



Jersey

# **INQUESTS AND POST-MORTEM EXAMINATIONS RULES 1995**

## **Official Consolidated Version**

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Jersey

## INQUESTS AND POST-MORTEM EXAMINATIONS RULES 1995

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Jersey

## INQUESTS AND POST-MORTEM EXAMINATIONS RULES 1995

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 25 of the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#), and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

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### Rule 1

Where the Viscount requests that a post-mortem examination shall be made, it shall be made as soon after the death of the deceased as is reasonably practicable.

### Rule 2

In considering which medical practitioner shall be authorized to perform a post-mortem examination of the body of a deceased person the Viscount shall have regard to the following considerations –

- (i) the post-mortem examination shall be made, whenever practicable, by a pathologist with suitable qualifications and experience;
- (ii) if the Viscount is informed by the Attorney General that a person has been charged or may be charged with the murder or manslaughter of the deceased, the Viscount shall consult the Attorney General regarding the selection of the medical practitioner who is to make the post-mortem examination;
- (iii) if the deceased died in a hospital the Viscount shall not request a pathologist on the staff of, or associated with, that hospital to make a post-mortem examination if –
  - (a) that pathologist does not desire to make the examination,
  - (b) the conduct of any member of the Hospital staff is, in the opinion of the Viscount, likely to be called seriously into question, or
  - (c) any relative of the deceased asks the Viscount, on any ground which the Viscount thinks substantial, that the examination be not made by such pathologist,

unless the obtaining of another pathologist with suitable qualifications and experience would cause the examination to be delayed unduly.

### Rule 3

Where a person lodges with the Viscount an affidavit that, in his or her belief, the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner, that medical practitioner shall not be allowed to perform, or assist at, any post-mortem examination for the purposes of the inquest on the deceased, but such medical practitioner shall have the right, if he or she so desires, to be present, or to be represented, at the examination.

### Rule 4

The medical practitioner making a post-mortem examination shall report his or her findings in writing to the Viscount.

### Rule 5

If any medical practitioner who has made such a post-mortem examination as aforesaid is summoned as a witness at the inquest, he or she may be asked to give evidence as to his or her opinion on any matter arising out of the examination and as to how, in his or her opinion, the deceased came by his or her death.

### Rule 6

An inquest shall not be held on Christmas Day or Good Friday and shall not, unless the Viscount thinks it requisite on grounds of urgency, be held on any other day appointed under Article 2 of the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#), to be observed as a Public Holiday or on a Sunday.

### Rule 7

The Viscount shall, so far as is reasonably practicable, notify the date, hour and place of any inquest or any resumption thereof to –

- (i) the spouse or civil partner or a near relative or personal representative of the deceased whose name and address are known to the Viscount; and
- (ii) any other person who, in the opinion of the Viscount, has a proper interest and has asked the Viscount to notify him or her of the particulars of the inquest.<sup>1</sup>

### Rule 8

If it appears to the Viscount, either before or during an inquest, that the conduct of any person has been or is likely to be called into question on grounds which the Viscount considers to be substantial and relevant to the purpose of the inquest the Viscount shall take such steps as are reasonably practicable to ensure that such person is given the opportunity of being present, if he or she so desires, and the Viscount may adjourn the inquest for that purpose.

**Rule 9**

Where an inquest has been adjourned for any reason the Viscount shall, on application, supply to any person who, in the opinion of the Viscount, is a properly interested person, an interim certificate of the fact of death.

**Rule 10**

Subject to the provisions of Article 13(2) of the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#) (hereafter referred to as the “principal Law”) an inquest shall not be adjourned solely by reason of the institution of criminal proceedings arising out of the death of the deceased.

**Rule 11**

No person shall be permitted to address the Viscount or the jury as to the facts at an inquest.

**Rule 12**

The proceedings and evidence at an inquest shall be directed solely to ascertaining the matters set out in Article 14(1) and (2) of the principal Law and neither the Viscount nor the jury shall express any opinion on any other matters save that if the Viscount or the jury, as the case may be, believes that action should be taken to prevent recurrence of fatalities similar to that in respect of which the inquest is being held the Viscount may announce at the inquest that he or she is reporting the matter in writing to the person or authority who may have the power to take such action and he or she may report the matter accordingly.

**Rule 13**

All exhibits produced in evidence at an inquest shall be appropriately marked by the Viscount.

**Rule 14**

The Viscount shall take notes of evidence at every inquest and for the purpose of this Rule an electronic recording of proceedings shall be sufficient. The Viscount may cause an electronic recording of proceedings to be deleted at any time after 3 years from the date of the Inquest.<sup>2</sup>

**Rule 15**

Every exhibit at an inquest shall, unless the Royal Court otherwise directs, be retained by the Viscount until the Viscount is satisfied that the exhibit is not likely to be, or will no longer be, required for the purpose of any other legal proceedings, and may then, if a request for its delivery has been made by a person appearing to the Viscount to be entitled to the possession thereof, be delivered to that person, or, if no such request has been made, be destroyed or otherwise disposed of as the Viscount thinks fit.

**Rule 16**

Any document (other than an exhibit at an inquest) in the possession of the Viscount in connection with an inquest or post-mortem examination, shall, unless the Royal Court otherwise directs, be retained by the Viscount for at least 10 years, provided that the Viscount may deliver any such document to any person who in the opinion of the Viscount is a proper person to have possession of it.

**Rule 17**

The Viscount shall keep an indexed register of all deaths notified to the Viscount which shall contain the particulars specified in Schedule 1.

**Rule 18**

The fees and costs to be paid by the Viscount in respect of post-mortems and inquests shall be those set out in Schedule 2.

**Rule 19**

These Rules may be cited as the Inquests and Post-Mortem Examinations Rules 1995.

**SCHEDULE 1****PARTICULARS TO BE RECORDED IN REGISTER OF DEATHS NOTIFIED TO THE VISCOUNT**

- 1 Date on which death is notified
- 2 Full name of deceased
- 3 Address
- 4 Date of birth
- 5 Sex
- 6 Occupation (if known)
- 7 Cause of death
- 8 Method of disposal
  - (a) Post-mortem without inquest
  - (b) Post-mortem and inquest
  - (c) Other



**SCHEDULE 2<sup>3</sup>**

(Rule 18)

**FEEES**

The fees and costs for inquests and post-mortems shall be as follows –

<b>1</b>	(a) for a medical practitioner making a post-mortem examination of the body of the deceased and reporting the result to the Viscount	£128.60
	(b) for a medical practitioner making a post-mortem examination of the body of the deceased requiring special skills, additional work and responsibility and reporting the result to the Viscount	£287.00
<b>2</b>	for a medical practitioner making a post-mortem examination under paragraph 1 if he or she appears as a witness at the inquest	£95.30
<b>3</b>	for any other medical practitioner appearing as a witness at the inquest	£71.20
<b>4</b>	for any other medical practitioner supplying the Viscount with a medical report relating to the deceased	£65.45
<b>5</b>	for each member of the inquest jury	up to £19.50 per day
<b>6</b>	for a witness attending an inquest (at the discretion of the Viscount) –	
	(a) for loss of earnings resulting from attendance	up to £61.50 per half day
	(b) for reasonable expenses of travel to and from Jersey and subsistence for a witness necessarily travelling to Jersey	up to the amount of the expenses actually and necessarily incurred
<b>7</b>	for a medical practitioner making a histological examination of tissue samples	at the discretion of the Viscount, up to £21.25 per sample for a maximum of 5 samples per case.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Inquests and Post-Mortem Examinations (Jersey) Rules 1995	<a href="#">R&amp;O.8825</a>	2 May 1995
Inquests and Post-Mortem Examinations (Amendment) (Jersey) Rules 1998	<a href="#">R&amp;O.9193</a>	2 February 1998
Inquests and Post-Mortem Examinations (Amendment No. 2) (Jersey) Rules 1999	<a href="#">R&amp;O.9372</a>	18 March 1999
Inquests and Post-Mortem Examinations (Amendment No. 3) (Jersey) Rules 2001	<a href="#">R&amp;O.139/2001</a>	1 November 2001
Inquests and Post-Mortem Examinations (Amendment No. 4) (Jersey) Rules 2004	<a href="#">R&amp;O.32/2004</a>	1 May 2004
Inquests and Post-Mortem Examinations (Amendment No. 5) Rules 2006	<a href="#">R&amp;O.89/2006</a>	1 October 2006
Inquests and Post-Mortem Examinations (Amendment No. 6) Rules 2008	<a href="#">R&amp;O.125/2008</a>	29 September 2008
Inquests and Post-Mortem Examinations (Amendment No. 7) Rules 2010	<a href="#">R&amp;O.85/2010</a>	1 October 2010
Inquests and Post-Mortem Examinations (Amendment No. 8) Rules 2012	<a href="#">R&amp;O.43/2012</a>	2 April 2012
Inquests and Post-Mortem Examinations (Amendment No. 9) Rules 2016	<a href="#">R&amp;O.126/2016</a>	1 January 2017

### Table of Renumbered Provisions

Original	Current
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2

### Table of Endnote References

- <sup>1</sup> Rule 7                                amended by R&O.43/2012  
<sup>2</sup> Rule 14                                amended by R&O.89/2006  
<sup>3</sup> Schedule 2                            substituted by R&O.126/2016