

1972 Bill 22

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

The Coroners Amendment Act, 1972

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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BILL 22

1972

THE CORONERS AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Coroners Act is hereby amended.*

2. *Section 7 is amended by striking out subsection (2) and by substituting the following:*

(2) Where a person dies in a hospital in Alberta within 30 days after an operation upon him, the medical superintendent or administrator of the hospital shall, within 48 hours of the death, give notice in the prescribed form of the details of the death to the Provincial Chief Coroner.

3. *Section 8 is amended by adding the following subsection after subsection (1):*

(1.1) Where there is reason to believe that a person died in any of the circumstances mentioned in subsection (1), the body of the deceased shall not be embalmed or cremated and no chemical shall be applied to it externally or internally and no alteration of any kind shall be made to it until the coroner so directs.

4. *Section 9, subsection (1), clause (a) is amended by striking out the words "bury the body," and by substituting the words "release the body for burial,".*

5. *Section 10 is amended*

(a) *as to subsection (1), clause (c) by striking out the words "bury the body" and by substituting the words "release the body for burial",*

(b) *by striking out subsections (3) and (4) and by substituting the following:*

(3) Where the body of a deceased person is viewed by the coroner or a peace officer in the presence of some person who is able to identify the deceased, the person who is so able to make iden-

Explanatory Notes

1. This Bill amends chapter 69 of the Revised Statutes of Alberta 1970.

2. This amendment expedites the reporting procedure and removes the difficulty of a coroner who is involved in the operation. Section 7 (2) presently reads:

(2) Where a person dies in a hospital in the Province within thirty days after an operation upon him, the medical superintendent of the hospital shall immediately give notice of the details of the death to the coroner who ordinarily has jurisdiction in the locality in which the hospital is situated.

3. No interference with the body without the coroner's consent.

4. This amendment is to correspond more accurately with the form used. Section 9 (1) (a) presently reads:

9. (1) If the coroner considers an inquest to be unnecessary, he shall
(a) issue his warrant in the prescribed form to bury the body,

The warrant includes not only permission for release of the body but also to obtain a burial permit.

5. Identification of deceased persons. Section 10 presently reads:

10. (1) Where a coroner after an investigation has good reason to believe that a deceased came to his death under circumstances making it necessary to hold an inquest, the coroner may

- (a) view the body of the deceased,
- (b) if he considers it necessary, direct that a post-mortem examination be performed, in accordance with section 18, upon the body of the deceased, and
- (c) issue his warrant in the prescribed form to bury the body.

(2) Where a coroner views a body pursuant to subsection (1) he shall do so in the presence of some person able to identify the deceased, unless the Attorney General pursuant to section 15 dispenses with this requirement.

(3) Where the body of a deceased is viewed by the coroner in the presence of some person able to identify the deceased, that person shall swear an affidavit in the prescribed form as to the identity of the deceased.

(4) An affidavit made pursuant to this section is prima facie proof of the identity of the deceased and of the viewing of the body of the deceased by the coroner and no proof as to the making of the affidavit or the signature of the deponent shall be required at an inquest or in any court.

tification shall execute a certificate in the prescribed form setting out the identity of the deceased.

(4) A certificate executed pursuant to this section is prima facie proof of the identity of the deceased person and of the viewing of the body of the deceased by the coroner or a peace officer and no proof of the execution of the certificate or the signature of the person certifying shall be required at an inquest or in any court.

6. *Section 13 is amended by striking out subsection (1) and by substituting the following:*

13. (1) Where an inmate in a correctional institution, detention centre, juvenile treatment centre or other place where a person is held under a warrant of a provincial judge or of a judge of a superior court, dies, the chief executive officer or other person in charge or his delegate shall forthwith give notice of the death to the coroner.

7. *Section 17 is amended by striking out subsection (2).*

8. *Section 18 is amended*

(a) *as to subsection (5) by striking out all the words after clause (c) and by substituting the words*

“the coroner may order a post-mortem examination to be made and shall forthwith notify the Provincial Chief Coroner of the order”,

(b) *as to subsection (6) by striking out all the words after clause (b) and by substituting the words*

“the coroner may order a post-mortem examination to be made and shall forthwith notify the Provincial Chief Coroner of the order”,

(c) *by striking out subsection (7) and by substituting the following:*

(7) The coroner shall submit accounts that are payable in respect of a post-mortem examination held in connection with an inquest or investigation to the Attorney General who shall pay the fees and allowances prescribed.

9. *Section 19, subsection (3) is amended by striking out the word “jail,” and by substituting the words “correctional institution,”.*

10. *Section 29, subsection (1), clause (b) is amended by striking out the word “affidavits” and by substituting the word “certificates”.*

11. *Section 30 is struck out.*

12. *This Act comes into force on July 1, 1972.*

6. Section 13 (1) presently reads:

13. (1) Where a prisoner in a jail, house of correction, detention home, reformatory or lock-up dies, the warden, jailer, keeper or superintendent thereof shall immediately give notice of the death to the coroner.

7. Inquests at coal mines. Section 19 will govern in place of section 17 (2) which presently reads:

(2) At an inquest where the death may have been caused by an explosion or accident at a mine not less than three of the jurymen shall be mine workers.

8. Post-mortem examinations. Section 18, subsections (5) to (7) presently read:

(5) Where a coroner is required to make or is making an investigation into a death and there is reason to believe that the deceased died

(a) as a result of violence or misadventure or by unfair means, or

(b) as a result of negligence or misconduct or malpractice on the part of others, or

(c) under circumstances giving rise to suspicion of foul play or commission of a criminal offence,

the coroner shall obtain the consent of the Attorney General or the Provincial Chief Coroner before ordering a post-mortem examination.

(6) Where a coroner is required to make or is making an investigation into a death other than a death from or in circumstances referred to in subsection (5),

(a) if the cause of death is ill-defined, obscure or unknown, or

(b) if the deceased apparently died from disease, conditions resulting from disease, sickness or other natural causes,

the coroner shall obtain the consent of the Provincial Chief Coroner before ordering a post-mortem examination.

(7) The coroner shall submit accounts that are payable in respect of

(a) a post-mortem examination held in connection with an inquest, or

(b) a post-mortem examination 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 33.

9. This change in name is in accord with The Corrections Act.

10. Consequential amendment arising from amendments to sections 10 and 11.

11. The returns are made by the Provincial Chief Coroner's office and the form is obsolete. Section 30 reads:

30. Each coroner at the end of each year shall transmit to the Attorney General's Department a statement setting forth the investigations and inquests, together with the particulars of each, held by him during the preceding year, which statement shall be in the prescribed form or to the like effect.