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*Number 9 of 1962*

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**CORONERS ACT 1962**

**REVISED**

**Updated to 16 May 2024**

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This Revised Act is an administrative consolidation of the *Coroners Act 1962*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024 (14/2024)*, enacted 9 May 2024, and all statutory instruments up to and including the *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024 (S.I. No. 207 of 2024)*, made 14 May 2024, were considered in the preparation of this Revised Act.

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Public Offices (Fees) Act, 1879	1879, c. 58
Local Authorities (Officers and Employees) Act, 1926	1926, No. 39
Deaths Registration Act (Ireland), 1880	1880, c. 13
Juries Act, 1927	1927, No. 23
Health Act, 1947	1947, No. 28



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**CORONERS ACT 1962**

**REVISED**

**Updated to 16 May 2024**

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO CORONERS AND TO CORONERS' INQUESTS. [11th April, 1962.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

**PART I**

**PRELIMINARY AND GENERAL**

Short title and commencement.

1.—(1) This Act may be cited as the Coroners Act, 1962.

(2) This Act shall come into operation on such day as the Minister shall by order appoint for that purpose.

Definitions.

2.—In this Act—

F1["Act of 2004" means the [Civil Registration Act 2004](#);

"body", in relation to a deceased person, means the body or a part of the body of the person and includes the cremated remains of the person;

"child in care" means a child who was in the care of the Child and Family Agency under section 4 or Part III, IV or IVA of the [Child Care Act 1991](#);

"coroner", F2[except in sections 6, 6A, 7, 8, 11, 11A and 16], includes a person appointed under subsection (2) of [section 5](#) of the [Local Authorities \(Officers and Employees\) Act, 1926](#), as applied by [section 8](#) of this Act, to fill the office of coroner temporarily;

"deputy coroner" has the meaning given to it by [section 13](#) of this Act;

F1["designated officer of the Ombudsman Commission" means—

(a) an officer of the Ombudsman Commission, or

(b) a person engaged by the Ombudsman Commission under [section 74](#) of the [Garda Síochána Act 2005](#),

who is designated by the Ombudsman Commission under [section 73](#) of that Act for the purpose of performing functions under Part 4 of that Act relating to a relevant Ombudsman Commission investigation;

"direct maternal death" means the death of a woman resulting from obstetric complications of the pregnant state whether arising during pregnancy, labour or puerperium and whether from obstetric interventions, omissions, or incorrect treatment or from a chain of events resulting from any of them;

"disposal", in relation to the body of a deceased person, means lawful disposal, either on land or at sea, by burial, cremation, scattering of the ashes of the remains of the body or other appropriate means;

"document" means—

- (a) a book, record or other written or printed material,
- (b) a photograph,
- (c) any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in legible form, and
- (d) any audio or video recording;

"enactment" means a statute or an instrument made under a power conferred by statute;

"end of pregnancy" means the end of pregnancy by giving birth, by miscarriage or by intervention or in any other circumstances;

"family member", in relation to a deceased person, means—

- (a) a parent, grandparent, child, brother, sister, nephew, niece, uncle or aunt, whether of the whole blood, of the half blood or by affinity, of the person,
- (b) a spouse, a civil partner within the meaning of the [Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010](#) or a cohabiting partner of the person,
- (c) any other person who is ordinarily a member of the person's household, or
- (d) any child who has been placed in foster care with the person or any person referred to in paragraphs (a) to (c),

and includes a reference to any such member of the person's family who is adopted;

"findings", in relation to an inquest, shall be construed in accordance with section 18A(1);

"indirect maternal death" means the death of a woman resulting from a pre-existing disease, or a disease that developed during pregnancy, and which was not the result of direct obstetric causes, but which was aggravated by the physiological effects of pregnancy;

"infant death" means the death of a live born child occurring immediately after birth or within 365 days of birth;

"late maternal death" means the death of a woman occurring more than 42 days and less than 365 days after the end of pregnancy from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes and, without prejudice to the generality of the foregoing, includes a direct maternal death or an indirect maternal death occurring during that period;]

"local authority" means the council of a county or the corporation of a county borough;

F1["maternal death" means the death of a woman while pregnant, or within 42 days of the end of pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes and, without prejudice

to the generality of the foregoing, includes a direct maternal death or an indirect maternal death occurring during that period;]

“the Minister” means the Minister for Justice;

F1[“Ombudsman Commission” means the Garda Síochána Ombudsman Commission;

“post-mortem examination” includes an examination of marks or injuries on a body, a full three cavity examination, and any ancillary examination by way of analysis, test or otherwise of the body or of material (whether of tissue, organs, biological fluids or other parts or contents of the body or of any other substance or thing relevant to such examination) carried out by an appropriately qualified registered medical practitioner or under his or her direction;

“pregnancy” includes an ectopic pregnancy;]

“prescribed”, save where the context otherwise requires, means prescribed by regulations made by the Minister under this Act;

F1[“prison” has the meaning it has in section 2 of the Prisons Act 2007;]

F2[“registered medical practitioner” means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007;]

F1[“relevant Ombudsman Commission investigation” means an investigation of a complaint or matter by the Ombudsman Commission under Part 4 of the Garda Síochána Act 2005 concerning the death of the person in relation to whose death a coroner is performing functions under this Act;

“reportable death” shall be construed in accordance with section 16A;

“service custody” means the holding under arrest or in confinement of a person by the Defence Forces under the Defence Acts 1954 to 2015 and any Act that is to be construed as one with those Acts, including confinement in a military prison, or a detention barrack, within the meaning of those Acts;

“State custody or detention” means being—

- (a) in the custody of the Garda Síochána,
- (b) in custody in a prison,
- (c) in service custody,
- (d) involuntarily detained under Part 2 of the Mental Health Act 2001 in an approved centre within the meaning of section 2 of that Act,
- (e) detained in a designated centre within the meaning of section 3 of the Criminal Law (Insanity) Act 2006 or being a person to whom section 20 of that Act refers, or
- (f) remanded to a remand centre within the meaning of section 3 of the Children Act 2001 or being detained in a children detention school within the meaning of that section;

“statutory body” means a body established by or under statute;

“stillborn child” means a child of not less than 24 weeks’ gestation, or of birth weight of not less than 500 grammes, who is delivered without signs of life.]

F7[Application of Act to stillbirths] **2A.**—(1) This Act, other than sections 17, 18, 33A and 40, shall, where the context so requires, apply to a stillborn child in the same manner as it applies to a deceased person subject to the modification that the provisions in subsections (2) to (5) shall



apply to a stillborn child instead of sections 17, 18 and 33A, and any other necessary modifications.

(2) Where a coroner is informed that the body of a stillborn child is lying within his or her district and that a medical certificate stating that the cause of death due to a natural cause or causes is not procurable, he or she may inquire into the circumstances of the death of the stillborn child and direct that a post-mortem examination of the body of the stillborn child be made under this Act and, if he or she is unable to ascertain the cause of death, may, if he or she so thinks proper, hold an inquest in relation to the death.

(3) A coroner may, for the purposes of performing his or her functions under subsection (2), have regard to any of the following circumstances in so far as they applied, or may have applied, to the mother of the stillborn child concerned and the likelihood that they may have caused or contributed to the death of the stillborn child:

- (a) violence affecting the mother of the stillborn child at the time of the death, or immediately before the death, of the stillborn child;
- (b) the mother of the stillborn child was in State custody or detention at the time of the death, or immediately before the death, of the stillborn child;
- (c) the mother of the stillborn child was involved in an accident at work or was affected by an industrial or occupational injury or disease or industrial poisoning at the time of the death, or immediately before the death, of the stillborn child;
- (d) the death of the mother occurred unexpectedly and from unknown causes or in an unexplained manner;
- (e) the death of the mother was a maternal death or a late maternal death;
- (f) the death of the mother occurred in circumstances which, under provisions in that behalf in any other enactment, require that an inquest in relation to her death should be held.

(4) When deciding under subsection (2) whether to hold an inquest in relation to the death of a stillborn child, a coroner shall—

- (a) have regard to the matters referred to in subsection (5), and
- (b) if it is practicable to do so, consult with a family member of the stillborn child.

(5) The matters to which a coroner shall have regard for the purposes of subsection (4) include the following:

- (a) whether the death of the stillborn child concerned has been reported to the coroner in accordance with section 16A;
- (b) whether, upon inquiry by the coroner into the death, sufficient information in respect of the death of the stillborn child concerned has been provided to the coroner;
- (c) whether a post-mortem examination of the body of the stillborn child concerned has been made under this Act and the report of that examination;
- (d) the views (if any) of a family member of the stillborn child concerned furnished to the coroner in writing as to whether the death was a natural one.]

Regulations.

**3.—(1)** The Minister may make regulations in relation to any matter referred to in this Act as prescribed or to be prescribed.

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to anything previously done thereunder.

Expenses. **4.**—The expenses incurred by the Minister in the administration of this Act shall to such extent as may be sanctioned by the Minister for Finance be paid out of moneys provided by the Oireachtas.

Repeals. **5.**—The enactments specified in the **Schedule** to this Act are hereby repealed to the extent mentioned in the third column of the Schedule.

## PART II

### CORONERS AND CORONERS' DISTRICTS

Coroners' districts. **6.**—(1) The coroners districts of the State shall, subject to subsection (2) of this section, the provisions of any order under subsection (3) of this section and **section 7** of this Act be the same as the coroners' districts immediately before the commencement of this Act.

(2) The boroughs of Kilkenny, Clonmel, Drogheda and Sligo shall be included, respectively, with the areas which, heretofore, constituted the coroners' districts of County Kilkenny, County Tipperary South Riding, County Louth and North County Sligo to form new coroners' districts.

(3) The boundary between two adjoining coroners' districts the coroners for which were appointed by the same local authority may be altered by the Minister by order made after consultation with the Minister for Local Government and with the consent of the coroners for such districts.

(4) Where a vacancy occurs in a coroner's district portion of which is within a county borough, that portion shall thereupon cease to be part of that district and shall be amalgamated with the district comprising the remainder of the county borough, the coroner of which shall become coroner for the district thereby created and comprising the whole of the county borough.

(5) F8[...]

F9[Coroner's district of Dublin. **6A.**—(1) The coroners' districts of the county of Dublin and the city of Dublin existing immediately before the coming into operation of this section shall as and on the coming into operation of this section be amalgamated into one district and shall be known as the coroner's district of Dublin.

(2) On the coming into operation of this section, section 6 shall cease to apply to the coroner's district of Dublin.

(3) The persons who immediately before the coming into operation of this section held the offices of coroner and deputy coroner in the districts referred to in subsection (1) shall from that day hold such respective offices in the coroner's district of Dublin.

F10[(4) The Minister shall make administrative and financial arrangements in respect of the coroner's district of Dublin and that obligation shall be deemed to have come into operation on 1 January 2018 and sections 8 and 9 shall be deemed to have ceased to apply to that district with effect from that date.]

F11[(5) A person appointed under subsection (6A) to be a coroner for the coroner's district of Dublin shall hold office on such terms and conditions (including terms and conditions relating to remuneration and superannuation) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.]

F12[(5A) The persons who immediately before the coming into operation of **section 4(a)** of the Coroners (Amendment) Act 2019 held the offices of coroner and deputy coroner in the coroner's district of Dublin shall, following such coming into operation, continue to hold such respective offices.]

(6) Where a vacancy occurs in respect of the coroner's district of Dublin, the Minister shall make arrangements to fill the vacancy.

F11[(6A) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, appoint one or more than one person to be a coroner for the coroner's district of Dublin.]

F11[(6B) A person appointed under subsection (6A) to be a coroner for the coroner's district of Dublin shall be a civil servant in the Civil Service of the State.]

F14[(6C) A person appointed under subsection (6A) to be a coroner for the coroner's district of Dublin shall not, without obtaining the prior consent in writing of the Minister—

(a) hold any other office or occupy any other position in respect of which emoluments are payable, or

(b) carry on any other business, trade or profession.

(6D) Section 14A shall not apply to a coroner for the coroner's district of Dublin appointed under subsection (6A).

(6E) On the coming into operation of section 2 of the Coroners (Amendment) Act 2024, sections 13 and 15 shall cease to apply to a coroner for the coroner's district of Dublin appointed under subsection (6A).

(6F) A person who, immediately before the coming into operation of section 2 of the Coroners (Amendment) Act 2024, held the office of deputy coroner in the coroner's district of Dublin shall, on such coming into operation, cease to hold that office and, for the avoidance of doubt, subsection (5A) and section 13(9) shall, to the extent that they apply to any such deputy coroner, cease to apply to that deputy coroner.]

(7) F15[...]

(8) F15[...]

F16[(9) F15[...]]

Amalgamation of districts.

F17[7.— (1) Where a vacancy arises in the office of coroner in respect of a coroner's district, and that district is within the area of a local authority in which there is more than one coroner's district, the Minister, following consultation with the local authority concerned, may direct that a coroner holding office in respect of another coroner's district within the area of that local authority shall also hold office as coroner in respect of the district in which the vacancy arose, and on the direction of the Minister coming into effect, the coroner's districts shall stand amalgamated.

(2) The Minister shall not issue a direction under subsection (1) unless the coroner concerned consents to act as coroner in respect of the amalgamated district.]

Office of coroner.

8.—(1) There shall be a coroner for every coroner's district.

F18[(2) Subject to sections 6A and 7, the coroner for a coroner's district shall be appointed by the local authority in whose area the district is situate.]

F19[(2A) F20[...]]

(3) F21[Subject to sections 6A and 7, the office of coroner shall be an office] to which the *Local Authorities (Officers and Employees) Act, 1926*, applies and that Act shall apply accordingly but with the following modifications:

(a) "the Minister" in the said Act shall, in relation to the office of coroner, mean the Minister for Justice,

(b) subsection (1) of section 5, subsections (1) and (2) of section 7 and section 11 of that Act shall not apply to the office of coroner,

(c) F22[...]

(d) F22[...]

(e) F22[...]

(4) The modifications effected by subsection (3) of this section shall not apply in the case of the appointment of a coroner after the commencement of this Act where the qualifications for the appointment were prescribed before such commencement, and the appointment shall be made as if this Act had not been passed.

(5) The Local Appointments Commissioners shall, before recommending a person for appointment to the office of coroner, satisfy themselves that the person possesses the requisite knowledge and ability for the proper discharge of the duties of that office.

Salary of coroner. **9.**—(1) Every coroner shall be paid by the local authority by whom he is appointed such salary as shall from time to time be fixed, with the approval of the Minister, by that local authority.

(2) The Minister shall not give any approval under this section save after consultation with the Minister for Local Government.

(3) The salary of a coroner shall be inclusive of any travelling, subsistence and other out-of-pocket expenses incurred by him in the course of his duties as coroner.

Review of salary. **10.**—F23[...]

F24[Tenure of office of coroner for coroner's district of Dublin

**10A.**—(1) A coroner for the coroner's district of Dublin appointed under subsection (6A) of section 6A shall, unless he or she sooner dies, resigns, retires in accordance with the terms and conditions of his or her appointment under that section or is removed from office, hold office for such period, not exceeding 5 years, from the date of his or her appointment as the Minister shall, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(2) A coroner to whom subsection (1) applies and whose term of office expires with the passage of time may be re-appointed by the Minister for one further period, not exceeding 5 years, as the Minister shall, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(3) Where a coroner for the coroner's district of Dublin intends to resign or vacate the office, he or she shall give not less than 3 months' notice in writing of such intention to the Minister.

(4) On the coming into operation of section 3 of the Coroners (Amendment) Act 2024, section 11 shall cease to apply to a coroner for the coroner's district of Dublin.]

Tenure of office of coroner.

**11.—(1)** F25[Subject to section 10A, every] coroner appointed after the commencement of this Act shall, unless he sooner dies, resigns or is removed from office, hold office F26[until he or she attains the age of 72 years].

(2) Subsection (1) of this section shall not apply to a coroner appointed after the commencement of this Act where the qualifications for his appointment were prescribed before such commencement.

F27[(3) Where a coroner intends to resign or will vacate the office F28[on attaining the age of 72 years], he or she shall give not less than 3 months notice of such intention or attainment to the Minister.]

F29[Temporary coroner.

**11A.— (1)** A person who stands appointed as a coroner or deputy coroner in respect of a coroner's district may, with the consent of that person, be assigned by the Minister to act temporarily as a coroner in respect of a different coroner's district in which the coroner appointed to that district is temporarily absent or in respect of which the office of coroner is vacant.

(2) A person assigned to act as a temporary coroner under subsection (1) shall on being so assigned have all the powers of a coroner in relation to the coroner's district concerned.

(3) An assignment made under subsection (1) may be revoked by the Minister at any time.

(4) Section 7 shall not apply where a person is appointed to act temporarily as a coroner under this section. ]

F30[Assignment and appointment of temporary coroner where necessary due to number or nature of deaths

**11B.—(1)** The Minister may, where he or she is satisfied that, due to the number or nature of deaths in a coroner's district, it is necessary for the purpose of increasing the number and progress of inquiries under this Act into deaths in that district—

(a) subject to subsection (2), assign a person who stands appointed as a coroner or deputy coroner for another coroner's district, or

(b) subject to subsection (3), appoint, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, a person (including a person who previously stood appointed as a coroner or deputy coroner for any coroner's district),

to act temporarily as a coroner (in this section referred to as a "temporary coroner") for the first-mentioned coroner's district.

(2) An assignment of a person under subsection (1)(a) shall be made only with the consent of the person to be assigned.

(3) The Minister shall, before making an appointment under subsection (1)(b), satisfy himself or herself that the person possesses the requisite knowledge and ability for the proper discharge of the duties of a coroner.

(4) An assignment or appointment under subsection (1) shall be in writing and shall be made for a specified period, not exceeding 12 months, from the date of the assignment or appointment, as the case may be.

(5) (a) Subject to paragraph (c), an assignment under subsection (1)(a) may, with the consent of the person who is the subject of the assignment, be renewed from time to time in writing by the Minister for a further period not exceeding 12 months from the expiration of the period specified in accordance with subsection (4), or, as the case may be, from the expiration of the last period of renewal under this paragraph.

- (b) Subject to paragraph (c), an appointment under subsection (1)(b) may be renewed in writing, up to a maximum of 3 times, by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, and each renewal may be for a further period not exceeding 12 months from the expiration of the period specified in accordance with subsection (4), or, as the case may be, from the expiration of the last period of renewal under this paragraph.
- (c) An assignment or appointment shall not be renewed under paragraph (a) or (b) unless the Minister is satisfied that the renewal is necessary for the purpose referred to in subsection (1).
- (6) The appointment of a person as a temporary coroner under subsection (1)(b) or (5)(b), as the case may be, shall, unless he or she otherwise ceases to be a temporary coroner, cease—
- (a) in the case of a coroner's district other than the coroner's district of Dublin, on the expiration of the last period of appointment specified under either of those provisions or on the person attaining the age of 72 years, whichever first occurs, and
- (b) in the case of the coroner's district of Dublin, on the expiration of the last period of appointment specified under either of those provisions or on the retirement of the person in accordance with the terms and conditions applicable to his or her appointment under subsection (10)(a), whichever first occurs.
- (7) The Minister shall, before making or renewing an assignment or appointment under this section, consult—
- (a) in the case of a coroner's district other than the coroner's district of Dublin, with the local authority in whose area the district is situate, and
- (b) in the case of a proposed assignment under subsection (1)(a) of a person who stands appointed in another district as a deputy coroner, with the coroner for that other district.
- (8) A person assigned or appointed to act as a temporary coroner under this section shall, during the period of assignment or appointment, have all the powers and duties, other than a power to appoint a deputy coroner, of a coroner for the coroner's district concerned.
- (9) An assignment or appointment made under this section may be revoked by the Minister at any time.
- (10) (a) A person assigned or appointed to act as a temporary coroner under this section for the coroner's district of Dublin shall hold office on such terms and conditions (including terms and conditions relating to remuneration) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.
- (b) A person assigned or appointed to act as a temporary coroner under this section for a coroner's district other than the coroner's district of Dublin shall be paid such salary, inclusive of any travelling, subsistence and other out-of-pocket expenses incurred by him or her in the course of his or her duties as temporary coroner as may be agreed with the local authority in whose area the district is situate.
- (11) The local authority in whose area a coroner's district is situate, in the case of a coroner's district other than the coroner's district of Dublin, shall pay such expenses, other than out-of-pocket expenses, as the temporary coroner incurs in the course of his or her duties as temporary coroner.]

F31[Designation  
of senior coroner

**11C.—(1)(a)** Subject to sections 5(3) and 8(2) of the Coroners (Amendment) Act 2024, where more than one person stands appointed, assigned or acting as, or performing the duties of, a coroner in a coroner's district other than the coroner's district of Dublin under this Act, the Minister may designate one of those persons as the senior coroner for that district.

(b) Subject to section 5(4) of the Coroners (Amendment) Act 2024, where more than one person stands appointed, assigned or is acting as a coroner in the coroner's district of Dublin under this Act, the Minister may designate one of those persons as the senior coroner for that district.

(2) The Minister shall, before designating a person under subsection (1) to be a senior coroner, satisfy himself or herself that the person possesses the skills necessary for the proper discharge of the duties of senior coroner.

(3) Where, during the illness or absence of a person designated under subsection (1), more than one person, excluding the person who is ill or absent, stands appointed, assigned or is acting as, or performing the duties of, a coroner in the district concerned, the Minister may designate one of those persons to perform the functions of the senior coroner for that district for any period during such illness or absence.

(4) A person designated under subsection (1) or (3) shall order the work of the district concerned.

(5) A designation under subsection (1) or (3) shall not affect the independence of any other coroner, or of any other person exercising the powers and duties of the coroner, for that district, in the performance of his or her functions as such.

(6) Where a person designated under subsection (1) or (3) for a district ceases for any reason to be appointed, assigned or to act as, or to perform the duties of, a coroner in the district concerned, he or she shall cease to be the senior coroner for that district.

(7) The Minister may revoke a designation under this section.]

Place of  
residence of  
coroner.

**12.—(1)** A coroner shall have his ordinary residence in his district.

(2) Where a coroner has the permission of the Minister (which permission may at any time be withdrawn by the Minister) to have his ordinary residence at a particular place outside his district, he shall be deemed to be fulfilling the requirement of subsection (1) of this section so long as he has his ordinary residence at that place.

Deputy coroners.

**13.—(1)** F32[Subject to subsection (1A) F33[and section 6A(6E)], every coroner] shall appoint a person approved of for the purpose by the local authority by which the coroner was appointed F34[...] to be his deputy and the deputy shall be known, and is in this Act referred to, as a deputy coroner.

F35[(1A) A person shall not be appointed as a deputy coroner without the prior approval of the Minister.]

(2) A coroner may at any time revoke an appointment made by him under this section, but the revocation shall not have effect unless and until he makes a new appointment of a deputy coroner.

(3) A deputy coroner may act for the coroner by whom he was appointed during the illness or absence of the coroner and may also act for the coroner at any inquest which the coroner is disqualified under this Act for holding unless he is himself disqualified under this Act for holding the inquest.

(4) Whenever the office of coroner for a coroner's district is vacant, the following provisions shall have effect:

(a) the person (if any) who was the deputy coroner for that district immediately before the occurrence of the vacancy shall, unless he sooner dies, resigns or is removed from office, continue in office as deputy coroner for that district until the termination of the vacancy;

(b) during the continuance of the vacancy, the deputy coroner for that district shall have all the powers and duties of the coroner for that district F35[and shall be paid by the local authority] in whose area the district is situate the same salary as would have been payable by such local authority to the coroner for that district if he had continued in office.

(5) (a) Where a coroner is absent from his duties with the permission of the Minister, the Minister may authorise the deputy coroner for the district of that coroner to perform all the duties of that coroner's office and, while the authorisation is in force, the deputy coroner shall, F35[for the purposes of this Act except section 9], be deemed to be the coroner for that district.

(b) The Minister may revoke an authorisation given under this subsection.

(6) A deputy coroner shall, while acting as coroner in the place of the coroner by whom he was appointed, have all the duties and powers of a coroner.

(7) A deputy coroner shall have his ordinary residence in the coroner's district for which he is deputy coroner.

(8) Where a deputy coroner has the permission of the Minister (which permission may at any time be withdrawn by the Minister) to have his ordinary residence at a particular place outside that coroner's district, he shall be deemed to be fulfilling the requirement of subsection (7) of this section so long as he has his ordinary residence at that place.

F36[(9) Every deputy coroner appointed after the commencement of section 7 of the Coroners (Amendment) Act 2019 shall, unless he or she sooner dies, resigns or is removed from office or his or her appointment as deputy coroner is revoked under subsection (2), hold office until he or she attains the age of 72 years.]

F37[(10) Where a deputy coroner intends to resign or before vacating office on attaining the age of 72 years, he or she shall give notice of not less than 3 months of such intention to resign or vacation of office to the coroner for the coroner's district concerned and to the Minister.]

F38[Arrangement for coroner's district of Dublin

**13A.**—(1) Notwithstanding subsection (3) of section 13, the Minister may, upon a request in writing in that behalf from a coroner for the coroner's district of Dublin, authorise a deputy coroner appointed by that coroner to act for that coroner—

(a) during a period, specified in the authorisation, that ends no later than 2 years from the commencement of section 8 of the Coroners (Amendment) Act 2019, and

(b) in any circumstances (not limited to the circumstances specified in that subsection),

for the purpose of increasing the number and progress of inquiries into deaths under this Act in that district during that period.

(2) A deputy coroner for the coroner's district of Dublin who is authorised under subsection (1) to act for a coroner for that district shall, for the period while the authorisation is in force, have all the powers and duties of the coroner for that district and he or she shall be paid in respect of that period such salary as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.]



F39[Arrangements  
for coroners'  
districts other  
than coroner's  
district of Dublin

**13B.**—(1) In addition to the instances set out in section 13(3) where a deputy coroner may act for the coroner by whom he or she was appointed, the Minister may, in exceptional circumstances arising from the number or nature of deaths resulting from a pandemic, catastrophic event or other occurrence leading to mass fatalities, upon a request in that behalf from a coroner for a coroner's district other than the coroner's district of Dublin, authorise a deputy coroner appointed by that coroner to act temporarily for that coroner in that district if the Minister is satisfied that such authorisation is necessary for the purpose of increasing the number and progress of inquiries under this Act into deaths in that district.

(2) An authorisation under subsection (1) shall be made only with the consent of the deputy coroner concerned.

(3) An authorisation under subsection (1) shall be in writing and shall be made for a specified period, not exceeding 6 months, from the date of the authorisation.

(4) (a) Subject to paragraph (b), an authorisation may, upon a request in that behalf from the coroner of the coroner's district concerned and with the consent of the person who is the subject of the authorisation, be renewed from time to time in writing by the Minister for a further period not exceeding 6 months from the expiration of the period specified in accordance with subsection (3) or, as the case may be, from the expiration of the last period of renewal under this subsection.

(b) An authorisation shall not be renewed under paragraph (a) unless the Minister is satisfied that at the time the renewal is requested—

(i) the exceptional circumstances referred to in subsection (1) exist, and

(ii) such renewal is necessary for the purpose referred to in that subsection.

(5) A request by a coroner under subsection (1) or (4) shall—

(a) be in writing, and

(b) specify the exceptional circumstances referred to in subsection (1) which apply and the reasons why the coroner considers that such authorisation or renewal, as the case may be, is necessary for the coroner's district concerned for the purpose referred to in that subsection.

(6) The Minister shall, before making or renewing an authorisation under this section, consult with the local authority in whose area the coroner's district is situate.

(7) F40[...]

(8) F40[...]

(9) F40[...]

(10) A deputy coroner authorised to act for the coroner of a district under this section shall, for the period the authorisation is in force, have all the powers and duties, other than the power to appoint a deputy under section 13(1), of a coroner for that district.

(11) An authorisation given under this section may be revoked by the Minister at any time.

(12) A deputy coroner authorised to act for the coroner of a district under this section shall, while the authorisation is in force, be paid such salary, inclusive of any travelling, subsistence and other out-of-pocket expenses incurred by him or her in the course of his or her duties while so acting, as may be agreed with the local authority in whose area the district is situate.

(13) The local authority in whose area the district is situate shall, while an authorisation is in force under this section, pay such expenses, other than out-of-pocket expenses, as the deputy coroner incurs in the course of acting for the coroner.]

F41[Qualification for appointment as coroner or deputy coroner.

14.— (1) A person shall not be appointed to be a coroner or a deputy coroner under this Act F42[, or a temporary coroner under section 11B(1)(b),] unless he or she is—

- (a) a barrister who has practised as a barrister for not less than 5 years,
- (b) a solicitor who has practised as a solicitor for not less than 5 years, or
- (c) a registered medical practitioner who has practised as a medical practitioner for not less than 5 years.

(2) For the purposes of subsection (1), in reckoning the period of time a person has practised as a barrister, any period during which that person practised as a solicitor shall be taken into account.

(3) For the purposes of subsection (1), in reckoning the period of time that a person has practised as a solicitor, any period during which that person practised as a barrister shall be taken into account.

(4) For the purposes of subsection (1), where a person who is a solicitor or a barrister has served in a position—

- (a) as an officer in the civil service of the State,
- (b) as an officer in the civil service of the Government, or
- (c) as a member of the staff or as an officer of a body established by or under statute,

and it was a condition of eligibility for appointment to such position that the person be enrolled as a solicitor in the State or have been called to the Bar of Ireland, service in such position shall be reckoned as practice as a solicitor or barrister, as the case may be.

(5) Where a person has been appointed as a coroner or deputy coroner, the fact that such person ceases to practice as a barrister, solicitor or registered medical practitioner shall not affect the entitlement of that person to continue in office as a coroner or deputy coroner.

(6) Subsection (5) does not apply where the person concerned ceased to practice by reason of—

- (a) in the case of a barrister, having being disbarred,
- (b) in the case of a solicitor, having been struck off the roll of solicitors, or
- (c) in the case of a medical practitioner, his or her registration in the Register of Medical Practitioners having been cancelled or suspended under the **Medical Practitioners Act 2007**,

otherwise than at the request of the person concerned.

(7) For the purposes of determining eligibility for appointment as a judge of any court established by the **Courts (Establishment and Constitution) Act 1961**—

- (a) in the case of a person who, is a barrister who, but for this subsection would not be considered to be in practice as a barrister as respects a particular period, service as a coroner for that period shall be reckoned as practice as a barrister,

(b) in the case of a person who is a solicitor who, but for this subsection, would not be considered to be in practice as a solicitor as respects a particular period, service as a coroner for that period shall be reckoned as practice as a solicitor.

(8) Subsection (7) shall not apply where—

(a) in the case of a barrister, that person has been disbarred,

(b) in the case of a solicitor, that person has been struck off the roll of solicitors,

otherwise than at the request of the person concerned. ]

F43 [Ineligibility for appointment to office of coroner or deputy coroner and disqualification from office

**14A.**—(1) A person shall not be eligible for appointment, and shall cease to hold office, as a coroner or deputy coroner if he or she—

(a) is convicted on indictment of an offence,

(b) is convicted of an offence involving fraud or dishonesty,

(c) is sentenced to a term of imprisonment for an offence in respect of which he or she was convicted,

(d) has a declaration made against him or her under section 819 of the Act of 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(e) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014 whether by virtue of that Chapter or of any other provision of that Act.

(2) In subsection (1), "Act of 2014" means the Companies Act 2014.]

Removal from office of coroner and deputy coroner.

F44 [15.—(1) Subject to subsection (5) and section 6A(6E), the Minister may remove a coroner or deputy coroner from office where he or she is satisfied that one or more of the grounds specified in subsection (2) apply to the coroner or deputy coroner.

(2) The grounds referred to in subsection (1) are that the coroner or deputy coroner, as the case may be—

(a) has become incapable, through ill-health or otherwise, of effectively performing the functions of his or her office,

(b) has failed, without reasonable cause, to perform the functions of his or her office for a continuous period of at least 3 months,

(c) has engaged in serious misconduct,

(d) has engaged in any conduct that brings the office of coroner or deputy coroner into disrepute, or

(e) is otherwise unfit to hold office or unable to discharge the functions of the office.

(3) Where the Minister proposes to remove a coroner or deputy coroner from office under subsection (1), he or she shall, by notice in writing, inform the coroner or deputy coroner concerned of his or her proposal.

(4) A notice under subsection (3) shall include a statement—

(a) of the reasons for the proposed removal,

(b) that the coroner or deputy coroner concerned may make representations to the Minister, in such form and manner as may be specified by the Minister,

as to why he or she should not be removed from office and any such representations shall be made before the expiration of—

(i) a period of 30 working days from the date of the notification, or

(ii) such other longer period as the Minister may, having regard to the requirements of natural justice, specify in the notice,

and

(c) that where no representations are received within the period referred to in paragraph (b)(i) or (ii), as the case may be, the Minister may, without further notice to the coroner or deputy coroner concerned, remove the coroner or deputy coroner, as the case may be, from office.

(5) In considering whether to remove a coroner or deputy coroner under subsection (1), the Minister shall take into account—

(a) any representations made by the coroner or deputy coroner concerned under paragraph (b) of subsection (4) within the period referred to in subparagraph (i) or (ii), as the case may be, of that paragraph, and

(b) any other matter the Minister considers relevant for the purpose of his or her decision.

(6) Where, having taken into account the matters referred to in subsection (5), the Minister decides not to remove the coroner or deputy coroner, as the case may be, from office, the Minister shall cause notice to be given in writing to the coroner or deputy coroner concerned of the decision.

(7) Where, having taken into account the matters referred to in subsection (5), the Minister decides that the coroner or deputy coroner, as the case may be, should be removed from office, the Minister shall, by notice in writing to the coroner or deputy coroner concerned, inform him or her of—

(a) the decision and the reasons for that decision, and

(b) the date on which the decision takes effect.]

First coroners  
under this Act.

**16.—(1)** Notwithstanding anything contained in this Act—

(a) every person who, immediately before the commencement of this Act, was a coroner under the law then relating to coroners shall (save as otherwise provided by this section) be deemed immediately upon such commencement to have been appointed under and in accordance with this Act to be the first coroner for the coroner's district corresponding to the district for which he was coroner immediately before such commencement; and

(b) the salary of every such first coroner shall not be less than that which he was paid as coroner immediately before the commencement of this Act.

(2) The respective offices of coroner for the several boroughs of Kilkenny, Clonmel, Drogheda and Sligo shall, upon the commencement of this Act, cease to exist, and every coroner's district which, by virtue of [section 6](#) of this Act, contains one of those boroughs shall be deemed for the purposes of subsection (1) of this section to correspond to the district, as existing immediately before such commencement, to which the borough was added to form that coroner's district.

(3) Every person who is deemed under this section to have been appointed to be a coroner shall furnish to the Minister the name and address of the person (if any) who immediately before the commencement of this Act was, under the law then relating to coroners, deputy coroner for the district of that coroner and thereupon, notwithstanding anything contained in this Act, the last mentioned person shall be

deemed to have been appointed under and in accordance with this Act to be the deputy coroner for the district of that coroner.

#### F45[Part IIA

#### Reporting of Deaths]

F46[Reportable deaths

**16A.—**(1) The following shall be a reportable death for the purposes of this Act (in this Act referred to as a "reportable death"):

- (a) the death of a person which occurred, or may have occurred, either directly or indirectly—
  - (i) in a violent or unnatural manner or by unfair means,
  - (ii) by misadventure,
  - (iii) unexpectedly and from unknown causes or in an unexplained manner,
  - (iv) as a result of negligence, misconduct or malpractice on the part of others, or
  - (v) in such circumstances as may, in the public interest, require investigation;
- (b) the death of a person which occurred, or may have occurred, either directly or indirectly, from any cause other than natural illness or disease for which the person had been seen and treated by a registered medical practitioner within one month before his or her death;
- (c) subject to paragraphs (a) and (b), the death of a person which occurred, or may have occurred, at a place or in circumstances which, under provisions in that behalf in any other enactment, require that an inquest should be held.

(2) Without prejudice to the generality of subsection (1), the death of a person of a kind specified in the Second Schedule shall be a reportable death.

(3) The Minister may, following consultation with such persons or bodies as he or she considers appropriate, by order vary (whether by amendment, addition or deletion) the reportable deaths specified in the Second Schedule.

(4) Where it is proposed to make an order under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.]

F47[Persons obliged to report death to coroner

**16B.—**(1) A person specified in subsection (3) or (4) shall, as soon as practicable after becoming aware of a reportable death and unless he or she has reasonable grounds for believing that the death has already been reported to the coroner by another person specified in whichever of those subsections is appropriate, report, or cause to be reported, the death to the coroner for the district in which the body is lying.

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class B fine.

(3) The following persons are required to report a death under subsection (1) to the coroner concerned:

- (a) any medical practitioner, nurse or midwife who had responsibility for, or involvement in, the treatment or care of the deceased person in the period immediately before his or her death or who was present at his or her death;

- (b) any registered medical practitioner who examines the body of the deceased person after death;
- (c) any paramedic or advanced paramedic, registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000), who had responsibility for, or involvement in, the care of the deceased person in the period immediately before his or her death or who was present at his or her death;
- (d) the funeral undertaker responsible for the disposal of the body of the deceased person;
- (e) the person in charge of a mortuary in which the body of the deceased person is lying or comes to lie;
- (f) an occupier of a house or other dwelling, including a mobile dwelling, in which the deceased person was residing at the time of his or her death;
- (g) the person in charge of any public or private institution or premises, or a part of such institution or premises, in which the deceased person was residing or receiving treatment or care at the time of his or her death;
- (h) a person who had care of the deceased person immediately before his or her death;
- (i) where the deceased person was in State custody or detention immediately before his or her death, a person who, pursuant to an enactment or otherwise, had responsibility for the deceased person;
- (j) the person in charge of an aircraft, ship or other vessel landing or arriving in the State on which the deceased person was travelling at the time of his or her death;
- (k) a registrar of deaths within the meaning of the Act of 2004 to whom particulars of the death of the deceased person are given for the purposes of the performance by the registrar of deaths of his or her functions under that Act.

(4) If the reportable death concerned is that of a stillborn child or a death intrapartum, any medical practitioner, nurse or midwife who had responsibility for, or involvement in, the treatment or care of the woman concerned in the period immediately before or after the delivery of the stillborn child, or who was present at the delivery, is required to report, or cause to be reported, the death under subsection (1) to the coroner concerned.

(5) The obligation imposed on a person by subsection (1) shall be deemed to be discharged if he or she reports the death as soon as practicable after becoming aware of it to a member of the Garda Síochána.

(6) It shall be the duty of a member of the Garda Síochána, on becoming aware of a reportable death (whether or not reported to him or her under subsection (5)), to report the death as soon as practicable to the coroner for the district in which the body is lying.

(7) Where the person reporting a death under subsection (1) is a registered medical practitioner who—

- (a) provided treatment to the deceased person prior to his or her death,
- (b) is required to report the death under that subsection in circumstances to which subsection (4) applies, or
- (c) examined the body of the deceased person after death,

the registered medical practitioner shall, at the same time as reporting the death or as soon as practicable thereafter, inform the coroner concerned as to whether he

or she can sign and give a medical certificate stating to the best of his or her knowledge and belief the cause of death for the purposes of the registration of the death under the Act of 2004.

(8) Any person who reports a death pursuant to this section shall give to the coroner (or, as the case may be, a member of the Garda Síochána) all such information available to him or her as may assist the coroner in the performance of his or her functions under this Act.]

### PART III

#### INQUESTS

General duty to hold inquest.

**17.**—F48[(1)] Subject to the provisions of this Act, where a coroner is informed that the body of a deceased person is lying within his district, it shall be the duty of the coroner to hold an inquest in relation to the death of that person if he is of opinion that the death may have occurred in a violent or unnatural manner, or F49[unexpectedly and from unknown causes] or in a place or in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest should be held.

F48[(2)] Without prejudice to the generality of subsection (1), it shall be the duty of a coroner to hold an inquest in relation to the death of a person in the following cases:

- (a) the deceased person was, at the time of his or her death or immediately before his or her death, in State custody or detention;
- (b) the death of the person is a maternal death or a late maternal death.]

Optional power to hold inquest and duty to notify coroner.

**18.**—(1) Where a coroner is informed that the body of a deceased person is lying within his district and that a medical certificate of the cause of death is not procurable F50[or such a certificate is not, in the opinion of the coroner, completed in a satisfactory manner to facilitate the registration of the death in accordance with the Act of 2004], he may inquire into the circumstances of the death of that person and, if he is unable to ascertain the cause of death, may, if he so thinks proper, hold an inquest in relation to the death.

(2) Subsection (1) of this section shall not apply to any case to which section 17 of this Act applies.

(3) F51[...]

(4) F51[...]

(5) F51[...]

(6) F51[...]

F52[Purpose of inquest

**18A.**—(1) The purpose of an inquest shall be to establish—

- (a) the identity of the person in relation to whose death the inquest is being held,
- (b) how, when and where the death occurred, and
- (c) to the extent that the coroner holding the inquest considers it necessary, the circumstances in which the death occurred,

and to make findings in respect of those matters (in this Act referred to as "findings") and return a verdict.

(2) If, at an inquest, the coroner or, where he or she is sitting with a jury, the jury is unable to make findings in respect of any of the matters specified in paragraphs (a) to (c) of subsection (1), the coroner may adjourn the inquest for such period as he or she thinks proper.

(3) If, on the resumption of an inquest adjourned under subsection (2), the coroner or, as the case may be, the jury remains unable to make findings in respect of any matter specified in paragraphs (a) to (c) of subsection (1), the coroner shall record such findings as are made under those paragraphs and the verdict returned and shall close the inquest.]

F53[Notice of inquest

**18B.**—(1) A coroner shall, whether by post or such other means as he or she considers appropriate, arrange for notice of the date, time and place of the holding of an inquest in relation to the death of a person to be given to the following persons not less than 14 days before that date:

- (a) a family member of the deceased person;
- (b) a person required to attend at the inquest as a witness;
- (c) any other person who, in the opinion of the coroner, ought to receive such notice.

(2) Subsection (1) shall not prevent a coroner from holding an inquest where less than 14 days' notice of it is given under that subsection if the coroner is satisfied that to do so does not unfairly prejudice the interests of a family member of the deceased person concerned and that it is appropriate to hold the inquest on an earlier date—

- (a) due to the circumstances of the death of the deceased person, to facilitate the attendance of witnesses whose evidence would, in the opinion of the coroner, be of assistance at the inquest, or
- (b) where the body of the deceased person is being repatriated to a place outside the State, to facilitate the repatriation of the body.]

Post-mortem examination in lieu of inquest.

**19.**—F54[...]

Provisions where coroner and deputy coroner are prevented from holding inquest.

**20.**—(1) Whenever an inquest cannot be held save by virtue of this section on account of—

- (a) the coroner for the relevant district being absent, ill, incapacitated or disqualified under this Act for holding the inquest or there being a vacancy in the office of coroner for the district, and
- (b) the deputy coroner for the district being at the same time absent, ill, incapacitated or disqualified under this Act for holding the inquest,

F55[any member of the Garda Síochána not below the rank of inspector, or a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death an inquest is to be held, may request the Minister to direct any other coroner to hold the inquest and the Minister may, if he or she so thinks proper, so direct another coroner], and thereupon such coroner shall hold the inquest accordingly and for that purpose shall be deemed to be the coroner for the first-mentioned district.

(2) Whenever an inquest is held by virtue of this section, the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest F56[, or the Minister if that coroner is a coroner for the coroner's district of Dublin,] shall pay the coroner who holds the inquest such fee as may be prescribed together with F57[such sum to cover his or her travelling and other expenses as shall be agreed upon between



him or her and the local authority, or the Minister, in the case of a coroner for the coroner's district of Dublin].

Inquest where several deaths arise from one occurrence.

**21.**—Where the bodies of two or more persons whose deaths appear to have been caused by the same occurrence are lying within the districts of different coroners, the Minister may, if he so thinks proper, direct that one of those coroners shall hold an inquest in relation to all of the deaths, and thereupon the coroner so directed shall hold the inquest in like manner as if all of the bodies were lying within his district.

Inquest without exhuming body.

**22.**—Where the body of any person upon which it is necessary to hold an inquest has been buried and it is known to the coroner that no good purpose will be effected by exhuming the body for the purposes of an inquest, he may proceed to hold an inquest without having exhumed the body.

Inquest where body destroyed or irrecoverable.

**23.**—Whenever a coroner has reason to believe that a death has occurred in or near his district in such circumstances that an inquest is appropriate and that, owing to the destruction of the body or its being irrecoverable, an inquest cannot be held except by virtue of this section, the Minister may, if he so thinks proper, direct an inquest in relation to the death to be held by that coroner or another coroner, and thereupon the coroner so directed shall hold an inquest in relation to the death in like manner as if the body were lying within his district and had been viewed by him.

Inquest on order of Attorney General.

**24.**—(1) Where the Attorney General has reason to believe that a person has died in circumstances which in his opinion make the holding of an inquest advisable he may direct any coroner (whether or not he is the coroner who would ordinarily hold the inquest) to hold an inquest in relation to the death of that person, and that coroner shall proceed to hold an inquest in accordance with the provisions of this Act (and as if, not being the coroner who would ordinarily hold the inquest, he were such coroner) whether or not he or any other coroner has viewed the body, made any inquiry, held any inquest in relation to or done any other act in connection with the death.

F59[(2) Whenever an inquest is held by virtue of this section by a coroner other than a coroner who would ordinarily hold the inquest—

- (a) the Minister, if the coroner who would ordinarily hold the inquest is a coroner for the coroner's district of Dublin, or
- (b) the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest,

shall pay the coroner who holds the inquest such fee as may be prescribed together with such sum to cover his or her travelling and other expenses as shall be agreed upon—

- (i) between the coroner who holds the inquest and the Minister, in the case of an inquest that would ordinarily be held by a coroner for the coroner's district of Dublin, or
- (ii) in all other cases, between the coroner who holds the inquest and the local authority referred to in *paragraph (b)* or, in default of agreement, as shall be fixed by the Minister.]

Adjournment of inquest where criminal proceedings are being considered or have been instituted.

**25.**—F60[(1) Where, at an inquest in relation to a death—

- (a) a member of the Garda Síochána not below the rank of inspector in any case other than a case to which *paragraph (c)* applies,

(b) a member of the Defence Forces not below the rank of commandant in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015, or

(c) a designated officer of the Ombudsman Commission in a case where there is a relevant Ombudsman Commission investigation,

requests the coroner to adjourn the inquest on the ground that criminal proceedings in relation to the death are being considered, the coroner—

(i) shall adjourn the inquest for such period as he or she thinks proper, and

(ii) shall further adjourn the inquest for similar periods so often as a member of the Garda Síochána not below the rank of inspector, a member of the Defence Forces not below the rank of commandant or a designated officer of the Ombudsman Commission, as the case may be, so requests the coroner on the ground aforesaid so to do.]

(2) F61[Where, at an inquest in relation to a death—

(a) a member of the Garda Síochána not below the rank of inspector in any case other than a case to which paragraph (c) applies,

(b) a member of the Defence Forces not below the rank of commandant in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015, or

(c) a designated officer of the Ombudsman Commission in a case where there is a relevant Ombudsman Commission investigation,

requests the coroner to adjourn the inquest] on the ground that criminal proceedings in relation to the death have been instituted, the coroner shall adjourn the inquest until such proceedings have been finally determined, but it shall not then be obligatory on the coroner to resume the inquest unless he thinks there are special reasons for so doing.

(3) It shall be the duty of the clerk or registrar of any court, at the conclusion of criminal proceedings in that court in relation to the death of a person, to inform the coroner holding an inquest in relation to the death of the result of such proceedings.

(4) When adjourning under this section an inquest a coroner may discharge the jury (if any) summoned therefor.

(5) Where a coroner resumes an inquest which was adjourned under this section and the jury for which has been discharged, he shall proceed in all respects as if the inquest had not been begun.

Summoning of witnesses.

**26.**—(1) A coroner may, at any time before the conclusion of an inquest held by him, cause a summons in the prescribed form to attend and give evidence at the inquest to be served on any person (including in particular any registered medical practitioner) whose evidence would, in the opinion of the coroner, be of assistance at the inquest.

(2) F63[...]

View of the body.

**F64[27.**—(1) For the purpose of establishing the identity of a deceased person, a coroner may request a member of the Garda Síochána, a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of that person, a family member of the deceased person or, if the circumstances of the death so require, a suitably qualified person who has expertise regarding the identification of human remains—

(a) to view the body of the deceased person, or

(b) if such a viewing would not assist with the identification of the deceased person or in circumstances to which section 22 or 23 relates, to examine and consider other evidence of identity of the deceased person,

and the person so requested shall give evidence of identity of the deceased person to the coroner.

(2) Where evidence of identity of a deceased person is given to a coroner under subsection (1) and that evidence is subsequently presented by the coroner at an inquest in relation to the death of that person, it shall be evidence of the identity of the deceased person without further proof, unless the contrary is shown.

(3) If evidence of identity of a deceased person is disputed at an inquest in relation to the death of that person, the member of the Garda Síochána or other person who gave the evidence to the coroner under subsection (1) shall attend the inquest regarding that evidence.

(4) Where it is not possible to identify the deceased person, the absence of such identification shall not prevent the coroner from inquiring into the circumstances of the death of that person or from holding an inquest in relation to the death.]

Note of names, addresses of witnesses.

**28.**—Where a coroner holding an inquest does not take depositions, he shall take a note of the name and address of every person who gives evidence at the inquest.

Preservation of certain documents.

**29.**—(1) Every deposition or note of the names and addresses of witnesses taken at an inquest, every report of a post-mortem examination made in pursuance of this Act and every record of the verdict returned at an inquest shall be preserved by the coroner.

(2) When a coroner ceases to hold office, all documents preserved by him under this section shall be handed over to the county registrar for the county or county borough in which his district is situate and the county registrar shall preserve the documents.

F66[(3) A coroner shall furnish a copy of any document preserved by him or her under this section to every person who applies for a copy of such document and, except where the application is made on behalf of—

- (a) a Minister of the Government,
- (b) the Attorney General,
- (c) the Garda Síochána,
- (d) the Defence Forces,
- (e) the Garda Síochána Ombudsman Commission, or
- (f) an applicant within the meaning of section 60,

shall charge for the copy such fee as may be prescribed.]

F66[(4) A county registrar shall furnish a copy of any document preserved by him or her under this section to every person who applies for a copy of such document and, except where the application is made on behalf of—

- (a) a Minister of the Government,
- (b) the Attorney General,
- (c) the Garda Síochána,
- (d) the Defence Forces,

(e) the Garda Síochána Ombudsman Commission, or

(f) an applicant within the meaning of section 60,

shall charge for the copy such fee as may be prescribed.]

(5) The following provisions shall have effect in relation to all fees payable to a county registrar under this section:

(a) they shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister,

(b) the Public Offices (Fees) Act, 1879, shall not apply in respect of them.

Prohibition of consideration of civil and criminal liability.

**30.**—Questions of civil or criminal liability shall not be considered or investigated at an inquest F68[...].

Prohibition of censure and exoneration.

**31.**—(1) Neither the verdict nor any rider to the verdict at an inquest F69[, nor any findings made at an inquest,] shall contain a censure or exoneration of any person.

(2) Notwithstanding anything contained in subsection (1) of this section, F70[recommendations of a general character that are designed to prevent further fatalities or are considered necessary or desirable in the interests of public health or safety] may be appended to the verdict at any inquest.

Record of verdict returned at an inquest.

**32.**—The record of F71[the findings made and the verdict returned at an inquest] shall be signed by the coroner holding the inquest and, where he is sitting with a jury, by the foreman of the jury.

F72[Post-mortem examinations.

**33.**—(1) Subject to section 33A(3), a coroner may, for the purposes of inquiring into the death of a person, direct a registered medical practitioner to make a post-mortem examination of the body of the deceased person.

(2) Where a registered medical practitioner makes a post-mortem examination of the body of a deceased person under this section, section 33A or 33C, he or she shall do so under the direction of the coroner.

(3) Where a coroner has directed a registered medical practitioner under this section, section 33A or 33C to make a post-mortem examination of the body of a deceased person, he or she shall ensure, in so far as practicable, that a family member of the deceased person is informed of the fact and is informed that material may be removed from the body and retained for the purposes of a post-mortem examination or an inquest in relation to the death of the person.

(4) Where, in the opinion of the coroner, the report of a post-mortem examination furnished to him or her under section 33E shows that an inquest in relation to the death is not necessary, it shall not be obligatory upon him or her to hold an inquest.

(5) Nothing in this section shall authorise a coroner to dispense with holding an inquest in relation to the death of a person in circumstances to which section 17 applies.]

F74[Duty to direct post-mortem examination

**33A.**—(1) It shall be the duty of a coroner to direct that a post-mortem examination of the body of a deceased person, whose death has been reported to him or her under this Act, be made in the following cases:

- (a) the death of the person may, in the opinion of the coroner, have occurred in a violent or unnatural manner, or in suspicious circumstances;
- (b) the death of the person may, in the opinion of the coroner, have occurred unexpectedly and from unknown causes or in an unexplained manner;
- (c) the deceased person was, at the time of his or her death or immediately before his or her death, in State custody or detention;
- (d) the death of the person was a maternal death or a late maternal death;
- (e) the death of the person may, in the opinion of the coroner, have occurred in circumstances which, under provisions in that behalf in any other enactment, require that an inquest should be held;
- (f) the death of the person occurred as a result of an accident at work or was due to an industrial or occupational injury or disease or industrial poisoning.

(2) It shall be the duty of a coroner to exercise his or her power to direct a post-mortem examination where—

- (a) a member of the Garda Síochána not below the rank of inspector in any case other than a case to which paragraph (d) applies,
- (b) a member of the Defence Forces not below the rank of commandant in a case of the death of a person who is subject to military law under the Defence Acts 1954 to 2015,
- (c) a duly authorised officer of a statutory body who is empowered under another enactment to investigate accidents, incidents or diseases resulting in death in a case in which the body is investigating the accident, incident or disease resulting in the death concerned, or
- (d) a designated officer of the Ombudsman Commission in a case in which there is a relevant Ombudsman Commission investigation,

requests him or her so to do, and states the reasons for such request in writing.

(3) Upon receipt of a request under paragraph (a) or (d) of subsection (2) to direct a post-mortem examination in the case of a death in suspicious circumstances, a coroner shall direct a registered medical practitioner appointed by or on behalf of the Minister to make a post-mortem examination of the body of the deceased person.]

**F76**[Provisions relating to post-mortem examinations directed by coroner

**33B.—(1)** A post-mortem examination of the body of a deceased person directed by a coroner under section 33, 33A or 33C shall be made by a registered medical practitioner and he or she may do so—

- (a) with the assistance of such other registered medical practitioners, or
- (b) such technical or clinical assistance as may be required for the examination,

or both, as the first-mentioned registered medical practitioner considers appropriate for the examination.

(2) A post-mortem examination of the body of a deceased person under section 33, 33A or 33C shall not be made by a registered medical practitioner who had attended the deceased person within the period of 28 days before his or her death, nor shall a registered medical practitioner assist in making such an examination if he or she attended the deceased person within that period.

(3) Subsection (2) shall not apply to a registered medical practitioner who is a pathologist on the staff of, or associated with, a hospital save where the coroner considers that the conduct of such practitioner in relation to his or her attendance

on the deceased person is likely to be called in question at an inquest in relation to the death of that person.]

F78[Further post-mortem examination

**33C.**—Where a post-mortem examination has been directed by a coroner under section 33 or 33A, the coroner may direct the same registered medical practitioner, or another registered medical practitioner, to make a further post-mortem examination of the body of the deceased person concerned if the coroner is of opinion that—

- (a) a further post-mortem examination is necessary as further information relating to the death, or the circumstances of the death, becomes known after the first post-mortem examination was made, or
- (b) the first post-mortem examination was not made properly.]

F79[Medical records of deceased person for purposes of post-mortem examination

**33D.**—(1) Where, under section 33, 33A or 33C, a coroner directs that a post-mortem examination of the body of a deceased person be made, the coroner may direct—

- (a) a person in charge of a hospital, or other health institution, in which the deceased person received treatment immediately before his or her death,
- (b) a medical practitioner, nurse or midwife who has possession or control of medical records relating to the deceased, or
- (c) a paramedic or advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000) who has possession or control of medical records relating to the deceased,

to give to the registered medical practitioner making the examination, within such period as may be specified in the direction, such medical records relating to the deceased person as are, in the opinion of the coroner, necessary to enable a proper examination of the body to be made.

(2) Subject to subsection (3), a person to whom a direction is given by a coroner under subsection (1) shall comply with the direction forthwith.

(3) A person to whom a direction is given by a coroner under subsection (1) may refuse to comply with the direction in relation to a medical record only if he or she would be entitled, by virtue of section 38(3), as a witness at an inquest to refuse to comply with a direction of the coroner to produce the record at the inquest.

(4) A direction given by a coroner under subsection (1) shall be given in writing or, if given orally, it shall be confirmed in writing as soon as practicable.

(5) The validity of a direction given by a coroner under subsection (1) shall not be limited to the coroner's district in respect of which he or she holds the office of coroner.

(6) Where a person to whom a direction is given by a coroner under subsection (1) fails or refuses to comply with the direction, other than in circumstances to which subsection (3) applies, the High Court may, on application to it in that behalf by the coroner—

- (a) order the person to comply with the direction immediately or within such period as the Court may determine and specify in the order, and
- (b) make such other order, if any, as it considers necessary to enable the order made under paragraph (a) to have effect and such order as to costs, if any, as it considers just.

(7) An application under subsection (6) may, if the High Court so directs, be heard otherwise than in public.

(8) In determining an application under subsection (6), the High Court shall have regard to—

- (a) the public interest in the medical record concerned being given for the purposes of the post-mortem examination of the body of the deceased person concerned,
- (b) the likely importance of the information contained in the medical record concerned for the purposes of that examination, and
- (c) the likely impact on the effectiveness of that examination if the medical record concerned is not given, or there is a delay in its being given, for the purposes of that examination.

(9) A registered medical practitioner to whom medical records are given pursuant to a direction of a coroner under subsection (1), or an order of the High Court under subsection (6), shall return those records to the hospital or other health institution or the medical practitioner, nurse, midwife, paramedic or advanced paramedic, as the case may be, from whom they were received, as soon as practicable after the post-mortem examination of the body of the deceased person concerned has been made or, as may be appropriate, an inquest in relation to the death of that person has been held.

(10) Rules of court may make provision for the expeditious hearing of applications to the High Court under subsection (6).]

F80[Report of post-mortem examination

**33E.—**(1) Where a post-mortem examination of the body of a deceased person is directed by a coroner under section 33, 33A or 33C, the registered medical practitioner to whom the direction was given shall, as soon as practicable, furnish a report in writing of the examination to the coroner.

(2) A report of a post-mortem examination under subsection (1) shall contain a record of any material, whether tissue, organs, biological fluids or other part of the body of the deceased person concerned, retained for further examination or for the purposes of an inquest in relation to the death of the person.

(3) In a case where a request for a post-mortem examination is received by a coroner under section 33A(2), the coroner to whom a report of the post-mortem examination is furnished under subsection (1) shall, in accordance with the request, provide a copy of the report to, as may be appropriate—

- (a) a member of the Garda Síochána not below the rank of inspector,
- (b) a member of the Defence Forces not below the rank of commandant,
- (c) a duly authorised officer of a statutory body who is empowered under another enactment to investigate accidents, incidents or diseases resulting in death, or
- (d) a designated officer of the Ombudsman Commission,

and the copy of the report shall be so provided not later than the commencement of an inquest in relation to the death of the person concerned or, if an inquest is not held, as soon as practicable after the coroner receives the report.

(4) Subject to subsection (5), a coroner to whom a report of a post-mortem examination is furnished under subsection (1) shall, if so requested by a family member of the deceased person concerned, provide a copy of the report to that family member.

(5) The coroner shall not provide a copy of the report of a post-mortem examination furnished to him or her under subsection (1) to a family member of the deceased person if the coroner thinks that it is not proper to do so as it may prejudice criminal

proceedings in relation to the death of the deceased person that are being considered or have been instituted.

(6) Nothing in this section shall prevent a registered medical practitioner directed by a coroner under section 33, 33A or 33C to make the post-mortem examination of the body of a deceased person from furnishing a preliminary report of the examination to the coroner before the report referred to in subsection (1) is furnished to him or her.]

F82[Authorisation for final management of material removed from body of deceased person] **33F.— ...]**

F83[Provisions to apply when no authorisation received for final management of material removed from body of deceased person] **33G.— ...]**

F84[Provisions to apply when designated person not available or in position to receive or to act on authorisation for final management of material removed from body of deceased person] **33H.— ...]**

F85[Regulations in respect of management of material retained following coronial post-mortem examinations made in relevant facilities] **33I.— ...]**

F86[Register of relevant facilities] **33J.— ...]**

F86[Nominated person] **33K.— ...]**

F88[Authority to monitor compliance with relevant sections – authorised persons etc.] **33L.— ...]**

F89[Compliance notices] **33M.— ...]**



F90[Appeal of compliance notice

33N.— ...]

F91[Prohibition orders

33O.— ...]

Holding of adjourned inquest by different coroner.

34.—An inquest which has been adjourned and at which only evidence of identification has been given may be resumed by a different coroner.

Disqualification of certain coroners for holding certain inquests.

35.—(1) A coroner or deputy coroner who is a registered medical practitioner shall not hold an inquest on the body of, or inquire into the death of, any person who was attended by him within one month before the person's death.

(2) (a) A coroner or deputy coroner shall not hold an inquest on the body of, or inquire into the death of, any person if he has drawn up, or assisted in the drawing up of, and benefits under, any testamentary disposition made by that person.

(b) For the purpose of paragraph (a) of this subsection, a coroner or deputy coroner who is a solicitor and an executor of the deceased shall not be taken to benefit under a testamentary disposition merely because he is authorised to charge fees in respect of the administration of the estate.

Service of summons.

F92[36.—A summons requiring the attendance of a person at an inquest as a juror or witness shall be served on the person by a member of the Garda Síochána F93[, or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, by a designated officer of the Ombudsman Commission,] in one of the following ways:

(a) by delivering it to the person;

(b) by delivering it at the address at which the person ordinarily resides to a person who has attained the age of 16 years and who resides or is employed at that address; or

(c) by sending it by prepaid registered post to the address at which the person ordinarily resides or, in a case where an address for service has been furnished, to that address.]

Non-attendance of jurors and witnesses.

F95[37.—(1) A person who, having been duly served with a summons requiring him to attend an inquest as a juror, fails F96[without reasonable excuse] to attend on the date and at the time and place specified in the summons shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500.

(2) A person who, having been duly served with a summons requiring him to attend an inquest as a witness, fails F96[without reasonable excuse] to attend on the date and at the time and place specified in the summons shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months or to both.

F96[(2A) Where a person who, having been duly served with a summons requiring him or her to attend an inquest as a witness, fails without reasonable excuse to attend on the date and at the time and place specified in the summons, the High Court may, on application to it in that behalf by a coroner—

(a) order the person to comply with the summons, and

(b) make such other order (including an order as to costs), if any, as it considers necessary and just to enable the order made under paragraph (a) to have full effect.

(2B) The amendment of this section (other than this subsection) effected by **section 23** of the Coroners (Amendment) Act 2019 shall not apply if the date specified in the summons concerned falls before the coming into operation of that section.]

(3) The amendment of this Act (other than this subsection) effected by paragraph (c) of **section 1** of the Coroners (Amendment) Act 2005 shall not apply if the date specified in the summons concerned falls before the passing of the second-mentioned Act.]

Powers with respect to the taking of evidence, etc., at inquest.

F97[**38.** (1) If a coroner considers it necessary for the purposes of the proper conduct of an inquest, the coroner may—

(a) direct the taking of an oath or affirmation by any witness,

(b) direct a witness to answer questions,

(c) direct the production by any person of any document, article, substance or thing in his or her possession or under his or her power or control,

(d) inspect, copy and keep for such period as the coroner considers necessary any document, article, substance or thing produced at the inquest, or

(e) give any other direction that the coroner considers necessary.

(2) Where a person fails or refuses without reasonable excuse to comply with a direction under subsection (1), the High Court may on application to it in that behalf by a coroner—

(a) order the person to comply with the direction, and

(b) make such other order, if any, as it considers necessary and just to enable the direction to have full effect.

(3) A witness at an inquest shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(4) Any person who gives evidence to an inquest knowing it to be false or misleading shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.]

F98[Taking of evidence from person about to leave State

**38A.**—Whenever a coroner is satisfied that a person who may be summoned to give evidence or to produce a document, article, substance or thing relevant to an inquest is likely to be absent from the State during the conduct of the inquest, he or she may direct that the evidence of that person be taken or the document, article, substance or thing be produced before him or her, at any time before the inquest, in the same manner as the evidence would be taken or the document, article, substance or thing would be produced at the inquest.]

## PART IV

### JURIES AT INQUESTS

General power to sit with or without jury.

**39.**—Save as otherwise provided by this Part, a coroner may hold any inquest either, as he thinks proper, with or without a jury.

Obligation on coroner to sit with jury in certain cases.

**40.**—(1) An inquest shall be held with a jury if, either before or during the inquest, the coroner becomes of opinion—

- (a) that the deceased came by his death by murder, infanticide or manslaughter, or
- (b) that the death of the deceased occurred in a place or in circumstances which, under provisions in that behalf contained in any other enactment, require that an inquest should be held, or
- (c) that the death of the deceased was caused by accident, poisoning or disease of which, under provisions in that behalf contained in any other enactment, notice is required to be given to a Minister or Department of State or to an inspector or other officer of a Minister or Department of State, or
- (d) F99[...]
- (e) that the death of the deceased occurred in circumstances the continuance or possible recurrence of which would be prejudicial to the health or safety of the public or any section of the public.

(2) The jury at an inquest shall be sworn by or before the coroner.

(3) Where a coroner, before commencing or resuming an inquest in relation to any death, F100[is informed by a member of the Garda Síochána not below the rank of inspector, a member of the Defence Forces not below the rank of commandant or a designated officer of the Ombudsman Commission that he or she will, under subsection (1) or (2) of section 25, request an adjournment of the inquest] on the ground either that criminal proceedings in relation to the death are being considered or have been instituted, every (if any) obligation under subsection (1) of this section to hold the inquest with a jury shall be deemed to be suspended unless and until the full hearing of the inquest takes place.

Number of coroner's jury.

**41.**—A coroner's jury shall consist of not less than six and not more than twelve persons.

Liability to serve on coroner's jury.

**42.**—F102[...]

Summoning of jury.

**43.**—Whenever a jury is required for an inquest at any time and place, F103[the coroner shall so inform a member of the Garda Síochána or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, a designated officer of the Ombudsman Commission, and the member or designated officer, as the case may be, shall assemble] not less than six and not more than twelve persons qualified to be jurors at the inquest at such time and place and may, if he thinks it necessary, serve summonses in the prescribed form to ensure their attendance.

Failure of jury to agree.

**44.**—If the jury at an inquest fail to agree on a verdict, the following provisions shall have effect:

- (a) if a majority of the jury agree on a verdict, the verdict shall be accepted by the coroner, and
- (b) in any other case, the coroner shall discharge the jury and hold a new inquest.

Holding of adjourned inquest with different jury.

**45.**—An inquest which has been adjourned and at which only evidence of identification has been given may be resumed with a different jury.

## PART V

## MISCELLANEOUS

Removal and custody of body pending inquest, etc.

**46.**—(1) Where a coroner considers it necessary to hold an inquest on, or a post-mortem examination of, the body of a deceased person, he may direct that the body be removed into a convenient mortuary or morgue or other suitable place (whether inside or outside his district) and kept therein until he otherwise directs, and he may make such arrangements for the removal of the body as he considers necessary or desirable.

(2) The person in charge of a mortuary, morgue or other place into which the body of a deceased person is directed to be removed under subsection (1) of this section shall allow the body to be deposited in such mortuary, morgue or other place and shall keep the body therein until the coroner otherwise directs.

(3) Any person who obstructs the removal of a body pursuant to a direction under subsection (1) of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to F105[a class C fine or imprisonment for a term not exceeding 12 months or both].

(4) Any person in charge of a mortuary, morgue or other place who fails to comply with subsection (2) of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to F105[a class C fine or imprisonment for a term not exceeding 12 months or both].

(5) The removal of a body in pursuance of a direction by a coroner under subsection (1) of this section to any place outside his district shall not affect his powers and duties in relation to the body or the inquest thereon, nor shall it confer or impose any rights, powers or duties upon any other coroner.

Exhumation.

**47.**—(1) Where a coroner is informed by a member of the Garda Síochána not below the rank of inspector that, in his opinion, the death of any person whose body has been buried in the coroner's district may have occurred in a violent or unnatural manner, the coroner may request the Minister to order the exhumation of the body by the Garda Síochána.

F106[(1A) Where there is a relevant Ombudsman Commission investigation and a coroner is informed by a designated officer of the Ombudsman Commission that, in his or her opinion, the death of the person concerned whose body has been buried in the coroner's district may have occurred in a violent or unnatural manner, the coroner may request the Minister to order the exhumation of the body by the Ombudsman Commission.]

(2) On being requested under this section to authorise by order the exhumation of any body, the Minister may, as he thinks proper, either make or refuse to make the order.

(3) Every order made under this section for the exhumation of a body shall operate to authorise the exhumation in accordance with the terms of the order.

(4) Where the body of a deceased person is exhumed in pursuance of an order made under this section, the coroner concerned shall have the like powers and duties as if the body had not been buried.

Removal of body outside the State.

**48.**—Where it is brought to the notice of a coroner that it is intended to remove out of the State the body of a deceased person which is within his jurisdiction he may certify, in such form as may be prescribed, that he has been satisfied as to the cause of death and that no circumstances exist necessitating the retention of the body, or any part thereof, in the State.

Inquest on treasure trove.

**49.**—A coroner shall have jurisdiction to inquire into the finding of treasure trove in his district and the provisions of this Act (other than those relating to post-mortem

examinations or to the removal of bodies) shall, so far as is consistent with the tenor thereof, apply to every such inquest.

F109[Entry to premises to inspect, copy, take extracts from or seize documents, etc.

**49A.** (1) A coroner may not enter any premises for the purposes of the performance of his or her functions under this Act in relation to the death of any person except—

- (a) with the consent of the occupier of those premises, or
- (b) under the authority of a warrant issued under this section.

(2) If a judge of the District Court is satisfied by information on oath of a coroner that there are reasonable grounds for suspecting that there are in any premises any documents, articles, substances or things required by the coroner for the performance of his or her functions under this Act in relation to the death of any person, the judge may issue a warrant authorising the coroner to enter those premises and to inspect, copy or take extracts from or, if necessary, to seize those documents or to inspect or, if necessary, to seize those articles, substances or things.

(3) A warrant issued under this section shall be expressed, and shall operate, to authorise the coroner named in the warrant, accompanied by such (if any) members of the Garda Síochána, or designated officers of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the warrant is issued, as the coroner considers necessary—

- (a) to enter, at any time or times within one week of the date of the issue of the warrant, on production if so requested of the warrant or a copy of it and if necessary by the use of reasonable force, the premises named in the warrant, and
- (b) to inspect, copy or take extracts from or, if necessary, to seize the documents concerned, or to inspect or, if necessary, to seize the articles, substances or things concerned, in those premises.

(4) A coroner who, under a warrant issued under this section, seizes any documents, articles, substances or things shall return those documents, articles, substances or things to the person from whom they were seized when they are no longer required for the performance by the coroner of his or her functions under this Act in relation to the death of the person concerned.

(5) A person who obstructs or attempts to obstruct the coroner, a member of the Garda Síochána or a designated officer of the Ombudsman Commission acting under the authority of a warrant issued under this section shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(6) The power of the District Court to issue a warrant under this section shall be exercisable by a judge of the District Court who is assigned to the district court district in which the premises concerned are situate.]

Furnishing of particulars to registrars of births and deaths.

**50.—**F111[...]

Extension of power of coroner to authorise burial.

**51.—**F112[...]

Provisions governing post-mortem examination caused to be made by coroner.

**52.—**F113[...]

Prohibition on certain coroners from acting in certain proceedings.

**53.—**A coroner or deputy coroner who is a solicitor or barrister shall not act as solicitor or barrister in criminal proceedings arising out of any matter which may have come before him as coroner or deputy coroner.

F114[Expert advice and assistance for coroners in certain circumstances.]

**53A.—**If a coroner considers that he or she requires the advice or assistance of an expert in respect of a matter for the purposes of his or her inquiry into a death, he or she may seek and obtain such advice or assistance from a person who has expertise in respect of the matter.]

Supply of forms to coroner.

F115[**54.—**For the purposes of discharging his or her duties as a coroner—

(a) the Minister, in the case of a coroner for the coroner's district of Dublin, and

(b) the local authority by whom a coroner was appointed in all other cases,

shall supply the coroner concerned with such supplies of stationery and of prescribed forms as shall be reasonably required by him or her for the discharge of those duties.]

Returns to be made by coroner.

**55.—**(1) Every coroner shall, on or before the 1st day of February in each year, furnish to the Minister a written return of the inquests held and deaths inquired into in his district during the year ended on the immediately preceding 31st day of December.

(2) In addition to the yearly return specified in subsection (1) of this section, every coroner shall furnish to the Minister or to such other Minister as the Minister may direct such written returns in relation to inquests held and deaths inquired into in his district as the Minister may from time to time require.

(3) Every return furnished under this section shall be in such form and contain such particulars as the Minister may from time to time direct.

Prescribing of forms of oaths, etc., in respect of inquests.

**56.—**(1) The following forms may be prescribed in respect of inquests, namely, the form of—

(a) oath to be taken by jurors and to be taken by witnesses,

(b) summons to be served on jurors and to be served on witnesses,

(c) deposition, and

(d) record of verdict

(2) Until forms have been prescribed under this section, the forms of oaths, summonses, depositions and inquisitions in use in respect of inquests immediately before the commencement of this Act may continue to be used and may, where necessary, be modified so as to conform with the provisions of this Act.

Prescribing of certain fees and expenses.

**57.—**The following fees and expenses shall be prescribed, after consultation with the Minister for Local Government, namely—

(a) the fees payable to persons performing, or assisting at, post-mortem and special examinations,

(b) the expenses payable to witnesses at inquests, and

(c) the expenses payable in connection with removal or custody, in accordance with the direction of a coroner, of a body.

Certification and payment of certain sums.

**58.**—(1) A coroner may, in respect of any matter for which a fee or expenses is or are prescribed under [section 57](#) of this Act, issue his certificate for the payment by [F116](#)[the Minister, if the matter relates to the coroner's district of Dublin or] a specified local authority to the person concerned of a sum not greater than the sum prescribed in that behalf.

[F117](#)[(2) Every person to whom a certificate has been issued under this section may present the certificate to—

(a) the Minister, if the matter relates to the coroner's district of Dublin, or

(b) the local authority specified in the certificate in any other case,

and, thereupon, the Minister or the local authority, as the case may be, shall pay the sum mentioned in the certificate to the person.]

(3) The local authority to be specified in a certificate issued under this section [F118](#)[(other than a certificate relating to a matter concerning the coroner's district of Dublin)] shall be—

(a) in a case where the certificate is issued after an inquest by a coroner who would not ordinarily hold the inquest, the local authority by whom the coroner who would ordinarily hold the inquest was appointed,

(b) in case the certificate is issued by a deputy coroner acting in place of a coroner, the local authority by whom the coroner was appointed,

(c) in every other case, the local authority by whom the coroner issuing the certificate was appointed.

(4) No certificate for the payment of any fee shall be issued under this section to a registered medical practitioner who is on the staff of a health institution, within the meaning of the [Health Act, 1947](#), or a hospital in connection with an inquest on the body of a person who died in the institution, if it was his duty to attend the person.

Amendment of [Juries Act, 1927](#).

**59.**—[F119](#)[...]

[F120](#)[Legal aid and legal advice for inquests

**60.**—(1) Where an inquest in relation to the death of a person is to be held under Part III of this Act, a family member of the deceased (in this section referred to as "the applicant") may apply to the coroner for a request to be submitted by that coroner to the Legal Aid Board in relation to the granting of legal aid or legal advice, or both, to the applicant pursuant to the [Civil Legal Aid Act 1995](#).

(2) An application referred to in subsection (1) shall be made before the commencement of the inquest, unless the coroner otherwise permits.

(3) A coroner shall determine an application referred to in subsection (1) and shall notify the applicant of his or her determination within 10 working days of the receipt of the application.

(4) Subject to subsections (5) and (6), where a coroner receives an application referred to in subsection (1) in respect of an inquest, he or she shall request the Legal Aid Board to grant legal aid or legal advice, or both, to the applicant in respect of the inquest concerned.

(5) A coroner shall not make a request referred to in subsection (4) unless—

- (a) the deceased was, at the time of his or her death or immediately before his or her death, in the custody of the Garda Síochána,
- (b) the deceased was, at the time of his or her death or immediately before his or her death, in custody in a prison F121[...],
- (c) the deceased was, at the time of his or her death or immediately before his or her death, in service custody F122[...],
- (d) the deceased was, at the time of his or her death or immediately before his or her death, involuntarily detained under Part 2 of the **Mental Health Act 2001** in an approved centre within the meaning of section 2 of that Act,
- (e) the deceased was, at the time of his or her death or immediately before his or her death, detained in a designated centre within the meaning of **section 3** of the **Criminal Law (Insanity) Act 2006** or was a person to whom section 20 of that Act refers,
- (f) the deceased was, at the time of his or her death or immediately before his or her death, F123[remanded in a remand centre] within the meaning of section 3 of the **Children Act 2001** or detained in a children detention school within the meaning of that section,
- (g) the deceased was, at the time of his or her death or immediately before his or her death, a child in care, F124[...]

F125[(ga) the death of the deceased was a maternal death or a late maternal death, or,]

- (h) the coroner is of the opinion that the death of the deceased occurred in circumstances the continuance or possible recurrence of which would be prejudicial to the health or safety of the public or any section of the public such that there is a significant public interest in the family member of the deceased person being granted legal aid or legal advice, or both, for the purposes of the inquest concerned.

(6) Where legal aid or legal advice, or both, are granted by the Legal Aid Board to an applicant in respect of an inquest further to a request by a coroner under subsection (4), no further applications under subsection (1) may be made by a family member in respect of the inquest concerned.

(7) In this section—

F126[...]

F126[...]

"legal advice" has the same meaning as it has in the **Civil Legal Aid Act 1995**;

"legal aid" has the same meaning as it has in the **Civil Legal Aid Act 1995**.]

F127[Offences by  
body corporate

**61.**—Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.]

F128[Directions  
of High Court

**62.**—(1) A coroner may, whenever he or she considers it appropriate to do so, apply to the High Court for directions on a point of law regarding the performance of his or her functions under this Act in relation to the death of any person.



(2) The High Court shall determine an application under subsection (1) by giving such directions and making such orders as it considers appropriate.

(3) The High Court may, on application to it in that behalf, hear an application under subsection (1) otherwise than in public if satisfied that it is appropriate to do so because of—

(a) the subject matter in relation to which directions are sought,

(b) a risk of prejudice to criminal proceedings, or

(c) any other matter relating to the nature of the evidence to be given at the hearing of the application.

(4) The High Court shall give such priority as it reasonably can, having regard to all of the circumstances, to the disposal of proceedings in the Court under this section.

(5) An appeal shall lie by leave of the High Court to the Court of Appeal from a determination of the High Court of an application under subsection (1).

(6) The Superior Court Rules Committee may, with the concurrence of the Minister, make rules of court to facilitate the giving of effect to subsection (4).]

## Section 5.

## F129[FIRST] SCHEDULE

## ENACTMENTS REPEALED

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
4 Edw. I.	The Office of the Coroner.	The whole Act.
6 Geo. IV, c. 51.	The Assizes (Ireland) Act, 1825.	So much of section 4 as relates to any inquisition taken before a coroner; in section 6, the words from "and by order" to "his or their jurisdictions;".
9 Geo. IV, c. 54.	Criminal Law (Ireland) Act, 1828.	Section 4; sections 5 and 6 in so far as they relate to coroners.
10 Geo. IV, c. 37.	Coroners (Ireland) Act, 1829.	The whole Act.
6 & 7 Will. IV, c. 89.	Coroners (Ireland) Act, 1836.	The whole Act.
3 & 4 Vic., c. 108.	Municipal Corporations (Ireland) Act, 1840.	Sections 153, 154, 155 and 156.
6 & 7 Vic., c. 12.	Coroners Act, 1843.	The whole Act.
8 & 9 Vic., c. 18.	Lands Clauses Consolidation Act, 1845.	Sections 39 and 40, in so far as they relate to coroners.
9 & 10 Vic., c. 37.	Coroners (Ireland) Act, 1846.	The whole Act.
23 & 24 Vic., c. 74.	Borough Coroners (Ireland) Act, 1860.	The whole Act.
36 & 37 Vic., c. 76.	Railways Regulation Act (Returns of Signal Arrangements, Workings, etc.), 1873.	Section 5.
39 & 40 Vic., c. xciii.	Coroners (Dublin) Act, 1876.	The whole Act except section 6.
41 & 42 Vic., c. 69.	Petty Sessions Clerks and Fines (Ireland) Act, 1878.	In section 9, the words "or coroner" wherever they occur.
43 & 44 Vic., c. 13.	Births and Deaths Registration Act (Ireland), 1880.	In section 16, from the beginning of the section to the words "from the coroner".
44 & 45 Vic., c. 35.	Coroners (Ireland) Act, 1881.	The whole Act.
55 & 56 Vic., c. 56.	Coroners Act, 1892.	Subsections (1), (2), (3), (4), (5) and (8) of section 1.

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Subsections (1), (2) and (5) of section 14; subsection (3) of section 40; in subsection (1) of section 69, the word "coroner".
8 Edw. VII, c. 37.	Coroners (Ireland) Act, 1908.	The whole Act.
No. 4 of 1924.	Coroners (Qualification) Act, 1924.	The whole Act.
No. 1 of 1927.	Coroners (Amendment) Act, 1927.	The whole Act.
No. 27 of 1930.	Local Government (Dublin) Act, 1930.	Subsection (2) of section 23
No. 3 (Private) of 1937.	Local Government (Galway) Act, 1937.	Section 36.
No. 21 of 1940.	Local Government (Dublin)(Amendment) Act, 1940.	Subsection (1) of section 9.
No. 50 of 1947.	Coroners (Amendment) Act, 1947.	The whole Act.
No. 1 (Private) of 1950.	Local Government Provisional Orders Confirmation Act, 1950.	Paragraph 1 of Article 9 of the Order set out in the First Schedule.
No. 10 of 1953.	Local Government (Dublin)(Amendment) Act, 1953.	Section 2.
No. 1 (Private) of 1955.	Local Government Provisional Orders Confirmation Act, 1955.	Article 11 of the Order set out in the First Schedule; Article 11 of the Order set out in the Third Schedule.

## F130[SECOND SCHEDULE

## Deaths Reportable to Coroner

1. Any death that may be murder, manslaughter or infanticide.
2. Any death that appears to be connected with a crime or suspected crime.
3. Any death, whether or not accidental, caused wholly or partly by stabbing, drowning, poisoning, hanging, electrocution, asphyxia or a gunshot wound.

4. Any death where the deceased person is dead on arrival at a hospital.
5. Any death which may be by suicide.
6. Any death where the body of the deceased person is unidentified.
7. Any death where no family member of the deceased person can be traced within a reasonable time of the death.
8. Any death where the body of the deceased person is found or recovered in circumstances that indicate that the death may have occurred a considerable period of time previously.
9. Any death (other than in circumstances to which paragraph 8 applies) in respect of which the date of death may not be ascertainable.
10. Any death caused wholly or partly by any of the following:
  - (a) an incident, whether or not accidental, resulting in any physical injury, including a cut, fracture or contusion;
  - (b) a fall;
  - (c) self-neglect;
  - (d) an eating disorder;
  - (e) exposure or hypothermia;
  - (f) burns.
11. Any death which may be by assisted suicide.
12. Any death caused wholly or partly by any of the following:
  - (a) an accident arising out of the use of a vehicle in a public place;
  - (b) an incident occurring on a railway;
  - (c) an incident arising on a train, aircraft, ship or other vessel.
13. Any death caused wholly or partly by any of the following:
  - (a) a notifiable disease or condition that is, under provisions in that behalf in any other enactment, required to be notified to a Minister of the Government, a Department of State or a statutory body or to an inspector or other officer of a Minister of the Government, a Department of State or a statutory body;
  - (b) an adverse reaction to any drug;
  - (c) a drugs overdose or the presence of toxic substances;
  - (d) in the case of an infant death, maternal drug addiction;
  - (e) an infection contracted as a result of previously contaminated blood product administration;
  - (f) a lack of care or neglect;
  - (g) starvation or malnutrition.
14. Any death which may be due to a prion disease.
15. Any death caused wholly or partly by an accident at work or due to industrial or occupational injury or disease.

16. Any death occurring in a hospital or other health institution—
  - (a) that is unexpected,
  - (b) within 24 hours of presentation or admission, whichever is the later, or
  - (c) of a person transferred from a nursing home.
17. Any maternal death or late maternal death.
18. Any death of a stillborn child, death intrapartum or infant death.
19. Any death occurring in a hospital or other health institution that is directly or indirectly related to a surgical operation or anaesthesia (including recovery from the effects of anaesthesia) or to any other medical, surgical or dental procedure, regardless of the length of time between the procedure and death.
20. Any death which may be due to any healthcare acquired infection.
21. Any death where an allegation is made or a concern has been expressed regarding the medical treatment provided to the deceased person or the management of his or her healthcare.
22. Any death which may be as a result of an unconventional medical procedure or treatment.
23. Any death occurring in—
  - (a) an institution for the care and treatment of persons with a physical or mental disability, or
  - (b) any public or private institution for the care of elderly or infirm persons, including a nursing home.
24. Any death where the deceased person was at the time of his or her death, or immediately before his or her death, in State custody or detention.
25. Any death of a child in care.]



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Number 9 of 1962

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## **CORONERS ACT 1962**

**REVISED**

**Updated to 16 May 2024**

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### **About this Revised Act**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

### **Related legislation**

**Coroners Acts 1962 to 2024:** this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024* (5/2024), s. 1(4)). The Acts in this group are:

- *Coroners Act 1962* (9/1962)
- *Coroners (Amendment) Act 2005* (33/2005)
- *Courts and Civil Law (Miscellaneous Provisions) Act 2013* (32/2013), s. 24
- *Coroners (Amendment) Act 2019* (29/2019)
- *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* (13/2020), Part 2 (ss. 6-9)
- *Coroners (Amendment) Act 2024* (4/2024)
- *Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024* (5/2024), ss. 58, 60

### **Annotations**

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

### **Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).