

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.

28th July, 1908.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. McGowan.

CORONERS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Inquest may be before Coroner alone.</p> <p>3. Power conferred by section 2 not to extend to Deputy Coroner, &c.</p> <p>4. Proceedings before Coroner.</p> | <p>5. Not necessary for jury to view body. Repeal.</p> <p>6. Forms may be varied.</p> <p>7. Person interested in inquest may attend and examine witnesses.</p> <p>8. Payment of witnesses.</p> <p>9. Section 28 of principal Act amended.</p> |
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A BILL INTITULED

AN ACT to amend the Coroners Act, 1908.

Title.

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

- 5 1. This Act may be cited as the Coroners Amendment Act, 1908, and shall be read together with and deemed part of the Coroners Act, 1908 (hereinafter referred to as the principal Act).
- 10 2. (1.) Notwithstanding anything in the principal Act, it shall not be necessary for any Coroner when holding an inquest to have the same taken by jurors, unless the Attorney-General directs in any specified case that an inquest shall be so taken.
- 15 (2.) In the absence of any such direction by the Attorney-General, a Coroner may at any inquest have the same taken either by himself or by jurors, as he thinks fit in the particular case.
3. The power conferred by section *two* hereof on a Coroner shall not be exercisable by a Deputy Coroner or a Justice of the Peace acting as a Coroner.
- 20 4. Where in accordance with this Act an inquest is taken by a Coroner without jurors, the proceedings thereat shall in all respects be taken as nearly as practicable as if the inquest were taken by jurors, and the finding of the Coroner shall for all purposes have the like effect as the finding of a jury; and all references in the principal Act or in any other Act to the verdict or finding of a Coroner's jury shall be deemed to apply also to the finding of a Coroner under this Act, and a Coroner shall have the like powers in respect of any such finding by himself as Coroners now have in respect of the finding of a jury.
- 25 5. (1.) In any inquest touching the manner of the death of any person it shall not be necessary for any juror to view the body of that person.

Short Title.

Inquest may be before Coroner alone.

Power conferred by section 2 not to extend to Deputy Coroner, &c.

Proceedings before Coroner.

Not necessary for jury to view body.

New subclause.

(1A.) In any inquest touching the manner of the death of any person it shall not be necessary for the Coroner to view the body of that person in any case where it appears, on the certificate of some duly qualified medical practitioner, that the deceased died of any infectious disease. 5

(2.) Nothing in this section shall affect the powers of a Coroner with respect to the body of any person in respect of whose death an inquest is held or intended to be held.

Repeal.
1902, No. 60, sec. 6
1867, No. 16, sec. 8

(3.) Section eighteen of the principal Act is hereby repealed. 10

~~(4.) Section five of the principal Act is hereby amended by omitting therefrom the words "and whose body is lying dead."~~

Forms may be
varied.

6. When an inquest is held or proposed to be held without a jury or without a view of the body of any person deceased, the forms contained in the *Third* Schedule to the principal Act, and in the *Second* Schedule to the Births and Deaths Registration Act, 1908, may be varied so as to conform to the facts of the case. 15

Person interested
in inquest may
attend and examine
witnesses.

7. (1.) At any inquest any person who, in the opinion of the Coroner, has a sufficient interest in the subject or result of the inquest may attend personally or by counsel, and may examine and cross-examine witnesses; provided that such examination and cross-examination is relevant to the subject of the inquest and is conducted according to the law and practice of Coroners' inquests. 20

(2.) When any inquest is held touching the manner of the death of any person who was at the date of his death a member of any industrial union registered under the Industrial Conciliation and Arbitration Act, 1908, a representative of that industrial union shall be deemed to have a sufficient interest in the result of the inquest within the meaning of this section. 25

Struck out.

8. When any witness, other than a medical practitioner, summoned in pursuance of the principal Act, has attended at any inquest, whether with or without any summons requiring his attendance, the Coroner may, if he thinks fit, order any sum to be paid to that witness on account of his expenses in so attending, not exceeding the sum of ten shillings for every day on which he has so attended, together with any travelling-expenses actually incurred by him in respect of his attendance. 30 35

New clause.

Payment of
witnesses.

8A. When any person other than a medical practitioner has attended as a witness at any inquest in pursuance of a summons in that behalf, or has given evidence at any inquest, whether in pursuance of a summons or not, the Coroner may, if he thinks fit, order any sum to be paid to that witness on account of his expenses in attending at that inquest not exceeding the sum prescribed by regulations, or if no sum is so prescribed, then not exceeding the sum of *ten* shillings for every day on which he has so attended, together with any travelling-expenses actually incurred by him in respect of his attendance. 40 45

Section 28 of
principal Act
amended.
1867, No. 16, sec. 27

9. Section twenty-eight of the principal Act is hereby amended by inserting after the word "fees" the words "and other sums." 50