

1999

## CHAPTER C-38.01

### An Act respecting Coroners

#### TABLE OF CONTENTS

	<b>PART I</b>		
	<b>Short Title, Interpretation and Purpose</b>		
1	Short title	34	Procedure where charge likely
2	Interpretation	35	Procedure for charge other than <i>Criminal Code</i>
3	Purpose	36	Orders where death self-inflicted
	<b>PART II</b>	37	Standing
	<b>Coroners</b>	38	Notice to minister
4	Chief coroner	39	Request for counsel
5	Coroners	40	Notice of inquest
6	Coroner may be disqualified or re-assigned		<b>PART VIII</b>
	<b>PART III</b>		<b>Witnesses and Evidence</b>
	<b>Duty to Notify Coroner of a Death</b>	41	Coroner may summon witnesses
7	General duty to notify coroner	42	Warrant for arrest
8	Duty of institutions to notify coroner	43	Witnesses
9	Duty of police to notify coroner	44	Coroner to administer oaths
10	Duty of social workers to notify coroner	45	Jury may question witnesses
	<b>PART IV</b>	46	Contempt proceedings
	<b>Investigations</b>	47	Coroner to maintain order
11	Coroner to investigate deaths	48	Evidence
12	Area may be cordoned off and preserved	49	Documents
13	Powers of coroner	50	Reports
14	Post-mortem examination	51	Adjournment
15	Disinterment	52	Coroner unable to continue
16	Coroner may obtain assistance	53	Recording of evidence
17	Procedure where inquest not necessary		<b>PART IX</b>
18	Chief coroner may direct inquest		<b>Findings</b>
	<b>PART V</b>	54	Jury findings
	<b>Inquests</b>	55	Report to chief coroner
19	Where inquest necessary	56	Procedure where jury disagrees
20	Inquest required where inmate dies	57	Coroner to furnish particulars of death
21	Minister may direct inquest	58	Coroner may authorize burial prior to inquest
22	Inquest into multiple deaths		<b>PART X</b>
23	Inquest not a criminal proceeding		<b>General</b>
	<b>PART VI</b>	59	Immunity
	<b>Juries</b>	60	No obstruction of coroners
24	Number of jurors	61	Body and scene to be preserved
25	Exclusions	62	Provision of report
26	Disqualification of jurors	63	Offence
27	Preparation of jury list	64	Regulations
28	Relief from jury service		<b>PART XI</b>
29	Selection of jury		<b>Repeal, Transitional, Consequential and</b>
30	Swearing of jurors		<b>Coming into Force</b>
31	Failure not ground for impeaching finding	65	R.S.S. 1978, c.C-38 repealed
	<b>PART VII</b>	66	Transitional
	<b>Procedure at Inquest</b>	67	S.S. 1986, c.A-18.2 amended
32	Inquest to be held in public	68	S.S. 1993, c.E-6.3 amended
33	Procedure where person charged with offence	69	S.S. 1993, c.G-3.2 amended
		70	R.S.S. 1978, c.H-15 amended
		71	Coming into force

(Assented to May 6, 1999)

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

PART I  
Short Title, Interpretation and Purpose

**Short title**

1 This Act may be cited as *The Coroners Act, 1999*.

**Interpretation**

2 In this Act:

- (a) “**chief coroner**” means the Chief Coroner for Saskatchewan appointed by the Lieutenant Governor in Council pursuant to section 4;
- (b) “**coroner**” means a coroner appointed by the minister pursuant to section 5;
- (c) “**death**” includes a stillbirth within the meaning of *The Vital Statistics Act, 1995*;
- (d) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) “**offence**” means an offence pursuant to the *Criminal Code*;
- (f) “**spouse**” means:
  - (i) the wife or husband of the deceased; or
  - (ii) a person with whom the deceased cohabited as spouses immediately before his or her death:
    - (A) continuously for a period of not less than one year; or
    - (B) in a relationship of some permanence, if they are the parents of a child.

**Purpose**

3 The purpose of this Act is to facilitate a coroner system that:

- (a) provides for independent and impartial investigations into, and public inquests respecting, the circumstances surrounding unexpected, unnatural or unexplained deaths;
- (b) determines the identity of a deceased person and how, when, where and by what means that person died;
- (c) uncovers dangerous practices or conditions that may lead to death;
- (d) educates the public respecting dangerous practices and conditions; and
- (e) publicizes, and maintains records of and the circumstances surrounding, causes of death.

PART II  
Coroners

**Chief coroner**

4(1) The Lieutenant Governor in Council may appoint a Chief Coroner for Saskatchewan who is responsible for the administration of this Act and the regulations.

(2) Where the office of chief coroner is vacant or the chief coroner is unable by reason of illness, absence or other cause to carry out his or her duties, the minister may designate a coroner to act as a chief coroner until the chief coroner is able to resume his or her duties or until a new chief coroner is appointed.

(3) The chief coroner has all of the powers of a coroner and, in addition, has the power to:

- (a) administer this Act and the regulations;
- (b) supervise, direct and control all coroners in the performance of their duties;
- (c) assign the responsibility to investigate a death or a category of deaths to a coroner;
- (d) establish and conduct programs for the instruction of coroners in their duties;
- (e) prepare, publish and distribute a code of ethics for coroners;
- (f) assist coroners in obtaining medical and other experts where necessary;
- (g) determine the qualifications for pathologists for the purposes of this Act;
- (h) bring the findings and recommendations of coroners and juries to the attention of the appropriate ministers, persons, agencies or departments of government;
- (i) issue public reports;
- (j) suspend coroners where they are unable to act or for cause; and
- (k) perform any other duties that may be prescribed in the regulations.

**Coroners**

5 The minister may appoint one or more persons to be coroners.

**Coroner may be disqualified or re-assigned**

6(1) A coroner is disqualified from conducting an investigation or inquest where:

- (a) the coroner has attended on the deceased as a physician within 30 days prior to the death;
- (b) the coroner has performed a post-mortem examination of the body of the deceased; or
- (c) the death may have been caused at a place, in a business or at an event with respect to which the coroner has a financial interest.

(2) The chief coroner may reassign an investigation to another coroner where, in the opinion of the chief coroner, the conduct of a coroner or of a partner, associate, employee or employer of the coroner might be called into question during the investigation.

PART III  
**Duty to Notify Coroner of a Death**

**General duty to notify coroner**

7(1) Every person shall immediately notify a coroner or a peace officer of any death that the person knows or has reason to believe:

- (a) occurred as a result of an accident or violence or was self-inflicted;
- (b) occurred from a cause other than disease or sickness;
- (c) occurred as a result of negligence, misconduct or malpractice on the part of others;
- (d) occurred suddenly and unexpectedly when the deceased appeared to be in good health;
- (e) occurred in Saskatchewan under circumstances in which the body is not available because:
  - (i) the body or part of the body has been destroyed;
  - (ii) the body is in a place from which it cannot be recovered; or
  - (iii) the body cannot be located;
- (f) was a stillbirth that occurred without the presence of a duly qualified medical practitioner;
- (g) occurred as a direct or immediate consequence of the deceased being engaged in employment, an occupation or a business; or
- (h) occurred under circumstances that require investigation.

(2) Every peace officer who is notified of a death pursuant to subsection (1) shall immediately notify a coroner of the death.

**Duty of institutions to notify coroner**

8(1) Where an inmate of a jail, military guardroom, remand centre, penitentiary, lock-up or place where the person is held under a warrant of a judge or a correctional facility as defined in *The Correctional Services Act* dies, the person in charge of that place shall immediately notify a coroner of the death.

(2) Where a person dies while in a custody facility as defined in *The Young Offenders' Services Act*, the person in charge of that facility shall immediately notify a coroner of the death.

(3) Where a minor dies while a resident of a foster home, group home or place of safety within the meaning of *The Child and Family Services Act*, the person in charge of that place shall immediately notify a coroner of the death.

(4) Where an involuntary patient admitted pursuant to section 23 or 24, or detained pursuant to section 24.1, of *The Mental Health Services Act* to an in-patient facility within the meaning of that Act dies, the person in charge of that facility shall immediately notify a coroner of the death.

(5) The duty mentioned in this section applies whether or not:

- (a) the person died on the premises or in actual custody; or

(b) the person was an inmate, resident or patient at the time of death if the death was caused at that place.

(6) Where a person dies while in a hospital to which the person was transferred from a place mentioned in this section, the person in charge of the hospital shall immediately notify the coroner of the death.

**Duty of police to notify coroner**

**9** Where a person dies as a result of an act or omission of a peace officer in the course of duty or while detained by or in the custody of a peace officer, the peace officer shall immediately notify a coroner of the death.

**Duty of social workers to notify coroner**

**10** Where a minor dies while under the care, custody or supervision of the Minister of Social Services, officers or employees of the Department of Social Services or its designates or an agency that has entered into an agreement with the Minister of Social Services pursuant to section 61 of *The Child and Family Services Act*, an officer or employee of the Department of Social Services, its designate or the agency who has knowledge of the death shall immediately notify a coroner of the death.

## PART IV Investigations

**Coroner to investigate deaths**

**11(1)** Where a coroner receives information that there has been a death in an area where the coroner ordinarily exercises his or her responsibilities and he or she has reason to believe that the death occurred under circumstances that require a coroner to be notified, he or she:

- (a) may issue a warrant in the prescribed form to take possession of the body, if the body is in Saskatchewan; and
- (b) shall conduct any investigation that he or she considers necessary.

(2) Where a coroner has begun an investigation pursuant to subsection (1), no other coroner shall become involved in the investigation unless otherwise directed by the chief coroner.

**Area may be cordoned off and preserved**

**12(1)** A coroner, for the purposes of an investigation, may cordon off the area, for a period not exceeding 48 hours or any greater period the chief coroner approves, where:

- (a) the deceased person suffered the injuries or acquired the condition that led to the death; or
- (b) the body of the deceased person is found.

(2) The period mentioned in subsection (1) may be extended by the chief coroner for further periods.

(3) A coroner may:

- (a) prohibit the removal of objects from the area that is cordoned off pursuant to subsection (1) until the investigation is completed; and

(b) place peace officers in charge of the area to prevent disturbance of the area until the coroner has made any examination that the coroner considers necessary.

**Powers of coroner**

**13(1)** For the purposes of an investigation, a coroner:

(a) may 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;

(b) may examine any records relating to the deceased or his or her circumstances where the coroner believes on reasonable grounds that it is necessary to do so for the purposes of the investigation;

(c) shall take charge of objects that are or might be items of personal property of the deceased and that are found on or near the body of the deceased or in the area where the body of the deceased is found; and

(d) with the approval of the chief coroner, may remove objects from the area that is cordoned off pursuant to section 12, whether or not the objects are items of personal property of the deceased.

(2) Objects removed pursuant to subsection (1) may only be used by the coroner to establish identification and cause and manner of death for the purposes of this Act.

(3) Where a coroner removes anything pursuant to subsection (1), he or she shall retain it until the conclusion of the investigation or inquest and then return it to the person to whom it belongs or, if that person is the deceased, to that person's personal representative or next of kin unless the objects removed are prescription medicines of the deceased, illegal drugs or dangerous or illegal items or substances.

**Post-mortem examination**

**14(1)** A coroner may, at any time during an investigation or inquest, issue a warrant for a post-mortem examination of the body, an analysis of the blood, urine or contents of the stomach or intestines or any other examination or analysis of the body that the coroner considers necessary.

(2) A post-mortem examination is to be performed by a pathologist approved by the chief coroner.

(3) Every pathologist who performs a post-mortem examination shall immediately report the results in writing to the coroner.

(4) The pathologist who performs a post-mortem examination may remove and retain any part of the body or object found in the body for the purpose of establishing the cause and manner of death.

**Disinterment**

**15(1)** The chief coroner may order the disinterment of a body for the purposes of any investigation or inquest.

(2) The chief coroner shall send a copy of an order for disinterment by registered mail at least 48 hours before the disinterment to:

(a) the spouse of the deceased or, if there is no spouse, the nearest next of kin; and

(b) the owner or the person in charge of the cemetery or mausoleum where the body is buried or stored.

**Coroner may obtain assistance**

16(1) The police service with jurisdiction in the municipality in which the coroner is conducting the investigation or inquest shall give the coroner any assistance that the coroner may require.

(2) A coroner may obtain the assistance of persons other than peace officers for all or part of the investigation or inquest.

**Procedure where inquest not necessary**

17 Where, after an investigation, the coroner is of the opinion that an inquest is not necessary, the coroner shall give permission to bury the body and shall, as soon as is practicable:

- (a) send to the chief coroner a report respecting the investigation; and
- (b) file any information that may be required pursuant to *The Vital Statistics Act, 1995*.

**Chief coroner may direct inquest**

18 Notwithstanding section 17, the minister or the chief coroner may direct any coroner to hold an inquest.

## PART V Inquests

**Where inquest necessary**

19 A coroner, with the approval of the chief coroner, shall hold an inquest where, after conducting an investigation, the chief coroner is of the opinion that an inquest is necessary to:

- (a) ascertain the identity of the deceased and determine how, when, where and by what means he or she died;
- (b) inform the public of the circumstances surrounding a death;
- (c) bring dangerous practices or conditions to light and facilitate the making of recommendations to avoid preventable deaths; or
- (d) educate the public about dangerous practices or conditions to avoid preventable deaths.

**Inquest required where inmate dies**

20 A coroner shall hold an inquest into the death of a person who dies while an inmate in a place mentioned in subsection 8(1) or (2).

**Minister may direct inquest**

21 The minister may direct the chief coroner or any other coroner to hold an inquest into the death of a person, and the chief coroner or other coroner shall hold the inquest whether or not another coroner has conducted an investigation, held an inquest or done any other act in connection with the death.

**Inquest into multiple deaths**

22 Where two or more deaths appear to have occurred from the same event or from a common cause, the chief coroner may direct that one inquest be held respecting all the deaths.

**Inquest not a criminal proceeding**

23 The powers conferred on a coroner to conduct an inquest are not to be construed as creating a criminal court of record.

PART VI  
**Juries**

**Number of jurors**

24(1) Every inquest shall be held with a jury composed of six jurors.

(2) Any five jurors may return a finding, and a finding returned by five jurors has the same effect as a finding returned by six jurors.

(3) If there are less than five jurors, the coroner shall summon a new jury.

**Exclusions**

25 No person who would not be qualified to serve or who would be excluded from serving as a juror pursuant to *The Jury Act, 1981* shall serve as a juror.

**Disqualification of jurors**

26(1) No officer, employee, inmate, resident or patient of a place mentioned in section 8, or his or her spouse, shall serve as a juror at an inquest respecting a person whose death was caused or occurred in that place.

(2) No owner of a building or place where a death was caused or occurred, or his or her spouse, shall serve as a juror at an inquest respecting a person whose death was caused or occurred in that building or place.

(3) No owner or employee of a business, or spouse of an owner or employee of a business, shall serve as a juror at an inquest respecting a person whose death was caused or occurred at the place of business or whose death was related to the operation of the business.

**Preparation of jury list**

27(1) The coroner shall request the chief coroner to obtain a list of persons in the number specified by the coroner who are resident in the geographical area specified by the coroner.

(2) The chief coroner shall request from the person in charge of the register maintained pursuant to subsection 11(1) of *The Saskatchewan Medical Care Insurance Act* a list of names and addresses of persons in the number specified by the coroner who are resident within the geographical area indicated in the request.

(3) Notwithstanding any other Act, on receipt of a request pursuant to subsection (2), the person in charge of the register described in subsection (2) shall randomly select the specified number of names and addresses, and shall send the names and addresses, and no other information from the register, to the chief coroner.

(4) The chief coroner shall forward to the sheriff the names and addresses received pursuant to subsection (3).

(5) Immediately on receipt of those names and addresses, the sheriff shall serve, in the manner specified by *The Jury Act, 1981*, each person at the indicated address with a Juror Information Return and Summons and an Application for Relief from Jury Service in duplicate, together with an envelope addressed to the sheriff with postage prepaid.

(6) Section 8 of *The Jury Act, 1981* applies to a person who receives a Juror Information Return and Summons.



**Relief from jury service**

28(1) Subject to subsection (2), sections 5 and 9 of *The Jury Act, 1981* apply, with any necessary modification, to relief from jury service pursuant to this Act.

(2) The applications for relief from jury service mentioned in subsections 5(3) to (6) of *The Jury Act, 1981* shall be made to the chief coroner or any other person that the chief coroner designates who shall determine whether to grant relief.

**Selection of jury**

29(1) The coroner may question the persons who are present as a result of a summons to determine their eligibility and suitability as jurors and shall select six persons from those who are present.

(2) Notwithstanding section 27, where the inquest is respecting the death of an employee arising out of his or her work, the coroner shall make a reasonable effort to ensure that the jury summoned shall be composed, wholly or in part, of persons familiar with the type of work the deceased was doing.

(3) Notwithstanding section 27, where, in the opinion of the chief coroner, the circumstances surrounding the death require the jury to be composed, wholly or in part, of persons from a specific racial or cultural group, the coroner shall summon the jury in accordance with the regulations.

(4) Where a jury cannot be formed from the body of persons summoned to appear at the inquest, the coroner may instruct the sheriff to return a sufficient number of persons who are not disqualified or excluded from serving as jurors:

(a) from those persons present in court; or

(b) where there is an insufficient number of persons present in court, from the geographical area specified by the coroner pursuant to subsection 27(1).

(5) Section 13 of *The Jury Act, 1981* applies to employers where an employee is summoned for or serves on a jury pursuant to this Act.

**Swearing of jurors**

30 When the jurors are assembled, the coroner shall swear them to diligently inquire into the death of the person with respect to whom the inquest is to be held and to give a true finding according to the evidence.

**Failure not ground for impeaching finding**

31 A failure to observe the directions contained in this Act respecting the qualifications, exclusion or selection of jurors is not a ground for impeaching the finding returned, unless the omission has resulted in a substantial miscarriage of justice.

## PART VII Procedure at Inquest

**Inquest to be held in public**

32(1) An inquest is to be held in public.

(2) A coroner may exclude the public from all or part of an inquest and order that all or part of the evidence not be published or broadcast where the coroner is of the opinion that national security may be endangered or the possibility of serious harm or injury to any person justifies excluding the public and making the order.

(3) A coroner may order that witnesses be excluded from an inquest until they are called to give evidence.

**Procedure where person charged with offence**

**33(1)** Where a person has been charged with an offence arising out of a death, an inquest is to be held only on the direction of the minister.

(2) No person charged with an offence arising out of a death may be compelled to give evidence at an inquest respecting that death.

(3) If a person is charged with an offence arising out of a death for which an inquest is underway, the coroner shall, unless the minister orders otherwise, discharge the jury and close the inquest and shall reopen the inquest only on the direction of the minister.

(4) Where the inquest has been reopened pursuant to subsection (3), a new jury shall be summoned only if, in the opinion of the coroner, it is necessary.

(5) Notwithstanding the other provisions of this section, where a person is charged with an offence arising out of a death and the charge or an appeal from any conviction or acquittal has been finally disposed of or the time for taking an appeal has expired:

(a) the chief coroner may direct a coroner to hold an inquest into the death; and

(b) the person who was charged is a compellable witness at the inquest.

**Procedure where charge likely**

**34(1)** Where it appears likely to the chief coroner that a person will be charged with an offence arising out of a death, a coroner shall delay the holding of an inquest unless directed otherwise by the minister.

(2) Where a person has been charged or it appears that a person may be charged with an offence arising out of a death, the coroner may order that no evidence be published or broadcast without the coroner's permission until:

(a) a charge is laid and the charge or an appeal from any conviction or acquittal of the offence has been finally disposed of or the time for taking the appeal has expired; or

(b) it appears to the coroner that no charge will be laid.

**Procedure for charge other than *Criminal Code***

**35(1)** Where a person has been charged or where it appears likely to the chief coroner that a person will be charged with an offence pursuant to an Act of Parliament, other than an offence pursuant to the *Criminal Code* arising out of death, or an offence pursuant to an Act or regulation, the chief coroner may direct that an inquest not be held.

(2) Where the chief coroner directs, pursuant to subsection (1), that an inquest not be held, sections 33 and 34 apply.

**Orders where death self-inflicted**

**36(1)** Where, at the inquest, it appears that the death may have been self-inflicted, the coroner may order that no evidence of the proceedings be published or broadcast until a finding is returned.

(2) Where the finding is that a death was self-inflicted, the coroner may order that no evidence of the proceedings be published or broadcast without the coroner's permission other than the name, address and occupation of the deceased, the fact that an inquest has been held and that the death was found to have been self-inflicted.

**Standing**

**37(1)** A coroner may grant standing at an inquest to any person whom the coroner considers to have a substantial interest in the inquest.

- (2) A person who has standing at an inquest may:
- (a) be represented by counsel or an agent; and
  - (b) examine and cross-examine witnesses.

**Notice to minister**

**38(1)** A coroner shall notify the minister of the time and place at which an inquest is to be held.

- (2) The minister has standing at an inquest and may be represented by counsel.

**Request for counsel**

**39** On the request of the chief coroner, the minister may appoint counsel to attend at an inquest and to act as counsel to the coroner.

**Notice of inquest**

**40(1)** The coroner shall give written notice of the time and place of the inquest to the following persons that the coroner has knowledge of:

- (a) the immediate surviving next of kin of the deceased;
  - (b) persons who have, in the opinion of the coroner, a substantial interest in the inquest;
  - (c) persons whose conduct is, in the opinion of the coroner, likely to be called into question at the inquest.
- (2) Any person may make a written request to the coroner in charge of an investigation to be notified of the time and place of an inquest, and the coroner shall give written notice of the time and place of the inquest to that person.
- (3) Where the conduct of a person who has not been notified of and is not present at the inquest is brought into question, the coroner shall adjourn the inquest and notify that person if it is reasonably practicable to do so.
- (4) Failure to notify a person of an inquest does not invalidate the proceedings.

**PART VIII**  
**Witnesses and Evidence**

**Coroner may summon witnesses**

**41(1)** A coroner may summon any person to:

- (a) give evidence on oath at an inquest that is relevant to the subject-matter of the inquest; or
  - (b) produce in evidence at an inquest any document or thing in the person's control that the coroner may specify that is relevant to the subject-matter of the inquest.
- (2) Service of the summons is to be effected by personal service of a copy of the summons by a peace officer.

(3) Where a witness who is required to attend an inquest is confined to a place mentioned in subsection 8(1), (2) or (4), the coroner may order in writing that the witness be brought before the coroner in order to testify at the inquest and direct in the order the manner in which the witness is to be kept in custody until the witness is returned to the place of detention.

**Warrant for arrest**

**42** Where a person summoned as a witness fails to appear at an inquest in answer to a summons, a coroner may, on proof of service of that summons, issue a warrant directed to any peace officer in Saskatchewan, commanding the peace officer to arrest that person and bring him or her to the inquest.

**Witnesses**

**43(1)** The coroner may permit any person who wishes to give evidence at an inquest to testify, as long as the evidence is not frivolous or vexatious.

(2) A witness at an inquest is entitled to be advised by his or her counsel or agent as to his or her rights, but the counsel or agent may not participate in any other manner in the inquest without leave of the coroner.

(3) Where an inquest is held in the absence of the public, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

**Coroner to administer oaths**

**44** The coroner shall administer oaths to jurors, witnesses and interpreters according to the practice in the Court of Queen's Bench.

**Jury may question witnesses**

**45** Members of the jury may ask questions of the witnesses and shall:

- (a) view the body if directed by the coroner to do so; and
- (b) view the scene where the death may have occurred if directed by the coroner to do so.

**Contempt proceedings**

**46(1)** In this section, “**judge**” means a provincial court judge.

(2) A coroner may state a case to a judge setting out the facts where, without lawful excuse, a person:

- (a) on being duly summoned as a witness or a juror at an inquest, fails to attend at the inquest;
- (b) being in attendance as a witness at an inquest, refuses to take an oath or to produce any document or thing in his or her control or to answer any question; or
- (c) does any other thing that would, if the inquest had been a court of law having power to commit for contempt, be in contempt of that court.

(3) On receipt of a stated case pursuant to subsection (2), the judge may, on application of and in the name of the coroner, inquire into the matter.

(4) After hearing any witnesses who may be produced against or on behalf of the person mentioned in subsection (2) and hearing any statement that may be offered in defence, the court may punish or take steps for the punishment of that person as if he or she had been guilty of contempt of the court.

**Coroner to maintain order**

47 A coroner may make any orders or give any directions that the coroner considers necessary for the maintenance of order at an inquest and may call on a peace officer to enforce those orders or directions.

**Evidence**

48(1) At an inquest, a coroner may:

- (a) subject to subsection (2), admit any oral testimony, document or other thing as evidence, whether or not it is admissible as evidence in a judicial proceeding;
- (b) exclude anything that the coroner considers to be unduly repetitious or that, in his or her opinion, fails to meet the standards of proof that are commonly relied on by reasonably prudent persons in the conduct of their affairs;
- (c) comment on the weight to be given any evidence; or
- (d) limit examination or cross-examination of a witness where it is frivolous or vexatious.

(2) Nothing in this section derogates from:

- (a) the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or other things may be admitted or used in evidence; or
- (b) any privilege under the law of evidence.

(3) Before a person gives evidence at the inquest, the coroner shall advise the person of the provisions of section 5 of the *Canada Evidence Act* and section 37 of *The Saskatchewan Evidence Act*.

(4) A coroner may employ an interpreter at an inquest.

**Documents**

49(1) A copy of a document or other thing may be admitted as evidence at an inquest if the coroner is satisfied of its authenticity.

(2) Where a document has been admitted as evidence at an inquest, the coroner, or with the leave of the coroner the person who produced it or is entitled to it, may cause the document to be photocopied, and the coroner may:

- (a) authorize the photocopy to be admitted in evidence in place of the document and order the release of the document; or
- (b) furnish a photocopy of the document certified by the coroner to the person who produced or is entitled to it.

**Reports**

50(1) The coroner may accept a report, a medical report, a plan, a sketch, a photograph or another document containing information of a factual nature in place of the oral testimony of the maker of that document, and the document is, in the absence of evidence to the contrary, proof of the facts stated in it.

(2) The coroner may, at the request of a person with standing pursuant to section 37 or a juror, require the maker of a document to attend and give evidence at the inquest.

**Adjournment**

**51(1)** The coroner may adjourn an inquest from time to time on the coroner's own motion or if it is shown to the coroner's satisfaction that the adjournment is required to permit a proper inquest to be held.

(2) Where an inquest is adjourned, the coroner shall obtain the oral or written recognizances of the jurors and witnesses for their attendance at the resumption of the inquest.

(3) Where a juror, by reason of illness, death or absence from Saskatchewan, does not attend at the resumption of the inquest, the coroner may proceed with the inquest if at least five jurors are present.

**Coroner unable to continue**

**52** Where, for any cause, a coroner cannot complete an inquest, another coroner assigned by the chief coroner may complete it and may act on the evidence as if it had been given before him or her.

**Recording of evidence**

**53(1)** An official court reporter appointed pursuant to clause 3(2)(h) of *The Court Officials Act, 1984* shall record the evidence or any part of it by shorthand or by a recording device.

(2) The court reporter shall take an oath that he or she will accurately report the evidence and the coroner shall sign the transcript of the evidence and that transcript is to be accompanied by an affidavit of the court reporter that it is a true report of the evidence.

(3) The evidence taken by a court reporter need not be transcribed unless a transcription is ordered by the minister, by counsel appointed by the minister to act for the coroner at the inquest, by the chief coroner or by any person who requests a transcript and pays to the court reporter the fee ordinarily payable for transcripts of judicial proceedings.

## PART IX Findings

**Jury findings**

**54(1)** The jury shall, at the conclusion of the inquest, retire to consider the evidence and determine the identity of the deceased and how, when, where and by what means the deceased died.

(2) The jury shall not make any finding of legal responsibility.

(3) The jury may make any recommendation that it considers to be of assistance in preventing similar deaths.

**Report to chief coroner**

**55** At the conclusion of an inquest, the coroner shall forward the following to the chief coroner:

- (a) the finding;
- (b) any recommendations of the jury;
- (c) a list of fees to be paid to the jurors, witnesses, interpreters and any other persons;

- (d) a recording of the evidence taken at the inquest;
- (e) a transcript of the evidence certified by the coroner at the inquest if the evidence has been transcribed.

**Procedure where jury disagrees**

**56(1)** If the jury cannot agree by a majority on a finding, the coroner may discharge the jury after obtaining any findings of fact that they have been able to agree on.

(2) The coroner shall submit the evidence taken at the inquest, together with any findings of fact that the jury has been able to agree on, to the chief coroner.

(3) The minister or the chief coroner may direct the coroner to summon another jury and hold another inquest or to take any other action that the minister or the chief coroner may direct.

**Coroner to furnish particulars of death**

**57** Immediately on the close of an investigation or inquest, the coroner shall send to the Director of Vital Statistics any information that is required pursuant to *The Vital Statistics Act, 1995*.

**Coroner may authorize burial prior to inquest**

**58** A coroner who intends to hold an inquest may authorize the burial of the body before the inquest is held by completion of the medical certificate of death.

## PART X General

**Immunity**

**59** No action lies or shall be commenced or instituted against the chief coroner, a coroner or an agent acting on behalf of the chief coroner or a coroner for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any responsibility imposed by this Act or the regulations.

**No obstruction of coroners**

**60** No person shall knowingly hinder, obstruct or interfere with:

- (a) a coroner in the performance of the coroner's duties; or
- (b) a person authorized by a coroner to act in connection with an investigation or inquest.

**Body and scene to be preserved**

**61(1)** No person who has reason to believe that a death occurred under circumstances that require it to be reported to a coroner or peace officer shall in any way interfere with or alter the body or its condition unless the coroner so directs.

(2) Where a death has occurred in the wreck of a building, bridge, structure, embankment, airplane, motor vehicle, boat, machine or apparatus, no person shall, except for the purpose of saving life and relieving human suffering, without authority from the coroner, interfere with, destroy, carry away or alter the position of the wreckage or any part of or anything connected with the wreckage.

**Provision of report**

**62** Where the chief coroner receives a request from any person for a copy of any document mentioned in clauses (a) to (d) and considers it appropriate and in the public interest to do so, he or she may provide a copy of the document to that person on any terms he or she considers appropriate:

- (a) a report prepared pursuant to clause 17(a);
- (b) the finding or recommendations of a jury at an inquest;
- (c) a post-mortem report prepared pursuant to this Act;
- (d) a report signed by a duly qualified medical practitioner or the chief coroner as to the cause of death of a person.

**Offence**

**63** Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000, to imprisonment for a term not exceeding six months, or to both.

**Regulations**

**64** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the remuneration or allowances to be paid to the chief coroner, coroners, jurors, witnesses, interpreters and other persons;
- (c) prescribing forms and providing for their use;
- (d) prescribing additional rules and procedures for inquests;
- (e) respecting the summoning of jurors for the purposes of section 29;
- (f) prescribing fees for reports, transcripts and any other documents prepared pursuant to this Act;
- (g) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (h) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.



## PART XI

**Repeal, Transitional, Consequential and Coming into Force****R.S.S. 1978, c.C-38 repealed**

**65** *The Coroners Act* is repealed.

**Transitional**

**66(1)** Any person who holds the office of chief coroner or coroner on the day before this section comes into force continues to hold office and is deemed to have been appointed pursuant to the provisions of this Act.

(2) Every proceeding and process initiated, pending or heard in part immediately before the coming into force of this section is to be continued as if it had been initiated pursuant to this Act, and this Act applies with any necessary modification.

**S.S. 1986, c.A-18.2 amended**

**67(1)** *The Amusement Ride Safety Act* is amended in the manner set forth in this section.

**(2)** Section 28 is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**(3)** Section 29 is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**S.S. 1993, c.E-6.3 amended**

**68** Section 28 of *The Electrical Inspection Act, 1993* is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**S.S. 1993, c.G-3.2 amended**

**69** Section 30 of *The Gas Inspection Act, 1993* is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**R.S.S. 1978, c.H-15 amended**

**70(1)** *The Human Tissue Gift Act* is amended in the manner set forth in this section.

**(2)** Clause 6(4)(a) is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**(3)** Section 7 is amended by striking out “section 4 of *The Coroners Act*” and substituting “sections 7 to 10 of *The Coroners Act, 1999*”.

**(4)** Section 15 is amended by striking out “*The Coroners Act*” and substituting “*The Coroners Act, 1999*”.

**Coming into force**

**71** This Act comes into force on proclamation.

