

CAYMAN ISLANDS



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THE CORONERS (AMENDMENT) RULES, 2015

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These Rules are made by the Rules Committee pursuant to Section 24 of the Coroners Law (1995 Revision) (as amended by section 7 of the Coroners (Amendment) Law, 2015).

1. Citation, Commencement and Interpretation

- (1) These Rules shall be referred to as the Coroners (Amendment) Rules, 2015.
- (2) These Rules shall come into operation on the 14th day of September 2015 referred to in these Rules as the "Commencement Date".
- (3) These Rules shall apply to every proceeding which is pending or commenced in the Court on or after the Commencement Date.
- (4) Words and expressions in these Rules which are also used in the Coroners Rules, 2014 shall have the same meaning in these Rules as they have in the Coroners Rules, 2014.

2. Revocation and replacement of Rules 2, 18, 33, 40 and 46 and Form 12 C, and addition of Rule 46A

- (1) Rules 2, 18, 33, 40, 46 and Form 12C of the Coroners Rules, 2014 are hereby revoked and replaced by Rules 2, 18, 33, 40, 46 and Form 12C contained in the Schedule hereto.
- (2) Rule 46A is hereby added to the Coroners Rules, 2014 contained in the Schedule hereto.

Made by the Rules Committee on the 31st day of August 2015.

The Honourable Anthony Smellie QC, Chief Justice

The Honourable Sam Bulgin QC, Attorney General

Colin McKie QC, Legal Practitioner

Hector Robinson, Legal Practitioner

CAYMAN ISLANDS

THE CORONERS LAW

(1995 Revision, as amended)

THE CORONERS (AMENDMENT) RULES, 2015

In accordance with the powers conferred by section 24 of the Coroners Law (1995 Revision, as amended) the Rules Committee of the Grand Court, makes the following Rules -

PART 1 - GENERAL

Interpretation

2. In these rules-

“child” means a person who has not attained the age of eighteen years;

“Births and Deaths Registration Law” means the Births and Deaths Registration Law, 1978 (as amended and revised);

“Commissioner” means the Commissioner of Police appointed under the Police Law, 2010 (as amended and revised);

“deceased” means the person upon whose body an autopsy is performed or touching whose death an inquest is held or the person whose death is reported to the Coroner, as the case may be;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence;

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

“Law” means the Coroners Law, 1975 (as amended and revised);

“licensed premises” has the meaning assigned by the Liquor Licensing Law, 1985 (as amended and revised);

“medical practitioner” means a person registered as being authorised to practise medicine under the Health Practice Law, 2002 (as amended and revised) and includes a pathologist;

“notification in writing” includes electronic communication;

“parental responsibility” has the same meaning as in the Children Law, 2003 (as amended and revised);

“pathologist” means a medical practitioner who specialises in medical diagnosis and has training and experience in the performance of autopsies;

“Penal Code” means the Penal Code, 1975 (as amended and revised);

“Public Holidays Law” means the Public Holidays Law, 1964 (as amended and revised)

“Registrar” means the Registrar-General of births and deaths appointed under the Births and Deaths Registration Law;

“Shipping Master” has the meaning assigned by the Merchant Shipping Law, 1997 (as amended and revised);

“special autopsy” means an autopsy consisting 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 examinations;

“Traffic Law” means the Traffic Law, 2011 (as amended and revised); and

“watersports” includes swimming, scuba-diving, free-diving, snorkelling, paddle-boarding, surfing, wind-surfing, sailing, kayaking, parasailing, kite-surfing, water skiing, jet skiing, water-powered jet-packs, and recreational fishing.

Issue of burial order

18. (1) The burial of the body of a deceased person shall not take place without either a certificate issued by the Registrar or an order for burial issued by the Coroner under section 32 of the Births and Deaths Registration Law.

(2) An order of a Coroner authorising the burial of a body shall not be issued unless the Coroner has held, or has decided to hold, an inquest touching the death; and if a Coroner has decided not to hold an inquest then he may issue an order for burial or the Registrar may issue a certificate.

Request by Director of Public Prosecutions for adjournment or stay

33. (1) If the Director of Public Prosecutions requests a Coroner to adjourn an inquest on the ground that a person may be charged with an offence (whether or not involving the death of a person other than deceased) committed in circumstances connected with the death of the deceased, the Coroner shall adjourn the inquest for twenty-eight days or for such longer period as he may think fit.

(2) At any time before the date fixed for the holding of the adjourned inquest, the Director of Public Prosecutions may ask the Coroner for a further adjournment and the Coroner may comply with his request.

(3) If the Director of Public Prosecutions decides to institute criminal proceedings against any person for causing the death of any person upon whose body an inquest is in the course of being held, he shall immediately notify the Coroner who shall stay the inquest pending the outcome of the criminal proceedings and the Coroner -

- (a) shall cause the statements taken up to that time and any exhibits produced before him to be made available to the Director of Public Prosecutions; and
- (b) may, if he thinks fit, discharge any jury that has been summoned.

(4) Where any such criminal proceedings have been concluded the Director of Public Prosecutions shall forthwith inform the Clerk of the Court of the result of the criminal proceedings who shall thereafter inform the Coroner.

(5) If at the conclusion of such criminal proceedings any person is convicted of an offence by which the death of the person upon whom the inquest was being held was brought about, the Coroner shall make in the record all details of the conviction and shall close the inquest; and the Coroner shall forthwith send to the Registrar a certificate under his hand stating the result of the relevant criminal proceedings and the particulars which are required to be registered concerning a death under section 30 of the Births and Deaths Registration Law.

(6) If at the conclusion of such criminal proceedings no person is convicted of an offence by which the death of the person upon whom the inquest was being held was brought about, the Coroner shall require the Director of Public Prosecutions to supply all the materials in the possession of the office of the Director of Public Prosecutions and of Royal Cayman Islands Police Service concerning the cause and circumstances of the death and thereafter resume the inquest.

Matters to be ascertained at inquest

40. (1) The proceedings and evidence at an inquest shall be directed solely to ascertaining the following matters -

- (a) the name and description of the deceased;
- (b) when the deceased came to his death;
- (c) where the deceased came to his death;
- (d) the cause and manner of death; and
- (e) the particulars required by the Births and Deaths Registration Law to be registered concerning the death.

(2) Neither the Coroner nor the jury shall express any opinion on any other matters.

Verdict and inquisition

46. (1) No verdict shall be framed in such a way as to appear to determine any question of -

- (a) criminal liability on the part of a named person; or
- (b) civil liability.

(2) The verdict of the Jury shall be that of the majority thereof.

(3) The verdict of the jury shall, subject to the evidence available, state-

- (a) the name and description of the deceased;
- (b) the physical cause of death; and
- (c) whether the death was occasioned –

- (i) by natural causes;
- (ii) by misadventure;
- (iii) by suicide;
- (iv) by unlawful killing;
- (v) by lawful killing; or
- (vi) by stillbirth.

(4) Where the available evidence is insufficient to enable the jury to reach a conclusion then the verdict shall be, to that extent, an open one.

(5) An inquisition-

- (a) shall be in the form set out in form C12 of these Rules; and
- (b) shall set out, so far as such particulars have been proved -
 - (i) the identity of the deceased (if known); and
 - (ii) when and where the deceased came by his death; and
 - (iii) the cause and manner of his death.

46A. If, after the delivery of the verdict and inquisition, the Coroner is of the opinion that the circumstances relating to when or where the deceased came by his death or the cause and manner of his death concern the undertaking of watersports or the operation of motor vehicles, he shall notify the Registrar and shall provide to the Registrar any documents or information concerning the inquest as the Registrar may reasonably require.

MADE by the Rules Committee of the Grand Court
on the 31st day of August 2015

The Hon. Anthony Smellie QC, Chief Justice

The Hon. Sam Bulgin QC, Attorney General

Colin McKie QC, Legal Practitioner

Hector Robinson, Legal Practitioner

Form C12

SCHEDULE

(Section 22)

FORM OF INQUISITION

CAYMAN ISLANDS

An inquisition taken for Our Sovereign Lady the Queen
at _____ on the _____ day of _____ 20 ,
before _____ Coroner of Our Sovereign Lady the Queen on view of the
body of _____ (or, of a person unknown), _____ reported
to the Registrar-General of Births and Deaths _____ on
20 .

(Here follow the statements of the various witnesses, the observations of the Coroner upon view of the body, etc., and thereafter, as appropriate)-

On the _____ day of _____, 20____
the inquest was stayed on the intervention of the Director of Public Prosecutions.

On the _____ day of _____, 20____
the inquest was resumed it having been reported to me by the Director of Public
Prosecutions that -

On the _____ day of _____, 20____
the file was closed, it having been reported to me by the Director of Public
Prosecutions that -

I find that the said _____ met his death by _____, etc.

Report Findings communicated to the Registrar-General of Births and Deaths on the _____ day of _____, 20 .