

Serial Number 1952/71



THE CORONERS REGULATIONS 1952

FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 9th day of
April 1952

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Coroners Act 1951, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Coroners Regulations 1952.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
2. In these regulations, unless the context otherwise requires,—
 - “The Act” means the Coroners Act 1951;
 - “Minister” means the Minister of Justice;
 - “Secretary” means the Secretary for Justice.
3. The Coroners’ Inquests Fees Regulations 1948* are hereby revoked.
4. (1) There shall be payable in respect of any inspection of any documents relating to proceedings before a Coroner a fee of 3s., and if a copy of any such document or part thereof is supplied a fee at the rate of 8d. a folio shall be payable.
- (2) Notwithstanding the foregoing provisions of this regulation, the Secretary may, in his discretion, dispense with the payment of any fee under this regulation.

* Statutory Regulations 1948, Serial number 1948/117, page 355.

Forms

5. Where in accordance with the Act a Coroner or a Justice authorizes a post-mortem examination he may give the authority in the form No. 1 in the Schedule hereto.

6. (1) Where pursuant to section 6 of the Act a Coroner decides not to hold an inquest in respect of any death, he shall notify the Secretary in the form No. 2 in the Schedule hereto, and shall forward with the notification the report of any post-mortem examination or any other written report of a medical practitioner supplied to the Coroner in respect of the death.

(2) A copy of the notification referred to in subclause (1) of this regulation shall be forwarded by the Coroner to the Registrar of Births and Deaths who is required to register the death and also to the funeral director or other person in charge of the burial.

7. Where in accordance with the Act a Coroner or a Justice gives an order for the burial of the body of any person whose death has been reported to him, the order shall be in the form No. 3 in the Schedule hereto, and a copy of the order shall be forwarded to the Registrar of Births and Deaths who is required to register the death.

8. (1) A Coroner desiring to have evidence taken at a place other than where he intends to hold or is holding an inquest shall forward to the Coroner or Justice who is to take the evidence an appointment in the form No. 4 in the Schedule hereto, together with any documents or exhibits which the Coroner holding the inquest considers should be available when the examination of witnesses is held.

(2) The Coroner holding the inquest shall forward a copy of the appointment to the police.

(3) All depositions taken by the Coroner or Justice taking any such evidence, together with any exhibits produced at the taking of the evidence and any documents or exhibits sent by the Coroner holding the inquest, shall, when the evidence has been taken, be forwarded to the Coroner holding the inquest.

9. (1) Where in accordance with the Act a Coroner or Justice desires any person to give evidence he may cause to be served on that person a summons in the form No. 5 in the Schedule hereto.

(2) The oath administered to any person giving evidence under the Act before a Coroner or Justice may be in the form No. 6 in the Schedule hereto.

10. All depositions under the Act taken by a Coroner or a Justice shall have attached thereto statements in the forms Nos. 7 and 8 in the Schedule hereto duly completed.

11. Where pursuant to section 20 of the Act a Coroner decides that an inquest will not be resumed he shall notify the Secretary in the form No. 9 in the Schedule hereto, and shall forward with the notification any depositions taken at the inquest and a certificate of registration of the death in respect of which the inquest was opened.

12. A Coroner's finding may be in the form No. 10 in the Schedule hereto.

Fees

13. (1) There shall be payable to such Coroners, not being Stipendiary Magistrates, as the Minister may direct salaries at such rates as may from time to time be fixed by the Minister with the concurrence of the Minister of Finance

(2) There shall be payable to every Coroner, other than a Stipendiary Magistrate or a Coroner who is in receipt of a salary under subclause (1) of this regulation, the following fees, that is to say:—

(a) For every inquest held by him, a fee of £2 2s.:

(b) For every case where he decides under section 6 of the Act that the inquest is not necessary, a fee of £1 1s.

(3) Where any Coroner to whom subclause (2) of this regulation applies takes evidence on behalf of another Coroner there shall be payable to the Coroner taking the evidence a fee of 10s. 6d.

(4) In addition to any salary or fees payable to a Coroner there shall be payable to him travelling allowances and expenses in respect of time spent when travelling in the performance of his duties as a Coroner at the rates from time to time fixed in that behalf for Stipendiary Magistrates.

14. (1) Where in accordance with the Act a medical practitioner performs a post-mortem examination at the request of a Coroner or a Justice there shall be payable to the practitioner a fee of £2 2s.:

Provided that where the medical practitioner is a pathological specialist whose evidence is necessarily accompanied by a detailed report of his examination there may be paid for the report an additional sum not exceeding £2 2s.:

Provided also that where any other medical practitioner has performed a post-mortem examination and his evidence is accompanied by a detailed report of the examination there may be paid for the report such additional sum, not exceeding £2 2s., as may be certified by the Coroner.

(2) A medical practitioner who performs any function under the Act for which no fee is otherwise provided may be paid such fee, not exceeding £2 2s., as the Secretary, in his discretion, thinks fit.

15. Any witness (including a medical witness) who attends at the instance of the police to give evidence at an inquest or to whom the Coroner authorizes payment shall be paid fees, allowances, and expenses at the rates and in accordance with the regulations for the time being in force in respect of the payment to Crown witnesses in criminal cases in the Supreme Court, and any such regulations shall for the purposes of these regulations be read as if any reference therein to the Registrar of the Supreme Court were a reference to a Coroner and any reference therein to the Crown Prosecutor were a reference to the police.

16. Where under section 30 of the Act a dead body is received into any licensed premises for the purposes of any inquest or inquiry under the Act there shall be payable to the licensee in respect of each body so received a fee of £1.

17. The Secretary, in any case where he considers that exceptional circumstances render any such course advisable, may authorize the payment of a fee or allowance greater than that prescribed by these regulations.

SCHEDULE

Form No. 1

[Reg. 5]

AUTHORITY TO MAKE POST-MORTEM EXAMINATION

New Zealand)
To Wit }

To [Name and address of medical practitioner].

I HEREBY authorize and request you to make a post-mortem examination of the body of now lying at, and to send me a report in writing of the result of the examination.

Dated at, this day of 19.....

....., Coroner.

NOTE.—Where no Coroner is available and the death is reported to a Justice of the Peace, the Justice may authorize a post-mortem examination.

Form No. 2

[Reg. 6]

NOTIFICATION OF DECISION THAT INQUEST UNNECESSARY

PURSUANT to section 6 of the Coroners Act 1951, I hereby notify you that I am satisfied that the death of [Name, address, and occupation of deceased] was due to natural causes and did not take place in such place or in such circumstances as to necessitate the holding of an inquest in accordance with the requirements of any enactment, and I have decided not to hold an inquest.

Inquiries made by me (and a post-mortem examination) showed the cause of death to be [Include date, place, and cause of death].

Dated at, this day of 19.....

To The Secretary for Justice.

The Registrar of Deaths at

....., Funeral Director.

....., Coroner.

NOTE.—Any written medical report is to be forwarded with this form to the Secretary for Justice.

Form No. 3

[Reg. 7]

ORDER FOR BURIAL

New Zealand)
To Wit }

I HEREBY authorize the burial* (after post-mortem examination) of the body of, late of, whose death has been reported to me, and in respect of which

* an inquest is being held.

* an inquest is not being held.

* it has not been decided whether an inquest is necessary.

(If no inquest is to be held you will be notified.)

* Delete where not applicable.

(If the Coroner knows that the deceased was suffering from an infectious disease, he should state so for the information of the funeral director.)

Dated at, this day of 19.....

....., Coroner.

To [Funeral director or other person having charge of the burial].

And to the Registrar of Deaths at.....

NOTE.—Unless an inquest is held, the duty of the funeral director to register the death is not affected.

Where no Coroner is available and the death is reported to a Justice of the Peace, the Justice may issue an authority for burial.

Form No. 4

[Reg. 8

APPOINTMENT TO TAKE EVIDENCE AT A PLACE OTHER
THAN WHERE AN INQUEST IS HELD

New Zealand }
To Wit {

WHEREAS I am holding an inquest in respect of the death of [*Name, address, and occupation of deceased*]:

And whereas I desire for the purpose of the inquest to have the evidence of the following persons taken at a place other than where the inquest is being held: [*Names, addresses, and occupations of persons whose evidence is to be taken*]:

Now, pursuant to section 18 of the Coroners Act 1951, I appoint you, _____, Coroner, to take the evidence of those witnesses (and I enclose the following documents and exhibits) (*delete if not applicable*).

Notice of the time and place appointed by you for taking the evidence is to be given to [*State names and addresses of persons to whom notice should be given*].

Dated at _____, this _____ day of _____ 19____

Coroner at _____

To the Coroner at _____

NOTE.—Where no Coroner is available a Justice of the Peace may be appointed to take the evidence.

Form No. 5

[Reg. 9 (1)

CORONER'S SUMMONS TO WITNESS

New Zealand }
To Wit {

To Mr. [*Name, address, and occupation*].

You are hereby summoned to appear personally before me at the _____ at _____ o'clock in the _____ noon, on the _____ day of _____, 19____ then and there to give evidence at an inquest in respect of the death of _____.

If you fail without good and sufficient excuse to obey this summons you will be liable to a fine not exceeding £20.

Given under my hand at _____, the _____ day of _____ 19____

_____, Coroner.

Form No. 6

[Reg. 9 (2)

OATH OF WITNESS

You swear by Almighty God that the evidence which you shall give to this inquest in respect of the death of [*Name of deceased*] shall be the truth, the whole truth, and nothing but the truth.

Form No. 7

[Reg. 10

DEPOSITIONS OF WITNESSES

New Zealand }
To Wit {

Inquest in Respect of the Death of _____

THE depositions of witnesses severally taken before _____, a Coroner (or a Justice of the Peace) at ⁽¹⁾ the Courthouse at _____, in the Dominion aforesaid, on _____, the _____ day of _____ 19____

NOTE.—Each page of the depositions must be signed by the deponent and by the Coroner or Justice.

(1) Or other building in which inquest held.

Form No. 8 [Reg. 10

New Zealand }
To Wit }

Inquest in Respect of the Death of

THE foregoing depositions of, written on pages of paper numbered consecutively from one to and by me fixed together were taken and sworn (or affirmed) before me, at on the day of 19.....

The following persons appeared personally or were represented at the proceedings: [*Include names of counsel*].

.....
Coroner.
Justice of the Peace.

Form No. 9 [Reg. 11

NOTIFICATION OF CORONER THAT INQUEST WILL NOT BE RESUMED

New Zealand }
To Wit }

I HEREBY notify you that, pursuant to section 20 of the Coroners Act 1951, I have decided that the inquest in respect of the death of [*Name, address, and occupation of deceased*] will not be resumed.

The result of the criminal proceedings in which [*Name of person charged*] was charged with [*State particulars of charge*] was as follows: [*Date and terms of decision*].

Dated at, this day of 19.....

....., Coroner.

To the Secretary for Justice,
Wellington.

NOTE.—Any depositions taken and a certificate of registration of the death are to be forwarded with this notification.

Form No. 10 [Reg. 12

FINDING OF CORONER

New Zealand }
To Wit }

I,, Coroner at, do hereby certify that at an inquest completed on the day of 19....., at the Courthouse (or other building in which inquest completed) at, having inquired when, where, and how [*Name, address, and occupation of deceased*] came to his death, I found

Dated at, this day of 19.....

....., Coroner.

NOTE.—This form is to be forwarded to the Secretary for Justice together with the depositions and a certificate of registration of the death.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations but is intended to indicate their general effect.*]

These regulations prescribe the forms to be used in the administration of the Coroners Act 1951, and prescribe the fees payable to Coroners, medical practitioners, and others performing any function under the Act.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 10th day of April 1952.

These regulations are administered in the Department of Justice.