



Mr Brian McLoughlin
Assistant Solicitor to the Inquiry
The Inquiry into Hyponatraemia-related Deaths
Arthur House
41 Arthur Street
BELFAST
BT1 4GB



Date: 08 November 2012

Your Ref: - BmCL-0015-12

Dear Mr McLoughlin,

Thank you for your letter dated 17 October 2012 and I apologise for the delay in replying. I will address each of your questions in turn.

- (a) **When was the document "*Working with the Coroners Service for Northern Ireland*" first published?**

October 2009

- (b) **Prior to the publication of "*Working with the Coroners Service for Northern Ireland*" was there any published guidance for doctors in Northern Ireland as to the reporting of deaths to the coroner, who should make the report, the information to be provide when making such a report, or the steps to be taken following the making of such a report. If so, please provide a copy of any such guidance and state the date of its first publication**

A booklet entitled "*Guidance on Death, Stillbirth and Cremation Certification*" was published in August 2008 and distributed in September 2008 under the auspices of the DHSSPS, The General Register Office and the Coroners Service for Northern Ireland. A copy can be downloaded from www.dhsspsni.gov.uk/guidance-death-stillbirth-and-cremation-certification

Tel: [REDACTED] Fax: [REDACTED]

May's Chambers, 73 May Street, Belfast. BT1 3JL
www.coronersni.gov.uk

We found in our archives three leaflets entitled "*The Work of the Coroner in Northern Ireland*" published in 1993, "*Northern Ireland Court Service; The Work of the Coroner in Northern Ireland*" published in 1995 and "*Northern Ireland Court Service; The work of the Coroner's Office*" published in March 2000. However, there is no record of how widely these leaflets were distributed, or to whom. Prior to amalgamation in 2006 Northern Ireland was split in to 9 different coroners districts and each district appears to have slightly different working practice arrangements with local doctors and local police. I have enclosed a copy of each of these 3 leaflets for you.

- (c) In particular, was guidance on any of the matters mentioned at (b) above available in April 2000. if so, please provide a copy of any such guidance and state the date on which it was first published.

I could find no written record of any other guidance available in April 2000.

If I can be of any further assistance please do not hesitate to contact me directly.

Yours sincerely,

A handwritten signature in black ink that reads "Dr. Gillian Clarke". The signature is written in a cursive, flowing style. There is a small dot at the end of the signature.

Dr Gillian Clarke, MRCP.
Medical Advisor, Coroners Service for Northern Ireland.

21. Is a Coroner concerned with any other type of inquiry?

Yes. A Coroner has jurisdiction to inquire into the finding of treasure trove (ie gold or silver coins or articles found hidden in the earth or other private place and for which an owner cannot be found). If it is decided that they were hidden and not abandoned, they are deemed to belong to the Crown although today the finder will receive the market value, provided the find is reported promptly to the Coroner or police. **Failure to do so is an offence.** The article has to contain a substantial proportion of gold or silver. Responsibility for treasure trove is exercised by the Environment Service (Historic Monuments & Buildings Branch, 5-33 Hill Street, Belfast BT1 2LA. Tel: (0232) 235000).

Miscellaneous ● Legal Aid is not available in Coroners' Courts.

- If a death occurs outside Northern Ireland, an authorisation for the removal of the body from the country of death must be obtained from the local Coroner or equivalent.

Coroners' Offices in Northern Ireland

Title and Address

HM Coroner for Greater Belfast	Belfast, Down, North Down, Ards, Castlereagh, Larne, Lisburn, Antrim, Newtownabbey and Carrickfergus
Coroner's Office The Courthouse, Crumlin Road Belfast BT14 6AL	
HM Coroner for Londonderry	Londonderry, Limavady and Strabane
12-14 Castle Street Londonderry BT48 6HQ	
HM Coroner for North Antrim	Coleraine, Ballymoney, Moyle and Ballymena
14 Charlotte Street Ballymoney BT53 6AY	
HM Coroner for East Tyrone & Magherafelt	Magherafelt, Cookstown and Dungannon
72 Rainey Street Magherafelt BT45 5AH	
HM Coroner for Fermanagh & Omagh	Omagh and Fermanagh
21 Market Street Omagh BT768 1EE	
HM Coroner for Armagh	Craigavon and Armagh
15 Church Street Portadown BT62 3LN	
HM Coroner for South Down	Newry & Mourne and Banbridge
74 Church Street Portadown BT62 3EU	



NORTHERN IRELAND

COURT
SERVICE

THE WORK OF THE CORONER IN NORTHERN IRELAND

Published by the Northern Ireland Court Service January 1993

THE WORK OF THE CORONER IN NORTHERN IRELAND

1. What is a Coroner?

A Coroner is an independent judicial officer who enquires into sudden, violent or unnatural death. This may necessitate holding a post-mortem examination, sometimes followed by an inquest. The Coroner also has duties in relation to treasure trove (see paragraph 21).

In Northern Ireland Coroners are appointed by the Lord Chancellor. They are experienced lawyers who have practised for at least 5 years as barristers or solicitors. In the Greater Belfast District there is a full-time Coroner who is assisted by staff employed by the Northern Ireland Court Service. All other Coroners are part-time. They or their deputies have to be available at all times.

2. Are all deaths reported to the Coroner?

No. In most cases the deceased will have died of some natural illness which has been treated by a doctor within 28 days of death. In such cases the doctor issues a medical certificate stating the cause of death unless the death was due to an industrial disease of the lungs

3. How and when is a death reported to the Coroner?

A death is reported to the Coroner

- by a doctor, Registrar of Deaths*, funeral undertaker, householder, etc

when the death occurs at home or other place of residence, if

- the deceased was not attended by a doctor during his last illness;
- the deceased was not seen and treated by a doctor within 28 days before the date of death;
- the cause of death is uncertain;
- death was sudden, violent or caused by an accident or misadventure;
- death was from any other cause such as an industrial disease of the lungs;

- by a doctor in the hospital

when death occurs in hospital, if

- death has, or might have, resulted from an accident, suicide or homicide;
- there is a question of negligence or misadventure regarding the treatment the deceased received;
- the patient dies before a provisional diagnosis is made and the general practitioner is also unwilling to certify the cause;

- death is due to an industrial disease;
- death occurred while the patient was undergoing an operation or was under the effect of an anaesthetic;

- by the police in the district, when

- a dead body is found;
- there is an unexpected or unexplained death;
- a death occurs in suspicious circumstances;

- by the Governor of a prison

- immediately following the death of a prisoner:

- when a child dies in care, by the person responsible for the child's care and maintenance;

- by the Registrar of Deaths

- in some cases of still-births

A Coroner has no jurisdiction over a still-birth but, if the case is reported and there is some doubt as to whether the child was born alive or not, the Coroner can have the body examined: If this examination shows to the satisfaction of the Coroner that it is a still-birth, the Coroner must send the appropriate certificate to the Registrar of Deaths. However where the Coroner is not so satisfied an inquest may be held (after which the appropriate certificate will be issued to the Registrar of Deaths).

4. What will the Coroner do when a death is reported to him?

The Coroner will investigate whether or not the death was due to natural causes and if a doctor is able to certify the cause of death. If a doctor is unable to certify the death (because he has not treated the patient within the previous 28 days) but the Coroner is satisfied that death is from natural causes and no further investigation is necessary, the Coroner may accept the cause given him by the doctor and proceed to register the death.

Otherwise the Coroner will arrange for the body to be conveyed to a mortuary for a post-mortem examination. If the post-mortem examination shows that the death was due to natural causes and there is no need for an inquest, the Coroner will issue a certificate so that the death can be registered.

If it is **not** clear that the death is due to natural causes, the Coroner will proceed to have a post-mortem examination carried out. The Coroner may hold an inquest later but is not legally obliged to do so.

An inquest **must be held**, however, in the case of

- a child who has died in care, unless the Coroner is satisfied that there are no grounds for holding one; and

- the death of a prisoner.

Where the circumstances of any death investigated by the Coroner appear to him to disclose that a criminal offence may have been committed the Coroner must give the Director of Public Prosecutions a written report.

In certain circumstances, eg. where the Coroner has not held an inquest, the Attorney General may direct that an inquest be held.

5. When is the body released?

Normally immediately after the post-mortem examination, irrespective of whether or not an inquest is to be held. **Where a death has been reported to the Coroner funeral arrangements should not be made before the consent of the Coroner has been obtained.**

6. Is the inquest a trial?

No. An inquest is an inquiry in public, by a Coroner sitting with or without a jury, into the circumstances surrounding the death. The purpose is to ascertain who the deceased was; how, when and where the death occurred; and to establish the particulars which have to be registered by the Registrar of Deaths. The inquest does not attempt to allocate responsibility for the death as a trial would do, nor are there any speeches.

The verdict reached at an inquest in Northern Ireland takes the form of 'a finding.' A finding means a concise statement of the facts surrounding the death.

7. Is there always a jury at the inquest?

No. A jury is only required in the following circumstances: where

- the death occurred in prison;
- the death was caused by an accident, poisoning or disease requiring notification to be given to a Government Department or Inspector;
- the death occurred in circumstances, the continuance or possible recurrence of which are prejudicial to the health or safety of the public;
- the Coroner considers it desirable.

In all inquests held with a jury it is the jury (and not the Coroner) which returns the verdict. This must be unanimous as there is no provision for a majority verdict in Northern Ireland. A jury consists of not less than 7 and not more than 11 persons. They are not required to view the body, unless the Coroner considers it necessary, but they have the right to do so. Jurors are paid expenses and, where applicable, loss of

earnings as in other courts. **A juror who does not attend when summoned may be fined up to £400.**

8. How are jurors chosen?

Jurors are persons whose names have appeared on the Divisional Jurors' List as a result of random computer selection from the Electoral Register.

9. Who decides which witnesses to call?

The Coroner decides which witnesses should attend and the order in which they should give evidence. Anyone who wishes to give evidence is entitled to come forward at an inquest without being summoned by the Coroner, but the evidence must be relevant to the purpose of the inquest. It is preferable that a person wishing to give evidence contacts the Coroner as soon as possible after the death.

10. Must a witness attend?

Yes. The evidence of a witness may be vital in preventing injustice and penalties may be imposed for failure to attend. A witness will normally receive a formal summons to attend the inquest. **A witness who does not attend when summoned may be fined up to £400.** In certain circumstances a signed statement or other document may be admitted in evidence.

The person(s) suspected of causing the death can **not** be compelled to give evidence at the inquest.

11. Who can question a witness at the inquest?

Any persons who have a proper interest (properly interested persons) may question a witness at an inquest. They may be represented by lawyers or, if preferred, ask questions themselves. Questions must be relevant - this is something the Coroner will decide.

'Properly interested person' normally would include:

- next-of-kin of the deceased
- executors of wills
- solicitors acting for next-of-kin
- representatives of interested insurance companies
- representatives of trades unions
- those responsible for the death in some way (eg employer, motorist causing death) or those acting for them
- others at some special risk

It may be important for the next-of-kin to be represented by a lawyer if the death was caused by a road accident or accident at work which could lead to a claim for compensation.

12. Can future deaths be prevented?

If the inquest discloses a state of affairs from which further deaths might arise, the Coroner may announce at the inquest an intention to report the matter to the person or authority with the power to take action to prevent the occurrence of similar fatalities.

13. Can a report of the inquest be obtained?

Copies of the evidence at an inquest may, with the concurrence of the Coroner, be obtained by 'properly interested persons' from the Northern Ireland Court Service, (Court Business Branch, Windsor House, 9-15 Bedford Street, Belfast BT2 7LT Tel: 328594) on written request and on payment of a fee - currently £1 per A4 page.

14. Will the inquest be reported in the papers?

All inquests - except those which involve national security - are held in public and the press can be present. The Coroner is aware that every death is a personal tragedy and tries to treat each one sympathetically. The contents of suicide notes and personal letters are read out only if necessary as every attempt is made to avoid unnecessary intrusion into people's private lives. The inquest seeks to establish the truth and may help to counter rumours or untrue stories about the death.

15. Can the funeral take place before the inquest has been held?

Yes. The body can be buried, cremated or taken out of Northern Ireland (see paragraph 20) as soon as the Coroner is satisfied that it is no longer required for further tests. If an inquest is to be held, the Coroner usually is able to allow burial or cremation once the post-mortem examination of the body has been completed.

If the deceased had an electronic pacemaker fitted, a certificate is necessary to indicate that it has been removed before cremation. (This is a certificate prescribed by the Parks and Cemeteries Department of Belfast City Council and must be signed by a doctor or the Coroner).

In connection with any death reported to a Coroner, cremation cannot take place unless the appropriate Coroner's Certificate has been given.

16. Can a death certificate be given before the inquest has been completed?

The death can be registered and a Death Certificate issued only after the Registrar of Deaths has received the necessary certificate from the Coroner after the inquest or, if there is to be no inquest because of a prosecution, after the criminal proceedings are completed.

As an interim measure the Coroner may provide a Coroner's Certificate of Evidence of Death. This gives details of the deceased and indicates that the Coroner has ordered a post-mortem examination. The results of this assist in determining whether

or not an inquest is necessary. The Coroner may indicate that an inquest can not be held, pending the outcome of police investigations/possible criminal proceedings. This Certificate is usually acceptable to bodies such as insurance companies. The Coroner may not receive the post-mortem report until some months after the death. Occasionally this period may be much longer.

If a Coroner decides that an inquest is not necessary, the cause of death will be sent to the Registrar who will then ask a relative to call and register the death.

17. Is the Coroner concerned with organ transplants?

Yes. If the death has to be reported to the Coroner, the Coroner's consent is necessary before the organs of a deceased person are taken for transplant or the whole body for medical teaching purposes.

18. What happens if someone has been charged with causing the death?

Where a person has been charged with murder, manslaughter, 'child destruction' (killing of a foetus after 28 weeks gestation), infanticide or causing death by reckless driving or complicity in another's suicide, the inquest is adjourned or postponed until the conclusion of the criminal proceedings.

After the conclusion of the criminal proceedings the Coroner **may** resume the inquest. If the Coroner decides not to resume or hold an inquest, the Registrar of Deaths is furnished with a certificate giving the result of the criminal proceedings so that the death can be registered.

19. What about other court proceedings?

Any civil court proceedings would normally follow the inquest (if one is held) as then the facts about the cause of death would have been ascertained. The inquest may assist the family of the deceased in finding out what happened. In the case of a death due to an accident at work, it may help to avoid similar accidents in future by highlighting dangers.

20. Does the Coroner have any other functions in relation to a death?

Yes. The Coroner must be notified in every case where a body is to be taken out of Northern Ireland, whether or not there has been an inquest. If satisfied as to the cause of death the Coroner will issue a certificate, usually to an undertaker, for the removal of the body. *(When a body has been brought into Northern Ireland, from another country, the Coroner here has no jurisdiction).*

Where a death has occurred on a ship the Coroner, in whose jurisdiction the body is landed, must send certain particulars of the death to the Registrar General of Shipping & Seamen.

21. Is a Coroner concerned with any other type of inquiry?

Yes. A Coroner has jurisdiction to inquire into the finding of treasure trove (ie gold or silver coins or articles found hidden in the earth or other private place and for which an owner cannot be found). If it is decided that they were hidden and not abandoned, they are deemed to belong to the Crown although today the finder will receive the market value, provided the find is reported promptly to the Coroner or police. **Failure to do so is an offence.** The article has to contain a substantial proportion of gold or silver. Responsibility for treasure trove is exercised by the Environment Service (Historic Monuments & Buildings Branch, 5-33 Hill Street, Belfast BT1 2LA. Tel: (01232) 235000).

Miscellaneous ● Legal Aid is not available in Coroners' Courts.

- If a death occurs outside Northern Ireland, an authorisation for the removal of the body from the country of death must be obtained from the local Coroner or equivalent.

Coroners' Offices in Northern Ireland

Title and Address	Areas Covered
HM Coroner for Greater Belfast Coroner's Office The Courthouse, Crumlin Road Belfast BT14 6AL Tel: [REDACTED]	Belfast, Down, North Down, Ards/Castlereagh, Larne, Lisburn, Antrim, Newtownabbey and Carrickfergus
HM Coroner for Londonderry 45 Great James Street Londonderry BT48 7DF Tel: [REDACTED]	Londonderry, Limavady and Strabane
HM Coroner for North Antrim 14 Charlotte Street Ballymoney BT53 6AY Tel: [REDACTED]	Coleraine, Ballymoney, Moyle and Ballymena
HM Coroner for East Tyrone & Magherafelt 15 Meeting Street Magherafelt BT45 6BM Tel: [REDACTED]	Magherafelt, Cookstown and Dungannon
HM Coroner for Fermanagh & Omagh 21 Market Street Omagh BT78 1EE Tel: [REDACTED]	Omagh and Fermanagh
HM Coroner for Armagh 15 Church Street Portadown BT62 3LN Tel: [REDACTED]	Craigavon and Armagh
HM Coroner for South Down 74 Church Street Portadown BT62 3EU Tel: [REDACTED]	Newry & Mourne and Banbridge



NORTHERN IRELAND

**COURT
SERVICE**

THE WORK OF THE CORONER IN NORTHERN IRELAND

THE WORK OF THE CORONER IN NORTHERN IRELAND

1. What is a Coroner?

A Coroner is an independent judicial officer who enquires into sudden, violent or unnatural death. This may necessitate holding a post-mortem examination, sometimes followed by an inquest. The Coroner also has duties in relation to treasure trove (see paragraph 21).

In Northern Ireland Coroners are appointed by the Lord Chancellor. They are experienced lawyers who have practised for at least 5 years as barristers or solicitors. In the Greater Belfast District there is a full-time Coroner who is assisted by staff employed by the Northern Ireland Court Service. All other Coroners are part-time. They or their deputies have to be available at all times.

2. Are all deaths reported to the Coroner?

No. In most cases the deceased will have died of some natural illness which has been treated by a doctor within 28 days of death. In such cases the doctor issues a medical certificate stating the cause of death unless the death was due to an industrial disease of the lungs

3. How and when is a death reported to the Coroner?

A death is reported to the Coroner

- by a doctor, Registrar of Deaths*, funeral undertaker, householder, etc

when the death occurs at home or other place of residence, if

- the deceased was not attended by a doctor during his last illness;
- the deceased was not seen and treated by a doctor within 28 days before the date of death;
- the cause of death is uncertain;
- death was sudden, violent or caused by an accident or misadventure;
- death was from any other cause such as an industrial disease of the lungs;

- by a doctor in the hospital

when death occurs in hospital, if

- death has, or might have, resulted from an accident, suicide or homicide;
- there is a question of negligence or misadventure regarding the treatment the deceased received;
- the patient dies before a provisional diagnosis is made and the general practitioner is also unwilling to certify the cause;

- death is due to an industrial disease;
- death occurred while the patient was undergoing an operation or was under the effect of an anaesthetic;

- by the police in the district, when

- a dead body is found;
- there is an unexpected or unexplained death;
- a death occurs in suspicious circumstances;

- by the Governor of a prison

- immediately following the death of a prisoner:

- when a child dies in care, by the person responsible for the child's care and maintenance;

- by the Registrar of Deaths

- in some cases of still-births

A Coroner has no jurisdiction over a still-birth but, if the case is reported and there is some doubt as to whether the child was born alive or not, the Coroner can have the body examined. If this examination shows to the satisfaction of the Coroner that it is a still-birth, the Coroner must send the appropriate certificate to the Registrar of Deaths. However where the Coroner is not so satisfied an inquest may be held (after which the appropriate certificate will be issued to the Registrar of Deaths).

4. What will the Coroner do when a death is reported?

The Coroner will investigate whether or not the death was due to natural causes and if a doctor is able to certify the cause of death. If a doctor is unable to certify the death (because he has not treated the patient within the previous 28 days) but the Coroner is satisfied that death is from natural causes and no further investigation is necessary, the Coroner may accept the cause given by the doctor and proceed to register the death.

Otherwise the Coroner will arrange for the body to be conveyed to a mortuary for a post-mortem examination. If the post-mortem examination shows that the death was due to natural causes and there is no need for an inquest, the Coroner will issue a certificate so that the death can be registered.

If it is not clear that the death is due to natural causes, the Coroner will proceed to have a post-mortem examination carried out. The Coroner may hold an inquest later but is not legally obliged to do so.

An inquest **must be held**, however, in the case of

- a child who has died in care, unless the Coroner is satisfied that there are no grounds for holding one; and

- the death of a prisoner.

Where the circumstances of any death investigated by the Coroner appear to disclose that a criminal offence may have been committed the Coroner must give the Director of Public Prosecutions a written report.

In certain circumstances, eg. where the Coroner has not held an inquest, the Attorney General may direct that an inquest be held.

5. When is the body released?

Normally immediately after the post-mortem examination, irrespective of whether or not an inquest is to be heard. **Where a death has been reported to the Coroner funeral arrangements should not be made before the consent of the Coroner has been obtained.**

6. Is the inquest a trial?

No. An inquest is an inquiry in public, by a Coroner sitting with or without a jury, into the circumstances surrounding the death. The purpose is to ascertain who the deceased was; how, when and where the death occurred; and to establish the particulars which have to be registered by the Registrar of Deaths. The inquest does not attempt to allocate responsibility for the death as a trial would do, nor are there any speeches.

The verdict reached at an inquest in Northern Ireland takes the form of 'a finding.' A finding means a concise statement of the facts surrounding the death.

7. Is there always a jury at the inquest?

No. A jury is only required in the following circumstances: where

- the death occurred in prison;
- the death was caused by an accident, poisoning or disease requiring notification to be given to a Government Department or Inspector;
- the death occurred in circumstances, the continuance or possible recurrence of which are prejudicial to the health or safety of the public;
- the Coroner considers it desirable.

In all inquests held with a jury it is the jury (and not the Coroner) which returns the verdict. This must be unanimous as there is no provision for a majority verdict in Northern Ireland. A jury consists of not less than 7 and not more than 11 persons. They are not required to view the body, unless the Coroner considers it necessary, but they have the right to do so. Jurors are paid expenses and, where applicable, loss of

4

earnings as in other courts. A juror who does not attend when summoned may be fined up to £400.

8. How are jurors chosen?

Jurors are persons whose names have appeared on the Divisional Jurors' List as a result of random computer selection from the Electoral Register.

9. Who decides which witnesses to call?

The Coroner decides which witnesses should attend and the order in which they should give evidence. Anyone who wishes to give evidence is entitled to come forward at an inquest without being summoned by the Coroner, but the evidence must be relevant to the purpose of the inquest. It is preferable that a person wishing to give evidence contacts the Coroner as soon as possible after the death.

10. Must a witness attend?

Yes. The evidence of a witness may be vital in preventing injustice and penalties may be imposed for failure to attend. A witness will normally receive a formal summons to attend the inquest. **A witness who does not attend when summoned may be fined up to £400.** In certain circumstances a signed statement or other document may be admitted in evidence.

The person(s) suspected of causing the death can **not** be compelled to give evidence at the inquest.

11. Who can question a witness at the inquest?

Any persons who have a proper interest (properly interested persons) may question a witness at an inquest. They may be represented by lawyers or, if preferred, ask questions themselves. Questions must be relevant - this is something the Coroner will decide.

'Properly interested person' normally would include:

- next-of-kin of the deceased
- executors of wills
- solicitors acting for next-of-kin
- representatives of interested insurance companies
- representatives of trades unions
- those responsible for the death in some way (eg employer, motorist causing death) or those acting for them
- others at some special risk

It may be important for the next-of-kin to be represented by a lawyer if the death was caused by a road accident or accident at work which could lead to a claim for compensation.

5

12. Can future deaths be prevented?

If the inquest discloses a state of affairs from which further deaths might arise, the Coroner may announce at the inquest an intention to report the matter to the person or authority with the power to take action to prevent the occurrence of similar fatalities.

13. Can a report of the inquest be obtained?

Copies of the evidence at an inquest may, with the concurrence of the Coroner, be obtained by 'properly interested persons' from the Northern Ireland Court Service, (Court Business Branch, Windsor House, 9-15 Bedford Street, Belfast BT2 7LT Tel: 328594) on written request and on payment of a fee - currently £1 per A4 page.

14. Will the inquest be reported in the papers?

All inquests - except those which involve national security - are held in public and the press can be present. The Coroner is aware that every death is a personal tragedy and tries to treat each one sympathetically. The contents of suicide notes and personal letters are read out only if necessary as every attempt is made to avoid unnecessary intrusion into people's private lives. The inquest seeks to establish the truth and may help to counter rumours or untrue stories about the death.

15. Can the funeral take place before the inquest has been held?

Yes. The body can be buried, cremated or taken out of Northern Ireland (see paragraph 20) as soon as the Coroner is satisfied that it is no longer required for further tests. If an inquest is to be held, the Coroner usually is able to allow burial or cremation once the post-mortem examination of the body has been completed.

If the deceased had an electronic pacemaker fitted, a certificate is necessary to indicate that it has been removed before cremation. (This is a certificate prescribed by the Parks and Cemeteries Department of Belfast City Council and must be signed by a doctor or the Coroner).

In connection with any death reported to a Coroner, cremation cannot take place unless the appropriate Coroner's Certificate has been given.

16. Can a death certificate be given before the inquest has been completed?

The death can be registered and a Death Certificate issued only after the Registrar of Deaths has received the necessary certificate from the Coroner after the inquest or, if there is to be no inquest because of a prosecution, after the criminal proceedings are completed.

As an interim measure the Coroner may provide a Coroner's Certificate of Evidence of Death. This gives details of the deceased and indicates that the Coroner has ordered a post-mortem examination. The results of this assist in determining whether

or not an inquest is necessary. The Coroner may indicate that an inquest can not be held, pending the outcome of police investigations/possible criminal proceedings. This Certificate is usually acceptable to bodies such as insurance companies. The Coroner may not receive the post-mortem report until some months after the death. Occasionally this period may be much longer.

If a Coroner decides that an inquest is not necessary, the cause of death will be sent to the Registrar who will then ask a relative to call and register the death.

17. Is the Coroner concerned with organ transplants?

Yes. If the death has to be reported to the Coroner, the Coroner's consent is necessary before the organs of a deceased person are taken for transplant or the whole body for medical teaching purposes.

18. What happens if someone has been charged with causing the death?

Where a person has been charged with murder, manslaughter, 'child destruction' (killing of a foetus after 28 weeks gestation), infanticide or causing death by reckless driving or complicity in another's suicide, the inquest is adjourned or postponed until the conclusion of the criminal proceedings.

After the conclusion of the criminal proceedings the Coroner may resume the inquest. If the Coroner decides not to resume or hold an inquest, the Registrar of Deaths is furnished with a certificate giving the result of the criminal proceedings so that the death can be registered.

19. What about other court proceedings?

Any civil court proceedings would normally follow the inquest (if one is held) as then the facts about the cause of death would have been ascertained. The inquest may assist the family of the deceased in finding out what happened. In the case of a death due to an accident at work, it may help to avoid similar accidents in future by highlighting dangers.

20. Does the Coroner have any other functions in relation to a death?

Yes. The Coroner must be notified in every case where a body is to be taken out of Northern Ireland, whether or not there has been an inquest. If satisfied as to the cause of death the Coroner will issue a certificate, usually to an undertaker, for the removal of the body. *(When a body has been brought into Northern Ireland, from another country, the Coroner here has no jurisdiction).*

Where a death has occurred on a ship the Coroner, in whose jurisdiction the body is landed, must send certain particulars of the death to the Registrar General of Shipping & Seamen.

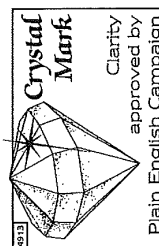
The work of the
coroner's office



NORTHERN IRELAND
**COURT
SERVICE**

Courts' charter

The work of the coroner's office



Published by the Northern Ireland Court Service, March 2000.

What is a coroner?

A coroner is an independent judicial officer who investigates a sudden, violent or unnatural death. This may need a postmortem examination, sometimes followed by an inquest. The coroner also has duties in relation to treasure (that is, expensive objects or objects of historical value).

In Northern Ireland, the Lord Chancellor appoints coroners. Coroners are experienced lawyers who have practised for at least five years as barristers or solicitors. In the Greater Belfast District, there is one full-time coroner and a deputy who our staff help. All other coroners are part-time. They, or their deputies, have to be available at all times.

Are all deaths reported to the coroner?

Not all deaths are reported to the coroner. In most cases, the person who has died will have died of some natural illness which has been treated by a doctor in the last 28 days before their death. In these cases, the doctor issues a medical certificate that gives the cause of death, unless the death was due to an industrial disease of the lungs.

How and when is a death reported to the coroner?

A death is reported to the coroner in the following situations.

- By a doctor, the police, Registrar of Births, Deaths and Marriages, an undertaker, householder and so on, **when the person dies at home or at another place of residence, if:**
 - a doctor did not treat them during their last illness;
 - a doctor did not see or treat them in the last

28 days before they died;

- the cause was sudden, violent or caused by an accident or misadventure; or
- the death was caused by another cause, such as an industrial disease of the lungs.

● By a doctor in the hospital **when the person dies in hospital if:**

- the death was, or may have been caused by, an accident, suicide or murder;
- there is a question of negligence or misadventure about the treatment of the person who died;
- they died before a provisional diagnosis was made and the general practitioner is not willing to certify the cause;
- the death is due to an industrial disease; or
- the patient died while they were having an operation or under the effect of an anaesthetic.

● By the police in the district, **when:**

- a dead body is found;
- there is an unexpected or unexplained death; or
- a death occurs in suspicious circumstances.

● By the governor of a prison, immediately following **the death of a prisoner.**

● By the Registrar of Deaths, **in some cases of stillbirths.**

A coroner has no authority over a stillbirth but, if the case is reported and there is some doubt as to whether the child was born alive or not, the coroner can have the body examined. If this examination shows that it is a stillbirth, and the coroner is satisfied with this, they must send

the appropriate certificate to the Registrar of Deaths. However, if the coroner is not satisfied, an inquest may be held (after the inquest, the appropriate certificate will be issued to the Registrar of Deaths).

What will the coroner do when a death is reported?

The coroner will investigate whether or not the death was due to natural causes and if a doctor can certify the cause of death. If a doctor cannot certify the death (because they have not treated the patient in the last 28 days), but the coroner is satisfied that the person died from natural causes and no further investigation is necessary, the coroner may accept the cause that the doctor gives and the death can then be registered.

Otherwise, the coroner will arrange for the body to be taken to a mortuary for a postmortem examination. If the postmortem examination shows that the death was due to natural causes and there is no need for an inquest, the coroner will issue a certificate so that the death can be registered.

If the postmortem examination shows that the death was **not** due to natural causes, the coroner may hold an inquest later but they do not have to.

There must be an inquest if a prisoner dies.

If any death that the coroner investigates shows that a criminal offence may have been committed, the coroner must give the Director of Public Prosecutions a written report.

In certain circumstances, for example, if the coroner

has not held an inquest, the Attorney General may order an inquest.

When is the body released?

Normally, the body will be released immediately after the postmortem examination, whether or not there is to be an inquest. **If a death has been reported to the coroner, you should not make funeral arrangements until you have got the coroner's permission.**

Is the inquest a trial?

The inquest is not a trial. An inquest is a public inquiry, by a coroner sitting with or without a jury, into the circumstances surrounding the death. The purpose is to determine who the person who died was, how, when and where they died, and to work out the details the Registrar of Deaths has to register. The inquest does not say who is responsible for the death, as a trial would do, and there aren't any speeches.

The verdict reached at an inquest in Northern Ireland is in the form of 'a finding'. A finding is a short statement of the facts surrounding the death.

Is there always a jury at the inquest?

A jury is only needed if:

- the person died in prison;
- the death was caused by an accident, poisoning or disease and a Government department or inspector needs to know;
- the death occurred in circumstances which may affect the health or safety of the public; or
- the coroner thinks it is necessary to have a jury.

In all inquests that have a jury, it is the jury (and not the coroner) which returns the verdict. This must be unanimous because there cannot be a majority verdict in Northern Ireland. A jury is made up of at least seven and not more than 11 people. They do not need to see the body, unless the coroner thinks it is necessary, but they may ask to do so. Jurors are paid expenses and, where it applies, loss of earnings, as in other courts.

A juror who does not attend when they are summonsed may be fined up to £1000.

How are jurors chosen?

Jurors are people whose names have appeared on the Divisional Jurors' List as a result of random computer selection from the electoral register.

Who decides which witnesses to call?

The coroner decides which witnesses should attend and the order that they should give evidence. Anyone who wants to give evidence can come forward at an inquest without being summonsed by the coroner, but the evidence must be relevant to the inquest. A person who wants to give evidence should contact the coroner as soon as possible after the death.

Must a witness attend?

Yes, a witness must attend. The evidence of a witness may be vital in preventing injustice and they may have to pay a penalty if they do not attend. A witness will normally receive a formal summons to attend the inquest. **A witness who does not attend when they are summonsed may be fined up to £1000.** In certain circumstances, a signed statement or other document may be given as evidence. The person or people who are suspected of causing the death do **not** have to give evidence at the inquest.

Who can question a witness at the inquest?

Any person who has a 'proper interest' may question a witness at an inquest. They may be represented by lawyers or, if they prefer, ask questions themselves. The questions must be relevant (this is something the coroner will decide).

'Properly interested people' normally would include:

- next-of-kin of the person who has died;
- executors of wills;
- solicitors acting for next-of-kin;
- representatives of interested insurance companies;
- representatives of trades unions;
- those responsible for the death in some way (for example, an employer or a motorist causing death) or those acting for them; and
- others at some special risk.

It may be important for a lawyer to represent the next-of-kin if the death was caused by a road accident or accident at work which could lead to a claim for compensation.

Can future deaths be prevented?

If the inquest reveals a situation that may cause more deaths, the coroner may announce at the inquest that they plan to report the matter to the person or authority with the power to take action to prevent similar deaths happening.

Can I get a report of the inquest?

You can get copies of the evidence at an inquest, with the coroner's agreement, if you ask in writing and pay a fee of £1 for each A4 page. Please write to:

Northern Ireland Court Service
Court Business Branch
Windsor House
9-15 Bedford Street
Belfast BT2 7LT.
Phone: [REDACTED]
Fax: [REDACTED]

Will the inquest be reported in the papers?

All inquests, except those which involve national security, are held in public and the press can be present. The coroner is aware that every death is a personal tragedy and tries to treat each one sympathetically.

The contents of suicide notes and personal letters are only read out if it is necessary because the coroner tries to avoid intruding into people's private lives. The inquest tries to establish the truth and stop any rumours or untrue stories about the death.

Can the funeral take place before the inquest has been held?

Yes, the funeral can take place before the inquest. The body can be buried, cremated or taken out of Northern Ireland as soon as the coroner is satisfied that it is no longer needed for any more tests. If there is going to be an inquest, the coroner can allow a burial or cremation once the postmortem examination of the body has been completed.

If the person who died had an electronic pacemaker fitted, a certificate is needed to show that it has been removed before they are cremated. This is a certificate from the Parks and Cemeteries Department of Belfast City Council and it must be signed by a doctor or the coroner.

In connection with any death that is reported to a coroner, cremation cannot take place unless the appropriate coroner's certificate has been given.

Can a death certificate be given before the inquest has been completed?

The death can be registered and a death certificate issued only after the Registrar of Deaths has received the necessary certificate from the coroner after the inquest or, if there is not going to be, an inquest because of a prosecution, after the criminal proceedings are completed.

The coroner may give a coroner's Certificate of Evidence of Death. This gives details of the person who died and shows that the coroner has ordered a postmortem examination. The results of this help to decide whether or not an inquest is necessary. The coroner may say that an inquest cannot be held until the outcome of police investigations or possible criminal proceedings are known. This certificate is usually acceptable to organisations such as insurance companies. The coroner may not receive the postmortem report until some months after the death. Occasionally, this period may be much longer.

If a coroner decides that an inquest is not necessary, the cause of death will be sent to the Registrar of Deaths who will then ask a relative to call and register the death.

Is the coroner concerned with organ transplants?

If the death has to be reported to the coroner, you need their permission before the organs of the person who has died are taken for transplant or the whole body is taken for medical teaching purposes.

What happens if someone has been charged with causing the death?

If a person has been charged with murder, manslaughter, 'child destruction' (killing a foetus after 28 weeks), infanticide, causing death by reckless driving or taking part in another person's suicide, the inquest is postponed until the criminal proceedings have been completed.

After the criminal proceedings, the coroner may restart the inquest. If the coroner decides not to hold an inquest, the Registrar of Deaths is given a certificate with the result of the criminal proceedings so that they can register the death.

What about other court proceedings?

Any civil court proceedings would normally follow the inquest (if one is held) because the facts about the cause of death would have been decided. The inquest may help the family of the person who died find out what happened. In the case of a death that was due to an accident at work, it may help to avoid similar accidents in future by highlighting the dangers.

Does the coroner have any other functions in relation to a death?

The coroner must be told whenever a body is taken out of Northern Ireland, whether or not there has been an inquest. If the coroner is satisfied about the cause of death, they will issue a certificate, usually to an undertaker, for the body to be removed.

When a body has been brought into Northern Ireland, from another country, the coroner here has no authority.

If a death has happened on a ship, the coroner in the place the body comes ashore must send certain details of the death to the Registrar General of Shipping and Seamen.

Is a coroner concerned with any other type of inquiry?

A coroner has the authority to investigate if treasure is found. 'Treasure' is defined in the Treasure Act 1996 and it can include objects not made of gold or silver. Depending on any prior interests and rights, treasure goes to the Crown. The coroner must be told within 14 days if any treasure is found in their district. **It is an offence not to tell the coroner.** Occupiers and landowners have the right to be told about any finds of treasure on their land and, along with the finder, can get a reward. A coroner's inquest into a find of treasure may be held without a jury, unless in a particular case, the coroner thinks it is appropriate to have one. An inquest will decide if the find is treasure, who the finder is and where and when the object was found. The Environment and Heritage Service is responsible for treasure. Their address is:

**5-33 Hill Street
Belfast BT1 2LA.
Phone: 028 9054 3083**

Miscellaneous

- Legal aid is not available in coroners' courts.
- If a death happens outside Northern Ireland, you must get an authorisation for the body to be removed from the country from the local coroner (or equivalent).

Information for people who use the court

Disabled court users

The Customer Service Officer or court staff will be able to give you information about the facilities that are available for disabled people.

When you come to court, you can expect:

- the court building to be open by 9am;
- the offices to be open to the public normally from 9.30am to 1pm and from 2pm to 4.30pm (times may vary according to individual offices);
- polite and helpful staff; and
- clear signs.

When you go to a public counter, we will:

- respect your privacy and discuss any confidential business in private; and
- see you within 10 minutes and if you have to wait longer, a member of staff will explain why.

When you phone a court office, we will:

- answer the phone within 30 seconds;
- give our name; and
- be clear and helpful.

When you write to the court, we will:

- acknowledge that we have received your letter and send you a reply within 20 working days; and

- include the writer's name and how to contact them by phone.

If you ask, we will give you the appropriate forms and show you how to fill them in.

We cannot give you legal advice or tell you what to say.

Helping us improve our service

We want to know how you think we have done and your suggestions on how we might improve. There are comment cards in the main hall of each building.

Other information

There are copies of other Courts' Charter leaflets on our work in every building. If you need more information about our work, you can contact:

**Communications Unit
Northern Ireland Court Service
Windsor House
9-15 Bedford Street
Belfast BT2 7LT.**

Phone: [REDACTED]
Fax: [REDACTED]

Do you want to complain?

This section explains why we have a complaints procedure and how you should use it.

Why do you have a complaints procedure?

We try to provide an efficient and helpful service to all our customers. However, no organisation can possibly hope to get it right every time. When we get it wrong, we want to hear about it so we can put it right for next time.

Do you get many complaints?

Compared to the amount of business we do in the courts, in court offices, in the Enforcement of Judgments Office and in our headquarters, we receive very few complaints.

What can I complain about?

You can complain about any aspect of our service. This includes:

- the behaviour of our staff;
- wrong, misleading, or not enough information;
- unnecessary delays in dealing with your business; or
- any aspect of our service which you don't think is acceptable.

You can also complain about our facilities in courthouses if you don't think they are up to standard.

Is there anything that I cannot complain about?

You cannot use this procedure to complain about a judicial decision, even if you think that the judge or magistrate made the wrong decision. If you are

not happy about the decision made in your case, you may be able to appeal against that decision. In these circumstances, you should get legal advice as soon as possible.

What if I want to complain about my solicitor or other officials from other departments and agencies involved in my case?

This complaints procedure only applies to our services and the public facilities in courthouses. If you have a complaint about a solicitor or an official from other departments and agencies, you should contact their organisations.

How do I make a complaint?

If you want to make a complaint, you can ask to speak to the senior member of staff on duty in the building that day. By doing this, it may be possible to sort out the complaint as quickly and as simply as possible. If, however, you are still not satisfied, you can complain in writing to the business manager who is responsible for that courthouse. Their name is on display in each office.

Your letter should:

- explain who you are, giving your address and phone number;
- clearly state your complaint; and
- give as much detail as possible about your complaint, including the dates particular events happened and the names of our staff who you spoke to at the time.

We will acknowledge your letter as soon as we receive it. We will fully investigate your complaint and send you a written reply within 20 working days.

If you are still not satisfied, you can write to our headquarters. Your letter should contain the same details as before and you should address it to:

The Private Office

**Northern Ireland Court Service
Windsor House
9-15 Bedford Street
Belfast BT2 7LT.**

We will acknowledge your letter as soon as we receive it. We will fully investigate your complaint and send you a written reply within 20 working days.

We will treat all complaints seriously and will take action if we find that the level of service or facilities has fallen below our standard

The office of the parliamentary commissioner for administration

If you are still not happy after using our complaints procedure, you can ask a member of parliament to write to the ombudsman for you. The ombudsman is called the parliamentary commissioner for administration and they can only deal with certain types of cases.

If you need more information, you can contact:

The Office of the Parliamentary Commissioner for Administration

Millbank Tower

Millbank

London SW1P 4QP.

Fax:

website: <http://www.ombudsman.org.uk>

e-mail: opca-enquiries@ombudsman.org.uk

or, you can phone the helpline on

The Courts' Charter for Northern Ireland

The following leaflets make up the Courts' Charter for Northern Ireland.

- 1 Attending as a witness in a criminal court
- 2 Coroner's court jury service
- 3 Crown court jury service
- 4 High court jury service
- 5 Information for disabled customers
- 6 Information on the family homes and domestic violence (Northern Ireland) order 1998
- 7 Information about pensions appeal tribunals
- 8 Making a complaint about the Northern Ireland Court Service
- 9 Getting a divorce in the High Court
- 10 The work of the coroner's office
- 11 The work of the court funds office
- 12 The work of the enforcement of judgments office
- 13 The work of the office of the social security commissioners and child support commissioners
- 14 The work of the small claims office

You can get local information leaflets for the following court offices.

- 15 Information for people who use Antrim court
- 16 Information for people who use Armagh court
- 17 Information for people who use Ballymena court
- 18 Information for people who use Banbridge court

- 19 Information for people who use Bangor court
- 20 Information for people who use Belfast county court
- 21 Information for people who use Belfast magistrates' court
- 22 Information for people who use Coleraine court
- 23 Information for people who use Cookstown court
- 24 Information for people who use Craigavon court
- 25 Information for people who use Downpatrick court
- 26 Information for people who use Enniskillen court
- 27 Information for people who use Lame court
- 28 Information for people who use Limavady court
- 29 Information for people who use Lisburn court
- 30 Information for people who use Londonderry court
- 31 Information for people who use Magherafelt court
- 32 Information for people who use Newry court
- 33 Information for people who use Newtownabbey court
- 34 Information for people who use Newtownards court
- 35 Information for people who use Omagh court
- 36 Information for people who use the Royal Courts of Justice
- 37 Information for people who use Strabane court

Coroners' offices in Northern Ireland

HM Coroner for

Greater Belfast

Coroner's Office

The Courthouse

37 Church Road

Newtownabbey BT36 7LA

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

E-mail: leckeyj@belfastcc.gov.uk

Belfast, Down,

North Down, Ards,

Castlereagh,

Larne, Lisburn,

Antrim,

Newtownabbey

and Carrickfergus

HM Coroner for

Londonderry

45 Great James Street

Londonderry

BT48 7DF

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Londonderry,

Limavady

and Strabane

HM Coroner for

North Antrim

68 Causeway Street

Portrush

BT56 8AD

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Coleraine,

Ballymoney,

Moyle and

Ballymena

HM Coroner for East

Tyrone

and Magherafelt

15 Meeting Street

Magherafelt

BT45 6BM

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Magherafelt,

Cookstown

and Dungannon

HM Coroner for Fermanagh

and Omagh

21 Market Street

Omagh

BT78 1EE

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Omagh and

Fermanagh

HM Coroner for Armagh

15 Church Street

Portadown

BT62 3LN

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Craigavon and

Armagh

HM Coroner for South Down

74 Church Street

Portadown

BT62 3EU

Phone: (0) [REDACTED]

Fax: (0) [REDACTED]

Newry and Mourne

and Banbridge