

Sudden Deaths and Inquests

Coroners and Contacts

The function of Coroner in Jersey is allocated to the Viscount though in most circumstances the Deputy Viscount actually functions as such. A Relief Coroner also acts from time to time. The Coroner is supported by the Corporate Services Section of the Viscount's Department. Because families will already have had contact with a Police Officer and the Viscount's Department does not want to add to their distress, the Department generally does not get in touch with families direct. However, families are more than welcome to contact us if they wish to. Our office is in Morier House, Halkett Place, St. Helier, direct dial telephone number (01534) 441402.

When do Deaths have to be reported to the Police?

Basically, if someone dies suddenly or unexpectedly, the death must be reported to the Police. This applies even if the deceased was currently being treated by a doctor but the doctor did not expect the patient to die at that stage. The death does not have to be reported if a doctor can issue a 'Medical Certificate of Fact and Cause of Death': a doctor is generally not allowed to issue a certificate unless he or she attended the deceased during his or her last illness and within the period of 14 days preceding the death. If someone dies when in a psychiatric nursing home or children's home, the death must be reported to the Police, even if the death was expected by a doctor. If someone dies while held in custody by the Police or in prison, immediate notification must be made to the Coroner.

What happens next?

When immediate enquiries have been completed, the body is taken by ambulance to the mortuary at the General Hospital. Police investigate the death, speaking to the relatives, relevant doctors and any witnesses, then make a written report to the Coroner. If there are no suspicious circumstances and no indication that the death occurred as a result of accident or negligence on the part of others, the Police report is usually compiled and sent by fax within 24 hours. Relatives are offered a copy of the booklet "Post-mortem Guide for Relatives" by the Police. That booklet sets out in detail what a post-mortem examination is and provides forms for relatives to express their wishes concerning the retention and disposal of tissue samples and organs should that be necessary: a member of the Pathology Department at the Jersey General Hospital (tel. (01534) 442599) will contact the next of kin about that if need be.

If the Coroner decides that a post-mortem examination of the body may either assist the conduct of an inquest or render an inquest unnecessary, the Coroner issues a request to an appropriate Consultant Pathologist to carry out such an examination. Most post-mortem examinations are carried out by the Consultant Pathologists employed at the General Hospital. However, if the death is such as to require specialist forensic skills, a "Home Office Pathologist" will be brought in from England. Post-mortem examinations are usually carried out on the next working day (sometimes a little later when an off-Island pathologist is engaged). The pathologist makes an oral report to the Coroner and follows this up in due course with a full written report: a copy of the written report is automatically sent to the deceased's General Practitioner and the deceased's family are supplied with one direct, upon application to the Viscount's Department (tel. (01534) 441402 or email viscount@gov.je). The deceased's family does not have to pay for the post-mortem examination and report.

Does there need to be an Inquest?

The Coroner considers the Police and post-mortem examination reports. The Coroner may direct that further enquiries be carried out. Sometimes further enquiries are instigated automatically by the nature of the death, for example when the Health and Safety Inspectorate has to become involved.



If there are no circumstances requiring further investigation and the death was found by the pathologist to have been from natural causes, the Coroner will most probably decide not to hold an inquest: the Coroner immediately issues release documentation to the mortuary at the Jersey General Hospital, which makes necessary arrangements with the funeral directors appointed by the deceased's next of kin.

How is the Family kept informed?

To avoid confusion and duplication of effort, in non-inquest cases all liaison with the bereaved family is made via the funeral directors appointed by the family. The funeral directors will have been told what the cause of death was and which Consultant Pathologist carried out the post-mortem examination. If relatives wish to speak to the pathologist, they may telephone (01534) 442595. In inquest cases, the Police notify the family as to the progress of their enquiries and the date and venue of the inquest.

When is the Body released in Inquest Cases?

If the Coroner decides that an inquest must be held, the Coroner will consider releasing the body as soon as the Coroner, the pathologist, Official Analyst and Police are satisfied that no prejudice to the enquiry will be caused by the release: this will usually be within two working days of the death. If the body is to be buried, authority for this can be given before the inquest is opened. However, if the body is to be cremated, the inquest must at least be opened before the body can be released: this is arranged very quickly. It is normally the case that funeral directors need several days to arrange a funeral; the body can usually be released to the funeral directors some days before the funeral to enable family viewing (and embalming) if desired. If the body is to be removed from the Island for burial or cremation, the inquest will be opened before such removal is permitted. In isolated cases (usually involving suspected unlawful killing) there may be much longer delays because of the needs of the prosecuting authorities and defence lawyers.

What is an Inquest?

An inquest is an enquiry held to attempt to establish reliable answers to four questions: **who** the deceased was, and **where, when** and **how** he or she came by their death. The inquest is presided over by the Coroner, usually sitting alone, although the Coroner can summon a jury of 12 people to assist in special cases involving a matter of public interest. The inquest is held in public. The Coroner calls selected witnesses and examines them on oath. Members of the deceased's family, or a lawyer acting for them if they choose to engage one, can ask questions of the witnesses, as can any other person with a sufficient interest in the case (again, through a lawyer, if desired). At the end of the inquest, the Coroner returns what is commonly called a "verdict", which is a short, narrative statement setting out what the Coroner finds to be the answers to the four questions mentioned above. If a jury has been summoned, the Coroner will outline the law to them in public, before retiring with them in private when they consider their verdict.

Where and when is the Inquest held?

The inquest is usually held in the "H.V. Benest Room" on the ground floor of Morier House (the full address is at the end of this document): very occasionally, a courtroom is used. The inquest is held as soon as practicable after all enquiries have been completed, subject to any wishes expressed by the family. In a straightforward case this is usually within three weeks of the death. More complicated enquiries inevitably take longer to complete and, sometimes, about six weeks may be needed for the chemical treatment of tissue samples prior to their histological (microscopic) examination by the pathologist. Delays may also be caused by the need to bring back an off-Island pathologist, such specialists frequently having heavily-booked diaries. Cases involving alcohol and prescribed or controlled drugs may suffer delays of some months because of the complications attached to chemical analyses. However, every effort is made to hold the inquest as soon as possible.

The Limitations of an Inquest

The Coroner is forbidden by law to make any finding of civil or criminal liability – the Coroner cannot blame anyone for anything in connection with the death. No-one is on trial. There are no parties to an "action". The inquest is designed to find out what actually happened, not what might have happened if someone had done something differently or made a different decision. If, say, a member of the deceased's family believes that someone is at fault in relation to the death, proceedings have to be brought in the Royal Court: a case for damages has to be made out and the person alleged to be liable has the opportunity to defend the action. The inquest cannot be used as a sort of trial run preceding the bringing of such a civil action. Great distress can be caused to relatives if they are misled into believing that an inquest will point the finger of blame at



those they consider to be responsible for their loved one's death. An inquest is a fact-finding exercise, although the circumstances underlying the facts are investigated fully.

What happens after an Inquest?

If necessary, the Coroner issues a cremation certificate, which has to be countersigned by the Medical Officer of Health: that is dealt with by the funeral directors.

The Coroner reports the verdict to the Bailiff who, if he is satisfied with it, orders its registration by the Judicial Greffe. After that registration, a copy of the verdict is sent to the Registrar of Births, Deaths and Marriages for the Parish in which the deceased died; the death is registered by that Registrar and the Coroner signs the Register of Deaths. That usually takes about 7 to 10 days. Upon request, and payment of the appropriate fee, a certified extract from the Register (a 'Death Certificate') is issued by the Registrar: funeral directors normally arrange that for the family.

The Viscount's Department is not involved in any way with the estate of the deceased: for information about how that is dealt with, a Jersey lawyer or the Probate Section of the Judicial Greffe should be consulted (tel. (01534) 441308).

All inquest proceedings are recorded but transcripts are not produced routinely. A transcript will be supplied, upon request, at the expense of the person requesting it, the amount being the direct cost of having the transcript prepared by an external firm of transcribers. For more information about this, please contact the Corporate Services Section on (01534) 441402 or viscount@gov.je.

Ancillary Matters

Organ Donation

Sometimes, usually involving the death of a young person, the next of kin of the deceased will be asked by medical staff for their permission for organs to be taken for transplantation. If the death has occurred in circumstances which will necessitate the holding of an inquest, the Coroner also has to give permission for such organ donation. A detailed procedure is in place to enable this to be dealt with promptly and in such a way as not to prejudice enquiries into the death.

Re-burials

If the exhumation and re-burial of a body is being considered, the next of kin must engage a firm of funeral directors to deal with this for them. In basic outline, there must be a very good reason indeed for this to take place: this usually arises when a body has been buried by error in the wrong plot or relatives later wish to inter the body with those of other family members in the UK or elsewhere. The consent of both the Coroner and the Ecclesiastical Court must be obtained. There is a legal presumption in the Ecclesiastical Court against exhumation. The exhumation of ashes (which have been buried following a cremation), however, only requires the permission of the Authority in charge of the cemetery. Exhumations must be conducted with appropriate respect for the deceased and taking into account public order and public health considerations.

Transportation of Bodies into and out of Jersey

Permission must be obtained from the Coroner for bodies to be brought into or removed from the Island. Such arrangements must be made by a firm of funeral directors. If a body is brought into the Island of someone who has died overseas in circumstances which, in Jersey, might necessitate the holding of an inquest, the Coroner will consider whether a post-mortem examination of the body should be made and an inquest held: the family is consulted about this, although ultimately the decision is for the Coroner. (This contrasts with the position in England and Wales, where a Coroner is obliged to hold an inquest even when entirely satisfactory parallel enquiries have been made overseas or, conversely, when no reliable evidence is available and the inquest, thus, serves no useful purpose.)



Legislation

The principal legislation involved in this subject area is:

[Inquests and Post-Mortem Examinations \(Jersey\) Law 1995.](#)
[Inquests and Post-Mortem Examinations \(Jersey\) Rules 1995.](#)
[Anatomy and Human Tissue \(Jersey\) Law 1984.](#)
[Cremation \(Jersey\) Law 1953.](#)
[Cremation \(Jersey\) Regulations 1961.](#)
[Marriage and Civil Status \(Jersey\) Law 2001.](#)

These Laws and Regulations may be consulted free of charge at the Public Library and on the Jersey Legal Information Board's website at <http://www.jerseylaw.je/> or purchased from the States' Greffe Bookshop (Morier House, Halkett Place, St Helier, tel. (01534) 441037).

Bibliography

There is little formal guidance available concerning Coroners' functions in Jersey. There are, however, some similarities with the position in England and Wales, and useful background information may be obtained from:

Coroners' Courts (2nd Edition, 2004) by Christopher Dorries, published by Oxford University Press, ISBN 1-84-174246-5.

Jervis on the Office and Duties of Coroners (12th Edition, 2002) by Paul Matthews, published by Sweet & Maxwell, London, ISBN 042178010X. Plus supplements.

Sources of Coroners' Law (1999) by Knapman and Powers, published by Barry Rose Publishers Limited, Sussex, ISBN 1902681010.

Levine on Coroners' Courts (1999) by Sir Montague Levine and James Pyke, published by Sweet & Maxwell, London, ISBN075200607X.

Also of interest is "Coroner's Law and Practice in Northern Ireland" (1998) by Leckey and Green, SLS Legal Publications, Northern Ireland, ISBN 0853897247.

Caution

This document has been produced as a general guide only and nothing in it may be taken as authoritative. Much has been deliberately over-simplified or omitted. For authoritative guidance, a Jersey lawyer should be consulted. Jersey funeral directors are also well-versed in such matters.

Please do not hesitate to contact us at the Viscount's Department if you think that we can be of help.

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