

CAYMAN ISLANDS



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## **THE CORONERS LAW**

**(1995 Revision)**

## **THE CORONERS RULES, 2014**

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## **THE CORONERS RULES, 2014**

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CAYMAN ISLANDS

**THE CORONERS LAW**

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**THE CORONERS RULES, 2014**

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

## **PART 1 - GENERAL**

### **Citation and Commencement**

1. These rules may be cited as the Coroners Rules, 2014 and shall come into operation on 1 December 2014.

### **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; and

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

### **Revocation and application**

3. (1) Subject to a paragraph (2), the Coroners Rules (1996 Revision) are hereby revoked.

(2) These rules shall apply so far as is practicable to any inquest begun before, and not completed on or before, the date of the commencement of these rules and to any autopsy which, before that day, a Coroner has directed or requested a medical practitioner to perform.

**Coroner to be available at all times**

4. A Coroner shall at all times hold himself ready to undertake any duties in connection with inquests and autopsies.



## **PART 2 - NOTIFICATION OF CERTAIN DEATHS**

### **Persons under duty to notify the Clerk of the Court of deaths; notice to next of kin, etc.**

5. (1) Upon the following persons becoming aware that a death has occurred to which section 4 of the Law applies, they shall notify the Clerk of the Court, acting on behalf of the Chief Magistrate, without delay -

- (a) in respect of a death having occurred in a hospital, a medical practitioner who attended upon the deceased;
- (b) in respect of a death having occurred in a prison, the Director of Prisons;
- (c) the Commissioner;
- (d) in respect of a death having occurred in any ship in Cayman Islands waters, the Shipping Master; and
- (e) in respect of bodies that are imported for burial in the Cayman Islands, undertakers.

(2) Nothing in this rule shall prevent any person from notifying a Coroner of a death at any time when the Court Offices are closed; and in such a case, the person notifying a Coroner shall, on the next day that the Court Offices are open, notify the Clerk of the Court in writing of -

- (a) the death;
- (b) the Coroner who was notified; and
- (c) the date when the Coroner was notified.

(3) As soon as reasonably practicable after any person has notified the Clerk of the Court of such a death, the Clerk of the Court shall take all reasonable steps to inform the deceased's next of kin.

(4) As soon as practicable after a Coroner has been notified of any death, the Clerk of the Court shall open a file and the Coroner shall notify the Registrar.

### **PART 3 - AUTOPSIES**

#### **Delay in performing autopsy to be avoided**

6. (1) Where a Coroner directs or requests that an autopsy shall be performed in accordance with section 15 of the Law, the autopsy shall be performed as soon after the death of the deceased as is reasonably practicable.

(2) If at any time when the Court Offices are closed any person applies to a Coroner to direct or request that an autopsy be performed, then that person shall, on the next day that the Court Offices are open, notify the Clerk of the Court in writing of -

- (a) his request;
- (b) the name of the Coroner who dealt with the application; and
- (c) the result of the application.

#### **Medical practitioner performing autopsy**

7. (1) In considering what medical practitioner shall be directed or requested by the Coroner to perform an autopsy, the Coroner shall have regard to the following considerations -

- (a) the autopsy should be performed, whenever practicable, by a pathologist with suitable qualifications and experience and having access to laboratory facilities;
- (b) if the Coroner is informed by the Commissioner that a person may be charged with the murder, manslaughter, abortion or infanticide of the deceased, the Coroner should consult the Commissioner regarding the medical practitioner who is to perform the autopsy;
- (c) if the deceased died in a hospital, the Coroner should not direct or request a medical practitioner on the staff of, or associated with, that hospital to perform an autopsy if-
  - (i) that medical practitioner does not desire to perform the autopsy;
  - (ii) the conduct of any member of the hospital staff is likely to be called in question; or
  - (iii) any relative of the deceased asks the Coroner that the autopsy be not performed by such a medical practitioner, unless the obtaining of another medical practitioner with suitable qualifications and experience would cause the examination to be unduly delayed.

### **Coroner to notify persons of autopsy to be performed**

8. (1) Where a Coroner directs or requests a medical practitioner to perform an autopsy, the Coroner shall notify the persons and bodies set out in paragraph (2) of the date, hour and place at which the autopsy will be performed, unless it is impracticable to notify any such persons or bodies or to do so would cause the examination to be unduly delayed.

(2) The persons and bodies to be notified by the Coroner are as follows -

- (a) any relative of the deceased who has notified the Coroner of his desire to attend, or be represented at, the autopsy;
- (b) the deceased's regular medical practitioner (if known);
- (c) if the deceased died in a hospital, the hospital;
- (d) if the death of the deceased may have been caused by any disease notice of which is required by or under any enactment to be given, the Chief Medical Officer;
- (e) any government department which has notified the Coroner of its desire to be represented at the examination; or
- (f) if the Commissioner has notified the Coroner of his desire to be represented at the examination, the Commissioner.

(3) Any person or body mentioned in paragraph (2) shall be entitled to be represented at an autopsy by a medical practitioner, or if any such person is a medical practitioner, he shall be entitled to attend the autopsy in person; but the Commissioner may be represented by a member of the Royal Cayman Islands Police Service.

(4) Nothing in this rule shall be deemed to limit the discretion of the Coroner to notify any person of the date, hour and place at which an autopsy will be performed and to permit him to attend the examination.

### **Person attending autopsy not to interfere**

9. A person attending an autopsy by virtue of rule 8(3) or (4) shall not interfere with the performance of the autopsy.

### **Preservation of material from autopsy**

10. (1) A medical practitioner shall make provision, so far as possible, for the preservation of material which, in his opinion, bears upon the cause of death or the identification of the deceased.

(2) Where a medical practitioner preserves material under paragraph (1) he shall notify the Coroner of that fact forthwith by notification in writing.

(3) A notification under paragraph (2) shall-

- (a) identify the material being preserved; and
- (b) explain why the medical practitioner is of the opinion mentioned in paragraph (1).

(4) A notification under paragraph (2) may-

- (a) specify the period for which the medical practitioner believes the material should be preserved; and
- (b) specify different periods for different material.

(5) Where a Coroner receives a notification under paragraph (2) he shall notify the medical practitioner of the period for which he requires the material to be preserved, being such period as in the Coroner's opinion the material needs to be preserved for the purpose of fulfilling his functions under the Law in relation to the deceased, and he may specify different periods for different material.

(6) Subject to paragraph (7), on making the notification under paragraph (5) or, if not then known, as soon as their whereabouts are known, the Coroner shall also notify -

- (a) one of the persons referred to in rule 26(2)(a); and
- (b) any other relative of the deceased who has notified the Coroner of his desire to attend, or be represented at the autopsy,

that the material is being preserved, the period or periods for which it is required to be preserved under paragraph (5), and the options for dealing with the material on expiry of a period notified under that paragraph.

(7) In the case of a child who has identified himself as such to the Coroner, the Coroner may notify a person who has parental responsibility for the child instead of notifying the child himself.

(8) The options referred to in paragraph (6) are-

- (a) disposal of the material by burial or other lawful disposal by the medical practitioner;
- (b) return of the material to a person referred to in that paragraph who requests that the material be returned to him; or
- (c) retention of the material with the consent of a person referred to in paragraph (6) for medical research or other purposes.

(9) If a period notified under paragraph (5) does not expire before the date on which the Coroner's functions cease under the Law it shall expire on the date such functions cease, and the Coroner shall notify the persons referred to in paragraphs (5) and (6) accordingly.

(10) The medical practitioner shall, so far as possible, preserve material to

which this rule applies until the expiry of the period notified to him in relation to the material under paragraph (5).

**Further provisions relating to preservation of materials from autopsy**

11. (1) Where the Coroner-

- (a) is informed under section 11 of the Law that a person has been charged with an offence in relation to, or connected with, the death of the deceased; or
- (b) receives a request under rule 32 on the ground that a person may be charged with an offence in relation to the death of the deceased,

he shall notify the Commissioner or, in the case of a notification under section 11, the Director of Public Prosecutions, of any period for which he requires material to be preserved under rule 10(5).

(2) A Coroner may from time to time vary a period notified under rule 10(5) and shall promptly notify both the medical practitioner and any person notified under rule 10(6) of the variation.

(3) Where a period is varied under paragraph (2), rule 10(9) and (10) and paragraphs (1), (4), and (6) of this rule shall apply to the period so varied, as they apply to the period notified under rule 10(5).

(4) Where, at any time during a period notified to him under of rule 10(5), the medical practitioner believes that any of the material retained under that rule should be retained for a different period, he shall notify the Coroner of that fact and the notification shall comply with rule 10(3).

(5) Rule 10(5) applies to a notification under paragraph (4) as it applies to a notification under rule 10(2).

(6) Where a medical practitioner has retained material under rule 10 and the period notified under rule 10(5) in relation to that material has expired, he shall record-

- (a) that the material has been disposed of by him or on his behalf;
- (b) that the material has been delivered into the possession of a specified person; or
- (c) that he has retained the material on behalf of a specified person,

and shall retain such a record for fifteen years.

**Report on autopsy**

12. (1) The person performing an autopsy shall submit a report of such autopsy to the Coroner in the form set out in the Schedule.

(2) Unless authorised by the Coroner, the person performing an autopsy shall not supply a copy of his report to any person other than the Coroner.

**Premises for autopsies**

13. (1) No person shall carry out an autopsy in a dwelling house or in licensed premises.

(2) Every autopsy shall be carried out in premises which are adequately equipped for the purpose of the autopsy.

(3) Where a person dies in a hospital possessing premises so equipped, any autopsy of the body of that person shall, with the consent of the hospital, be carried out in those premises unless the Coroner otherwise decides.

(4) For the purpose of this rule no premises shall be deemed to be adequately equipped for the purpose of autopsies unless they are supplied with running water, air-conditioning, lighting facilities and containers for the storing and preservation of material.

## **PART 4 - SPECIAL AUTOPSIES**

### **Coroner may order special autopsy**

14. The Coroner may, pursuant to his power to order an autopsy under section 15 of the Law order a special autopsy.

### **Preservation of material from special autopsy**

15. (1) A person performing a special autopsy shall make provision, so far as possible, for the preservation of the material submitted to him for examination.

(2) Where a person performs a special autopsy he shall send forthwith to the Coroner a notification in writing, identifying the material which he is preserving in accordance with this rule.

(3) A notification under paragraph (2) may specify the period for which the person believes the material should be preserved and may specify different periods for different material.

(4) Where a Coroner receives a notification under paragraph (2) he shall notify the person making the special autopsy of the period for which the material is to be preserved, being such period as in the Coroner's opinion the material needs to be preserved for the purpose of fulfilling his functions under the Law in relation to the deceased, and he may specify different periods for different material.

(5) Subject to paragraph (6), on making the notification under paragraph (4) or, if not then known, as soon as their whereabouts are known, the Coroner shall also notify -

- (a) one of the persons referred to in rule 26(2)(a); and
- (b) any other relative of the deceased who has previously notified the Coroner of his desire to attend, or be represented at the autopsy,

that the material is being preserved, the period or periods for which it is required to be preserved under paragraph (4), and the options for dealing with the material on expiry of a period notified under that paragraph.

(6) In the case of a child who has identified himself as such to the Coroner, the Coroner may notify a person who has parental responsibility for the child instead of notifying the child himself.

(7) The options referred to in paragraph (5) are -

- (a) disposal of the material by burial or other lawful disposal by the person making the special autopsy;
- (b) return of the material to a person referred to in that paragraph who requests that the material be returned to him; or
- (c) retention of the material with the consent of a person referred to in paragraph (5) for medical research or other purposes.

(8) If a period notified under paragraph (4) does not expire before the date on which the Coroner's functions cease under the Law it shall expire on the date the functions cease, and the Coroner shall notify the persons referred to in paragraphs (4) and (5) accordingly.

(9) The person making the special autopsy shall, so far as possible, preserve material to which this rule applies until the expiry of the period notified to him in relation to it under paragraph (4).

**Further provisions relating to preservation of materials from special autopsies**

16. (1) Where the Coroner-

- (a) is informed under section 11 of the Law that a person has been charged with an offence in relation to, or connected with, the death of the deceased or,
- (b) receives a request under rule 32 on the ground that a person may be charged with an offence in relation to the death of the deceased,

the Coroner shall notify the Commissioner or, in the case of a notification under section 11, the Director of Public Prosecutions, of any period for which he requires the material to be preserved under rule 15(4).

(2) A Coroner may from time to time vary a period notified under rule 15(4) and shall promptly notify the person making the special examination and any person notified under rule 15(5) of the variation.

(3) Where a period is varied under this paragraph, rule 15(8) and paragraphs (1), (2), (4) and (6) of this rule shall apply to the period so varied as they apply to the period notified under rule 15(4).

(4) Where, at any time during a period notified to him under rule 15(4), the person carrying out the special autopsy believes that any of the material retained under that rule should be retained for a different period he shall notify the Coroner of that fact.



(5) Rule 15(4) applies to a notification under paragraph (4) as it applies to a notification under rule 15(2).

(6) Where a person carrying out a special autopsy has retained material under rule 15 and the period notified under rule 15(4) in relation to the material has expired that person shall record-

- (a) that the material has been disposed of by him or on his behalf;
- (b) that the material has been delivered into the possession of a specified person; or
- (c) that he has retained the material on behalf of a specified person,

and shall retain such a record for fifteen years.

### **Report on special autopsies**

17. Unless authorised by the Coroner, the person performing a special autopsy shall not supply a copy of his report to any person other than the Coroner.

## **PART 5- BURIAL ORDERS AND REMOVAL OF BODIES FROM THE CAYMAN ISLANDS**

### **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 not issue an order for burial but the Registrar may issue a certificate.

### **Burial order where certificate for disposal of body issued**

19. Where a Coroner is satisfied that a certificate for the disposal of a body has been issued by the Registrar, the Coroner shall not issue an order authorising the burial of that body unless the certificate has been surrendered to him; and in such a case he shall, on issuing the order, transmit the certificate to the Registrar and inform him of the issue of the order.

### **Removal of body from Islands**

20. (1) Every person intending to remove the body of a deceased person out of the Cayman Islands shall give notice of his intention in the relevant form set out in the Schedule, or in a form substantially to the like effect, to the Clerk of the Court, and when the deceased person died in the Cayman Islands and a certificate has been given by the Registrar under section 32 of the Births and Deaths Registration Law or a Coroner's order for burial has been issued, the certificate or order shall be delivered to the Clerk of the Court with the notice.

(2) Upon receiving a notice under sub-paragraph (1) the Clerk of the Court shall forthwith notify a Coroner, and the Coroner so notified shall forthwith send or deliver -

- (a) to the person who gave the notice, or the undertaker or other person designated by that person for the purpose, an acknowledgment of the receipt of the notice in the form set out in the Schedule, or in a form substantially to the like effect; and
- (b) to the Registrar, a notification that a notice of intention to remove the body out of the Cayman Islands has been received, and, if a certificate given by the Registrar under section 32 of the Births and Deaths Registration Law was sent to the Coroner under subsection (1), such certificate.

(3) Any Coroner's order for burial sent to the Clerk of the Court under sub-paragraph (1) shall be retained by him.

(4) Subject to sub-paragraph (5), the body shall not be removed out of the Cayman Islands before the expiration of a period of four clear days after the day on which notice of intention to remove the body was received by the Clerk of the Court.

(5) Where the Coroner states in his acknowledgment of receipt of the notice that after making due enquiry he is satisfied that no further enquiries by him are necessary concerning the death, the body may be removed out of the Cayman Islands at any time after the acknowledgment has been received by the person to whom it is addressed, notwithstanding that the period of four clear days has not expired.

(6) Any notice, acknowledgment or notification required by rule 20 to be given, sent or delivered may be delivered by hand or by facsimile or electronically (but not by post) and, in any event, any such notice, acknowledgment or notification required by rule 20 to be given by the Coroner shall be displayed publicly in the Court House.

## **PART 6- INQUESTS**

### **Formality**

21. Every inquest shall be opened, adjourned and closed in a formal manner.

### **Inquest in public**

22. Every inquest shall be held in public but the Coroner may direct that the public be excluded from an inquest or any part of an inquest if he considers that it would be in the public interest or the interest of national security so to do.

### **Days on which inquest not to be held**

23. (1) An inquest shall not be held on any public general holiday pursuant to the Public Holidays Law unless the Coroner thinks it is required on grounds of urgency that an inquest should be held on such a day.

(2) No inquest shall be held on a Sunday, or, notwithstanding paragraph (1), Christmas Day or Good Friday.

### **Coroner to notify persons of inquest arrangements**

24. The Clerk of the Court shall give notification of the date, hour and place of an inquest to -

- (a) the spouse or a near relative or personal representative of the deceased whose name and address are known to the Coroner; and
- (b) any other person who-
  - (i) in the opinion of the Coroner is within rule 26(2);
  - (ii) has asked the Clerk of the Court to notify him of the aforesaid particulars of the inquest; and
  - (iii) has supplied the Clerk of the Court with a telephone or fax number, email address or postal address for the purpose of notifying him.

### **Attendance of witnesses**

25. (1) The Coroner shall summon all persons he believes may be able to testify in furtherance of the inquest.

(2) The form of a summons shall be in the form set out in the Schedule to the Law.

(3) The Coroner may require any witness so summoned to bring with him

any document or other thing in his possession or control.

#### **Entitlement to examine witnesses**

26. (1) Subject to paragraphs (3) and (4), without prejudice to any enactment with regard to the examination of witnesses at an inquest, any person who satisfies the Coroner that he is within paragraph (2) shall be entitled to examine any witness at an inquest either in person or by an attorney-at-law.

(2) Each of the following persons shall have the rights conferred by paragraph (1) -

- (a) a parent, child, spouse and any personal representative of the deceased;
- (b) any beneficiary under a policy of insurance issued on the life of the deceased;
- (c) the insurer who issued such a policy of insurance;
- (d) any person whose act or omission or that of his agent or servant may in the opinion of the Coroner have caused, or contributed to, the death of the deceased;
- (e) the Commissioner; and
- (f) any other person who, in the opinion of the Coroner, is a properly interested person.

(3) The Commissioner, unless interested otherwise than in that capacity, shall only be entitled to examine a witness by an attorney-at-law.

(4) The Coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(5) Any person who is, or who contends that he is, within paragraph (2) and who wishes to examine any witness at an inquest shall notify the Clerk of the Court no later than two days prior to the inquest; and such person shall in the notice state whether he wishes to appear in person or by an attorney-at-law and, if by an attorney-at-law, he shall state the name of the attorney-at-law or of the attorney's firm.

#### **Appearance of attorney-at-law at inquest**

27. (1) Each attorney-at-law appearing on behalf of any person specified in rule 26(2) is required to file a written notice of appearance on or before the time of the attorney-at-law's first appearance at the inquest or not later than ten days after appointment or retainer, whichever is sooner.

(2) The notice under paragraph (1) shall contain the following details -

- (a) the name of the attorney-at-law;
- (b) his business address and email address, and his telephone and fax number;
- (c) the name of the person on whose behalf he is appearing; and
- (d) the case number of the inquest.

#### **Examination of witnesses**

28. Unless the Coroner otherwise determines, a witness at an inquest shall be examined first by the Coroner and, if the witness is represented at the inquest, lastly by his representative.

#### **Self-incrimination**

29. (1) A witness at an inquest shall not be obliged to answer any question tending to incriminate himself.

(2) Where it appears to the Coroner that a witness has been asked such a question, the Coroner shall inform the witness that he may refuse to answer.

#### **Notice to person whose conduct is likely to be called in question**

30. Any person whose conduct is likely, in the opinion of the Coroner, to be called in question at an inquest shall, if not summoned to give evidence at the inquest, be given reasonable notice of the date, hour and place at which the inquest will be held.

#### **Adjournment where person whose conduct is called in question is not present**

31. If the conduct of any person is called in question at an inquest on grounds which the Coroner thinks substantial and which relate to any matter referred to in rule 40 and if that person is not present at the inquest and has not been duly summoned to attend or otherwise given notice of the holding of the inquest, the inquest shall be adjourned to enable him to be present, if he so desires.

#### **Request by the Commissioner for adjournment**

32. (1) The Commissioner may request a Coroner to adjourn an inquest on the ground that a person may be charged with an offence within paragraph (3), and in such a case 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 Commissioner may ask the Coroner for a further adjournment and the

Coroner may comply with his request.

(3) The offences within this paragraph are murder, manslaughter, infanticide or abortion contrary to the Penal Code, suicide or sections 75, 79, 80 or 83 of the Traffic Law.

**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 depositions 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.

**Coroner to adjourn in certain other cases**

34. (1) If during the course of an inquest evidence is given from which it appears to the Coroner that the death of the deceased is likely to be due to murder, manslaughter, infanticide or abortion contrary to the Penal Code, suicide, or sections 75, 79, 80 or 83 of the Traffic Law and that a person might be charged with such an offence, then the Coroner, unless he has previously been notified by the Director of Public Prosecutions that an adjournment is unnecessary, shall adjourn the inquest for fourteen days or for such longer period as he may think fit and send to the Director of Public Prosecutions particulars of that evidence.

(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.

**Coroner to furnish certificate after adjournment or stay**

35. If a Coroner adjourns or stays an inquest in compliance with rule 33 he shall send to the Registrar a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars which are required to be registered concerning a death under section 30 of the Births and Deaths Registration Law within five days from the date on which the inquest is adjourned.

**Coroner's interim certificate of the fact of death**

36. When an inquest has been adjourned for any reason and rule 35 does not apply, the Coroner shall on application supply to any person who, in the opinion of the Coroner, is a properly interested person an interim certificate of the fact of death in the form set out in the Schedule.

**Coroner to notify persons as to resumption of, and alteration of arrangements for, adjourned or stayed inquest**

37. (1) If an inquest which has been adjourned or stayed in pursuance of rule 33 will not be resumed, the Coroner shall notify the persons within paragraph (4).

(2) If an inquest which has been adjourned or stayed is to be resumed, the Coroner shall give reasonable notice of the date, hour and place at which the



inquest will be resumed to the persons within paragraph (4).

(3) Where a Coroner has fixed a date, hour and place for the holding of an inquest adjourned for any reason, he may, at any time before the date so fixed, alter the date, hour or place fixed and shall then give reasonable notice to the persons within paragraph (4).

(4) The persons to whom this paragraph refers are the members of the jury, the witnesses, the Commissioner, any person notified under rule 24 or 30, and any other person appearing in person or represented at the inquest.

#### **Recognisance of witness or juror becoming void**

38. Where any witness or juror who has been bound over to attend at an adjourned or stayed inquest, whether without further notice or conditionally on receiving further notice, is notified by the Coroner that his attendance at the adjourned or stayed inquest is not required or that the inquest will not be resumed, the recognisance entered into by him shall be void.

#### **Coroner to notify the Clerk of the Court of adjournment or stay in certain cases**

39. Where a person charged with an offence specified in rule 34(1) is committed for trial to the Grand Court, the Coroner who has adjourned or stayed an inquest in pursuance of rule 33 shall inform the Clerk of the Court of such adjournment or stay.

#### **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) who the deceased was;
- (b) how, when and where the deceased came by his death; and
- (c) 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.

#### **Evidence**

41. (1) The Commissioner shall ensure that all the materials in the possession of the Royal Cayman Islands Police Service concerning the cause and circumstances of the death are supplied to the Coroner; and if any such materials

have been passed to the Director of Public Prosecutions then the Director of Public Prosecutions shall arrange for those materials to be provided to the Coroner.

(2) Subject to paragraphs (3) to (5), the Coroner may admit at an inquest documentary evidence relevant to the purposes of the inquest from any living person which in his opinion is unlikely to be disputed, unless a person who in the opinion of the Coroner is within rule 26(2) objects to the documentary evidence being admitted.

(3) Documentary evidence so objected to may be admitted if in the opinion of the Coroner the maker of the document is unable to give oral evidence within a reasonable period.

(4) Subject to paragraph (5), before admitting such documentary evidence the Coroner shall at the beginning of the inquest announce publicly-

- (a) that the documentary evidence may be admitted;
- (b) the full name of the maker of the document to be admitted in evidence, and a brief account of such document;
- (c) that any person who, in the opinion of the Coroner, is within rule 26(2) may object to the admission of any such documentary evidence; and
- (d) that any person who, in the opinion of the Coroner, is within rule 26(2) is entitled to see a copy of any such documentary evidence if he so wishes.

(5) If during the course of an inquest it appears that there is available at the inquest documentary evidence which, in the opinion of the Coroner, is relevant to the purposes of the inquest but the maker of the document is not present and, in the opinion of the Coroner, the content of the documentary evidence is unlikely to be disputed, the Coroner shall at the earliest opportunity during the course of the inquest comply with the provisions of paragraph (4).

(6) A Coroner may admit, as evidence at an inquest, any document made by a deceased person if he is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(7) A written statement by any person is admissible as evidence to the same extent as oral evidence if the statement complies with section 10(1) and (2) of the Law.

(8) Any documentary evidence admitted under this rule shall, unless the Coroner otherwise directs, be read aloud at the inquest and, if the Coroner so directs, an account shall be given orally of so much of any statement not read aloud.

(9) If a witness is not in the jurisdiction and his sworn written statement is, or may be disputed and-

- (a) he is unable or unwilling to travel to the Cayman Islands; or
- (b) the Coroner is satisfied that it is not reasonably practicable for him to travel to the Cayman Islands,

to testify at the inquest, then the Coroner may permit him to testify by live video-link.

### **Exhibits**

42. All exhibits produced in evidence at an inquest shall be marked with consecutive numbers and shall be preserved until the final disposal of the inquest and of any other proceedings arising out of the inquest.

### **Notes of evidence; record of testimony of witness**

43. (1) The Coroner shall take notes, or cause notes to be taken or recorded on his behalf, of the evidence at every inquest.

(2) A witness who has given oral testimony shall, before he is discharged, be given the opportunity to review the record of his testimony and where he has confirmed to the Coroner that the record has correctly recorded his testimony he and Coroner shall sign a copy of the record.

(3) If the witness has given his oral testimony by live video-link then the Coroner and the witness may sign different copies of the same record of his testimony.

(4) In a case under paragraph 3 the witness shall send the copy of the record of his testimony as signed by him to the Clerk of the Court. Upon receipt of the same the Coroner shall countersign the record of the witness' testimony and that countersigned copy shall be the official record of his testimony.

### **No address as to facts**

44. No person shall be allowed to address the Coroner or the jury as to the facts.

### **Summing-up and direction to jury**

45. The Coroner shall sum up the evidence to the jury and direct them as to the law before they consider their verdict and shall draw their attention to rules 40(2) and 44 (1).

### **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; or
  - (iii) by suicide and, if so, the presumed state of mind of the deceased.

(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 the Schedule to the Law; and
- (b) shall set out, so far as such particulars have been proved -
  - (i) the identity of the deceased (if known); and
  - (ii) how, when and where the deceased came by his death.

### **Prevention of similar fatalities**

47. A Coroner who believes that action should be taken to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held may announce at the inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly.

## **PART 7 - SUMMONING OF JURORS AND EXCUSAL FROM JURY SERVICE**

### **Method of summing**

48. (1) Subject to the provisions of these rules, jurors shall be summoned by notice in the form set out in the Schedule to the Law.

(2) The summons will be delivered by hand to a juror at his address as shown in the electoral register or at such other address as the juror shall notify the Clerk of the Court.

### **Notice to accompany summons**

49. A written summons sent or delivered to any person under rule 48 shall be accompanied by a notice informing him -

- (a) of the effect of section 6 of the Law and rules 51 and 52; and
- (b) that he may make representations to the Clerk of the Court with a view to obtaining the withdrawal of the summons, if for any reason he is not qualified for jury service, or wishes or is entitled to be excused.

### **Withdrawal or alteration of summons**

50. If it appears to the Clerk of the Court, at any time before the day on which any person summoned under section 6 of the Law is to attend, that his attendance is unnecessary, or can be dispensed with, the Clerk of the Court may withdraw or alter the summons by notice served in the same way as a summons.

### **Excusal for previous jury service**

51. (1) If a person summoned under section 6 of the Law shows to the satisfaction of the Clerk of the Court or of the Coroner that -

- (a) he has served on a Coroner's jury or a Grand Court jury within the last six preceding sessions of the Grand Court; or
- (b) the Grand Court or a Coroner has excused him from jury service for a period which has not terminated,

the Clerk of the Court or the Coroner shall excuse him from attending, or further attending, in pursuance of the summons.

### **Certificate of attendance**

52. A person duly attending to serve on a jury in compliance with a summons under section 6 of the Law shall be entitled on application in writing to the Clerk of the Court to a certificate recording that he has so attended in the form set out in the Schedule.

### **Excusal from certain persons and discretionary excusal**

53. (1) If any person summoned under section 6 of the Law shows to the satisfaction of the Clerk of the Court that there is good reason why he should be excused from attending in pursuance of the summons, the Clerk of the Court may excuse him from so attending.

(2) Without prejudice to paragraph (1), the Coroner before whom a person is summoned to attend under section 6 of the Law may excuse that person from so attending.

### **Discharge of summons in case of doubt as to capacity to act effectively as a juror**

54. Where it appears to the Clerk of the Court, in the case of a person attending in pursuance of a summons under section 6 of the Law, that on account of physical disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the person may be brought before the Coroner, who shall determine whether or not he should act as a juror and, if not, he shall discharge the summons.

## **PART 8 - RECORDS, DOCUMENTS, EXHIBITS AND FORMS**

### **Register of deaths**

55. The Clerk of the Court shall keep an indexed register of all deaths reported to the Coroner which shall be in the relevant format and contain the particulars specified in the Schedule.

### **Retention and delivery or disposal of exhibits**

56. (1) Every exhibit at an inquest shall, unless a court otherwise directs, be retained by the Clerk of the Court until the Coroner is satisfied that the exhibit is not likely to be, or will no longer be, required for the purposes of any other legal proceedings.

(2) Where the Coroner decides under paragraph (1) that an exhibit is not required to be retained and a request for its delivery has been made by a person appearing to the Coroner to be entitled to the possession thereof, the exhibit shall be delivered to that person, or, if no such request has been made, be destroyed or otherwise disposed of as the Coroner thinks fit.

### **Retention and delivery of documents**

57. (1) Any document, other than an exhibit at an inquest, in the possession of the Clerk of the Court in connection with an inquest or autopsy shall, unless a court otherwise directs, be retained by the Clerk of the Court for at least fifteen years.

(2) Notwithstanding paragraph (1), the Clerk of the Court may deliver any such document to any person who, in the opinion of the Coroner, is a proper person to have possession of it.

### **Inspection of, or supply of copies of, documents etc.**

58. (1) The Clerk of the Court shall, on application and on payment of the prescribed fee if any, supply to any person who, in the opinion of the Coroner, is a properly interested person a copy of any report of an autopsy or of any notes of evidence, or of any document put in evidence at an inquest.

(2) The Clerk of the Court may, on application and without charge, permit any person who, in the opinion of the Coroner, is a properly interested person, to inspect such report, notification, notes of evidence, or document.

## **Forms**

59. The forms set out in the Schedule, with such modifications as circumstances may require, may be used for the purposes for which they are expressed to be applicable.

Approved by the Governor in Cabinet the 25th day of March 2014

Clerk of the Cabinet

MADE by the Rules Committee of the Grand Court  
on the 26th day of September 2014

The Hon. Anthony Smellie QC, Chief Justice

The Hon. Sam Bulgin QC, Attorney General

Colin McKie QC

Hector Robinson



**SCHEDULE**

Form C1

**CORONERS LAW**

**(1995 Revision)**

**(Rule 48)**

**SUMMONS TO JUROR**

To

By virtue of a notice of [     ], one of the Coroners for the Cayman Islands, you are hereby summoned to appear before him as a juror on [*state day of week*] the [*state date*] day of 20 , at a.m./p.m. at [*state place*] until you are no longer needed.

You must attend at the time and place shown above unless you are told by an officer authorised by the Coroner that you need not do so.

Dated this     day of                      20 .

-----  
Clerk of Court

**CORONERS LAW**

**(1995 Revision)**

**(Section 15(c))**

**WARRANT TO EXHUME**

TO *[name of minister or other persons having power of control over the churchyard, cemetery or other place where the body is buried]*

Whereas I, \_\_\_\_\_, a Coroner for the Cayman Islands, am credibly informed that the body of *[name of deceased]* has been buried in the *[name of churchyard, cemetery or other place in which the body is buried]* at *[plot number, if known]* and it appears to me that it is necessary for the body to be examined for the purpose of *[my holding an inquest touching upon the death of the deceased][my discharging one of my functions in relation to the body or death of the deceased, namely \_\_\_\_\_]*.

I hereby order you to cause the body of the said *[name of deceased]* to be disinterred for that purpose and thereafter comply with the further directions of the court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

-----  
Coroner

Form C3

**CORONERS LAW**

**(1995 Revision)**

**(Section 15(b))**

**DIRECTION TO MEDICAL PRACTITIONER TO PERFORM AN  
AUTOPSY**

To *[Name of medical practitioner]*

I hereby direct you, pursuant to section 15(b) of the Coroner's Law (1995 Revision), to perform an autopsy of the body of *[name of deceased, if known]* now lying at *[name of hospital and address]*, thereafter to report the result thereof to me in writing, and thereafter to appear before the Coroner's Court at such time as you may be required to give evidence touching the death of the deceased.

Dated this       day of       20

-----  
Coroner

Form C4

**CORONERS LAW**

**(1995 Revision)**

**(Section 15(a))**

**ORDER FOR BURIAL**

TO:

This is to authorise and require you to cause the body of [*name of deceased*] of [*address*] to be buried [*the death having been reported to me on [date] by [name] and the said body being no longer required for purposes of evidence touching the death*].

Dated this       day of       20

-----

Coroner

Form C5

**CORONERS LAW**

**(1995 Revision)**

**(Section 23)**

**APPOINTMENT OF CORONER FOR INQUIRY INTO A SPECIFIED  
MATTER**

I, \_\_\_\_\_, Governor of the Cayman Islands, by virtue of the Coroners  
Law (1995 Revision) appoint \_\_\_\_\_ of \_\_\_\_\_ to act as  
Coroner for the purpose of holding an inquiry into the following matter -

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

-----  
Governor

**ANNEXURE**

I, \_\_\_\_\_, solemnly and sincerely swear that  
I will diligently and truly do everything appertaining to the office of Coroner for  
inquiring into the matter of [ \_\_\_\_\_ ] to the best of my power  
for the doing of right in the said matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

-----  
Acting Coroner

Form C6

**CORONERS LAW**

**(1995 Revision)**

**(Rule 12(1))**

**AUTOPSY REPORT**

**THIS REPORT IS CONFIDENTIAL. IT SHOULD NOT BE DISCLOSED  
TO A THIRD PARTY WITHOUT THE CORONER'S CONSENT**

AUTOPSY REPORT

Case No:

Name of deceased:

Name of Coroner

Address of deceased (if known):

Identified by:

Place of examination:

Date and time of examination:

Observers present at examination:

**EXTERNAL EXAMINATION\***

Stated/Estimated date and time of death:

Stated/Apparent age:

Nourishment:

Marks of identifications (tattoos, old scars, etc):

Body surface and musculo-skeletal system, including injuries

## INTERNAL EXAMINATION\*

### Central nervous system

(Skull:

### Cranial cavity: (Brain:

(Meninges:

(Cerebral vessels:

### Respiratory system\*\*

(Larynx:

(Trachea:

(Bronchi:

(Pleurae:

(Lung parenchyma:

### Thoracic cavity:

(Cardio-vascular system:

(Heart:

(Weight:

(Valves:

Myocardium:

(Pericardium:

(Coronary arteries:

(Great Vessels:

*Alimentary system*

Mouth:

Tongue:

Oesophagus:

Stomach and contents:

Duodenum:

Intestines:

Liver and gall bladder:

Abdominal cavity

(Pancreas:

(Peritoneum:(*Genito-urinary system*

(Kidneys and ureters:

(Bladder and urine:

(Generative organs:

Reticulo-endothelial system-

Spleen:

Lymph nodes:

Thymus:

Endocrine system

Thyroid:

Pituitary:



Adrenals:

In my opinion the cause of death was:

**I**

**I**

Disease of condition directly (a) .....  
leading to death\*\*\* due to (or as a consequence of)

Antecedent causes. (b) .....  
due to (or as a consequence of)

Morbid conditions, if any, (c) .....  
giving rise to the above cause due  
(stating the underlying condition  
last)

**II**

**II**

Other significant conditions  
*contributing to the death* but  
NOT related to the disease or  
condition causing it \*\*\*\*

Morbid conditions present but in  
the pathologist's opinion *NOT*  
*contributing to the death*:

Is any further laboratory  
examination to be made which  
may affect the cause of death?

YES/NO

[Were any organs or tissue  
removed from the body during  
the examination and retained?

YES/NO

If YES, who retains any such organs or tissue, and for what period or periods?]

Comments:

To the best of my knowledge no cardiac pacemaker remains in the body.

Signature and qualifications

Name (in block letters)

**NOTES:**

\*Description of injuries or of complex pathology may be attached on a separate sheet, provided it is properly identified and signed.

\*\*In cases of suspected pneumoconiosis (or one of the other occupational diseases affecting the lungs) see "Notes on completing the autopsy report form" obtainable from the Coroner.

\*\*\*This does not mean the mode of dying, such as (e.g.) heart failure, asphyxia, asthenia, etc. It means the disease, injury or complication which caused the death.

\*\*\*\*Conditions which did not in the pathologist's opinion contribute materially to the death should NOT be included under this heading, but under "Morbidity conditions present but in the pathologist's opinion NOT contributing to the death".

Form C7

**CORONERS LAW**

**(1995 Revision)**

**(Rule 36)**

**CORONER'S INTERIM CERTIFICATE OF THE FACT OF DEATH**

To whom it may concern.

[*Name of deceased*] of [*address, if known*] died on [*date*] 20

The precise medical cause of death [*was as follows*][*has yet to be established*][*delete as appropriate*]

Dated this       day of       20

-----

Coroner

**CORONERS LAW**

**(1995 Revision)**

**(Rule 20)**

**FORM OF NOTICE TO A CORONER OF INTENTION TO REMOVE A  
BODY OUT OF THE CAYMAN ISLANDS**

To the Coroner:

I/We *[name(s)]* of *[full address]* in pursuance of rule 20 of the Coroners Rules hereby give you notice that I/we intend to remove out of the Cayman Islands the body, now lying at *[ ] Hospital, George Town, Grand Cayman*], of *[name of deceased]*, who died at (or whose body was found at) *[address]* on *[date]*.

and I/we deliver herewith the certificate for disposal given by the Registrar of births and deaths. \*

and I/we deliver herewith the Coroner's order for burial of the deceased.\*

and I/we declare that to the best of my/our knowledge and belief no certificate for disposal has been given by the Registrar of births and deaths and no Coroner's order for burial has been issued.\*

You are requested to send any communication regarding this notice to –

*[Name]* .....  
*[Full address in the Cayman Islands (not a postal address)][fax no][e-mail address]\*\** .....

Signature of person giving notice .....

Date .....

*\*Delete as appropriate*

*\*\*At least one of these contact details must be provided*

**CORONERS LAW**

**(1995 Revision)**

**(Rule 20)**

**FORM OF ACKNOWLEDGMENT BY A CORONER OF RECEIPT OF  
NOTICE OF INTENTION TO REMOVE A BODY OUT OF THE  
CAYMAN ISLANDS**

To ..... *[state the name of the person by whom notice was given, or such other person as may have been designated in the notice to receive the Coroner's acknowledgement]*

*[Address][fax no][email address]* .....

1. I hereby acknowledge that I have this            day of            20  
received the notice given by *[name]* for the purpose of rule 20 of the Coroner's  
Rules that it is intended to remove out of the Cayman Islands the body, now lying  
within the Cayman Islands, of *[name of deceased]* deceased.

2. (a) I am satisfied that there is no necessity for me to make further inquiries  
concerning the death and the body may be removed out of the Cayman Islands  
upon receipt of this acknowledgment.

(b) The body may be removed out of the Cayman Islands on or after the  
fifth day after the date above unless any lawful direction to the contrary has been  
given in the meanwhile.

.....  
Coroner

*Delete (a) or (b)*

Form C10

**CORONERS LAW**

**(1995 Revision)**

**(Rule 55)**

**REGISTER OF DEATHS REPORTED TO THE CORONER**

Case Number: \_\_\_\_\_

Date on which death is reported to coroner	Particulars of deceased (if known)			Medical cause of death	State whether autopsy ordered (and, if so, date ordered)	State whether inquest ordered (and, if so, date)	Date of Burial Order	Verdict at inquest (if any) and date
	Full name and address	Age	Sex					

**CORONERS LAW**

**(1995 Revision)  
(Rule 52)**

**CERTIFICATE OF ATTENDANCE**

Name of Juror

I hereby certify that the above-named Juror [*attended to serve*] [*served*] on a jury  
at an inquest held before [*name of Coroner*]

\*Delete as required \*on/\*from

\*to

[*and I further certify that in the opinion of the Coroner it would be reasonable  
and proper that he/she should be exempt from service on a jury in a Coroner's  
Court for a period of                      years from                      .*]

Dated this                      day of                      20 .

-----  
Clerk of the Court

**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 depositions 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 Attorney-General.

On the \_\_\_\_\_ day of \_\_\_\_\_, 20  
the inquest was resumed it having been reported to me by the Attorney General  
that -

On the \_\_\_\_\_ day of \_\_\_\_\_, 20  
the file was closed, it having been reported to me by the Attorney General 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 .



**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 \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ hours  
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.**

---

Coroner