1972

c 98 The Coroners Act, 1972

Ontario

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The Coroners Act, 1972, SO 1972, c 98
Repository Citation
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CHAPTER 98

The Coroners Act, 1972

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

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

1. In this Act,

   (a) "Chief Coroner" means the Chief Coroner for Ontario;

   (b) "Minister" means the Solicitor General.

2. (1) In so far as it is within the jurisdiction of the Legislature, the common law as it relates to the functions, powers and duties of coroners within Ontario is repealed.

   (2) The powers conferred on a coroner to conduct an inquest shall not be construed as creating a criminal court of record.

3. (1) The Lieutenant Governor in Council may appoint one or more legally qualified medical practitioners to be coroners for any part of Ontario who, subject to subsections 2, 3 and 4, shall hold office during pleasure.

   (2) A coroner ceases to hold office,

   (a) upon attaining the age of seventy years; or

   (b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under The Medical Act.

   (3) The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under The Medical Act.

   (4) A coroner may resign his office in writing.
(5) The Lieutenant Governor in Council may by regulation establish areas of Ontario and the appointment and continuation in office of a coroner is subject to the condition that he is ordinarily resident in the area named in the appointment. New.

(6) A certified copy of the order appointing a coroner shall be sent by the Minister 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. 1970, c. 87, s. 4.

(7) All persons holding appointments as coroners under The Coroners Act, being chapter 87 of the Revised Statutes of Ontario, 1970, shall be deemed to have been appointed in accordance with the provisions of this Act. New.

4. The Lieutenant Governor in Council may appoint a coroner to be Chief Coroner for Ontario who shall,

(a) administer this Act and the regulations;

(b) supervise, direct and control all coroners in Ontario in the performance of their duties;

(c) conduct programs for the instruction of coroners in their duties;

(d) bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of government;

(e) prepare, publish and distribute a code of ethics for the guidance of coroners;

(f) perform such other duties as are assigned to him by or under this or any other Act or by the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 87, s. 2 (1), amended.

5.—(1) The Lieutenant Governor in Council may appoint a coroner as a regional coroner for such region of Ontario as is described in the appointment.

(2) A regional coroner shall assist the Chief Coroner in the performance of his duties in the region and shall perform such other duties as are assigned to him by the Chief Coroner. New.

6. (1) There shall be a Coroners' Council composed of the Chief Judge of the County and District Courts and not
more than four other persons appointed by the Lieutenant Governor in Council, of whom at least one shall be a legally qualified medical practitioner.

(2) Such officers and employees of the Coroners' Council as are considered necessary shall be appointed under The Public Service Act.

(3) A majority of the members of the Coroners' Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Coroners' Council. New.

7. —(1) The functions of the Coroners' Council are,

(a) to review and recommend to the Minister the termination of the appointments of coroners who are not actively performing the duties of coroners;

(b) to receive complaints respecting the misbehaviour or incompetence of or neglect of duty by coroners or the inability of coroners to perform their duties; and

(c) to take such action to investigate complaints as it considers advisable including the review thereof with the coroner where appropriate, and, after giving the coroner an opportunity to be heard, to make such recommendations to the Minister with respect thereto as it sees fit.

(2) For the purposes of an investigation under this section, the Coroners' Council has the powers of a commission under Part II of The Public Inquiries Act, 1971, which Part applies to the investigation as if it were an inquiry under that Act.

(3) No action or other proceeding for damages shall be instituted against the Coroners' Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. New.

8. Subject to subsection 3 of section 13, a provincial judge in a provisional judicial district may perform any of the duties and exercise any of the powers of a coroner in the district in the absence of a coroner. R.S.O. 1970, c. 87, s. 6, amended.

9.—(1) Every person who has reason to believe that a deceased person died,

(a) as a result of,
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(i) violence,
(ii) misadventure,
(iii) negligence,
(iv) misconduct, or
(v) malpractice;

(b) by unfair means;

c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;

d) suddenly and unexpectedly;

e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;

(f) from any cause other than disease; or

g) under such circumstances as may require investigation,

shall immediately notify a coroner or a police officer of the facts and circumstances relating to the death, and where a police officer is notified he shall in turn immediately notify the coroner of such facts and circumstances.

Deaths to be reported

R.S.O. 1970, c. 62

(a) a charitable institution as defined in The Charitable Institutions Act;

R.S.O. 1970, c. 66

(b) a children’s boarding home as defined in The Children’s Boarding Homes Act;

R.S.O. 1970, c. 66

(c) a children’s institution as defined in The Children’s Institutions Act;

R.S.O. 1970, c. 206

(d) a home for the aged to which The Homes for the Aged and Rest Homes Act applies;

R.S.O. 1970, c. 204

(e) a home for retarded persons as defined in The Homes for Retarded Persons Act;

R.S.O. 1970, c. 269

(f) a psychiatric facility designated under The Mental Health Act;

R.S.O. 1970, c. 270

(g) an institution under The Mental Hospitals Act;
(k) a nursing home to which The Nursing Homes Act, R.S.O. 1970, c. 302, 1972 applies;

(i) a children’s mental health centre under The Children’s Mental Health Centres Act;

(j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses a to i,

the person in charge of the hospital, institution or home 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 the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. R.S.O. 1970, c. 87, s. 22, amended.

(3) Where a person dies while he is,

(a) a patient of a psychiatric facility;

(b) committed to a correctional institution; or

(c) a ward of a training school,

but while not on the premises or in actual custody thereof, subsections 1 and 2 apply as if the person were a resident of an institution named therein. New.

(4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up or training school, the peace officer or officer in charge of the institution, lock-up or training school, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body. R.S.O. 1970, c. 87, s. 23, amended.

(5) A statement as to the notification or non-notification of a coroner under this section, purporting to be certified by the coroner is without proof of the appointment or signature of the coroner, receivable in evidence as prima facie proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 87, s. 7 (2).

10. No person who has reason to believe that a person died in any of the circumstances mentioned in section 9 shall interfere with or alter the body or its condition in any way until the coroner so directs. R.S.O. 1970, c. 87, s. 9, amended.

11. (1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by
violence in a wreck, the coroner may, with the approval of
the Chief Coroner, 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 considers
necessary.

(2) The jury or coroner, as the case may be, shall view the
wreckage at the earliest moment possible. R.S.O. 1970,
c. 87, s. 21, amended.

12.—(1) No person shall accept for shipment or ship or take
a dead body from any place in Ontario to any place outside
Ontario unless a certificate of a coroner has been obtained
certifying that there exists no reason for further examination
of the body.

(2) An applicant for a certificate under subsection 1 shall
pay to the coroner such fee as is prescribed therefor.

(3) No person who has reason to believe that a dead body will
be shipped or taken to a place outside Ontario shall embalm or
make any alteration to the body or apply any chemical to the
body, internally or externally, until the certificate required
by subsection 1 has been issued. R.S.O. 1970, c. 87, s. 10,
amended.

13.—(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 9, 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. R.S.O.
1970, c. 87, s. 12 (1).

(2) Where the Chief Coroner has reason to believe that a
person died in any of the circumstances mentioned in section 9
and no warrant has been issued to take possession of the body,
he may issue the warrant himself or direct any coroner to do so.
New.

(3) After the issue of the warrant, no other coroner shall
issue a warrant or interfere in the case, except the Chief Coroner
or except under the instructions of the Minister. R.S.O.
1970, c. 87, s. 12 (3), amended.

(4) Subject to the approval of the Chief Coroner, a coroner
may obtain assistance or retain expert services for all or any
part of his investigation or inquest. R.S.O. 1970, c. 87, s. 12 (2),
amended.
(5) A coroner may proceed with an investigation without taking possession of the body where the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Ontario. New.

14. (1) A coroner may,

(a) view or take possession of any dead body, or both; and

(b) enter and inspect any place where a dead body is and any place from which the coroner has reasonable grounds for believing the body was removed.

(2) A coroner may, where he believes on reasonable and probable grounds that to do so is necessary for the purposes of the investigation,

(a) inspect any place in which the deceased person was, or in which the coroner has reasonable grounds to believe the deceased person was, prior to his death;

(b) inspect and extract information from any records or writings relating to the deceased or his circumstances and to reproduce such copies therefrom as the coroner believes necessary;

(c) seize anything that the coroner has reasonable grounds to believe is material to the purposes of the investigation.

(3) A coroner may authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under subsection 1.

(4) A coroner may, where in his opinion it is necessary for the purposes of the investigation, authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under clauses a, b and c of subsection 2 but, where such power is conditional on the belief of the coroner, the requisite belief shall be that of the coroner personally.

(5) Where a coroner seizes anything under clause c of subsection 2, he shall place it in the custody of a police officer for safe keeping and shall return it to the person from whom it was seized as soon as is practicable after the conclusion of the investigation or, where there is an inquest, of the inquest, unless he is authorized or required by law to dispose of it otherwise.
Obstruction of coroner

(6) No person shall knowingly,

(a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with; or

(b) furnish with false information or refuse or neglect to furnish information to,

a coroner in the performance of his duties or a person authorized by him in connection with an investigation. New.

Circumstances of death occurring outside jurisdiction

15.—(1) Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 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 a post mortem examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

(2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

(3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

(4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the post mortem examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. R.S.O. 1970, c. 87, s. 16, amended.

Warrant for burial where inquest unnecessary

16.—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement 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. 1970, c. 87, s. 14 (1), amended.
(2) Every coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary, showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the post mortem examination and of any other examinations or analyses of the body carried out, and such information shall be available to the spouse, parents, children, brothers and sisters of the deceased and to his personal representative, upon request. New.

17. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1970, c. 87, s. 15, amended.

18. 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 Chief Coroner 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 Chief Coroner 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. 1970, c. 87, s. 17, amended.

19. Where the Minister 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, determined an inquest was unnecessary or done any other act in connection with the death. R.S.O. 1970, c. 87, s. 18, amended.

20.—(1) The Minister may appoint a commissioner to conduct an inquest in place of a coroner where the Minister considers it advisable.
(2) A commissioner appointed under subsection 1 has all the powers and duties of the coroner otherwise having jurisdiction for all purposes connected with the inquest and the coroner shall be deemed to be a person with standing at the inquest. New.

21. The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes. New.

22.—(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 Minister and, when held, the person charged is not a compellable witness.

(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 Minister may direct that the inquest be reopened.

R.S.O. 1970, c. 87, s. 19, amended.

23.—(1) A coroner may at any time during an investigation or inquest issue his warrant for a post mortem examination of the body, an analysis of the blood, urine or contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant.

(2) The person who performs the post mortem examination shall forthwith report his findings in writing to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the post mortem and the Chief Coroner.

R.S.O. 1970, c. 87, s. 24 (1, 2), amended.

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 or his representative shall attend the inquest and shall be deemed to be a person with standing at the inquest.

(2) The Minister may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney, and such counsel has the same rights as the Crown attorney under subsection 1. R.S.O. 1970, c. 87, s. 25, amended.
25.—(1) Where an inquest is held, it shall inquire into and determine,

(a) who the deceased was;
(b) how the deceased came to his death;
(c) when the deceased came to his death;
(d) where the deceased came to his death; and
(e) by what means the deceased came to his death.

(2) The jury shall not make any finding of legal responsibility or express any conclusion of law on any matter referred to in subsection 1.

(3) Subject to subsection 2, the jury may make recommendations in respect of any matter arising out of the inquest.

(4) A finding that contravenes subsection 2 is improper and shall not be received.

(5) Where a jury fails to deliver a proper finding it shall be discharged.

26. An inquest shall be open to the public except where the coroner is of the opinion that national security might be endangered or where a person is charged with an indictable offence under the Criminal Code (Canada) in which cases the coroner may hold the hearing concerning any such matters in camera.

27.—(1) Except as provided in subsection 3, every inquest shall be held with a jury.

(2) 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.

(3) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury.

28.—(1) 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. 1970, c. 87, s. 28.

Exclusion of juror with interest

(2) The coroner presiding at an inquest may exclude a
person from being sworn as a juror where the coroner believes
there is a likelihood that the person, because of interest or bias,
would be unable to render a verdict in accordance with the
evidence. New.

Disqualification

(3) An officer, employee or inmate of a hospital or an
institution referred to in subsection 2 or 3 of section 9 shall
not serve as a juror at an inquest upon the body of a person
who died therein. R.S.O. 1970, c. 87, s. 29, amended.

View of body may be dispensed with

29.—(1) The jury shall view the body where the coroner
directs them to do so. R.S.O. 1970, c. 87, s. 30, amended.

Questions by jury

(2) The jurors are entitled to ask relevant questions of each
witness. New.

Majority

30. A verdict or finding may be returned by a majority
of the jurors sworn. R.S.O. 1970, c. 87, s. 31.

Service of summonses

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. 1970, c. 87, s. 32.

Summons

32.—(1) A coroner may require any person by summons,

(a) to give evidence on oath or affirmation at an inquest;
and

(b) to produce in evidence at an inquest documents
and things specified by the coroner,

relevant to the subject-matter of the inquest and admissible.

Form and service of summonses

(2) A summons issued under subsection 1 shall be in Form
1 and shall be signed by the coroner.

Bench warrants

(3) Upon proof to the satisfaction of a judge of the county
or district court of the service of a summons under this section
upon a person and that,
(a) such person has failed to attend or to remain in attendance at an inquest in accordance with the requirements of the summons; and

(b) his presence is material to the inquest,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought to the inquest and to be detained in custody as the judge may order until his presence as a witness at the inquest is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

(4) Service of a summons may be proved by affidavit in an application under subsection 3.

(5) Where an application under subsection 3 is made on behalf of a coroner, the coroner may certify to the judge the facts relied on to establish that the presence of the person summoned is material for the purposes of the inquest and such certificate may be accepted by the judge as proof of such facts. New.

33.—(1) On the application of any person before or during an inquest, the coroner shall designate him as a person with standing at the inquest if he finds that the person is substantially and directly interested in the inquest.

(2) A person designated as a person with standing at an inquest may,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. New.

34.—(1) A witness at an inquest shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at an inquest shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.
(2) Where it appears at any stage of the inquest that the evidence that a witness is about to give would tend to criminate him, it is the duty of the coroner and of the Crown attorney to inform the witness of his rights under section 5 of the Canada Evidence Act. New.

35.—(1) A witness at an inquest is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the inquest without leave of the coroner.

(2) Where an inquest is in camera, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. New.

36.—(1) Subject to subsections 2 and 3, a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that he considers does not meet such standards of proof as are commonly relied on by reasonably prudent men in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.

(2) Nothing is admissible in evidence at an inquest,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

(4) Where the coroner is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at an inquest.

(5) Where a document has been filed in evidence at an inquest, the coroner may, or the person producing it or
entitled to it may with the leave of the coroner, cause the document to be photocopied and the coroner may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the coroner. *New.*

37.–(1) The evidence upon an inquest or any part of it shall be recorded by a person appointed by the coroner and approved by the Crown attorney and who before acting shall make oath or affirmation that he will truly and faithfully record the evidence.

(2) It is not necessary to transcribe the evidence unless the Minister, Chief Coroner or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor except that the coroner may prohibit the transcribing of all or any part of evidence taken in camera. R.S.O. 1970, c. 87, s. 33, amended.

38. An inquest may be adjourned from time to time by the coroner of his own motion or where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held. *New.*

39. A coroner may make such orders or give such directions as he considers necessary for the maintenance of order at an inquest and, if any person disobeys or fails to comply with any such order or direction, the coroner may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. *New.*

40.–(1) A coroner may, and if required by the Crown attorney or requested by the witness shall, employ a person to act as interpreter for a witness at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath or affirm that he will truly and faithfully translate the evidence.

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath or affirm that he will faithfully perform his duties. R.S.O. 1970, c. 87, ss. 34, 35, amended.

41. The coroner conducting an inquest has power to administer oaths and affirmations for the purpose of the inquest. *New.*
42. —(1) A coroner may make such orders or give such
directions at an inquest as he considers proper to prevent
abuse of its processes.

(2) A coroner may reasonably limit further cross-examination
of a witness where he is satisfied that the cross-examination
of the witness has been sufficient to disclose fully and fairly
the facts in relation to which he has given evidence.

(3) A coroner may exclude from a hearing anyone, other
than a barrister and solicitor qualified to practise in Ontario,
appearing as an agent advising a witness if he finds that such
person is not competent properly to advise the witness
or does not understand and comply at the inquest with the
duties and responsibilities of an adviser. New.

43. Where any person without lawful excuse,

(a) on being duly summoned as a witness or a juror at an
inquest makes default in attending at the inquest; or

(b) being in attendance as a witness at an inquest,
refuses to take an oath or to make an affirmation
legally required by the coroner to be taken or made,
or to produce any document or thing in his power
or control legally required by the coroner to be pro-
duced by him or to answer any question to which the
coroner may legally require an answer; or

(c) does any other thing that would, if the inquest had
been a court of law having power to commit for
contempt, have been contempt of that court,

the coroner may state a case to the Divisional Court setting
out the facts and that court may, on application on behalf
of and in the name of the coroner, inquire into the matter and,
after hearing any witnesses who may be produced against or
on behalf of that person and after hearing any statement that
may be offered in defence, punish or take steps for the
punishment of that person in like manner as if he had been
guilty of contempt of the court. New.

44. The coroner shall forthwith after an inquest return the
verdict or finding, with the evidence where the Minister,
Crown attorney or Chief Coroner has ordered it to be tran-
scribed, to the Chief Coroner, and shall transmit a copy of the
verdict and recommendations to the Crown attorney. R.S.O.
1970, c. 87, s. 36, amended.
45. 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. 1970, c. 87, s. 40.

46. Any person who contravenes section 9, 10 or 12 or subsection 6 of section 14 is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 87, s. 11, amended.

47. The Lieutenant Governor in Council may make regulations,

(a) prescribing powers and duties of the Chief Coroner;
(b) prescribing fees for coroners for services performed under this or any other Act;
(c) prescribing fees and allowances that shall be paid to persons rendering services in connection with coroners' investigations and inquests and providing for the adjustment of such fees in special circumstances;
(d) prescribing matters that may be grounds for disqualification because of interest or bias of jurors for the purposes of subsection 2 of section 28;
(e) prescribing forms and providing for their use;
(f) prescribing additional rules of procedure for inquests. R.S.O. 1970, c. 87, s. 41, amended.


(2) Section 93 of The Government Reorganization Act, 1972, being chapter 1, is repealed.

49. This Act shall not be held or construed to be a re-enactment of The Coroners Act, being chapter 87 of the Revised Statutes of Ontario, 1970, but a reference in any other Act or in any rule, order or regulation made thereunder to such Act shall be held and construed to be a reference to the provisions of this Act relating to the same subject-matter and if there is no provision in this Act relating to the same subject-matter, the repealed Act stands good and shall be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the Act, rule, order or regulation in which the reference is made.
50. This Act does not apply in respect of deaths for which a warrant for an investigation or inquest has been issued before this Act comes into force.

51. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

52. This Act may be cited as The Coroners Act, 1972.
FORM 1
(Section 32 (2))
The Coroners Act, 1972

SUMMONS TO A WITNESS BEFORE AN INQUEST

RE: , deceased

TO:

You are hereby summoned and required to attend before an inquest to be held
at , in the of ,
on ,
... at the hour of o'clock in the noon (local time), and so from day to day until the inquest is concluded or the coroner otherwise orders, to give evidence on oath touching the matters in question in the proceedings and to bring with you and produce at such time and place

Dated this day of , 19...

Coroner

NOTE:

If you fail to attend and give evidence at the inquest, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by a judge of the county or district court in the same manner as if for contempt of that court for disobedience to a subpoena.

FORM 2
(Section 32 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before an inquest into the death of deceased, at Toronto (or as the case may be) on the day of , 19...; that the presence of the said C.D. is material to the inquest, and that the said C.D. has failed to attend in accordance with the requirements of the summons.
THESE are therefore to command you to take the said C.D. to bring and have him before the said inquest at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the said inquest, and that you detain him in your custody until he has given his evidence or until the said inquest has ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this ............... day of ...............,

19......, at .........................

                                Judge of the County (District) Court

of the County (District) of ...............