

CORONERS ACT, 1960 (ACT 18)

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REPUBLIC OF GHANA

**THE EIGHTEENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE CORONERS ACT, 1960

AN ACT to consolidate and amend the law relating to the appointment and functions of coroners.

DATE OF ASSENT: 15TH DECEMBER, 1960.

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows—

Section 1—Coroners.

- (1) Every District Magistrate shall be a Coroner for the Magisterial district to which he is appointed.
- (2) Where a Coroner is unable from illness or other reasonable cause to perform his duties a Judge of the High Court may appoint a person to act in his stead either generally or in regard to specified functions or for a particular inquiry.

Section 2—Notification of Deaths.

- (1) When any dead body is found, or when a person has died a violent or other unnatural death or a death of which the cause is unknown, it shall be the duty of any person finding the body or becoming aware of the death to give forthwith notice thereof to the officer in charge of the nearest police station.
- (2) The person in charge of any prison, lock-up, lunatic asylum or public institution other than a hospital shall forthwith give notice to the Coroner for the district of the death from any cause whatsoever of any person detained therein.
- (3) The person in charge of any hospital in which a person has died an unnatural death shall forthwith give notice thereof to the Coroner for the district.

Section 3—Penalty for Failure to Comply with Section 2.

Any person who without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with section 2 of this Act shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

Section 4—Police to make Preliminary Investigation and Report to Coroner.

Where an officer in charge of a police station has reasonable cause to suspect that any person has died a violent or other unnatural death, or a sudden death of which the cause is unknown, the officer shall forthwith give notice thereof to the Coroner for the district and that officer or some other police officer deputed by him for the purpose shall forthwith make an investigation and draw up a report setting forth his conclusions respecting the time, place and circumstances of the death. The report together with any statements taken from persons in the course of the investigation shall be forwarded forthwith to the Coroner.

Section 5—When Inquiry to be Held.

(1) When a Coroner is informed that the dead body of any person has been found, or that any person has died, in his district and he has reasonable cause to suspect that that person has died—

(a) a violent or other unnatural death; or

(b) a death of which the cause is unknown; or

(c) while detained in a prison, lock-up, lunatic asylum or public institution other than a hospital; or

(d) in such place or circumstances as, in the opinion of the Coroner, to make the holding of an inquiry in accordance with this Act necessary or desirable,

he shall, subject to the provisions of this Act, hold as soon as practicable an inquiry under this Act touching the death.

(2) The Coroner may, except in a case where the person has died while detained in a prison or lock-up, dispense with the holding of an inquiry—

(a) if as a result of an examination under section 7 of this Act, the Coroner is satisfied that the death was due to natural cause; or

(b) if the Coroner is satisfied—

(i) as to the cause of death, whether with or without any examination; and

(ii) that the death was due to mere accident or mischance or to chronic alcoholism, or occurred without lack of reasonable care on the part of any person while the deceased was under an anaesthetic or was undergoing a surgical operation; and

(iii) that no public benefit is likely to result from an inquiry.

(3) Notwithstanding subsections (1) and (2), a Coroner shall hold an inquiry under this Act, as to the death of any person in any case in which he is informed that, in the opinion of the Attorney-General, it is expedient that an inquiry should be held.

Section 6—Coroner to Authorise Issue of Burial Certificate.

Where the Registrar of Births, Deaths, and Burials is prohibited by law from issuing a certificate for the burial of a body without the authority of a Coroner, the Coroner within whose district the body is lying shall, as soon as is practicable, authorise by writing under his hand the Registrar to issue his certificate for the burial of the body.

Section 7—Powers of Coroners as to Examination of Body of Deceased.

(1) Where a Coroner thinks it proper, in order to discover the cause of death, to have an examination made of the death body of any person, he may direct a registered medical practitioner to make—

(a) a post-mortem examination of the body; or

(b) a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the Coroner to be submitted to analysis, test or other special examination;

or to make both examinations, or may direct any person, whom he considers to possess special qualifications for the purpose, to make a special examination.

(2) A person so directed shall (unless he immediately procures some other registered medical practitioner or person qualified to make a special examination, as the case may be, to perform the duty) as soon as is practicable make the examination and report fully in writing to the Coroner his conclusions as to the cause of death.

(3) The report shall be prima facie evidence of the facts therein stated, but the Coroner may, if he thinks it proper, summon as a witness the person who has made the report, and that person may be asked to give evidence as to his opinion upon any matter arising out of the examination and his opinion as to the cause of death.

(4) Where a person states upon oath before a Coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, the medical practitioner or other person shall not be allowed to perform or assist at any such examination of the deceased.

Section 8—Coroner may Order Removal of Body to Mortuary.

Where a place has been provided for the reception of dead bodies during the time required to conduct an examination thereof, the Coroner may order the removal of a dead body to and from that place, whether the place be within or outside his district, for the purpose of carrying out a post-mortem or special examination under section 7 of this Act, and the expenses of removal shall be paid upon the Coroner's order from the public revenue.

Section 9—Power of Coroner to Prohibit Burial and to Order Exhumation.

(1) A Coroner may prohibit the burial of any dead body lying within his district until an examination under section 7 of this Act has been completed.

(2) Notwithstanding any law or custom to the contrary, whenever a Coroner thinks it proper, he may, after notice to the Medical Officer of Health of the district of his intention so to do, order that the body of any deceased person be exhumed under the superintendence of a registered medical practitioner, and the expenses of the exhumation and re-interment shall be paid upon the Coroner's order from the public revenue.

(3) The exhumation shall not be ordered in any case where, in the opinion of the Coroner, it would be injurious to the public health.

Section 10—Adjournment at Request of Commissioner of Police.

In any case where a Coroner is requested by or on behalf of the Commissioner of Police to adjourn an inquiry, on the ground that the circumstances of the death are being investigated with a view to determining whether criminal proceedings in connection with the death shall be instituted against any person, the Coroner shall adjourn the inquiry for fourteen days, and thereafter shall adjourn the inquiry for further periods each of fourteen days upon similar requests being made in that behalf.

Section 11—Procedure where Criminal Proceedings Instituted or Contemplated.

(1) If, on an inquiry as to a death, a Coroner is informed by or on behalf of the Commissioner of Police that criminal proceedings have been or are about to be instituted against any person for any offence in connection with the death, he shall, after ascertaining as far as is practicable any particulars required to be registered concerning the death, adjourn the inquiry until after the conclusion of the criminal proceedings.

(2) After the conclusion of the criminal proceedings, the Coroner may resume the adjourned inquiry if he is of opinion that public benefit is likely to result therefrom, but if he is of opinion that no public benefit is likely to result therefrom, he shall record his opinion and transmit the proceedings to the High Court.

(3) Where an inquiry is resumed under subsection (2), the Coroner shall not record any finding which is inconsistent with any matter determined in the criminal proceedings.

(4) In this section, "criminal proceedings" means summary proceedings or preliminary proceedings before any Court, or proceedings before any Court to which an accused person is committed for trial or before any Court by which an appeal from the conviction of any person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can, without an extension of time being granted, be made in the course thereof.

Section 12—Notice of Result of Criminal Proceedings.

(1) It shall be the duty of the Registrar of the District Court before which a person is charged with an offence in connection with the death of any person, to inform the Coroner responsible for holding the inquiry of the committal for trial or discharge, or the result of the summary trial and of any appeal against summary conviction, as the case may be, of the person charged.

(2) It shall be the duty of the Registrar of the Court to which a person charged with an offence in connection with the death of any person is committed for trial, to inform the Coroner responsible for holding the inquiry of the result of the trial and of any appeal from conviction.

Section 13—Scope of Inquiry.

(1) An inquiry shall be directed to establish the identity of the deceased person and the time, place and cause of death, and, where the death is required by law to be registered, to ascertain as far as is practicable the particulars required to be registered concerning the death.

(2) In any case where the Coroner suspects that the deceased person died by his own hand, he shall not inquire into the state of mind of the deceased person save in so far as the inquiry may, in the opinion of the Coroner, reasonably be expected to assist in determining whether the deceased person died by his own hand.

Section 14—Place and Time of Sitting.

(1) A Coroner may hold an inquiry at such place in his district as he thinks fit, and may adjourn any inquiry to a future hour or day and to the same or another place.

(2) Where a Coroner is satisfied that a material witness is by reason of illness or infirmity unable to attend at the place appointed for the holding of an inquiry, he may take the evidence of the witness at the place where the witness is, whether it is within the district of the Coroner or not.

(3) An inquiry may lawfully be held on a Sunday or public holiday.

Section 15—Witnesses.

(1) A Coroner shall have all the powers conferred upon a District magistrate by any enactment in respect of the attendance and examination of witnesses.

(2) Each witness shall first be examined by the Coroner, and thereafter may be examined by such other persons as the Coroner may allow.

Section 16—Recording of Evidence.

The Coroner shall take down in writing the oral evidence given at an inquiry.

Section 17—Procedure upon Conclusion of Inquiry.

(1) Upon the conclusion of an inquiry, the Coroner shall record his finding as to the time, place and cause of the death of the deceased person, and shall transmit the proceedings to the High Court.

(2) In no case shall the finding name any person as being guilty of any offence in connection with the death of the deceased person.

(3) The Coroner may add to the finding any recommendations of a general character designed to prevent further similar fatalities, but shall not express any censure upon, or any exoneration from blame of, any person in connection with the death of the deceased person.

(4) Where the Coroner finds that the deceased person died by his own hand, the finding shall be recorded without any reference to the state of mind of the deceased person.

Section 18—Powers of High Court in Relation to Inquiries.

(1) The High Court, either of its own motion or upon an application made by or on behalf of the Attorney-General, may if it thinks it proper—

(a) order an inquiry to be held as to the cause of the death of any person in relation to which no previous inquiry has been held;

(b) set aside any finding in any inquiry and—

(i) order the inquiry to be reopened and further evidence to be taken; or

(ii) substitute for the finding set aside, such other finding as appears to the Court to be in accordance with the evidence;

(c) set aside the proceedings and finding in any inquiry and order a further inquiry to be held *de novo*.

(2) The High Court, either of its own motion or upon the application of a Coroner, may, if it thinks it proper, order an inquiry to be held by a Coroner other than the Coroner within whose district a dead body has been found or a death has occurred.

Section 19—Particulars to be Supplied by Coroner to Registrar of Births, Deaths and Burials.

(1) Where an inquiry as to a death which is required by law to be registered, is dispensed with under section 5 of this Act, the Coroner shall, within seven days of his decision to dispense with the inquiry, send to the Registrar of Births, Deaths, and Burials a certificate under his hand of the cause of death as disclosed by any examination made under section 7 of this Act or, in case no such examination has been made, of the apparent cause of death.

(2) Where an inquiry is held as to a death which is required by law to be registered the Coroner shall, within seven days of the conclusion thereof, send to the Registrar of Births, Deaths, and Burials a certificate under his hand of his finding as to the cause of death and of the particulars required to be registered concerning the death so far as they may have been ascertained by him.

(3) Where, under section 11(2) of this Act, an inquiry as to a death required by law to be registered is not resumed, the Coroner shall, within seven days after the receipt of the notice of the result of the criminal proceedings, send to the Registrar of Births, Deaths, and Burials a certificate under his hand stating the result and setting forth the particulars required to be registered concerning the death so far as they have been ascertained by him under section 11 of this Act.

Section 20—Register of Deaths.

(1) The Coroner for each district shall keep a register of all deaths reported to him.

(2) Upon the receipt of notice of a death, the Coroner shall, as soon as practicable, cause to be entered in the register the date upon which he received the notice and the name of the deceased, and shall thereafter ensure that the other requisite particulars concerning the death are duly entered.

Section 21—Forms to be Used.

(1) The Minister may by executive instrument prescribe the form of register of deaths and other forms to be used for the purposes of this Act.

(2) Until forms have been prescribed under subsection (1), the forms in use immediately before the passing of this Act shall with the necessary modifications continue to be used.

Section 22—Fees, Witnesses' Allowances, Etc.

(1) Subject to subsections (3) and (4), there may be paid to a registered medical practitioner or other qualified person, as the case may be, with respect to examinations made under section 7 of this Act, the superintendence of exhumations made under section 9 of this Act, and for attendance at an inquest in obedience to the summons of a Coroner issued under section 15 of this Act, such fees as the Minister may by executive instrument prescribe.

(2) Until fees have been prescribed under this section the fees payable before the commencement of this Act shall continue to be payable.

(3) No fee shall be paid to a registered medical practitioner or other qualified person for a post-mortem examination or special examination made without the previous direction of the Coroner, unless the Coroner otherwise orders.

(4) Where the examination is made by the registered practitioner or other qualified person (being in either case a person in the service of the Government) with respect to a person who has died in a prison, lock-up, lunatic asylum or public institution, no fee shall be paid for giving evidence thereon at the inquest.

(5) At any inquest—

(a) the travelling expenses payable to any witness; and

(b) the allowances payable to witnesses other than witnesses for whom special provision is made in this section,

shall be in accordance with the practice of the District Courts in criminal proceedings.

(6) The fees, witnesses' allowances and travelling expenses payable under this section shall be paid upon the order of the Coroner from the public revenue.

Section 23—Repeals.

Each of the following enactments is repealed:

The Coroners Ordinance (Cap. 6).

The Coroners (Amendment) Ordinance, 1956 (No. 29).

Section 24—The Minister.

In this Act "the Minister" means the Minister of Justice.