



Jersey

INQUESTS AND POST-MORTEM EXAMINATIONS (JERSEY) LAW 1995

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INQUESTS AND POST-MORTEM EXAMINATIONS (JERSEY) LAW 1995

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A **LAW** to make provision for the holding of inquests and post-mortem examinations, and for connected purposes

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation¹

In this Law, unless the context otherwise requires –

“Court” means the Royal Court;

“police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force;

“registered medical practitioner” means a medical practitioner registered under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#) and, for the purpose of the performance of a post-mortem examination pursuant to Article 17 or 18, includes a person who is qualified to be registered under that Law;

“relevant registrar” has the same meaning as it has in the [Marriage and Civil Status \(Jersey\) Law 2001](#), and in relation to a relevant registrar, “register of deaths” means the register maintained by that registrar for the registration of deaths under that Law.

PART 2

FUNCTIONS AND POWERS OF VISCOUNT

2 Duty to notify death

- (1) Subject to paragraphs (3) and (4), any person who has reason to believe that a deceased person died –
- (a) as a result of violence or misadventure;
 - (b) as a result of negligence or misconduct or malpractice on the part of others;
 - (c) from any cause other than natural illness or disease for which the deceased person had been seen and treated by a registered medical practitioner; or
 - (d) under such circumstances as may require investigation,
- shall immediately notify a police officer of the facts and circumstances relating to the death, and the police officer shall, as soon as reasonably practicable thereafter, notify the Viscount of such facts and circumstances.
- (2) Where –
- (a) the police officer to whom notice is given under paragraph (1) is not a member of the Honorary Police; and
 - (b) the body of the deceased person is in Jersey,
- that police officer shall forthwith communicate the facts and circumstances relating to the death to a Centenier of the parish in which the body is lying.
- (3) Where a person dies while –
- (a) in the custody of the police; or
 - (b) in prison or other legal place of detention,
- the police officer having custody of that person, or the person in charge of the prison or other legal place of detention, shall immediately give notice of the death to the Viscount (but, for the purposes of this paragraph, a person shall not be taken to be in a legal place of detention by virtue only of the fact that the person is subject to a significant restriction on his or her liberty under Part 5 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#)).²
- (4) Where a person dies while –
- (a) a patient in an approved establishment within the meaning of the [Mental Health \(Jersey\) Law 2016](#); or
 - (b) a child accommodated in a children's home within the meaning of the [Children \(Jersey\) Law 2002](#) or a home consisting of a care home service within the meaning of paragraph 4 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#);
- the managers of the approved establishment or (as the case may be) the person in charge of the home shall immediately notify a police officer of the facts and circumstances relating to the death, and the police officer shall as soon as reasonably practicable notify the Viscount of those facts and circumstances.³
- (5) Any person who fails to comply with paragraph (3) or (4) shall be guilty of an offence and be liable to a fine not exceeding level 3 on the standard scale.

- (6) Where there is any reason to believe that a deceased person died in any of the circumstances mentioned in paragraph (1), (3) or (4) –
- (a) the body of the deceased person shall not be cremated or buried;
 - (b) no chemical shall be applied to it externally or internally; and
 - (c) no alteration of any kind shall be made to it,
- until the Viscount so authorizes.
- (7) Any person who contravenes paragraph (6) shall be guilty of an offence and be liable to a fine not exceeding level 3 on the standard scale.

3 Inquiries by Viscount

- (1) Where –
- (a) a dead body has been found in a public place; or
 - (b) there is reason to believe that a deceased person died in any of the circumstances mentioned in Article 2(1), (3) or (4),
- the body shall come under the jurisdiction of the Viscount who shall issue such instructions and make such investigation as may be required to enable the Viscount to determine whether or not an inquest should be held.
- (2) For the purposes of exercising his or her powers under paragraph (1), the Viscount may, without the consent of any other authority, direct the exhumation of the body.

4 Power to hold inquest

- (1) The Viscount may hold an inquest –
- (a) where a dead body has been found in a public place;
 - (b) where –
 - (i) the body of the deceased has been removed into Jersey,
 - (ii) the Viscount has reason to believe that the death occurred in Jersey but the body of the deceased has been destroyed or cannot for any reason be found or recovered,and the Viscount has reason to believe that the deceased died in any of the circumstances mentioned in Article 2(1)(a) or (b) or 2(3); or
 - (c) where the Viscount has any reason to believe that the deceased died suddenly and unexpectedly or in suspicious circumstances.
- (2) An inquest may be held pursuant to this Article notwithstanding that the body of the deceased has been buried and not exhumed.

5 Duty to hold inquest

The Viscount shall hold an inquest –

- (a) where the body of the deceased is in Jersey and the Viscount has reason to believe that the deceased died in Jersey in any of the circumstances mentioned in Article 2(1)(a) or (b) or 2(3);

- (b) where the Viscount has reason to believe that the deceased died in any of the circumstances mentioned in Article 2(4) unless –
 - (i) there is produced to the Viscount a certificate given under Article 64 of the [Marriage and Civil Status \(Jersey\) Law 2001](#) by a registered medical practitioner who is qualified, within the meaning of that Article, in relation to the death, or
 - (ii) the Viscount is satisfied that there is no ground for holding an inquest.⁴

6 Burial or cremation of body

Where a body has come under the jurisdiction of the Viscount, the Viscount may, in writing –

- (a) at any time, release the body for burial;
- (b) at any time after an inquest has been opened, release the body for cremation.

PART 3

INQUESTS

7 Jury

- (1) For the purposes of an inquest, the Viscount may, if he or she considers it to be in the public interest, summon 12 persons selected by the Viscount to act as a jury.
- (2) No person shall be selected to serve on a jury unless the person is eligible to serve as a juror under the provisions of Article 63 of the [Criminal Procedure \(Jersey\) Law 2018](#).⁵
- (3) If it appears to the Viscount whether before he or she proceeds to hold an inquest without a jury, or in the course of an inquest begun without a jury that there is any reason for summoning a jury, the Viscount may proceed to summon a jury in accordance with this Article.
- (4) Members of the jury shall take oath before the Viscount in the form set out in the Schedule.
- (5) If during the course of an inquest a juror dies or is discharged by the Viscount for any reason, the Viscount may proceed with the remaining jurors and take their finding which shall have the same effect as the finding of the whole number, so long as the number of jurors is not reduced below 10.

8 Inquest without a jury

- (1) The provisions of this Law relating to the procedure in connection with an inquest shall, as respects an inquest, or any part thereof, which is held without a jury, have effect subject to such modifications as are rendered necessary by the absence of a jury and, where the whole of an inquest is held without a jury, the finding of the inquest shall be under the hand of the Viscount alone.

- (2) Where an inquest, or any part thereof, is held without a jury anything done at the inquest, or at that part of the inquest, by or before the Viscount alone shall be as validly done as if it had been done by or before the Viscount and a jury.

9 Summoning of witnesses

- (1) Where the Viscount intends to hold an inquest, he or she may issue a summons to any person whom he or she thinks necessary to attend the inquest at the time and place specified in the summons for the purpose of giving evidence concerning the death.
- (2) This Article does not prevent a person who has not been summoned from giving evidence at the inquest.

10 View of body

- (1) Where any body comes under the jurisdiction of the Viscount, he or she may view the body but shall not be obliged to do so.
- (2) The validity of an inquest shall not be questioned in any court on the ground that the Viscount did not view the body.

11 Proceedings at inquest

- (1) The Viscount may at the inquest examine on oath all persons having knowledge of the facts whom he or she thinks it expedient to examine.
- (2) At any inquest, any person who in the opinion of the Viscount has a sufficient interest in the subject or the result of the inquest may attend personally or be represented by an advocate or solicitor and may question witnesses.
- (3) The Attorney General shall be entitled to attend or to be represented at any inquest and to examine, or cause to be examined, any witness.
- (4) Subject to the provisions of this Article, an inquest shall be held in public.
- (5) If the Viscount considers it desirable in the interests of justice or good order, he or she may exclude any person from the whole or any part of the proceedings at the inquest, or may prohibit or restrict the publication of any part of the evidence given at the inquest.
- (6) The Viscount may direct that any witness not yet heard at an inquest shall go and remain outside the place of hearing until required to give evidence.
- (7) At any inquest the Viscount may admit any evidence that he or she thinks fit whether or not the same is otherwise admissible in a court of law.

12 Protection of witnesses and counsel

Every witness attending and giving evidence at an inquest held under this Law and every advocate and solicitor (including the Attorney General or his or her representative) and every interested person appearing before the Viscount shall have the same privileges and immunities as they would have in a court of law.

13 Adjournment of inquest

- (1) Subject to the provisions of this Article, the Viscount may adjourn an inquest from day to day or for such time as he or she sees fit.
- (2) If at an inquest the Viscount is informed that some person has been, or may be, charged with causing the death in respect of which the inquest is being held, the Viscount shall, subject to paragraph (3), adjourn the inquest until after the conclusion of any criminal proceedings and, if a jury has been summoned, the Viscount may, if he or she thinks fit, discharge them.
- (3) The Viscount –
 - (a) need not adjourn the inquest pursuant to paragraph (2) if, before he or she has done so, the Attorney General notifies the Viscount that such adjournment is unnecessary;
 - (b) may in any case resume the adjourned inquest before the conclusion of any criminal proceedings if notified by the Attorney General that it is open to the Viscount to do so.
- (4) Where the Viscount resumes an inquest which has been adjourned pursuant to paragraph (2) and for that purpose summons a jury (but not where the Viscount resumes without a jury, or with the same jury as before the adjournment) the Viscount shall proceed in all respects as if the inquest had not previously been begun and, subject to paragraph (5), the provisions of this Law shall apply as if the resumed inquest were a fresh inquest.
- (5) Where the Viscount resumes an inquest which has been adjourned pursuant to paragraph (2), the finding of the inquest must not be inconsistent with the outcome of any criminal proceedings.

14 Finding of inquest

- (1) After hearing the evidence the jury shall give its finding in writing which shall state –
 - (a) who the deceased was; and
 - (b) how, when and where the deceased came by his or her death,so far as such particulars have been proved to them.
- (2) The jury shall also enquire of and find the particulars required by or under the [Marriage and Civil Status \(Jersey\) Law 2001](#) to be registered concerning the death.⁶
- (3) The jury shall not make any finding of legal responsibility on any matter referred to in paragraph (1).
- (4) If the jury fail to agree on a finding the Viscount may accept a majority finding where not more than 2 members of the jury disagree.
- (5) In any other case of disagreement, the Viscount shall discharge the jury and summon another and the inquest shall then proceed as if the first inquest had not taken place.
- (6) The finding shall be transmitted by the Viscount to the Court for registration.

- (7) After the Court has registered the finding, the Viscount shall notify the relevant registrar for the parish in which the death occurred, and the relevant registrar shall make an entry in the register of deaths accordingly.⁷

15 Order to hold inquest

- (1) Where in respect of any death the Court is satisfied, on the application of any person appearing to it to have sufficient interest in the matter, that the Viscount refuses or neglects to hold an inquest which ought to be held, the Court may order the Viscount to hold an inquest into the death.
- (2) Unless the order of the Court otherwise provides, any such inquest shall be held in the same manner as any other inquest.

16 Court may order fresh inquest to be held

- (1) Where an inquest has been held and it is shown to the satisfaction of the Court, on an application made by, or on behalf of, the Attorney General that, by reason of fraud, irregularity of proceedings, the discovery of new facts or evidence, or otherwise, it is necessary or desirable in the interests of justice that another inquest should be held, the Court may quash the finding of the former inquest and order that another inquest should be held.
- (2) On any such inquest, unless the Court otherwise directs, all evidence taken on the former inquest in respect of the death shall be deemed to have been taken on the new inquest.
- (3) Except as otherwise provided by this Article, or by the order of the Court, any such inquest shall be held in the same manner as any other inquest.

PART 4

POST-MORTEM AND SPECIAL EXAMINATIONS

17 Post-mortem examination

- (1) The Viscount may at any time before the termination of an inquest authorize a registered medical practitioner to perform a post-mortem examination of the body of the deceased person.
- (2) Any registered medical practitioner who has attended the deceased person immediately prior to his or her death shall be entitled to be present at the post-mortem examination and the Viscount may, if he or she thinks it necessary, have notice served on any such registered medical practitioner requiring him or her to attend the post-mortem examination or to submit a report for the assistance of the person holding the post-mortem examination.
- (3) On application being made to him or her, the Viscount may permit any other person to be represented by a registered medical practitioner as an observer at any such post-mortem examination.

18 Post-mortem examination without inquest

- (1) Where the Viscount is informed that there is reasonable cause to suspect that a person has died of an unknown cause, if he or she is of opinion that a post-mortem examination may prove an inquest to be unnecessary, he or she may authorize any registered medical practitioner to make a post-mortem examination of the body of the deceased and to report the result thereof to the Viscount in writing.
- (2) If, following a post-mortem examination under paragraph (1), the Viscount decides that an inquest is unnecessary, the Viscount must authorize the registered medical practitioner who conducted the examination to deliver to the relevant registrar for the parish in which the death occurred a certificate stating the cause of death as disclosed by the examination, and the relevant registrar must make an entry accordingly in the register of deaths for that parish.⁸
- (3) Delivery of a certificate in accordance with paragraph (2) shall act as a discharge of the duty in Article 64 of the [Marriage and Civil Status \(Jersey\) Law 2001](#).⁹
- (4) Nothing in this Article shall be construed as authorizing the Viscount to dispense with an inquest in any case to which Article 5 applies.

19 Viscount may require medical report

Whether or not an inquest is to be held, the Viscount may require any registered medical practitioner who has recently attended the person into whose death the Viscount is inquiring to supply him or her with a medical report relating to the deceased person.

20 Viscount may order analysis

Where the Viscount considers an analysis of any thing necessary for the purposes of his or her duties under this Law, the Viscount may direct that such analysis be made, and the person who makes or supervises such analysis shall submit a report of the analysis to the Viscount.

PART 5**SUPPLEMENTAL****21 Connétable to be notified of inquest**

- (1) Where the Viscount –
 - (a) intends to hold an inquest; and
 - (b) has reason to believe that, immediately before the person's death, the deceased person was resident in Jersey,the Viscount shall notify the Connétable of the parish in which he or she believes the deceased person to have been resident of the time and place of the inquest.
- (2) Subject to Article 11(5), a Connétable who has received notification from the Viscount under paragraph (1) shall be entitled to attend the inquest or to be represented thereat by a Centenier of the parish.

22 Attendance of jury and witnesses

Every person summoned as a member of a jury or as a witness who fails without good and sufficient cause to obey any such summons, or who refuses without lawful excuse to answer any question put to him or her at the inquest, shall be guilty of an offence and be liable to a fine not exceeding level 2 on the standard scale.

23 Unlawful publication of proceedings

Every person who publishes any proceedings of an inquest in contravention of a prohibition or restriction under Article 11(5) shall be guilty of an offence and be liable to a fine.

24 Expenses

All expenses incurred by the Viscount in connection with the holding of inquests, and in the discharge of his or her other functions under this Law, shall be paid out of the annual income of the States.

25 Power to make Rules

- (1) The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#) shall include a power to make Rules relating to the procedure and practice to be followed by the Viscount under this Law and to give effect to this Law.
- (2) Without prejudice to the generality of paragraph (1), Rules may be made as to –
 - (a) the records to be kept by the Viscount;
 - (b) the practice and procedure at or in connection with inquests and post-mortem examinations;
 - (c) the fees to be paid to a registered medical practitioner supplying a report or performing a post-mortem examination;
 - (d) the fees and costs, if any, to be paid to members of the jury or witnesses at an inquest.

26 Citation

This Law may be cited as the Inquests and Post-Mortem Examinations (Jersey) Law 1995.

SCHEDULE¹⁰

(Article 7(4))

FORM OF OATH TO BE TAKEN BY MEMBERS OF JURY

You swear and promise before God that you will well and faithfully report your finding, according to the evidence presented, as to how, when and where you conscientiously believe that came by his or her death and the particulars required by or under the [Marriage and Civil Status \(Jersey\) Law 2001](#) to be registered concerning the death, which you will do without favour, hatred or partiality as you will answer to Almighty God at your peril.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Inquests and Post-Mortem Examinations (Jersey) Law 1995	L.9/1995	1 July 1995 (R&O.8836)	
Marriage and Civil Status (Jersey) Law 2001	L.31/2001	1 May 2002	P.89/2001
Children (Jersey) Law 2002	L.50/2002	1 August 2005 (R&O.74/2005)	P.200/2001
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Regulation of Care (Regulated Activities) (Jersey) Regulations 2018	R&O.118/2018	1 January 2019	P.126/2018
Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021	R&O.94/2021	1 October 2021	P.59/2021
Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 2022	R&O.55/2022	1 January 2023 (R&O.117/2022)	P.45/2022
Marriage and Civil Status (Amendment No. 5) (Jersey) Law 2023	L.6/2023	24 March 2023	P.6/2022

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(1)	1
(2), (3), (4)	spent, omitted from this revised edition
PART II	PART 2
PART III	PART 3
PART IV	PART 4
18(4)	repealed by L.31/2001
(5)	18(4)
PART V	PART 5
26	spent, omitted from this revised edition
27	spent, omitted from this revised edition
28	26

Original	Current
FIRST SCHEDULE	SCHEDULE
SECOND SCHEDULE	spent, omitted from this revised edition
THIRD SCHEDULE	spent, omitted from this revised edition

Table of Endnote References

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- ¹ Article 1 *definition “Registrar” inserted by L.31/2001, amended by L.6/2023*
- ² Article 2(3) *amended by R&O.49/2018*
- ³ Article 2(4) *substituted by R&O.49/2018, amended by R&O.118/2018, R&O.55/2022*
- ⁴ Article 5 *amended by L.31/2001*
- ⁵ Article 7(2) *amended by R&O.94/2021*
- ⁶ Article 14(2) *amended by L.31/2001*
- ⁷ Article 14(7) *inserted by L.31/2001, substituted by L.6/2023*
- ⁸ Article 18(2) *substituted by L.6/2023*
- ⁹ Article 18(3) *substituted by L.31/2001*
- ¹⁰ Schedule *amended by L.31/2001*