



Isle of Man

Ellan Vannin

AT 6 of 1987

CORONERS OF INQUESTS ACT 1987



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**Isle of Man***Ellan Vannin*

CORONERS OF INQUESTS ACT 1987

Received Royal Assent: 19 August 1987
Passed: 20 October 1987
Commenced: 1 March 1988

AN ACT to re-enact with amendments the enactments relating to coroners of inquests; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

Coroners of inquests

1 Coroners of inquests

- (1) The High Bailiff shall be the coroner of inquests.
- (2) The Governor may appoint one or more than one deputy coroner or acting coroner to act in the place of and discharge the duties and functions of coroner, and may revoke any such appointment.
- (3) Before exercising any of the duties of coroner, a deputy coroner or acting coroner shall first take and subscribe the oath of allegiance and an oath faithfully to discharge the duties of his office.
- (4) A deputy coroner or an acting coroner shall have the same powers and authorities and exercise the same functions in all respects as the coroner is authorised and empowered to do, and all acts and proceedings of a deputy coroner or an acting coroner shall be as effectual in law to all intents and purposes as if such acts and proceedings were those of the coroner.
- (5) References in any enactment (including this Act) to a coroner include a deputy coroner or an acting coroner.
- (6) A coroner or his partner shall not directly or indirectly act as advocate in proceedings arising out of any matter which may have come before him as coroner.
- (7) An advocate appointed a coroner shall not conduct any inquest upon the body of, or hold any inquiry into the death of any person, if he has drawn,

or assisted in the drawing of, and is a beneficiary under, any testamentary disposition made by such person.

Duty to notify coroner of death

2 Duty to notify coroner of death

- (1) Every person to whom this subsection applies, who has reason to believe that a deceased person died, directly or indirectly —
- (a) as a result of violence or misadventure or by unfair means; or
 - (b) as a result of negligence or misconduct or malpractice on the part of others; or
 - (c) from any cause other than natural illness or disease for which he had been seen and treated by a registered medical practitioner within 28 days before his death; or
 - (d) in such circumstances as may require investigation (including death as a result of the administration of an anaesthetic),

shall immediately notify the coroner of the facts and circumstances relating to the death.

- (2) Subsection (1) applies to —
- (a) a medical practitioner;
 - (b) a registrar of deaths;
 - (c) a funeral undertaker;
 - (d) the occupier of a dwelling, or the person in charge of any institution or premises, in which the deceased person was residing.
- (3) Any such person who fails to comply with subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (4) Where —
- (a) a dead body is found in a public place, or
 - (b) an unexpected death occurs and the cause of death is unknown, or
 - (c) a death occurs in suspicious circumstances, or
 - (d) a death occurs in prison or in police custody, or as a result of an injury caused by a constable in the performance or purported performance of his duty;

the Chief Constable or, where the death occurs in prison, the governor of the prison shall forthwith give notice thereof to the coroner with such information as he is able to obtain concerning the finding of the body or the death.

- (5) Where there is reason to believe that a deceased person died in any of the circumstances mentioned in subsection (1) or (4) —

- (a) the body of the deceased person shall not be cremated or buried;
 - (b) no chemical shall be applied to it externally or internally; and
 - (c) no alteration of any kind shall be made to it,
- until the coroner so authorises.
- (6) Any person who contravenes subsection (5) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (7) For the purposes of subsection (4) —
- (a) subject to paragraph (b), a person is in state detention if the person is compulsorily detained by a public authority within the meaning of section 6 of the *Human Rights Act 2001*; but
 - (b) a person is not in state detention at any time when the person is detained under section 2, 3 or 4 of the *Mental Health Act 1998*.¹

Inquiries by coroner

3 Bodies under coroner's jurisdiction

- (1) Where a coroner is informed —
- (a) that a dead body has been found in a public place, or
 - (b) that there is reason to believe that a deceased person died in any of the circumstances mentioned in section 2(1) or (4),
- the body shall come under the jurisdiction of the coroner, and he shall make such investigation as may be required to enable him to determine whether or not an inquest ought to be held.
- (2) The coroner may employ such persons as he considers necessary to assist him in an investigation under subsection (1).
- (3) For the purpose of exercising his powers under this section the coroner may, without the consent of any other authority, direct the exhumation of the body, but shall where practicable give notice of the direction to the incumbent, sexton or other person in charge of the burial ground in which it is buried.

4 Deposit of body at mortuary

- (1) Where a dead body comes under the jurisdiction of a coroner, he may direct that the body be brought into a convenient mortuary or other suitable place, and may make such arrangements for its transport as he thinks necessary or desirable.
- (2) The person in charge of such a mortuary or place shall allow the body to be deposited in it, and shall be responsible for its custody until the inquest or examination has been held.

- (3) Any such person who contravenes subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Holding of inquest

5 Power to hold inquest

- (1) A coroner may hold an inquest touching a death —
- (a) where a dead body is found in a public place; or
 - (b) where —
 - (i) the body of the deceased has been removed into the Island, or
 - (ii) the coroner has reason to believe that the death occurred in the Island but the body of the deceased cannot for any reason be found or recovered,and the coroner has reason to believe that he died in any of the circumstances mentioned in section 2(1)(a) or (b) or (4)(d); or
 - (c) where the coroner has reason to believe that the deceased died in any of the circumstances mentioned in section 2(4)(b) or (c).
- (2) An inquest may be held touching a death notwithstanding that the body of the deceased has been buried and not exhumed.
- (3) Where an inquest is held touching a death the coroner may, at any time after the inquest is opened, by order authorise the disposal of the body.

6 Duty to hold inquest

- (1) A coroner shall hold an inquest touching a death —
- (a) where the body of the deceased is in the Island and the coroner has reason to believe that he died in the Island in any of the circumstances mentioned in section 2(1)(a) or (b) or (4)(d); or
 - (b) [Repealed]²
 - (c) where the Attorney General has reason to believe that the deceased died (in the Island or elsewhere) in circumstances which in his opinion make the holding of an inquest desirable, and directs the coroner to hold such an inquest.
- (2) Where a coroner receives a direction under subsection (1)(c) he shall hold an inquest whether or not he or any other coroner has viewed the body, made any inquiry or investigation or held any inquest into or done any other act in connection with the death.

7 Summoning of witnesses

- (1) Where a coroner intends to hold an inquest, whether with or without a jury, he may issue a summons to any person whom he thinks necessary to attend the inquest at the time and place specified in the summons, for the purpose of giving evidence concerning the death.
- (2) This section does not prevent a person who has not been summoned from giving evidence at an inquest.

Juries

8 Summoning of jury

- (1) For the purposes of an inquest the coroner may summon a jury in accordance with this section if he considers that it is desirable to do so, and shall do so if it appears to him that the deceased died, otherwise than from natural causes, in any of the circumstances mentioned in section 2(4)(d).³
- (2) A jury may be summoned in accordance with this section either before the inquest begins or in the course of an inquest begun without a jury.
- (3) The coroner shall summon a jury by instructing the Coroner of the Sheading, or the lockman of the parish, in which the inquest is to be held, or in his absence the Coroner of Glenfaba, to summon a sufficient number of persons from the jurors list of the sheading compiled under the *Jury Act 1980* to attend and be sworn as jurors on the inquest at the time and place specified in the summons.
- (4) The jury shall be sworn by the coroner diligently to inquire concerning the death touching which the inquest is about to be held and to give a true verdict according to the evidence.
- (5) A person who has served as a juror on an inquest shall not be called to serve on any other jury in any proceedings arising out of the death in relation to which the inquest was held, but a finding of any such jury shall not be invalid on the ground that he served on that jury.

9 Qualification of jurors

[1980/9/2/3]

- (1) No person shall serve on a jury if he is not qualified to serve on juries by virtue of section 1 of the *Jury Act 1980*.
- (2) A coroner may, on an application being made to him by or on behalf of a person summoned as a juror and if he is satisfied that undue hardship would otherwise be caused to the applicant, excuse such person from such service.
- (3) The fact that the applicant under subsection (2) —

- (a) is personally undertaking the full-time care of a child under the age of 16;
- (b) is personally undertaking the full-time care of a person who has a disability within the meaning of the *Equality Act 2010* (see section 7 of, and Schedule 1 to, that Act); or
- (c) has attained the age of 71 years,

shall be a good and sufficient reason for that person to be excused under that subsection.⁴

- (4) On being satisfied that any person attending in pursuance of a summons under this Act is not qualified to serve as a juror by reason of subsection (1) the coroner shall discharge the summons.
- (5) Where it appears to a coroner, in the case of a person attending in pursuance of a summons under section 8, that on account of any physical or mental disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, he may discharge the summons.
- (6) No verdict of a jury may be impeached on the ground that any person sworn as a juror was disqualified to serve as a juror by virtue of subsection (1) or was otherwise unfit to act.

10 Number of jurors

[1980/9/2/4]

- (1) A jury at an inquest shall consist of 7 persons.
- (2) If during the course of an inquest a juror dies or is discharged by the coroner for any reason, the coroner may proceed with the remaining jurors and take their verdict, which shall have the same effect as the verdict of the whole number, so long as the number of jurors is not reduced below 6.

View of body

11 View of body

[P1980/38/1]

- (1) Where any body comes under the jurisdiction of a coroner, he may view the body but shall not be obliged to do so.
- (2) The validity of an inquest shall not be questioned in any court on the ground that the coroner did not view the body.

*Proceedings at inquest***12 Proceedings at inquest**

- (1) The coroner shall at the inquest examine on oath touching the death —
 - (a) all persons who tender their evidence respecting the facts, and
 - (b) all persons having knowledge of the facts whom he thinks it expedient to examine.
- (2) The coroner may adjourn an inquest from day to day or for such time as he thinks fit.
- (3) After hearing the evidence the jury shall give their verdict and certify it by inquisition in writing, stating —
 - (a) who the deceased was, and
 - (b) how, when and where he came by his death,so far as such particulars have been proved to them, but no such inquisition shall charge a person with murder, manslaughter or infanticide.
- (4) The jury shall also inquire of and find the particulars required by the *Civil Registration Act 1984* to be registered concerning the death.
- (5) If the jury fails to agree on a verdict, then —
 - (a) if the minority is not more than 2, the coroner may accept the verdict of the majority, who shall certify the verdict in accordance with subsections (3) and (4);
 - (b) otherwise, the coroner may discharge the jury and summon another jury, and thereupon the inquest shall proceed in all respects as if the proceedings terminating in the disagreement had not taken place.

13 Adjournment in case of murder etc

[P1926/59/20; P1977/45/Sch 10]

- (1) If on an inquest touching a death the coroner before the conclusion of the inquest —
 - (a) is informed by the Chief Registrar in pursuance of subsection (6) that some person has been charged before a court of summary jurisdiction with —
 - (i) the murder, manslaughter or infanticide of the deceased;
 - (ii) an offence under section 1, 2B, 3A or 3B of the *Road Traffic Act 1985* committed by causing the death of the deceased;or⁵

- (iii) an offence under section 2(1) of the *Criminal Law Act 1981* consisting of aiding, abetting, counselling or procuring the suicide of the deceased; or⁶
- (b) is informed by the Attorney General that some person has been charged before examining justices with an offence (whether or not involving the death of a person other than the deceased) alleged to have been committed in circumstances connected with the death of the deceased, not being an offence within paragraph (a), and is requested by the Attorney General to adjourn the inquest,

then, subject to subsection (2), the coroner shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the relevant criminal proceedings and, if a jury has been summoned, he may, if he thinks fit, discharge them.

- (2) The coroner —
 - (a) need not adjourn the inquest in a case within subsection (1)(a) if, before he has done so, the Attorney General notifies him that adjournment is unnecessary; and
 - (b) may in any case resume the adjourned inquest before the conclusion of the relevant criminal proceedings if notified by the Attorney General that it is open to him to do so.
- (3) After the conclusion of the relevant criminal proceedings, or on being notified as mentioned in subsection (2)(b) before their conclusion, the coroner may, subject to the following provisions of this section, resume the adjourned inquest if in his opinion there is sufficient cause to do so.
- (4) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) and for that purpose summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment) he shall proceed in all respects as if the inquest had not previously been begun, and, subject to subsection (5), the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.
- (5) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1), the finding of the inquest must not be inconsistent with the outcome of the relevant criminal proceedings.
- (6) Where a person is charged before a court of summary jurisdiction with —
 - (a) murder, manslaughter or infanticide; or
 - (b) an offence under section 1, 2B, 3A or 3B of the *Road Traffic Act 1985* (causing death by driving in certain circumstances); or⁷
 - (c) an offence under section 2(1) of the *Criminal Law Act 1981* consisting of aiding, abetting, counselling or procuring the suicide of another,

the Chief Registrar shall inform the coroner who is responsible for holding the inquest touching the death of the making of the charge and of the result of the proceedings before the court.⁸

- (7) Where a person charged with an offence mentioned in subsection (6) is committed for trial to a Court of General Gaol Delivery, the Chief Registrar shall inform the coroner of the result of the proceedings before the Court.
- (8) Where the Attorney General has in pursuance of subsection (1)(b) requested a coroner to adjourn an inquest, then, whether or not the inquest is adjourned as a result, the Attorney General shall inform the coroner of the result of the proceedings before the court of summary jurisdiction in the case of a person charged as mentioned in subsection (1)(b) and, if that person is committed for trial to a Court of General Gaol Delivery, shall inform the coroner of the result of the proceedings before the Court.

- (9) In this section —

“proper officer” [Repealed]⁹

“the relevant criminal proceedings” means the proceedings before examining justices and before any court to which the person charged is committed for trial.

Post-mortem examinations etc.

14 Post-mortem examination

- (1) Where on any inquest it appears to a coroner that the cause of death has not been satisfactorily explained to him, he may employ a registered medical practitioner to perform a complete post-mortem examination.
- (2) Where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person shall not be allowed to perform or assist or be present at any post-mortem made for the purposes of the inquest on the deceased, but such medical practitioner or other person shall have the right, if he so desires, to be represented at any such post-mortem examination.

15 Post-mortem examination without inquest

Where a dead body comes under the jurisdiction of a coroner, if he is of the opinion that a post-mortem examination would assist in establishing the cause of death, he may secure the services of a registered medical practitioner for the performance of a post-mortem examination of the body of the deceased, and for the purposes of the examination the coroner and the medical practitioner whose services have been thus secured shall have the like powers, authorities and

immunities as if the examination were a post-mortem examination directed by the coroner at an inquest upon the body of the deceased.

16 Report on examination

- (1) Every registered medical practitioner who performs a post-mortem examination pursuant to this Act shall immediately report the result thereof in writing to the coroner and such report shall not be furnished to any other person without the permission of the coroner.
- (2) A court may order a coroner to produce for the purposes of proceedings in that court a copy certified by him as correct of any report furnished to him under subsection (1), and it shall be the duty of the coroner to comply with any such order.

17 Coroner may order analysis

Where a coroner considers an analysis of any thing necessary for the purposes of his duties under this Act, he may direct that such analysis be made, and the person who makes or supervises such analysis shall submit a report of such analysis to the coroner.

[Repealed]¹⁰

18 [Repealed]¹¹

Supplemental

19 Enforcement of summons, etc

[1986/1/2/69 and 70]

- (1) Where a person duly summoned to serve as a juror or as a witness does not appear in answer to the summons, the coroner may, after proof that such juror or witness has been duly summoned, and in the absence of any reasonable excuse, impose upon such person a fine not exceeding £2,500.
- (2) Where a person summoned to serve as a juror or as a witness appears before the coroner, and refuses without reasonable excuse so to serve or testify, the coroner may impose upon such person a fine not exceeding £2,500.
- (3) If any person —
 - (a) wilfully insults or acts contumaciously towards a coroner, or any coroner's officer or any officer of the coroner's court, or any witness, during his sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of a coroner's court or otherwise misbehaves in court;

he shall be guilty of contempt of court, and any officer of the court or constable, with or without the assistance of any other person, may by order of the coroner take the offender into custody and detain him until the rising of the court, and the coroner may, if he thinks fit, by order impose on the offender a fine not exceeding £2,500 in respect of every such offence.

- (4) A court of summary jurisdiction to whom complaint of default in payment of any fine imposed under this section is made by any coroner may order that the person by whom such default is made be imprisoned for such term, not exceeding 3 months, as the court may think proper.
- (5) A fine imposed under this section shall be applied as a fine imposed by a criminal court.

20 Financial provisions

- (1) All expenses reasonably and properly incurred in connection with coroners and the holding of coroners' courts, and by coroners in the course of their duties, shall be defrayed out of money provided by Tynwald.
- (2) There shall be paid to coroners out of money provided by Tynwald such remuneration as Tynwald may determine.

21 Rules

[1980/1/1]

- (1) The Clerk of the Rolls may by rules —
 - (a) make provision with respect to the records, accounts and returns which coroners shall keep and submit to him and with respect to information to be supplied by coroners;
 - (b) regulate the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular such rules may contain provisions —
 - (i) as to the procedure at inquests held with a jury;
 - (ii) as to the procedure at inquests held without a jury;
 - (iii) as to the issue by coroners of orders authorising exhumations or disposals;
 - (iv) for empowering a coroner to alter the date fixed for the holding of any adjourned inquest;
 - (v) as to the procedure to be followed where a coroner decides not to resume an adjourned inquest;
 - (vi) as to the notices to be given to jurors or witnesses where the date fixed for an adjourned inquest is altered or where a coroner decides not to resume an adjourned inquest; and
 - (vii) for prescribing forms of verdicts for use at inquests.

- (2) Rules under subsection (1) shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the rules are laid or at the next following sitting resolves that they shall be annulled, they shall cease to have effect.¹²

22 Interpretation

- (1) Subject to section 1(5), in this Act “**coroner**” means a coroner of inquests.
- (2) For the avoidance of doubt, references in this Act to the Island include references to the territorial waters adjacent to the coasts of the Island.

23 Amendments and repeals

- (1) The enactments specified in Schedule 1 are amended in accordance with that Schedule.
- (2) [Repealed]¹³

24 Short title and commencement

- (1) This Act may be cited as the Coroners of Inquests Act 1987.
- (2) This Act shall come into operation on such day as the Governor in Council may by order appoint.¹⁴

SCHEDULE 1

AMENDMENT OF ENACTMENTS

Sch 1 amended by Transfer of Deemsters' Functions Act 2003 Sch, and amends the following Acts —

Civil Registration Act 1984 q.v.

Legal Aid Act 1986 q.v.]

SCHEDULE 2¹⁵

ENDNOTES

Table of Endnote References

- ¹ Subs (7) inserted by Justice Reform Act 2021 s 105. [Editorial Note: The amendment of section 2(4) as set out in the Justice Reform Act 2021 s 105(2)(a) has not been made owing to an error in the text.]
- ² Para (b) repealed by Children and Young Persons Act 2001 Sch 13.
- ³ Subs (1) amended by Justice Reform Act 2021 s 105.
- ⁴ Subs (3) substituted by Justice Reform Act 2021 s 105.
- ⁵ Subpara (ii) amended by Legislation Act 2015 s 99.
- ⁶ Para (a) amended by Law Reform Act 1997 Sch 5.
- ⁷ Para (b) amended by Legislation Act 2015 s 99.
- ⁸ Subs (6) amended by Law Reform Act 1997 Sch 5.
- ⁹ Definition of “proper officer” repealed by Law Reform Act 1997 Sch 5.
- ¹⁰ Cross-heading repealed by Treasure Act 2017 s 20.
- ¹¹ S 18 repealed by Treasure Act 2017 s 20.
- ¹² Subs (2) substituted by Administration of Justice Act 2008 s 30(6).
- ¹³ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.
- ¹⁴ ADO (whole Act) 1/3/1988 (GC26/88).
- ¹⁵ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.