

Bill No. 47 of 1948.

A BILL TO AMEND THE CORONERS ACT

NOTE.

This Bill amends *The Coroners Act*.

The form of coroner's warrant for burial was not previously included in this Act. Section 8 (1) is amended by the Bill to refer to the form of warrant which is also added in the Schedule to the Act by this Bill. The amended subsection also sets out more specifically the information which the coroner is required to supply to the Registrar General of Vital Statistics.

Under section 105 of *The Coal Mines Regulation Act*, a coroner before holding an inquest on the body of a person killed in any mine explosion or accident is required to notify the Chief Inspector of Mines and the inspector may attend and examine witnesses. The Bill adds a new section 9a drawing the attention of coroners to these provisions. Subsection (2) of section 9a requires that at least three members of the coroner's jury shall be mine workers. Due to technical difficulties and unusual conditions found underground in mines, having persons who are familiar with these conditions on the jury would facilitate determining the cause of death in a mine disaster.

Subsection (3) of section 16 is struck out and replaced by four new subsections. Provision is made in section 25 of *The Vital Statistics Act* for the Registrar General of Vital Statistics to order a coroner to make a post-mortem examination where the same is not ordinarily required under *The Coroners Act*. The new subsections make it clear that the coroner must obtain the consent of the Attorney General or the Provincial Chief Coroner before ordering a post-mortem in the case of an investigation into a death where there is reason to believe that it occurred as the result of violence, foul play or unnatural causes. The coroner is required to obtain the consent of the Registrar General of Vital Statistics before ordering a post-mortem for the purpose of determining the cause of a death where such cause is ill-defined, obscure or unknown. The amendments provide that the coroner shall submit accounts for post-mortems ordered by the Attorney General, to the Attorney General, and for post-mortems ordered by the Registrar General, to the Registrar General.

Section 21 is struck out and two new sections are substituted for it. These sections have been re-arranged and re-numbered for purposes of clarification and subsections (2)

and (3) of section 21 are new. The Act defines the duties of a coroner regarding burial of the body and the supplying of information to the Registrar General of Vital Statistics in cases where an inquest is not necessary. However where an inquest is necessary the coroner's duties in this connection were not previously set out. This omission is remedied by the new subsections (2) and (3) to section 21. Subsection (2) of section 21 permits the coroner to issue his warrant to bury the body after the jury has viewed it. Subsection (3) provides that if the inquest is adjourned or if for any other reason the cause of the death has not been determined at the time the warrant to bury is issued, the coroner is immediately required to forward to the Registrar General the information necessary for registration of the death, and later upon the conclusion of the inquest, he is required to give the information relating to the cause of the death.

The new section 21a covers the remaining portions of the former section 21.

Section 26 is amended by adding a new subsection (2). This subsection provides that at the conclusion of the inquest, the coroner must transmit to the Registrar General of Vital Statistics all information and particulars required pursuant to *The Vital Statistics Act* in connection with the registration of the death and the cause of death.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 47 of 1948.

An Act to amend The Coroners Act.

(Assented to _____, 1948.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Coroners Act*, being chapter 10 of the Statutes of Alberta, 1945, is hereby amended as to section 8 by striking out subsection (1) thereof and by substituting therefor the following:

“**8.**—(1) If the coroner deems an inquest unnecessary, he shall issue his warrant to bury the body in Form BB in the Schedule and shall forthwith transmit to the Attorney General the affidavit in Form C in the Schedule setting forth briefly the result of the inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the Registrar General of Vital Statistics all information and particulars required pursuant to *The Vital Statistics Act* in connection with the registration of the death and the cause of death.”.

2. The said Act is further amended by adding immediately after section 9 thereof, the following new section:

“**9a.**—(1) In any case in which the death may have been caused by an explosion or accident at a coal mine, the coroner shall comply with section 105 of *The Coal Mines Regulation Act* and conduct the inquest in accordance therewith.

“(2) In any such case, at least three of the jurymen shall be mine workers.”.

3. The said Act is further amended as to section 16 by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The coroner shall obtain the consent of the Attorney General or the Provincial Chief Coroner before ordering a post-mortem examination in any case where he is required to make or is making an investigation into any death where there is reason to believe that the deceased died as a result of violence or misadventure, or by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or from any unnatural cause, or under circumstances giving rise to suspicion of foul play or the commission of a criminal offence.

“(4) The coroner shall obtain the consent of the Registrar General of Vital Statistics before ordering a post-mortem examination in any case where he is required to make or is making an investigation into any death other than as set out in subsection (3), where the cause of death is ill-defined, obscure, or unknown, or where the deceased apparently died from disease, conditions resulting from disease, sickness, or other natural causes, or where the Registrar General has ordered the investigation of a sudden death or death following an operation or an accident, pursuant to section 25 of *The Vital Statistics Act*.

“(5) The coroner shall submit accounts payable in respect of,—

“(a) any post-mortem held in connection with any inquest; and

“(b) any post-mortem held with the consent of the Attorney General or the Provincial Chief Coroner; to the Attorney General who shall pay the fees and allowances prescribed pursuant to section 30.

“(6) The coroner shall submit accounts payable in respect of any post-mortem ordered by or held with the consent of the Registrar General of Vital Statistics to the said Registrar.”.

4. The said Act is further amended as to section 21 by striking out the same and by substituting therefor the following:

“**21.**—(1) The coroner and jury shall, at the first sitting of the inquest, view the body, unless a view has been dispensed with under section 13 or section 14.

“(2) The coroner may issue his warrant to bury the body in Form BB in the Schedule after he and the jury have viewed the body at the first sitting of the inquest.

“(3) If the inquest is adjourned or if for any other reason the cause of death has not been determined at the time the warrant to bury is issued, the coroner shall forthwith transmit to the Registrar General of Vital Statistics all information and particulars required in connection with the registration of the death, and upon the conclusion of the inquest shall transmit to the Registrar General of Vital Statistics all information and particulars relating to the cause of death.

“**21a.**—(1) The coroner shall examine on oath, touching the death, all persons who tender their evidence respecting the facts and all persons whom he thinks it expedient to examine as being likely to have knowledge of relevant facts.

“(2) A person who is suspected of causing the death, or who has been charged or is likely to be charged with an offence relating to the death, shall not be compellable to give evidence at the inquest, and before such person gives any evidence this subsection shall be read to him by the coroner.

“(3) Counsel appointed by the Attorney General to act for the Crown at an inquest may attend thereat and may

examine or cross-examine the witnesses called, and the coroner shall summon any witness required on behalf of the Crown.”.

5. The said Act is further amended as to section 26,—

- (a) by renumbering the same as subsection (1) ;
- (b) by adding immediately after subsection (1) thereof the following new subsection:

“(2) The coroner shall forthwith after the conclusion of the inquest transmit to the Registrar General of Vital Statistics all information and particulars required pursuant to *The Vital Statistics Act* in connection with the registration of the death and the cause of death, other than such information and particulars as he may have transmitted pursuant to subsection (3) of section 21.”.

6. The said Act is further amending by adding immediately after Form B in the Schedule the following new form:

“FORM BB.

“(Section 8 (1).)

“WARRANT FOR BURIAL.

“CANADA }
Province of Alberta }

“To.....
and to all others whom it may concern:

“Whereas I have viewed the body of.....
now lying dead at.....

and have inquired into the circumstances of the death; and

“Whereas (I am satisfied that an inquest is unnecessary.)
(the jury has viewed the body at the first sitting of the inquest.)

(strike out portion which is not applicable.)

“These are therefore to certify that you may lawfully
permit the body of the said.....
to be buried; and for your so doing this is your warrant.

“Given under my hand and seal at.....
in the Province of Alberta, this.....day of.....
A.D. 19.....

(A Coroner in and for the Province of Alberta.)”

7. This Act shall come into force on the day upon which it is assented to.

No. 47

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act to amend The Coroners Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer