

CORONERS

No. 5 of 1965

An Ordinance to amend the *Coroners Ordinance* 1956.

1.—(1.) This Ordinance may be cited as the *Coroners Ordinance* 1965.* Short title and citation.

(2.) The *Coroners Ordinance* 1956† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Coroners Ordinance* 1956-1965.

2. Section four of the Principal Ordinance is amended by omitting the definition of “the Coroner” and inserting in its stead the following definition:— Definitions.

“‘the Coroner’, in relation to a matter, means the Coroner or Deputy Coroner who is exercising the powers, authority and jurisdiction of a Coroner in relation to that matter;”.

3. After section five of the Principal Ordinance the following section is inserted:—

“5A. A person who is a stipendiary magistrate or a special magistrate for the purposes of the *Court of Petty Sessions Ordinance* 1930-1961 is a Coroner for the Territory.”. Coroners.

4. Section six of the Principal Ordinance is amended— Appointment of Deputy Coroners.

(a) by omitting paragraph (a) of sub-section (1.); and

(b) by omitting from sub-section (2.) the words “the Coroner or”.

5. Section seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

“7. A Deputy Coroner holds office during the pleasure of the Attorney-General.”. Tenure of office of Deputy Coroners.

6. Section eight of the Principal Ordinance is amended by omitting the words “The Coroner and a” and inserting in their stead the word “A”. Remuneration of Deputy Coroners.

* Made on 15 April, 1965; notified in the *Commonwealth Gazette* and commenced on 6 May, 1965.

† Ordinance No. 14, 1956

7.—(1.) Sections nine and ten of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“ 9. A Deputy Coroner has the powers, authority and jurisdiction of a Coroner but shall not exercise those powers or that authority or jurisdiction in relation to a matter unless—

(a) by reason of illness or other sufficient cause, there is no Coroner available to exercise the powers, authority or jurisdiction of a Coroner in relation to that matter; and

(b) a Coroner directs the Deputy Coroner to exercise the powers, authority or jurisdiction of a Coroner in relation to that matter.

“ 10.—(1.) A Coroner or a Deputy Coroner shall not perform any of the functions or duties of his office until he has taken an oath or made an affirmation in accordance with the form in the Schedule to this Ordinance.

“ (2.) An oath or affirmation under the last preceding sub-section may be taken or made before, and may be administered or received by, the Judge of the Supreme Court or a person authorized for the purpose by the Attorney-General.”.

(2.) Section ten of the Principal Ordinance as amended by this Ordinance does not apply to a Coroner or Deputy Coroner who held office as the Coroner or a Deputy Coroner, respectively, immediately before the commencement of this Ordinance and had taken the oaths or made the affirmations that were required to be taken or made by him under section ten of the Principal Ordinance.

8. Section thirty-four of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word “ If ” (first occurring) and inserting in its stead the words “ Subject to this section, if ”; and

(b) by omitting from sub-section (1.) the words “ but shall adjourn the inquest or inquiry to a time and place to be fixed by the Coroner ” and inserting in their stead the word “ until ”.

9. Section thirty-seven of the Principal Ordinance is amended by omitting the words “ The Coroner or a ” and inserting in their stead the word “ A ”.

Exercise of powers, authority and jurisdiction by Deputy Coroner.

Oath or affirmation by Coroner or Deputy Coroner.

Inquests and inquiries to be adjourned if person charged in respect of death or fire.

Circumstances in which medical practitioner may not hold inquest.

10. The Schedules to the Principal Ordinance are repealed *The Schedules.*
and the following Schedule is inserted in their stead:—

“ THE SCHEDULE.

Section 10.

OATH.

I, _____, do swear that I will well and truly serve
Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office
of _____ and that I will do right to all manner of people
according to law, without fear or favour, affection or ill-will:

SO HELP ME GOD!

AFFIRMATION.

I, _____, do solemnly and sincerely promise and
declare that I will well and truly serve Her Majesty Queen Elizabeth the Second,
Her Heirs and Successors, in the office of _____ and that I will
do right to all manner of people according to law, without fear or favour, affection
or ill-will.”
