ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C125

CORONERS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 16/2006, in force 31 October 2006
Act 5/2017, in force 11 October 2017

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CORONERS ACT

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CORONERS ACT

PRELIMINARY

Interpretation

1. In this Act—

"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;

(b) where a dead body is found;

(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.

APPOINTMENT AND LIABILITY

Appointment of Coroner

2. (1) The Magistrate shall be the Coroner for Anguilla.

(2) The Governor may, when he thinks fit, appoint a Deputy Coroner who 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 Coroner.

Liability of Coroner

3. A Coroner who is guilty of extortion or of corruption, or of wilful neglect of his duty, or of misbehaviour in the discharge of his duty, is guilty of an offence and is liable to a fine of $19,200.

DUTIES OF CORONER AND OTHERS

Notice of death to be given

4. (1) Every person who becomes aware of an unnatural death shall forthwith give notice thereof to the Coroner, or to the nearest police station, or to the Director of Health Services.

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

(4) On the death of any person confined in any prison, facility as defined in section 1 of the Mental Health Act or other place of lawful detention, the superintendent or person in charge shall at once report such death to the Coroner.

(Act 16/2006, s.53)

(5) Every person becoming aware of any unnatural death who neglects to notify it as required by this section or contravenes the provisions of subsection (3) is liable on summary conviction to a fine of $1,920.

Report of unnatural death by manager, etc.

5. The manager of any estate, 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 Coroner or to the nearest police station or to the Director of Health Services.

View of body by medical officer

6. A medical officer shall view, and, if he deems it necessary for the purposes of this Act, make a post-mortem examination of the unburied body of any deceased person within Anguilla—

(a) as to whom such medical officer has ground for believing that he died an unnatural death;

(b) who died while confined as a prisoner in any prison; or

(c) whose body the Coroner directs such medical officer to view.

Report by medical officer

7. Where the medical officer has viewed the body of any deceased person, he shall make a report as to the cause of death to the Coroner, and in such report he shall state whether in his opinion any further enquiry ought to be made as to the circumstances under which the deceased came by his death.

Inquest after report

8. The Coroner having received the report of the medical officer as to the cause of death of any deceased person may issue his warrant for the burial or cremation of the deceased or shall hold an inquest as to the cause and circumstances of such death—

(a) if the medical officer reports that further inquiry ought to be made; or

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

(Act 5/2017, s.2)

Inquest on prisoner or person in official custody

9. (1) The Coroner, where there is 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 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; or

(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

10. Where the Coroner has reasonable ground to believe or suspect that any deceased person who died an unnatural death, if he thinks the circumstances of the case so require, he may, at any time and without waiting for the report of the 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

11. (1) Subject to the provisions of this section, the Coroner may, in lieu of issuing his warrant for the summoning of a jury in the manner required by section 17, 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 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 death occurred in prison or in such place or in such circumstances as to require an inquest with a jury under any other Act;

(b) 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

(c) 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 shall proceed to cause a jury to be summoned in the manner required by section 17, and in any other case, if it appears to him, either before he 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 may proceed to cause a jury to be summoned in the manner aforesaid.

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(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 2 or more persons

12. The Coroner may hold one inquest into the cause of death of 2 or more persons whose death appears to him to have been caused by the same accident or occurrence.

Inquest where body destroyed or irrecoverable

13. Where the 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 may report the facts to the Governor, and the Governor may, if he considers it desirable so to do, direct an inquest to be held 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.

Post-mortem examination without inquest

14. (1) Where the Coroner is informed that the dead body of a person is lying in Anguilla 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 may direct a medical officer 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 in writing.

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

(Act 5/2017, s.3)

(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 facility as defined in section 1 of the Mental Health Act or other place of lawful detention.

(Act 16/2006, s.53)

Provision for post-mortem and special examination

15. (1) Notwithstanding the provisions of sections 6 and 14, the Coroner may, at any time after he has decided to hold an inquest, request any registered medical practitioner to make—

(a) a post-mortem examination of the body of the deceased; or

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(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 death.

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

Removal of body for post-mortem examination

16. Where by the direction or at the request of the 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.

JURY

How jury summoned

17. (1) Where by this Act the Coroner is required to hold an inquest he shall, subject to the provisions of section 11, issue his warrant directed to the Commissioner of Police and other police officers requiring him or them to summon 5 good and lawful men to appear before him at a specified time and place, there to inquire as jurors touching the death of such person.

(2) On receipt of such warrant the Commissioner of Police, or in his absence such other police officer as shall be in charge of the police station, shall summon such 5 good and lawful men, 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 facility as defined in section 1 of the Mental Health Act or any other place of lawful detention, who is confined in or connected with the management or service of such prison, place of confinement, facility or place of detention.

(Act 16/2006, s.53)

(4) If less than 5 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 in the manner hereinafter provided, after which he shall direct so many good and lawful men then present, or in the neighbourhood, to be impanelled as may be sufficient to complete the number of jurors required.

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Refusal or neglect of jurors to perform duty

18. Any person who—

(a) being summoned as a juror on any inquest, shall refuse or neglect to attend;

(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;

is liable to a fine to be imposed by the Coroner of $400.

Oaths to be taken by jurors

19. 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 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

20. (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 or cremated, the Coroner so directs, or a majority of the jury so desires, the body shall be viewed by the jury also, but—

(a) 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; and

(b) where in any particular case the Coroner considers it unnecessary or impracticable to view the body, it shall not be obligatory upon him to do so.

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

(Act 5/2017, s. 4)

PROCEDURE UPON INQUESTS

Inquest to be judicial inquiry

21. 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

22. The room or building in which the Coroner's Court is held is deemed not to be an open Court, and it shall be lawful for the Coroner, in his 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 the Coroner, if it appears to him that the ends of the inquiry will be best answered by so doing.

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Counsel and solicitors

23. 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 shall think fit, on application, permit such appearance.

Proceedings at inquest: evidence and inquisition

24. (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 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 ……..……..., ……

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 death, and if he came by his 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 fails to agree on a unanimous verdict, the Coroner may accept the verdict of 4 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 day is Sunday or any other day, and order the adjourned inquest to be held in the same or any other place.

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

25. (1) Where the 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 Anguilla to be given to the Labour Commissioner, the Coroner shall adjourn the inquest unless the Labour Commissioner or some person authorised in that behalf by him is present to watch the proceedings, and shall, at least 4 days before holding the adjourned inquest, send to the Labour Commissioner notice in writing of the time and place of holding the adjourned inquest, but the Coroner, before the adjournment, may take evidence to identify the body, and may order interment or cremation thereof.

(Act 5/2017, s. 5)

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

(a) the Labour Commissioner or some person authorised in that behalf by him;

(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, organisation of workers or other association of persons to which the deceased at the time of his death belonged or to which any worker employed in the place of employment belongs; and

(f) an association of employers of which the employer is a member;

shall, subject to the power of the Coroner to disallow any question which in his 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 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

26. The Coroner after the termination of an inquest on any death shall send to the Registrar-General of Births, Deaths and Marriages the finding of the jury in writing.

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WITNESSES

Duty of persons to attend inquest

27. 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

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

Penalty in the case of witnesses

29. Any person who—

(a) being summoned to attend as a witness on any inquest, shall refuse or neglect to attend;

(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;

is liable to be committed for contempt, or to pay a fine, to be imposed by the Coroner, of $400.

Refusal to enter into recognisance

30. Any person who shall refuse to enter into any recognisance required to be entered into under this Act is liable to be committed for contempt, or to pay a fine, to be imposed by the Coroner, of $400, or to be imprisoned until the return day of such recognisance unless the same is sooner entered into, or, in the discretion of the Coroner, to a fine and imprisonment.

MURDER, MANSLAUGHTER OR INFANTICIDE

Inquest in cases of murder, manslaughter or infanticide

31. (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 the Magistrate with the murder, manslaughter or infanticide of the deceased, he shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings and may if he 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 is of opinion that there is sufficient cause to do so, but, 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 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.

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(3) Where the 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 shall furnish the Registrar-General of Births, Deaths and Marriages 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-General shall enter the death and particulars in the form and manner prescribed by the law for the time being in force.

(5) Where the Magistrate before whom a person is charged with murder, manslaughter or infanticide is not himself the Coroner who is responsible for holding an inquest upon the body, it shall be his 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, "criminal proceedings" means the proceedings before the 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 are deemed not to be concluded until no further appeal can be made.

Warrant for apprehension

32. Where the Coroner's inquisition charges any person with murder, manslaughter or infanticide, the Coroner shall, if the person is at large, issue his warrant for his apprehension and committal to prison, or, if he is already in prison, the Coroner shall issue a warrant of detainer addressed to the superintendent of the prison in which the accused is confined.

Bail for manslaughter

33. 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 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 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

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

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Copies of depositions

35. 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 3¢ for every folio of 90 words.

Recognisances

36. 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 recognisances 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 recognisance being duly acknowledged by the person entering into the same, shall be subscribed by the Coroner.

BURIALS, CREMATIONS AND EXHUMATIONS

Burial without warrant prohibited

37. (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 the Coroner, without the production, at or before the time of the funeral, of a warrant of the Coroner authorising such burial.

(2) Any minister or other person who contravenes the provisions of this section is liable on summary conviction to a fine of $4,000.

Cremation without warrant prohibited

38. (1) No person shall knowingly cremate, or allow to be cremated, the body of any person who died an unnatural death, or under circumstances calling for the interposition of the Coroner, without the production of warrant of the Coroner authorising such burial.

(2) Any person who contravenes this section is liable on summary conviction to a fine of $50,000 or 5 years imprisonment.

(Act 5/2017, s. 7)

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 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) The Coroner may, if he 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 Attorney General may at any time by his warrant order the exhumation of a body and the examination thereof when, in his opinion, the ends of justice will be advanced.

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FIRE AND TREASURE TROVE

Inquest as to fire

41. (1) Whenever it appears to the Coroner that a fire has occurred causing injury to person or property, or in respect of which there is reasonable ground to suspect that an offence has been committed, the Coroner may, in his 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 the fire.

(2) Notwithstanding subsection (1), the Coroner shall hold such an inquest if so directed in writing by the Attorney General.

Inquest on treasure trove

42. The 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.

SUPPLEMENTARY

Attorney General may require inquest to be held

43. (1) The Attorney General 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 Attorney General 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.

Attorney General may order further investigation

44. Where the proceedings at any inquest have been closed by the Coroner, and it appears to the Attorney General that further investigation is necessary, the Attorney General may require the 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, but 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.

Ordering Coroner to hold inquest

45. (1) Where—

(a) the Coroner refuses or neglects to hold an inquest or further investigation as required by section 43 or 44; or

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(b) the Attorney General is satisfied that the 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 death, and may, if the Court thinks it just, order the 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.

(2) The Court may order that such inquest shall be held either by the Coroner or by any other Coroner, 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 Coroner.

(3) Upon any such inquest, if the case is one of death, it shall not be necessary, unless the Court otherwise orders, 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 Attorney General

46. All inquisitions and records of proceedings at any inquest shall be transmitted to the Attorney General within 7 days at the latest after the inquest is closed.

Deposit of inquisitions, etc.

47. The Attorney General 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.

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 and the medical orderlies who assist him shall be entitled to receive such fees as shall be fixed from time to time by the Executive Council.

MISCELLANEOUS

Contempt of Court

49. Any person who obstructs or impedes the proceedings in the Coroner's Court, or wilfully insults the Coroner or any officer of the Court, or wilfully misbehaves himself in such a manner as to interfere with the proceedings, is liable to be committed for contempt or to a fine, to be imposed by the Coroner, of $1,000, and, in either case, to be removed from the Court.

Obstruction

50. Any person who—

(a) shall obstruct the Coroner, or his jury, in any view or inquest;

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(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 by the Coroner; or

(d) shall obstruct or impede the disinterment, burial or cremation of any body ordered by the Coroner to be disinterred, buried or cremated;

is guilty of an indictable offence, and is liable to imprisonment for 12 months, or to a fine of $9,600, or to both.

(Act 5/2017, s. 8)

How fines to be levied

51. A list of all fines imposed by the Coroner shall be signed by him 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 Governor in Council may, by regulation, 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 provisions) 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 the Coroner decides not to resume an adjourned inquest.

Forms in Schedule

53. The forms 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.

Citation

54. This Act may be cited as the Coroners Act, Revised Statutes of Anguilla, Chapter C125.

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SCHEDULE

(Section 53)

FORMS

FORM 1

(Sections 8 and 14)

ANGUILLA

WARRANT TO BURY OR CREMATE WHERE INQUEST UNNECESSARY

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

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

Coroner

To

(Act 5/2017, s. 9(a), (b) and (c))

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FORM 2

(Section 17)

ANGUILLA

WARRANT TO SUMMON JURY

To the Commissioner of Police and all other police officers

By virtue of my office, these are, in Her Majesty's name, to charge and command you that, on sight hereof, you summon and warn five good and lawful men of Anguilla personally to be and appear before me on .....……..... day, the ……..... day of ....…….....instant, at .....……..……. of the clock in the ..... noon, at .....……....., in Anguilla, then and there to do and to execute all such things as shall be given them in charge, on behalf of our Sovereign Lady the Queen, 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 Anguilla, this ..... day of …….....…….., 20.....…… .

A.B., Coroner

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FORM 3

(Section 17)

ANGUILLA

SUMMONS TO JURYMEN

By virtue of a Warrant under the hand of A.B., Esquire, Her Majesty's Coroner for Anguilla, you are hereby summoned personally to be and appear before him as a juryman on …..……... day, the .....……..... day of ...……..... instant, at .....…..... o'clock of the …..... noon precisely, at .....……..…..., then and there to inquire on Her Majesty's behalf 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 ……..

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FORM 4

(Section 20)

ANGUILLA

WARRANT TO BURY OR CREMATE AFTER VIEW

I, the undersigned Coroner, do hereby authorize the burial or cremation 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.*

(Act 5/2017, s. 9(d) and (e))

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FORM 5

(Section 28)

ANGUILLA

SUMMONS TO WITNESS

Whereas I am credibly informed that you can give evidence on behalf of our Sovereign Lady the Queen touching the death of .....……..…..…..... *[now lying dead at ……..…...….....……..….....] *or* *[whose body has been viewed by me at ...……...…….....…….....] in Anguilla.

These are therefore, by virtue of my office, in Her Majesty's name to charge and command you personally to be and appear before me at .....…..... at ..……..... of the clock .....…….. .m on ..... the ..... day of .....…….. instant, then and there to give evidence and be examined on Her Majesty's behalf, 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.*

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FORM 6

(Section 24)

ANGUILLA

FORM OF INQUISITION (WITH JURY)

AN INQUISITION taken for our Sovereign Lady the Queen at .....……..…….., in Anguilla, on ....…..... the …….....
day of .....……....., 20....., [and by adjournment on the day of ....……..... (*or* as the case may require)] before A.B., Esquire, Coroner of our said Lady the Queen for Anguilla, upon the oath (*or* and affirmation) of C.D., E.F., G.H., I.J., K.L., good and lawful men of Anguilla, duly sworn to inquire for our Lady the Queen, touching the death of M.N. (*or* of a person to the jurors unknown) and upon view of his 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 death was a .... male 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.

A.B. *Coroner*
C.D. *Foreman*
E.F.
G.H.
I.J.
K.L.

* *Strike out if inapplicable.*

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FORM 7

(Section 11)

ANGUILLA

FORM OF INQUISITION (WITHOUT A JURY)

AN INQUISITION taken for our Sovereign Lady the Queen at ...…….....……..., in Anguilla on ..……..... the day of ….....……..., 20……, [and by adjournment on the .....…….. ..... day of .....…….....(*or* as the case may require)] by me A.B., Esquire, Coroner of our said Lady the Queen for Anguilla, ...…….……..……....…….....…….....…….

FORM 8

(Section 32)

ANGUILLA

WARRANT FOR APPREHENSION

To all Police Officers of Anguilla.

Whereas by an Inquisition taken before me .....……..…….....……..…….....…….., Coroner for Anguilla, 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 in Her Majesty's name, 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 Her Majesty's Justices of the Peace of Anguilla, the body of the said .....…….....…….....…….....……. of whom you shall have notice that he may be dealt with according to law; and for your so doing this is your warrant.

Given under my hand and seal this .....…….....…….....……, 20……. .

Coroner

_____

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FORM 9

(Section 32)

ANGUILLA

WARRANT OF COMMITTAL

To the Police Officers and to the Superintendent of Her Majesty's Prison at .....

Whereas by an Inquisition taken before me, ...…….…..... Coroner for Anguilla, 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, in Her Majesty's name, to charge and command you, or any of you, forthwith safely to convey the body of the said .....……..... to Her Majesty's Prison at .....…….....…….....…….

FORM 10

(Section 32)

ANGUILLA

WARRANT OF DETAINER

To the Superintendent of Her Majesty's Prison at……..

Whereas you have in your custody the body of .....……..…….....; and whereas by an Inquisition taken before me, ...……..…….... Coroner for Anguilla, the day and year hereunder written, at ..……..…….……..... on view of the body of .....…….…..... then and there lying dead, he 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; in Her Majesty's name, to charge and command you to detain and keep in your custody the body of the said ……..... ……..until he 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

_____

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FORM 11

(Section 34)

ANGUILLA

ORDER TO BRING UP PRISONER FOR EXAMINATION

To the Superintendent of Her Majesty's Prison 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, Her Majesty's Coroner for Anguilla.

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 lodged against him, and so from day to day until he 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……. .

Magistrate

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