1960

c 69 Coroners Act

Ontario
CHAPTER 69
The Coroners Act

1. The Lieutenant Governor in Council may appoint one or more coroners for any municipality or provisional judicial district. R.S.O. 1950, c. 70, s. 1.

2.—(1) The Lieutenant Governor in Council may appoint a coroner for Ontario, to be known as supervising coroner, who shall act in an advisory capacity to coroners and who shall have such other powers and perform such other duties as the regulations prescribe.

(2) In lieu of fees the supervising coroner shall be paid out of the Consolidated Revenue Fund such salary as the Lieutenant Governor in Council fixes. R.S.O. 1950, c. 70, s. 2.

3.—(1) The Lieutenant Governor in Council may appoint a coroner, to be known as chief coroner, for any city having a population of more than 100,000, who shall have control over the coroners for the city and who shall have such other powers and perform such other duties as the regulations prescribe. R.S.O. 1950, c. 70, s. 3 (1).

(2) In lieu of fees every chief coroner shall be paid half-yearly by the corporation of the city such salary as the Lieutenant Governor in Council fixes. R.S.O. 1950, c. 70, s. 3 (2); 1957, c. 14, s. 1.

(3) Where the chief coroner of a city is also the supervising secretary coroner and the corporation of the city has appointed or appoints a secretary for him, the corporation shall be reimbursed quarterly out of the Consolidated Revenue Fund to the extent of one-third of the salary of such secretary and one-third of the amount, if any, paid by the corporation under the civic pension fund or plan in respect of such secretary. 1954, c. 13, s. 1, amended.

(4) The corporation of a city may appoint one or more technicians persons as technicians to assist the coroners for the city in the performance of their duties. 1958, c. 13, s. 1.
4. A certified copy of the order appointing a coroner shall be sent by the Inspector of Legal Offices to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1950, c. 70, s. 4.

5. The Attorney General may in writing direct any coroner to act in any designated municipality or provisional judicial district in addition to the municipality or district for which he was appointed, and a coroner to whom such direction is given has the same powers and shall perform the same duties in the designated municipality or district as a coroner appointed for the designated municipality or district. R.S.O. 1950, c. 70, s. 5.

6. The Attorney General or the Crown attorney for the district may in writing direct any magistrate in a provisional judicial district to act as a coroner for the district, and a magistrate to whom such direction is given has the same powers and shall perform the same duties in the district as a coroner appointed for the district. R.S.O. 1950, c. 70, s. 6.

7.—(1) Every practitioner, funeral director, embalmer and every person occupying a house in which a deceased person was residing who has reason to believe that the deceased person 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 cause other than disease or under such circumstances as may require investigation shall immediately notify a coroner having jurisdiction in the place where the body of the deceased person is of the facts and circumstances relating to the death.

(2) The notice required by subsection 1 shall be given in every case where the practitioner, funeral director, embalmer or occupant is aware that the deceased had been suffering from disease or sickness and had not been treated or attended by a legally qualified medical practitioner. R.S.O. 1950, c. 70, s. 7.

8. Where there is reason to believe that a person died in any of the circumstances mentioned in section 7, 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. R.S.O. 1950, c. 70, s. 8.

9. Every person who contravenes section 7 or 8 is guilty of an offence and on summary conviction is liable to a fine of not more than $500 or to imprisonment for a term of not more than six months, or both. R.S.O. 1950, c. 70, s. 9.
10.—(1) Where a coroner is informed that there is in his jurisdiction the body of a person and that there is reason to believe that the person died in any of the circumstances mentioned in section 7, he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary.

(2) The coroner may, with the consent of the Crown attorney, employ experts to assist him in the investigation.

(3) After the issue of the warrant no other coroner shall issue a warrant or interfere in the case, except under the instructions of the Attorney General or the Crown attorney. R.S.O. 1950, c. 70, s. 10, amended.

11.—(1) Where a death occurs at a place that is difficult for the coroner who has issued his warrant to take possession of the body to attend, he may, with the consent of the Crown attorney, authorize and direct a legally qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further investigation as is required to enable the coroner to determine whether or not an inquest is necessary and to report to him.

(2) Upon receipt of the report the coroner shall proceed as if he himself had viewed the body and made the investigation. R.S.O. 1950, c. 70, s. 11.

12.—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and he shall forthwith transmit to the Crown attorney a statutory declaration setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by The Vital Statistics Act. R.S.O. 1960, c. 419

(2) Notwithstanding that the matters mentioned in subsection 1 have taken place, the Attorney General or the Crown attorney may direct the coroner who determined that an inquest was unnecessary, or some other coroner, to hold an inquest upon the body, and the coroner to whom the direction is given shall forthwith issue his warrant for an inquest and hold it accordingly. R.S.O. 1950, c. 70, s. 12.
13. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Crown attorney a statutory declaration setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1950, c. 70, s. 13.

14. No inquest shall be held unless the Attorney General, the Crown attorney or the supervising coroner directs the holding thereof or consents thereto or unless the holding of the inquest is required by this or any other Act of the Legislature or by any Act of the Parliament of Canada. R.S.O. 1950, c. 70, s. 14.

15. Where a coroner has issued his warrant to take possession of a body in his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary, and, where he determines that an inquest is necessary, he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body were in his jurisdiction and he had issued the warrant, but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the post mortem examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him. R.S.O. 1950, c. 70, s. 15.

16. Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he shall report the facts to the Attorney General who may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other coroner as the Attorney General directs, and the law relating to coroners and coroners' inquests applies with such modifications as are necessary in consequence of the inquest being held otherwise than on or after a view of the body. R.S.O. 1950, c. 70, s. 16.
17. Where the Attorney General has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest or done any other act in connection with the death. R.S.O. 1950, c. 70, s. 17.

18.—(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Attorney General.

(2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Attorney General may direct that the inquest be reopened. R.S.O. 1950, c. 70, s. 18.

19.—(1) No coroner shall conduct an inquest upon the body of a person whose death has occurred on a railway or at a mine or other work that he owns in whole or in part or that is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant, or in any other capacity by the owner thereof, or under any agreement or understanding, direct or indirect, with the employees thereof.

(2) Where a coroner conducts an inquest in contravention of this section, he shall incur a penalty of not less than $100 and not more than $500, to be sued for and recovered by any person in any court of competent jurisdiction.

(3) It is sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed and the particular inquest for which the action is brought and that the defendant has acted in contravention of this section.

(4) The action shall be commenced within one year after the inquest was held and shall be tried by a judge without a jury. R.S.O. 1950, c. 70, s. 19.

20.—(1) Where a coroner has ordered an inquest upon the body of a person who has met death by violence in a wreck, the coroner may take charge of the wreckage and place one
or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he deems necessary.

(2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1950, c. 70, s. 20.

21. Where,

(a) an inmate in a home for the aged to which The Homes for the Aged Act applies dies; or

(b) a patient in an institution to which The Mental Hospitals Act applies dies,

the officer in charge shall immediately give notice of the death to a coroner and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. 1959, c. 19, s. 1, part.

22. Where a prisoner in a reformatory, industrial farm, training school, jail or lock-up dies, the officer in charge shall immediately give notice of the death to a coroner and the coroner shall issue his warrant and hold an inquest upon the body. 1959, c. 19, s. 1, part.

23. A coroner may at any time during an investigation or inquest issue his warrant to a legally qualified medical practitioner to conduct a post mortem examination of the body, an analysis of the blood, urine, or the contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant, but, if he determines that an inquest is unnecessary, he shall not thereafter issue his warrant for a post mortem examination or analysis without the consent in writing of the Attorney General, the Crown attorney or the supervising coroner. 1951, c. 15, s. 1.

24.—(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney may, and if directed by the Attorney General shall, attend the inquest and may examine or cross-examine the witnesses.

(2) The Attorney General may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney,
and such counsel has the same powers as the Crown attorney under subsection 1. R.S.O. 1950, c. 70, s. 24.

25.—(1) The coroner shall summon such persons to attend an inquest as he deems advisable or as are directed by the Crown attorney or the counsel for the Attorney General.

(2) In addition to the other powers that he possesses, a coroner has the same power to issue summonses to witnesses, to enforce their attendance and to punish for non-attendance or refusing to give evidence as is possessed by the Supreme Court.

(3) A fine imposed for non-attendance or refusal to give evidence shall not, in the case of a medical practitioner, exceed $40, and in the case of any other witness shall not exceed $10.

(4) A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or be receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence. R.S.O. 1950, c. 70, s. 25.

26.—(1) The number of jurors to be summoned to serve on an inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. R.S.O. 1950, c. 70, s. 26 (1); 1951, c. 15, s. 2.

(2) Where a person duly summoned to serve as a juror does not attend, the coroner may impose upon him a fine of not more than $20.

(3) Where an inquest is held in a provisional judicial district, the coroner, with the consent in writing of the Crown attorney, may hold the inquest without a jury. R.S.O. 1950, c. 70, s. 26 (2, 3).

27. A person shall not serve as a juror at an inquest unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year thereafter. R.S.O. 1950, c. 70, s. 27.
28. An officer, employee or inmate of a home for the aged, hospital, mental hospital, charitable institution, jail, reformatory, industrial farm or lock-up shall not serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1950, c. 70, s. 28.

29. It is not necessary for a jury to view the body upon which an inquest is being held if the coroner, with the consent in writing of the Crown attorney, directs that the viewing of the body be dispensed with. R.S.O. 1950, c. 70, s. 29.

30. A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1950, c. 70, s. 30.

31. A summons to a juror or to a witness may be served by personal service or by sending it by registered mail addressed to the usual place of abode of the person summoned. R.S.O. 1950, c. 70, s. 31.

32.—(1) The evidence upon an inquest or any part of it, with the consent in writing of the Crown attorney, may be taken in shorthand by a stenographer who may be appointed by the coroner, and who before acting shall make oath that he will truly and faithfully report the evidence, and, where evidence is so taken, it is not necessary that it be read over to or signed by the witness, but it is sufficient if the transcript is signed by the coroner and is accompanied by an affidavit of the stenographer that it is a true report of the evidence.

(2) It is not necessary to transcribe the evidence taken by a stenographer unless the Attorney General or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor. R.S.O. 1950, c. 70, s. 32.

33. A coroner may, and if required by the Crown attorney shall, employ a person to act as interpreter at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath that he will truly and faithfully translate the evidence. R.S.O. 1950, c. 70, s. 33.

34. A coroner may appoint such persons as constables as he deems necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath that he will faithfully perform his duties. R.S.O. 1950, c. 70, s. 34.

35. The coroner shall forthwith, after an inquest, return the verdict or finding and every recognizance taken before
him, with the evidence where the Attorney General or Crown attorney has ordered it to be transcribed, and the exhibits, to the Crown attorney. R.S.O. 1950, c. 70, s. 35.

36.—(1) Stationery, forms and postage for coroners shall be provided, in the case of a coroner appointed for a municipality, by the municipality or, in the case of a coroner appointed for a provisional judicial district, by the Province.

(2) Every county, city, separated town and provisional judicial district shall provide,

(a) a suitable place for holding \textit{post mortem} examinations; and

(b) a suitable place for holding inquests.

(3) If a suitable place for holding \textit{post mortem} examinations and a suitable place for holding inquests are not provided as required by subsection 2, the coroner may procure such a place or places and the cost thereof, when certified by the coroner and approved by the Crown attorney, shall be paid by the treasurer of the county, city, separated town or provisional judicial district that failed to comply with subsection 2. 1955, c. 8, s. 1.

37.—(1) Coroners' fees and allowances for holding investigations and inquests shall be those set out in Schedule A, but, where the Attorney General is of opinion that the prescribed fees are insufficient having regard to the special circumstances of any investigation or inquest, he may approve a larger fee to any coroner. R.S.O. 1950, c. 70, s. 37 (1); 1951, c. 15, s. 3.

(2) Crown attorneys' fees and expenses for attending inquests shall be those set out in \textit{The Administration of Justice Expenses Act}. R.S.O. 1960, c. 5

(3) Constables' fees and mileage allowances for services rendered in connection with an inquest shall be those set out in \textit{The Administration of Justice Expenses Act}. R.S.O. 1950, c. 70, s. 37 (2, 3).

(4) Jurors' fees and mileage allowances for attending inquests shall be those set out in Schedule B.

(5) Witnesses' fees, mileage allowances and amounts for living expenses in connection with inquests shall be those set out in Schedule C. 1957, c. 14, s. 2 (1).
(6) Stenographers' fees for services rendered in connection with an inquest shall be upon the scale appointed for shorthand writers under The County Judges Act, and when certified by the coroner shall be paid in the same way as witness fees.

(7) Interpreters' fees for services rendered at an inquest shall be such as are deemed reasonable by the Crown attorney and when certified by the coroner shall be paid in the same way as witness fees. R.S.O. 1950, c. 70, s. 37 (5, 6).

(8) The fees and mileage allowances in connection with post mortem examinations and analyses shall be those set out in Schedule D. 1957, c. 14, s. 2 (2).

38.—(1) The coroner shall render the account for his fee and allowances for holding an investigation or inquest to the treasurer of the county in which the investigation or inquest was held, or, where the investigation or inquest was held in a provisional judicial district, to the treasurer of the district, and, when the account has been audited by the county board of audit, if any, or, where the investigation or inquest was held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer of the county or provisional judicial district, as the case may be, shall pay the amount specified therein. 1955, c. 8, s. 2, part, amended.

(2) The Crown attorney's account for his fee and expenses for attending an inquest and a constable's account for his fee and travelling expenses for services performed in connection with an inquest shall be rendered and paid in the manner provided in The Administration of Justice Expenses Act.

(3) The coroner shall give to every witness and juror entitled to a fee and mileage allowance in connection with an inquest and to every stenographer and interpreter entitled to a fee an order on the treasurer of the county, city or separated town in which the inquest was held, or, where the inquest was held in a provisional judicial district outside a city, on the treasurer of the district, for the payment of the amount of the fee and mileage allowance, if any, specified in the order and, upon presentation of the order, the treasurer, if satisfied as to the correctness thereof, shall pay the amount in accordance therewith.

(4) A legally qualified medical practitioner shall render his account for his fee for a post mortem examination or analysis under Schedule C to the treasurer of the county, city or separated town in which the investigation or inquest was held, or, where the investigation or inquest was held in a
provisional judicial district outside a city, to the treasurer of the district, and if the amount has been approved by the coroner and, where it has been determined that an inquest is unnecessary, approved also by the Attorney General, the Crown attorney or the supervising coroner, the treasurer of the county, city, separated town or provisional judicial district, as the case may be, shall pay the amount specified therein.

1955, c. 8, s. 2, part.

39. The expenses paid by a county in connection with a coroner's investigation or inquest into a death in an institution to which The Mental Hospitals Act applies or in a reformatory, industrial farm or training school administered by the Department of Reform Institutions shall, when the accounts therefor have been audited by the Auditor of Criminal Justice Accounts, be reimbursed to the treasurer of the county out of the moneys appropriated by the Legislature for the expenses of the administration of justice. 1959, c. 19, s. 2.

40. Where an investigation or inquest is held by a coroner and it is found that the cause of death did not arise in the county, city, separated town or provisional judicial district in which the investigation or inquest was held, the amounts of the fees and allowances that were paid in the first instance by the treasurer of such county, city, separated town or provisional judicial district shall be paid to him on the certificate of the coroner by the treasurer of the county, city, separated town or provisional judicial district in which it was found that the cause of death arose. 1955, c. 8, s. 2, part.

41. Where a fine is imposed by a coroner under this Act, it is payable forthwith, and, if it is not so paid, the coroner may commit the person so failing to pay to jail for a period of not more than ten days. R.S.O. 1950, c. 70, s. 42.

42. In proceedings under this Act it is not necessary for a person to affix a seal to a document, and no document is invalidated by reason of the lack of a seal, even though the document purports to be sealed. R.S.O. 1950, c. 70, s. 43.

43. The Lieutenant Governor in Council may make regulations,

(a) prescribing the powers and duties of the supervising coroner;

(b) prescribing the powers and duties of chief coroners;

(c) prescribing forms and providing for their use. R.S.O. 1950, c. 70, s. 44, amended.
SCHEDULE A

Coroners

1. For all services in an investigation where no inquest is held... $10.00
2. For all services where an inquest is held in part................. 15.00
3. For all services where an inquest is held and completed........... 25.00
4. For every mile necessarily travelled in connection with an investi­
gation or an inquest................................................. .10
5. For expenses necessarily incurred in connection with an investiga­tion or inquest, such expense allowance as is approved by the Crown attorney.

1957, c. 14, s. 4, part.

SCHEDULE B

Jurors

1. For every day of attendance at the inquest......................... $ 4.00
2. For each mile necessarily travelled between the juror's place of resi­
dence and the place where the inquest is held, a mileage allowance of 10 cents a mile each way, but, where the inquest is held in a city in which the juror resides, the mileage allowance is 75 cents.

1957, c. 14, s. 4, part.

SCHEDULE C

Witnesses

1. For every day of attendance at the inquest......................... $ 6.00
2. For every day of attendance of a legally qualified medical prac­titioner as a medical practitioner......................... 15.00
3. For every day of attendance of an expert witness, such fee not ex­
ceeding $30 as the coroner deems proper or such greater fee as the Attorney General or the Deputy Attorney General approves.
4. For preparing a plan, furnishing any article or doing any work for use at the inquest, in addition to the fee to which the witness would ordinarily be entitled, such special fee as the coroner deems proper and the Crown attorney approves.
5. Where a witness travels by his own automobile, a mileage allowance of 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place where the inquest is held, but, where the inquest is held in the city in which the witness resides, the mileage allowance is 75 cents.

The distance travelled shall be ascertained by the declaration of the Crown attorney.
6. Where a witness travels by a means other than his own automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the inquest is held and return.

7. Where a witness is required to attend the inquest on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 5 or 6, as the case may be, is payable in respect of each day's attendance.

8. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain over-night at the place at which the inquest is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than $8 for each night.

1959, c. 19, s. 3.

SCHEDULE D

Post Mortem Examinations, etc.

1. For a post mortem examination (including any technical assistance required) ......................................................... $50.00

2. For microscopic sections necessary to prove diagnosis ........ 15.00

3. For any other examination or analysis, such fee as is authorized under The Administration of Justice Expenses Act.

4. For each mile necessarily travelled in connection with an examination or analysis ......................................................... .10

1957, c. 14, s. 4, part.