

CAYMAN ISLANDS



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**THE CORONER'S LAW 1975**  
**(Law 15 of 1975)**

Date of operation:  
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**CORONER'S LAW, 1975**

**Arrangement of Sections**

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**MEMORANDUM OF OBJECTS AND REASONS**

With the appointment of professional magistrates in the Islands it is no longer necessary to appoint special coroners or to empanel juries for coroners' inquests as these duties can conveniently be discharged by the magistrates. Furthermore, with the availability of a trained police force if, after police investigation of the death of a person in unusual circumstances, the prosecution of any person in connection with the death is in contemplation, the proper course is for the inquest to be stayed on the application of the police. If, after an inquest has been so stayed, no conviction of any person results from the police enquiries, the inquest can be resumed and the coroner will then arrive at a verdict not inconsistent with the outcome of the trial of any person which has taken place during the stay. If during the stay any person has been convicted of an offence holding him responsible with the death, there being no public requirement for further enquiry, the coroner will note the outcome of the trial and close the file. If the police do not intervene, the coroner will proceed with the inquest and arrive at a verdict based on the evidence produced before him. The object of this Law is to make lawful provision on the above lines.

CAYMAN ISLANDS

LAW 15 of 1975.

I assent

T. RUSSELL

Governor

29th October, 1975.

L.S.

**A LAW TO REPEAL AND RE-ENACT IN AMENDED FORM  
THE CORONER'S LAW**

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement.

1. This Law may be cited as the Coroner's Law, 1975, and shall come into operation on a day to be appointed by the Governor by notice published in the Gazette.

Interpretation.

2. In this Law unless the context otherwise requires —

“Commissioner” means the Commissioner of Police and any person under his authority;

“coroner” means a person appointed as such under this Law;

“medical practitioner” means a person registered as being authorised to practice medicine under The Health Practitioners' Law of the Islands; and

“Registrar” means the person responsible for the registration of deaths.

Magistrates to be coroners.  
Law 10 of 1975.

3. Magistrates having jurisdiction over a summary court by virtue of the Summary Jurisdiction Law are hereby appointed within their jurisdiction to be coroners for the purposes of this Law.

Coroners to enquire into certain deaths.

4. When a coroner becomes aware that the dead body of any person is lying within his jurisdiction, and there is reasonable cause to suspect that such

person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or that such person has died in prison, or in such place or in such circumstances as require an inquest to be held in pursuance of any law, the coroner shall, as soon as practicable, hold an inquest touching the death of such person and, for such purpose, together with any constable or constables and any medical practitioner may enter any place where such body is located.

Coroner may abstain from holding inquests in certain cases.

5. Whenever —

(a) any person is charged before a court with a criminal offence in having caused the death of the deceased person; or

(b) the cause of death is established to the satisfaction of the coroner, and it appears to him that there is no reason for suspecting any person to be criminally responsible for the death, or that no further light would be thrown upon the cause by holding an inquest,

the coroner may in his discretion abstain from holding an inquest.

Report to Governor when no inquest held.

6. (1) In the event of the coroner abstaining from holding an inquest for the reasons set out in paragraph (b) of section 5, he shall submit a statement of his own views of the case to the Governor and send a copy of the said statement certified under his hand to the Registrar of Deaths for the district in which the death occurred; and such certified copy shall for the purposes of the Registration (Births and Deaths) Law be deemed to be the certificate of the cause of death.

Cap. 148.

(2) The Governor may, on receipt of such statement, direct the coroner to hold an inquest, and the coroner shall obey such direction; but if the Governor concurs with the coroner in thinking an inquest unnecessary, he shall make a minute to that effect on the papers transmitted to him by the coroner and cause them to be delivered to the Clerk of the Grand Court to be preserved along with the inquisitions.

The inquest.

7. Before the first sitting of an inquest the coroner shall, if practicable, view the body upon which the inquest is being held and shall thereafter examine upon oath or affirmation all persons offering to give evidence before him touching the inquest and shall summons to attend all such persons as he believes may be able to testify in furtherance of the inquest.

Coroner's summons.

8. The coroner's summons to witnesses shall be in the form provided in the schedule and shall take precedence over all other judicial process issuing out of any court and shall be enforceable by the coroner in the same manner and under the same penalties as a Judge of the Grand Court may enforce a summons issuing out of that court.

Recording of evidence at an inquest.

9. (1) The coroner holding an inquest under section 4 shall record the evidence of all the witnesses appearing or summoned before him and shall cause all exhibits produced to him in connection with the inquest to be identified, marked and preserved until the final disposal of the case and of any other proceedings arising thereout.

(2) Each deposition shall be signed by the coroner and the witness after being read over by the coroner and agreed to by the witness as having been correctly recorded.

Intervention by Commissioner.

10. Should the Commissioner decide to institute criminal proceedings against

any person for causing the death of any person upon whose body a coroner's inquest is in course of being held, he shall notify the coroner who shall stay the inquest pending the outcome of the criminal case and shall cause the depositions taken up to that time and any exhibits produced before him in the case to be made available to the Commissioner.

Coroner to record conviction of any person relevant to an inquest.

11. When an inquest is stayed under section 8 and thereafter 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 a note of all details of the conviction and shall close the inquest.

The coroner's verdict.

12. Where an inquest has not been stayed or has been resumed after being stayed, the coroner shall continue to hear the evidence of any witnesses who have not yet testified and shall record his verdict as to who the person was upon whose body the inquest has been held and how and when and where he met his death or that the cause of death was unknown as the case may be:

Provided that the coroner shall not record a verdict inconsistent with the finding of any criminal court acquitting any person charged before it with any crime connected with the death.

Proceeding upon inquisition charging any person with a criminal offence.

13. (1) Where the coroner's verdict charges that the death was caused as the result of an indictable offence committed by any person the coroner shall issue his warrant for the arrest of the person charged (if such warrant has not been issued) and shall bind by recognizance all persons examined by him as know or declare anything material touching the said offence to appear at the next session of the Grand Court then and there to give evidence at the trial of such person.

(2) Where an indictable offence recorded by the coroner's verdict is other than the offence of murder the coroner may, if he thinks fit, grant bail to such person in the same manner as if such person had been committed by the summary court for trial by the Grand Court.

(3) When the coroner has recorded a verdict under subsection (1) he shall forthwith deliver to the Clerk of the Grand Court the inquisition, depositions, exhibits and recognizances with a certificate that the same have been taken by him and shall deliver copies of all such documents and a list and description of the exhibits to the person charged with the offence.

Coroner may order burial and may order autopsy.

14. A coroner may at, or at any time before, the completion of any inquest which has not been stayed under section 10—

- (a) order that the body be buried in a suitable burial ground;
- (b) order that an autopsy be held by a medical officer of the Government or, if no such officer is available, then by any medical practitioner available, and
- (c) order that the body shall be exhumed and reburied.

Penalty upon medical practitioner failing to testify etc.

15. Any medical practitioner who refuses to testify at a coroner's inquest with reference to relevant matter of which he has or may be presumed to have cognizance, or to hold an autopsy if required by a coroner so to do, shall be liable, in addition to any penalty under any other law, to pay a fine not exceeding \$200 enforceable by the coroner in the same manner as a fine imposed by a summary court.

Report to Registrar.

16. The coroner shall notify the Registrar so soon as practicable of every death of which he becomes aware under section 4 and thereafter of the verdict at which he arrives or, if the inquest is closed by virtue of section 9, of the note made by him at the time of closing the inquest; the notification to the Registrar

shall be made in compliance with section 30 of the Registration (Births and Deaths) Law as if that section made no reference to a jury.

Reporting of deaths to which this Law has application.

17. Every person discovering the body of a dead person, or becoming aware that a death has occurred to which section 4 is applicable, shall forthwith notify the nearest police station or nearest constable and the Commissioner shall cause the coroner to be notified without delay.

Refractory witnesses. Law 13 of 1975.

18. The coroner shall have the same power of dealing with refractory witnesses as is conferred upon a court by virtue of section 42 of the Criminal Procedure Code.

Penalty for interference etc. with dead body.

19. Whoever deals with or does or omits to do anything in connection with the body of a dead person in a manner calculated or tending to circumvent, delay, or frustrate the operation or proper administration of this Law is guilty of an offence and is liable, in addition to any liability under any other law, on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or both.

Treasure Trove.

20. A coroner shall have jurisdiction to enquire of treasure that is found, who were finders, or who is suspected of being the finder, and the provisions of this Law shall, so far as is consistent with the tenor thereof, apply to every such inquest.

General penalty.

21. Whoever contravenes any provision of this Law for which no special penalty is provided is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months or both.

Forms.

22. The forms provided in the schedule or forms similar thereto shall be used in connection with the administration of this Law.

Governor may appoint a coroner to act in case of emergency. Rules. Law 8 of 1975.

23. In case of an emergency the Governor may appoint any suitable person to act as coroner for inquiry into any specified matter.

24. The Rules Committee established by section 21 of the Grand Court Law may, subject to the approval of the Governor in Council make rules for the better implementation of this Law.

Witnesses fees and allowances. Law 11 of 1975.

25. Fees and allowances of witnesses may be provided on the same scale as those provided for similar matters in the schedules of the Judicature Law and medical practitioners who carry out autopsies under the provisions of paragraph (b) of section 14 shall be provided with fees and allowances commensurate with the duties involved to be determined by the coroner on that basis:

Provided that no fees or allowances shall be payable to Public Officers except with the approval of the Governor.

Repeal of Cap. 26.

26. The Coroner's Law is hereby repealed.

**THE SCHEDULE**  
(Section 22)

**FORM OF INQUISITION**

**CAYMAN ISLANDS**

An inquisition taken for Our Sovereign Lady the Queen  
at on the day of 19

before Coroner of Our Sovereign Lady the Queen on view of the body  
of (or, of a person unknown),  
reported to the Registrar of Birth and Deaths  
on 19  
(Here follow the depositions of the various witnesses, the observations of the  
coroner upon view of the body etc. and thereafter, as appropriate) —  
On the day of , 19  
the inquest was stayed on the intervention of the Commissioner of Police.  
On the day of , 19 the in-  
quest was resumed it having been reported to me by the Commissioner that —  
On the day of , 19 the  
file was closed, it having been reported to me by the Commissioner that —  
I find that the said met his death by

etc.

**Report Findings** communicated to the Registrar of Births and Deaths on the day  
of , 19 .

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**CORONER'S SUMMONS**

(Section 8)

You of are  
hereby summoned in the name of Our Sovereign Lady the Queen to attend the  
Coroner on the day  
of 19 at hrs.  
at upon the inquest to be holden on  
view of the body of  
of and from time to time thereafter as you  
may be required.

**HEREIN FAIL NOT.**

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Coroner

Passed the Legislative Assembly this 3rd day of September, 1975.

**T. RUSSELL**  
President

**SYBIL McLAUGHLIN**  
Clerk of the Legislative Assembly