



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

THE CORONERS ORDINANCE 1985

CHAPTER B.2

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Coroners Ordinance 1985 - Ordinance No.3 of 1985

As amended by:

Ordinance No.1 of 1986

Ordinance No.3 of 2008

Ordinance No.2 of 2016

Ordinance No.5 of 2019

The following revised rules have been issued in pursuance of this Ordinance:

The Coroners Rules 1985

RRBIOT, c.B.3

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THE CORONERS ORDINANCE 1985

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THE CORONERS ORDINANCE 1985

CHAPTER B.2

An Ordinance to make provision for the holding of inquests and for matters connected therewith.

Citation.

1. This Ordinance may be cited as the Coroners Ordinance 1985, ROBIOT c.B.2.

Coroner's Court.

2. There shall be a Coroner's Court for the Territory.

Appointment of Coroners.

3. (1) The Commissioner may appoint a Coroner and one or more Deputy Coroners for the Territory.

(2) Any person holding the office of Coroner at 16th September 1985 shall be deemed to be a Coroner appointed under this section.

(3) Any reference in this Ordinance, except in this section, to a Coroner shall include a reference to a Deputy Coroner.

Inquiry into certain deaths.

4. (1) Subject to the provisions of this section, whenever, after the commencement of this Ordinance, the dead body of a person is found in the Territory, and a Police Officer suspects that such person committed suicide or died under suspicious circumstances or died in custody or that his death was caused by another person or other living creature or by machinery or by an accident, a Police Officer shall inquire into the facts and circumstances connected with the death and shall forward to a Coroner and to the Commissioner, as soon as possible, a full report of the facts of the case together with any statements recorded by him.

(2) If, as a result of such report and statements or otherwise, a Coroner has reasonable grounds to suspect that the person died in any of the circumstances mentioned in subsection (1) of this section he shall hold an inquest into the death of such person.

(3) Where a Coroner has reason to believe that a death has occurred in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered or that the body cannot be found, an inquest cannot be held except by virtue of the provisions of this subsection; he may report the facts to the Commissioner who may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the Coroner, and the law relating to the Coroner and inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on a body in the Territory.

(4) This section shall be read –

(a) subject to the Visiting Forces Act 1952 as extended to the Territory by the Visiting Forces Act (Application to Colonies) Order, 1954 and the Visiting Forces Act (Application to Colonies) (Amendment No. 2) Order 1967, and to the Visiting Forces (Designation) (Colonies) Order 1954 as amended by the Visiting Forces (Designation) (Colonies) (Amendment No. 2) Order 1967; and

(b) subject to the United Kingdom Forces (Jurisdiction of Colonial Courts) Order 1965, should that Order be extended to the Territory.

Inquests to be held in public.

5. Inquests shall be held in public and without a jury or assessors:

Provided that for reasons of national security a Coroner may hold an inquest or any part of an inquest in camera.

Post-mortem examinations.

6. (1) A Coroner may order a post-mortem examination of the body of any person to be made by a qualified medical practitioner and, for the purpose of such examination, may order a body which has already been interred to be exhumed. The medical practitioner shall furnish the Coroner with a report of the results of the post-mortem examination.

(2) If as the result of such a report a Coroner is satisfied that an inquest is unnecessary, he shall furnish the Registrar of Births and Deaths with a certificate under his hand stating the cause of death as disclosed by the report, together with the information required under section 10 of and Schedule 3 to the Births and Deaths Registration Ordinance 1984, and the Registrar shall register the death accordingly and shall as soon as possible send a copy of the said certificate and information to the Commissioner.

(3) If on the receipt of such information and certificate the Commissioner directs that an inquest be held the Coroner shall hold an inquest.

Proceedings at inquests.

7. (1) The Coroner shall examine, on oath, affirmation or in any other manner authorised under the Criminal Procedure Code 2019, touching the death, all persons whom he thinks it expedient to examine and shall record their evidence in the manner required by sections 140 and 259 of the Criminal Procedure Code 2019.

(2) The Coroner shall also inquire into the particulars required to be registered under Section 10 of and Schedule 3 to the Births and Deaths Registration Ordinance 1984.

(3) A Coroner shall have the same powers of summoning and otherwise in relation to witnesses as a Magistrate has under the Criminal Procedure Code 2019.

(4) The Coroner may adjourn an inquest either to a fixed date or to a date to be fixed subsequently.

(5) Any person who in the opinion of the coroner is a properly interested person shall be entitled to examine any witness at an inquest either in person or by counsel or a solicitor:

Provided that the Coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

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

(7) No witness at an inquest shall be obliged to answer any question tending to incriminate himself.

(8) Where it appears to the Coroner that a witness has been asked such a question as described in subsection (7), the Coroner shall inform the witness that he may refuse to answer.

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

(10) A Coroner may admit documentary evidence relevant to the purposes of the inquest from any living person, unless, objection having been raised by a person referred to in subsection (5) of this section, the Coroner considers that it is desirable in the interests of justice that the maker of the document (including a post-mortem report) should give oral evidence. A Coroner may admit in evidence any document made by the deceased. Before admitting documentary evidence the Coroner shall announce publicly the full

name of the maker of the document and a brief account of its contents. Any document so admitted shall be read aloud unless the Coroner otherwise directs.

Adjournment and resumption of inquests.

8. (1) If before or during the course of an inquest the Coroner is informed that some person has been or is to be charged with the murder, manslaughter or infanticide of the deceased or with aiding or abetting or counselling or procuring any of those offences or the suicide of the deceased or with causing his death by driving a motor vehicle recklessly, he shall in the absence of reason to the contrary, refrain from beginning, or adjourn, the inquest until after the conclusion or withdrawal of the criminal proceedings.

(2) After the conclusion of the criminal proceedings the Coroner may, subject to subsections (3) and (4), begin or resume the inquest if he is of opinion that there is sufficient cause to do so.

(3) Where the Coroner resumes an inquest which he has begun to hold, he shall proceed in all respects as if the inquest had not previously been begun, and the provisions of this Ordinance shall apply accordingly as if the resumed inquest were a fresh inquest.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to begin or resume the inquest, he shall furnish the Registrar of Births and Deaths with a certificate stating the result of the criminal proceedings and the information required under Section 10 of and Schedule 3 to the Births and Deaths Registration Ordinance 1984, so far as it has been ascertained at the inquest, and the Registrar shall register the death accordingly.

The verdict.

9. (1) The proceedings and evidence at an inquest shall be directed solely to ascertaining the answers to the following matters, namely –

(a) who the deceased was;

(b) how, when and where the deceased came by his death, and the verdict shall state the answers to these matters in so far as they have been ascertained at the inquest.

(2) No verdict shall be framed in such a way as to appear to determine any question of –

(a) criminal liability on the part of a named person; or

(b) civil liability.

(3) In the applicable cases the form of verdict shall be one of the following –

AB died of natural causes;
AB died as the result of an accident/misadventure;
AB was killed lawfully;
AB was killed unlawfully;
AB killed himself (whilst the balance of his mind was disturbed);
or
Open verdict (namely the evidence did not fully or further disclose the means whereby death occurred).

(4) Where the verdict is that death resulted from an accident, the Coroner may add a rider directed to the avoidance of similar accidents in the future and cause the rider to be brought to the attention of any person concerned.

Ordering a Coroner to hold a fresh inquest.

10. Where the Supreme Court, on application made by or under the authority of the Principal Legal Adviser, is satisfied that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or for any other reason, it is necessary or desirable, in the interests of justice, that another inquest should be held, the Court may quash the proceedings and order a fresh inquest to be held.

Inquest on Treasure Trove.

11. A Coroner shall have jurisdiction to inquire of treasure that is found, who was the finder, or who is suspected of being the finder and the provisions of this Ordinance shall, so far as is consistent with the tenor thereof, apply to every such inquest.

Power to make rules of court.

12. (1) The Chief Justice may make rules of court for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular, such rules may provide –

- (a) as to the procedure at inquests;
- (b) for empowering a Coroner to alter the date fixed for the holding of any adjourned inquest;
- (c) as to the procedure to be followed where the Coroner decides not to resume an adjourned inquest;
- (d) as to notices to be given;
- (e) as to the classes of person who shall be deemed to be interested persons in the terms of section 7(5) of this Ordinance;

(f) as to fees and allowances payable in connection with inquests.

(2) The power of the Chief Justice under this Ordinance to make rules of court with respect to any matter shall include power to prescribe by such rules the forms to be used in connection with that matter and to revoke or amend any forms which are directed or authorised by or under this or any other enactment to be used in connection with that matter and to substitute new forms for any of such forms.

Legal practitioners.

13. A Coroner may license to appear as counsel or solicitor at an inquest over which he presides or will preside, any person qualified in accordance with section 49 of the Courts Ordinance 1983.
