*

And the jurors aforesaid do further say that the said M.N. at the time of his or her death was a ..... male or female person of the age of .....years and a.....

IN WITNESS WHEREOF as well the said Coroner as the jurors have hereunto subscribed their hands the day and year first above written.

<i>A.B.</i>	<i>Coroner</i>
<i>C.D.</i>	<i>Foreman</i>
<i>E.F.</i>	
<i>G.H.</i>	
<i>I.J.</i>	
<i>K.L.</i>	

\*Strike out if inapplicable.

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FORM OF INQUISITION

(Section 12)

(WITHOUT A JURY)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

AN INQUISITION taken at ..... in the said district on ..... the ..... day of ..... 20....., (and by adjournment on the ..... day of ..... (or as the case may require)) by me A.B., Esquire Coroner for the said district, ..... on view by me of the body of C.D. (or of a person to me unknown) as to his or her death, and I, the said A.B. do say:

(Here set out the circumstances of the death)

(Here set out the conclusion of the Coroner as to the death)

And I, the said A.B., do further say that the said C.D. at the time of his or her death was a male or female person of the age of ..... years and a .....

IN WITNESS WHEREOF I, the said A.B., have hereunto subscribed my hand the day and year first above written.

Coroner

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WARRANT OF APPREHENSION.

(Section 33)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

To all Police Officers of District ..... and to all other Officers of the Peace within the State.

Whereas by an Inquisition taken before me ....., Coroner for the said district in the State aforesaid, on view of the body of ..... then and there lying dead, one ..... of ....., stands charged with the wilful murder (or as the case may be) of the said

These are therefore, by virtue of my office, to charge and command you and every of you, that you, or some or one of you, without delay, do apprehend and bring before me the said Coroner, or one of the Justices of the Peace of the said State, the body of the said ..... of whom you shall have notice that he or she may be dealt with according to law; and for your so doing this is your warrant.

Given under my hand and seal this ..... day of ..... 20.....  
Coroner. (L.S.)

WARRANT OF COMMITMENT.

(Section 33)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

To the Police Officers and other Officers of the Peace for the State of Saint Christopher and Nevis and also to the Superintendent of Prisons at .....

Whereas by an Inquisition taken before me, ..... Coroner for the said district in the State, the day and year hereunder mentioned on view of the body of ..... then and there lying dead, one ..... of ..... stands charged with the wilful murder (or as the case may be) of the said .....

These are therefore, by virtue of my office, to charge and command you, or any of you, forthwith safely to convey the body of the said ..... to Prison..... at ....., and safely deliver the same to the Superintendent of Prison; and these are likewise by virtue of my said office, to will and require you the said Superintendent, of Prison to receive the body of the said ..... into your custody, and him or her safely to keep in the said Prison until he or she shall be thence discharged by due course of law; and for your so doing this is your warrant.

Given under my hand and seal this ..... day of ..... 20.....  
Coroner. (L.S.)

WARRANT OF DETAINER.

(Section 33)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

To the Superintendent of Prisons at .....

Whereas you have in your custody the body of .....; and whereas by an Inquisition taken before me, ..... Coroner for the said district, the day and year hereunder written, at district ..... on view of the body of ..... then and there lying dead, he or she the said ..... stands charged with the wilful murder (or as the case may be) of the said.....

These are, therefore by virtue of my office, to charge and command you to detain and keep in your custody the body of the said ..... until he or she shall be thence discharged by due course of law; and for your so doing this is your warrant.

Given under my hand and seal this ..... day of ..... 20.....

Coroner. (L.S.)

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ORDER TO BRING UP PRISONERS FOR EXAMINATION.

(Section 35)

SAINT CHRISTOPHER AND NEVIS

DISTRICT

To the Superintendent of Prisons at .....

Whereas I am informed that A.B. is now detained in the said Prison under your custody, by authority of a warrant of commitment under the hand and seal of ..... Esquire, Coroner for district ....., in the State.

Now these are to require and command you, by virtue of the power vested in me under the provisions of the Coroners Act, to produce before me the body of the said A.B., under safe and secure conduct, at the Magistrate's Court, at ..... On ..... day, the day of ....., 20..... at .....o'clock in the ..... noon, there to answer a certain charge or information of felony lodged against him or her, and so from day to day until he or she shall have answered the said charge, and be further dealt with according to law.

And for so doing this is your warrant.

Given under my hand and seal this ..... day of..... 20.....

District Magistrate (L.S.)

(All forms amended by Act 6 of 1976)

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