
CORONERS (CONSOLIDATION AND EXTENSION) (AMENDMENT) ORDINANCE 2013

An Ordinance to amend the Coroners (Consolidation and Extension) Ordinance 1989

J. S. WRIGHT
DEPUTY ADMINISTRATOR

16th August 2013.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Citation and commencement

This Ordinance may be cited as the Coroners (Consolidation and Extension) (Amendment) Ordinance 2013 and comes into force on 1 September 2013.

2. Interpretation

In this Ordinance, the “principal Ordinance” means the Coroners (Consolidation and Extension) Ordinance 1989(a).

3. Section 2 amended (interpretation)

In section 2 of the principal Ordinance—

- (a) before the definition of “Coroner”, insert—

““the 2007 Ordinance” means the Courts (Constitution and Jurisdiction) Ordinance 2007(b);”;

- (b) in the appropriate places, insert—

““Presiding Judge” has the same meaning as in section 2(1) of the 2007 Ordinance;”;

““Resident Judge” has the same meaning as in section 2(1) of the 2007 Ordinance;”;

““Senior Judge” has the same meaning as in section 2(1) of the 2007 Ordinance;”;

- (c) repeal the definition of “Judge” and substitute with the following—

““Judge” means the Presiding Judge, the Resident Judge, a Senior Judge or a judge appointed in accordance with section 8(1) of the 2007 Ordinance (Associate Judge);”.

4. Section 3 amended (who may hold inquests)

Repeal section 3(4) of the principal Ordinance and the proviso that follows it and substitute with the following—

- “(4) Subject to any directions issued under subsection (5), the Resident Judge must hold all inquests.
- (5) The Presiding Judge may issue directions to Coroners in relation to the exercise of any of their functions under this Ordinance.
- (6) The Presiding Judge may delegate the power under subsection (5) to a Senior Judge and may impose conditions or limitations on the exercise of any power so delegated.
- (7) Directions issued under this section may make different provision for different purposes including directions that apply in relation to a particular case or a particular function.
- (8) A Coroner must comply with any directions issued in accordance with this section.”

5. Section 7 amended (inquest on all prisoners and persons in police custody)

In section 7 of the principal Ordinance, omit “and, where such death is in execution of a judgement of death, the inquest shall be held within four hours thereafter”.

6. Section 11 amended (duty of the authorised police officer)

In section 11(3) of the principal Ordinance—

- (a) omit all references to “Chief Police Officer”(c) and in each case substitute with “Chief Constable”(d);
- (b) omit “the Deputy Chief Police Officer of each area, shall be authorised police officers” and substitute with “the Deputy Chief Constable is an authorised police officer for the purposes of this Ordinance”(e);
- (c) before “or on their own initiative”, omit “a Deputy Chief Police Officer” and substitute with “the Deputy Chief Constable”; and
- (d) omit all references to “Senior Judge” and in each case substitute with “Presiding Judge”.

7. New section 11A inserted (exercise of powers from outside the Areas)

After section 11 of the principal Ordinance, insert the following—

“11A. Exercise of powers from outside the Areas

A Coroner may, from outside the Areas, exercise functions falling within the following provisions—

- (a) section 4(3) (power to permit a body to be conveyed to the Republic);
- (b) section 6 (power to order exhumation);
- (c) section 9 (Coroner may prohibit burial till after inquest);
- (d) section 12 (Coroner may direct post-mortem examination);
- (e) section 15(2) (power to order burial or other disposal of body).”

8. Section 12 amended (coroner may direct post-mortem examinations)

In section 12(f) of the principal Ordinance, before “medical practitioner within his jurisdiction”, omit “other”.

9. Section 15 amended (provisions regarding the viewing of body)

In section 15(3) of the principal Ordinance, omit “Section 5” and substitute with “section 6”.

10. Section 22 amended (staying of inquest and its presumption)

In section 22(2) of the principal Ordinance, omit “Legal Adviser”(g) and substitute with “Attorney-General and Legal Adviser”(h).

11. Section 25 amended (where guilty party unknown)

In section 25 of the principal Ordinance, omit “the Deputy Chief Police Officer in charge of the area in which the inquest is held” and substitute with “the Deputy Chief Constable”.

12. Section 26 amended (where guilty party cannot be found)

In section 26 of the principal Ordinance—

- (a) omit “the Deputy Chief Police Officer in charge of the area under Section 25” and substitute with “the Deputy Chief Constable”; and
- (b) omit “Legal Adviser” and substitute with “Attorney-General and Legal Adviser”.

13. Section 27 amended (powers of Presiding Judge on application by or under authority of Attorney-General and Legal Adviser)

- (1) Omit the heading to section 27 of the principal Ordinance and substitute with “Powers of Presiding Judge on application by or under authority of the Attorney-General and Legal Adviser”.
- (2) In section 27 of the principal Ordinance—
 - (a) in subsection (1)—
 - (i) omit “Senior Judge” and substitute with “Presiding Judge”; and
 - (ii) omit “Legal Adviser” and substitute with “Attorney-General and Legal Adviser”;
 - (b) in subsection (4)—
 - (i) omit the first two references to “Senior Judge” and substitute in each case with “Presiding Judge”; and
 - (ii) omit “a Deputy Senior Judge(i) or Acting Deputy Senior Judge” and substitute with “ a member of the Senior Judges’ Court (within the meaning of section 3(b) of the 2007 Ordinance)”.

14. Section 28 amended (transmission of particulars of death and findings to Registrar)

In section 28 of the principal Ordinance, omit “registration authority” and substitute with “the Registrar of births and deaths for the area in which the death occurred (within the meaning of section 2 of the Births and Deaths Registration Ordinance 1975)(j)”.

15. Section 31 repealed and substituted

Section 31 of the principal Ordinance is repealed and substituted with the following—

“31. Guidance to Coroners

- (1) Without limit to the powers in section 3(5) (directions to coroners) and section 27 (power to re-open an inquest, quash verdict, etc), the Presiding Judge may issue guidance to Coroners in relation to the exercise of any of their functions under this Ordinance.
- (2) A Coroner must have regard to any guidance issued under subsection (1) when exercising functions under this Ordinance.”

16. Section 33 amended (power to make Rules)

In section 33 of the principal Ordinance, omit “Senior Judge” and substitute with “Presiding Judge”.

Notes

- (a) Ordinance 21/89 as amended by Ordinance 38/02 (relevant amendments to sections 2 and 12 of Ordinance 21/89).
- (b) Ordinance 5/07.
- (c) In accordance with 35(3)(a) of the Interpretation Ordinance 2012 (Ordinance 8/12), the reference to “Chief Police Officer” is construed as a reference to the Chief Constable.
- (d) “Chief Constable” is defined in section 35(1) of and Schedule 1 to the Interpretation Ordinance 2012 (Ordinance 8/12).
- (e) “Deputy Chief Constable” is defined in section 35(1) of and Schedule 1 to the Interpretation Ordinance 2012 (Ordinance 8/12).
- (f) Section 12 of the principal Ordinance was amended by Ordinance 38/02.
- (g) In accordance with section 35(3)(d) of the Interpretation Ordinance 2012 (Ordinance 8/12), the reference to “Legal Adviser” is to be construed as a reference to the Attorney-General and Legal Adviser.
- (h) “Attorney-General and Legal Adviser” is defined in section 35(1) of and Schedule 1 to the Interpretation Ordinance 2012 (Ordinance 8/12).
- (i) In accordance with section 35(3)(b) of the Interpretation Ordinance 2012 (Ordinance 8/12), the reference to “Deputy Senior Judge” is construed as a reference to a Senior Judge.
- (j) Ordinance 8/75.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Coroners (Consolidation and Extension) (Amendment) Ordinance 2013 (the “Ordinance”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. When a section or part of a section does not seem to require any explanation or comment, none is given.
2. The Ordinance amends the Coroners (Consolidation and Extension) Ordinance 1989 (the “principal Ordinance”) by introducing a power for coroners to exercise certain functions from outside the Areas. It also removes a qualification that prevented the Presiding Judge and any Senior Judge from exercising the functions of a coroner in all circumstances. A few minor amendments are also made by this Ordinance to the principal Ordinance, some of which are simply to update references to office-holders, etc.
3. Section 3 of the Ordinance makes amendments to section 2 of the principal Ordinance (definitions). One of the effects of the amendments is to enable the Presiding Judge and Senior Judges to exercise coronial functions in all circumstances. It does so by removing a qualification that required such judges to be present in the Areas on a matter related to the Resident Judge’s Court before they could act as coroners. Section 3 also makes clear the categories of judges that fall within the definition of “Coroner”.
4. Section 4 of the Ordinance clarifies the powers of the Presiding Judge in relation to the regulation of the exercise of functions by coroners. The amendments also insert an express obligation on coroners to comply with any directions issued by the Presiding Judge or by any person to whom the power to issue directions has been delegated.
5. Section 7 of the Ordinance inserts a new section 11A into the principal Ordinance which enables coroners to exercise certain functions from outside the Areas.
6. Section 15 of the Ordinance repeals and re-enacts section 31 of the principal Ordinance. The former section 31 included a limited guidance-making power. The new provision that replaces it extends this power and enables the Presiding Judge to issue guidance to coroners in relation to any of their functions. The new section 31 includes a corresponding provision for coroners to have regard to the guidance.
8. All other provisions in the Ordinance are for the purposes of clarification or to update references in provisions in the principal Ordinance.

(SBA/AG/2/CT/233)