

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CORONERS LAW (1995
REVISION) TO CLARIFY THE TYPES OF VERDICTS WHICH MAY BE
GIVEN BY THE JURY IN A CORONERS COURT; TO MAKE OTHER
MINOR CHANGES TO THE LAW; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

CORONERS (AMENDMENT) BILL, 2015

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Coroners Law (1995 Revision) (“the principal Law”) in order to clarify the types of verdicts a coroner’s jury can give and to make miscellaneous changes.

Clause 1 provides the short title to the Bill and the commencement provision.

Clause 2 amends section 6(4) of the principal Law which deals with the verdict of the jury. Section 6(4) is amended to provide that the verdict of the jury shall, subject to the evidence available, state-

- (a) the name and description of the deceased;
- (b) when the deceased came to his death;
- (c) where the deceased came to his death; and
- (d) the cause and manner of death.

Clause 3 repeals section 9(2) of the principal Law which requires each deposition of a witness in an inquest to be signed by the Coroner and the witness. The Rules Committee of the Grand Court is of the view that such a provision is unduly prescriptive and not appropriate in modern civil proceedings.

Clause 4 amends section 11 of the principal Law to take out the reference to depositions in light of the repeal of section 9(2) and to replace it with statements of witnesses taken under section 4.

Clause 5 amends section 14(2) of the principal law to delete the words “Clerk of the Court” and to substitute therefor “Director of Public Prosecutions” and to also take out the reference to depositions in light of the repeal of section 9(2).

Clause 6 repeals and replaces section 22 of the principal Law. Section 22 of the principal Law provides for the use of the forms set out in the Schedule. Clause 6 inserts a new section 22 which provides that forms to be used under the legislation will be those published by the Rules Committee of the Grand Court.

Clause 7 amends section 24 to provide that rules for the better implementation of the legislation may be made by the Rules Committee without the previously required approval of the Cabinet.

Clause 8 repeals the Schedule.

Clause 9 contains transitional provisions relating to the continued use of forms under the legislation until new forms are published and for the continuation of pending inquests.

CORONERS (AMENDMENT) BILL, 2015

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 6 of the Coroners Law (1995 Revision)- the jury
3. Amendment of section 9- recording of evidence at an inquest
4. Amendment of section 11- intervention by the Director of Public Prosecutions
5. Amendment of section 14- proceeding upon inquisition charging any person with a criminal offence
6. Repeal of section 22 and replacement- forms
7. Amendment of section 24- Rules
8. Repeal of the Schedule
9. Transitional provisions

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Coroners (Amendment) Law, 2015.

Short title and
commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Cabinet.

2. The Coroners Law (1995 Revision), in this Law referred to as the “principal Law”, is amended in section 6 by repealing subsection (4) and substituting the following subsection-

Amendment of section 6
of the Coroners Law
(1995 Revision)- the
jury

“(4) The verdict of the jury shall, subject to the evidence available, state-

- (a) the name and description of the deceased;
- (b) when the deceased came to his death;

- (c) where the deceased came to his death; and
- (d) the cause and manner of death.”.

Amendment of section 9- recording of evidence at an inquest

3. The principal Law is amended in section 9 by repealing subsection (2).

Amendment of section 11- intervention by the Director of Public Prosecutions

4. The principal Law is amended in section 11 by deleting the word “depositions” and by substituting the words “statements taken in evidence under section 4”.

Amendment of section 14 - proceeding upon inquisition charging any person with a criminal offence

5. The principal Law is amended in section 14(2) as follows-

- (a) by deleting the words “Clerk of the Grand Court” and by substituting the words “Director of Public Prosecutions”; and
- (b) by deleting the word “depositions” and by substituting the words “statements taken in evidence under section 4”.

Repeal of section 22 and replacement- forms

6. The principal Law is amended by repealing section 22 and by substituting the following-

“Forms 22. The Rules Committee of the Grand Court shall make and publish forms to give effect to this Law.”.

Amendment of section 24- Rules

7. The principal Law is amended in section 24 by deleting the words “, subject to the approval of the Governor in Council,”.

Repeal of the Schedule

8. The principal Law is amended by repealing the Schedule.

Transitional provisions

9. (1) Every form used under the former Law shall be regarded as issued for use under this new Law until another form is issued under this new Law in place of that form.

(2) All inquests commenced under the former Law and not completed at the date of the commencement of this new Law shall be continued as if this new Law had not come into force.

(3) For the purposes of subsection (2) an inquest shall be considered to have commenced when the coroner notifies the Clerk of the Court of his intention to hold an inquest under section 6 and a jury is empanelled by the Clerk of the Court pursuant to such notice.

(4) In this section-

“the former Law” means the principal Law in force immediately before the date of commencement of this Law; and

“this new Law” means the principal Law as amended by this Law.

Passed by the Legislative Assembly this day of , 2015

Speaker

Clerk of the Legislative Assembly