

New Zealand.



ANALYSIS.

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| <p style="text-align: center;">Title.</p> <p>1. Short Title.</p> <p>2. Supreme Court may in certain cases order inquest.</p> | <p>3. Inquest where body destroyed or irrecoverable.</p> <p>4. Coroner may order burial before inquest or where inquest unnecessary. Repeal. Section 6 of Amendment Act, 1908, amended.</p> |
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1930, No. 11.

Title.

AN ACT to amend the Coroners Act, 1908.

[11th October, 1930.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Coroners Amendment Act, 1930, and shall be read together with and deemed part of the Coroners Act, 1908 (hereinafter referred to as the principal Act).

Supreme Court may in certain cases order inquest.

Cf. 50 & 51 Vict., c. 71, s. 6; 16 and 17 Geo. V, c. 59, s. 19

2. (1) Where in respect of any death or fire the Supreme Court, on application made by or under the authority of the Attorney-General, is satisfied either—

(a) That a Coroner refuses or neglects to hold an inquest which ought to be held; or,

(b) Where an inquest has been held by a Coroner, whether before or after the passing of this Act, that, by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or evidence, or otherwise, it is necessary or desirable in the interests of justice that another inquest should be held,

the said Court may order an inquest to be held touching the said death or fire, as the case may be; and where an inquest has already been held, may quash the inquisition on that inquest.

(2) Subject to the order of the Supreme Court, such inquest may be held by the said Coroner or any other Coroner.

(3) On any such inquest, unless the Supreme Court otherwise orders,—

(a) All depositions taken on any former inquest touching the said death or fire, as the case may be, shall be deemed to have been taken on such new inquest; and

(b) It shall not be necessary, if the case be one of death, to view the body.

(4) Save as aforesaid, such inquest shall be held in like manner in all respects as any other inquest under the principal Act.

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, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General, and the Attorney-General 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 making the report, or such other Coroner as the Attorney-General may direct, and the law relating to Coroners and Coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of a body lying dead.

Inquest where body destroyed or irrecoverable.
Cf. 16 & 17 Geo. V, c. 59, s. 18

4. (1) In addition to the powers conferred by section thirty-five of the Births and Deaths Registration Act, 1924, a Coroner acting under that section may at any time make an order for the burial of any body upon which he has decided to hold an inquest or in respect of which he has decided that no inquest is necessary.

Coroner may order burial before inquest or where inquest unnecessary.

(2) The principal Act is hereby amended by repealing the form numbered (8) in the Third Schedule.

Repeal.

(3) Section six of the Coroners Amendment Act, 1908, is hereby amended by omitting the words "and in the Second Schedule to the Births and Deaths Registration Act, 1908,".

Section 6 of Amendment Act, 1908, amended.