



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CORONERS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to September 21, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



CORONERS ACT

Table of Contents

Section	Page
1. Definitions.....	5
2. Purpose.....	5
PART I — CORONERS	5
3. Chief coroner	5
4. Appointment of coroners	6
PART II — DUTY TO REPORT DEATH TO CORONER	6
5. Duty to notify of a death	6
PART III — INVESTIGATIONS	7
6. Warrant to take possession of body	7
7. Investigation without warrant	8
8. Powers of a coroner.....	8
9. Coroner may destroy clothing not required.....	9
10. Warrant issued by coroner	9
11. Disinterment of body	9
12. Assistance by police.....	9
13. No obstruction, interference with coroner, etc.	10
14. No interference with body.....	10
15. Permission to bury body	10
16. Direction to hold inquest.....	10
PART IV — INQUESTS	11
17. Inquest considered necessary	11
18. Inquest into death of inmate	11
19. Direction by Minister to hold inquest	11
20. Related deaths	11
21. Inquest not a criminal court of record	11
PART V — JURIES	11
22. Jury.....	11
23. Sheriff to summon persons.....	12
24. Coroner may question persons summoned.....	12
25. Persons who shall not be jurors.....	12
26. Coroner may excuse person	13
27. Swearing in of jurors.....	13
28. Errors not grounds for impeaching finding	13
PART VI — PROCEDURE AT AN INQUEST	13
29. Inquest public.....	13
30. Inquest where a person is charged with the death	13

31.	Delay on waiting for charge to be laid.....	14
32.	Offence under other federal Act	14
33.	Death, self-inflicted	14
34.	Standing at inquest	14
35.	Notice to Minister	15
36.	Legal counsel to the coroner.....	15
37.	Notice	15
PART VII — WITNESSES AND EVIDENCE		15
38.	Summons	15
39.	Failure to appear or to answer question	16
40.	Evidence	16
41.	Jury questions	16
42.	Maintenance of order at inquest	17
43.	Coroner’s powers at inquest	17
44.	Copy as evidence	17
45.	Reports	18
46.	Adjournment.....	18
47.	If coroner cannot complete inquest	18
48.	Court reporter	18
PART VIII — FINDINGS		19
49.	Jury retires to consider.....	19
50.	Information to chief coroner.....	19
51.	No majority agreement	19
52.	Information to Director of Vital Statistics	19
PART IX — GENERAL		19
53.	Limitation of action	19
54.	Copy of document	20
55.	Offence	20
56.	Regulations	20
57.	Transitional.....	20
58.	Consequential amendments	21
62.	Repeal.....	21





CORONERS ACT

CHAPTER C-25.1

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Definitions

In this Act

- (a) “**chief coroner**” means the chief coroner appointed under section 3;
- (b) “**coroner**” means a coroner appointed by the Minister under section 4;
- (c) “**death**” includes a stillbirth within the meaning of the *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1;
- (c.1) “**field investigator**” means a field investigator appointed under clause 3(3)(e.1) or subsection 6(1.1);
- (d) “**inquest**” means a formal inquiry into the death of a person, conducted by a coroner under this Act;
- (e) “**Minister**” means the Minister of Justice and Public Safety and Attorney General. *2006, c.29, s.1; 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3; 2016, c.5, s.1.*

2. Purpose

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

- (a) provides for independent and impartial investigations into, and inquests respecting, the circumstances surrounding unexpected, unnatural or unexplained deaths;
- (b) determines the identity of a deceased and how, when, where and by what means that person died;
- (c) uncovers dangerous practices or conditions that may lead to a death;
- (d) educates the public respecting dangerous practices and conditions; and
- (e) publicizes, and maintains records of, and the circumstances surrounding, causes of death. *2006, c.29, s.2.*

PART I — CORONERS

3. Chief coroner

- (1) The Lieutenant Governor in Council shall appoint a medical practitioner to be chief coroner for the province who shall be responsible for the administration of this Act and the regulations.

Deputy chief coroner

- (2) The Lieutenant Governor in Council, upon the recommendation of the chief coroner, may appoint a deputy chief coroner for the province who may act as and have all of the powers of the chief coroner where
- (a) the office of chief coroner is vacant; or
 - (b) the chief coroner is absent or unable to act.

Powers of chief coroner

- (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 exercise control over all coroners in the performance of their duties, including the assignment of areas of responsibility and such other assignments as the chief coroner considers necessary;
 - (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;
 - (e.1) appoint as field investigator one or more persons who, in the opinion of the chief coroner, have the prescribed qualifications and the ability to carry out death investigations if directed to do so under this Act;
 - (e.2) establish and conduct programs for the instruction of field investigators in their duties;
 - (f) assist coroners in obtaining medical and other experts where necessary;
 - (g) determine, for the purposes of this Act, when a coroner may require, under subsection 10(2), the assistance of a pathologist;
 - (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 a coroner for cause or who is unable to act; and
 - (k) perform any other duties that may be prescribed in the regulations. *2006,c.29,s.3; 2016,c.5,s.2.*

4. Appointment of coroners

The Lieutenant Governor in Council may appoint one or more medical practitioners to be coroners. *2006,c.29,s.4.*

PART II — DUTY TO REPORT DEATH TO CORONER

5. Duty to notify of a death

- (1) Where a death has occurred in the province, or as a result of events that occurred in the province, every person shall immediately report the death to a coroner or a police officer, if the person has reason to believe that the death
- (a) occurred as a result of violence, accident, suicide or other cause other than disease, sickness or old age;
 - (b) occurred as a result of negligence, misconduct or malpractice;



- (c) occurred suddenly and unexpectedly when the deceased had been in apparent good health;
- (d) occurred under circumstances in which the body is not available because the body or part of the body
 - (i) has been destroyed,
 - (ii) is in a place from which it cannot be recovered, or
 - (iii) cannot be located;
- (e) occurred within 10 days after a surgical procedure or while the deceased was under or recovering from anaesthesia;
- (f) occurred as a direct or immediate consequence of the deceased being engaged in employment, an occupation or a business;
- (g) was a stillbirth that occurred without the presence of a duly qualified medical practitioner;
- (h) occurred while the deceased was detained or in custody involuntarily pursuant to law in a jail, lock-up, correctional facility, medical facility or other institution;
- (i) occurred while the deceased was detained by or in the custody of a police officer;
- (j) occurred while the deceased was under the care, custody or supervision of the Director of Child Protection; or
- (k) occurred in circumstances that require investigation.

Exception

- (2) Notwithstanding subsection (1), a person does not need to report a death to a coroner or a police officer where the person knows that a coroner or police officer is already aware of the death.

Duty of police officer

- (3) A police officer who has knowledge of a death reportable under subsection (1) shall immediately report the death to a coroner.

Special reporting arrangements

- (4) The chief coroner may make special arrangements with persons in charge of medical facilities and correctional facilities and with the police for the efficient reporting of deaths under subsection (1). *2006, c.29, s.5; 2010, c.28, s.35.*

PART III — INVESTIGATIONS

6. Warrant to take possession of body

- (1) Where a coroner has reason to believe that a death has occurred under circumstances that require the death to be reported under subsection 5(1), and the death occurred in an area or as a result of events that occurred in an area in which the coroner ordinarily exercises his or her responsibilities, the coroner
 - (a) shall issue a warrant in the prescribed form to take possession of the body, if the body is in the province; and
 - (b) may conduct any investigation into the death that he or she considers necessary including by directing a field investigator to carry out the investigation on his or her behalf.

Appointment of field investigator

- (1.1) Where, in the opinion of a coroner, it is necessary that a field investigator be appointed to carry out a death investigation under clause (1)(b), the coroner may, for that purpose, appoint as field investigator an individual who, in the opinion of the coroner, has the prescribed qualifications and the ability to do the investigation on the coroner's behalf.

One coroner per investigation

- (2) Where a coroner has begun, or has directed a field investigator to begin, an investigation under subsection (1), no other coroner shall become involved in the investigation unless otherwise directed by the chief coroner.

Coroner disqualified from investigation or inquest

- (3) A coroner is disqualified from conducting an investigation or inquest where
- (a) the coroner has attended on the deceased as a medical practitioner within six months 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.

Idem

- (4) A coroner who has investigated a death is disqualified from conducting an inquest in relation to that death.

Reassignment of investigator

- (5) Where, in the opinion of the chief coroner, the conduct of a coroner or a field investigator or of a partner, associate, employee or employer of a coroner or a field investigator might be called into question during an investigation, the chief coroner may reassign the investigation to another coroner or another field investigator. *2006, c.29, s.6; 2016, c.5, s.3.*

7. Investigation without warrant

Notwithstanding subsection 6(1), a coroner, who becomes aware that a death has occurred that is reportable under subsection 5(1), may conduct an investigation without issuing a warrant to take possession of the body if the body

- (a) has been destroyed in whole or in part;
- (b) is in a place from which it cannot be recovered; or
- (c) has been removed from the province. *2006, c.29, s.7.*

8. Powers of a coroner

- (1) For the purposes of an investigation under this Act, a coroner, or a police officer requested under subsection 12(1) to assist in the conduct of the investigation
- (a) may enter and inspect any place where a dead body is and any place from which the coroner or police officer has reasonable grounds for believing the body was removed; and
 - (b) may examine and make copies of any records relating to the deceased or his or her circumstances where the coroner or police officer believes on reasonable grounds that it is necessary to do so for the purposes of the investigation. *2006, c.29, s.8; 2016, c.5, s.4.*



9. Coroner may destroy clothing not required

The coroner may destroy soiled or damaged clothing that was taken into possession with a body and which is not required for the purposes of this Act or an investigation or proceeding conducted under another Act of the province or of Canada. *2006,c.29,s.9.*

10. Warrant issued by coroner

- (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.

Pathologist to perform post-mortem

- (2) A warrant issued under subsection (1) shall require a pathologist to perform a post-mortem examination and report the results of the post-mortem examination to the coroner.

Report

- (3) Every pathologist who performs a post-mortem examination shall report the results of the post-mortem examination to the coroner before the coroner releases the body.

Removal of part or object from body

- (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. *2006,c.29,s.10.*

11. Disinterment of body

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

Notice to spouse or next of kin

- (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, if any; and
 - (b) the owner or the person in charge of the cemetery or mausoleum where the body is buried or stored. *2006,c.29,s.11.*

12. Assistance by police

- (1) A coroner may obtain the assistance of police officers in the conduct of an investigation or inquest.

Assistance by other persons

- (2) A coroner may, with the consent of the Minister, obtain the assistance of persons other than police officers for all or part of the investigation or inquest.

Consent not required

- (3) For greater certainty, the consent of the Minister is not required before the assistance of a field investigator is obtained for the purposes of an investigation under this Act. *2006,c.29,s.12; 2016,c.5,s.5.*

13. No obstruction, interference with coroner, etc.

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 or directed by a coroner to act in connection with an investigation or inquest. *2006,c.29,s.13.*

14. No interference with body

- (1) No person, other than a police officer performing his or her duty, who has reason to believe that a death occurred under circumstances that require it to be reported to a coroner or police officer shall in any way interfere with or alter the body or its condition unless the coroner so directs.

Medical certificate of death required

- (2) No person shall
 - (a) cremate a body or otherwise dispose of a body by any means or method that will prevent future examination of the body; or
 - (b) ship or take a body from a place in the province to a place outside of the province, until a coroner issues a certificate in the prescribed form stating that he or she has examined the medical certificate of death and releases the body for burial, cremation or transport.

Body brought into province

- (3) Every person who brings a body into the province shall notify a coroner.

Investigation

- (4) A coroner notified under subsection (3) shall
 - (a) inspect the medical certificate of death or other documents that accompany the body;
 - (b) make such investigation that may be necessary to establish or confirm the cause of the death; and
 - (c) either
 - (i) sign, and provide a funeral director with, the prescribed form to release the body, or
 - (ii) determine that further investigation of the death is required. *2006,c.29,s.14.*

15. Permission to bury body

- (1) 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 by the *Vital Statistics Act*.

Idem

- (2) 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. *2006,c.29,s.15.*

16. Direction to hold inquest

Notwithstanding subsection 15(1), the Minister or the chief coroner may direct any coroner to hold an inquest. *2006,c.29,s.16.*



PART IV — INQUESTS

17. Inquest considered necessary

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. *2006, c.29, s.17.*

18. Inquest into death of inmate

A coroner shall hold an inquest into the death of a person who dies while an inmate in a place referred to in clause 5(1)(h) unless the coroner is satisfied that the death was due entirely to natural causes and was not preventable. *2006, c.29, s.18.*

19. Direction by Minister to hold inquest

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. *2006, c.29, s.19.*

20. Related deaths

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 of the deaths. *2006, c.29, s.20.*

21. Inquest not a criminal court of record

The powers conferred on a coroner to conduct an inquest are not to be construed as creating a criminal court of record. *2006, c.29, s.21.*

PART V — JURIES

22. Jury

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

Finding by five 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.

New jury if less than five jurors

- (3) If there are fewer than five jurors, the coroner shall summon a new jury. *2006, c.29, s.22.*

23. Sheriff to summon persons

- (1) The coroner holding an inquest shall direct the sheriff to summon good and lawful persons to appear before the coroner at a specified time and place to inquire into the death of a person.

Sheriff's power to summon

- (2) On being directed to summon a jury under subsection (1), the sheriff has the power to summon and shall summon such persons as may be necessary to form a jury to serve at an inquest to be held under this Act.

Failure to appear or serve as juror

- (3) Where a person duly summoned under subsection (2)
- (a) does not appear before the coroner as required by the summons; or
 - (b) refuses, at the inquest and without reasonable excuse, to serve as a juror,
- the coroner may impose on such person a fine not exceeding \$100.

No derogation from other powers under the Act

- (4) Any power by this Act vested in a coroner of imposing a fine on a juror shall be deemed to be in addition to and not in derogation of any power the coroner may possess independently of this Act for compelling any person to appear before him or her at any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing, with this qualification, that a person shall not be fined by a coroner under this Act and also be punished under the power of a coroner exercised independently of this Act. *2006, c.29, s.23.*

24. Coroner may question persons summoned

The coroner may question the persons who are present as a result of a summons issued under subsection 23(2) to determine their eligibility and suitability as jurors and shall select six persons from among those present to serve as jurors at the inquest. *2006, c.29, s.24.*

25. Persons who shall not be jurors

- (1) No officer, employee, inmate, resident or patient of a jail, lock-up, correctional facility, medical facility or other institution where a death 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 place.

Idem

- (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.

Idem

- (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.

Disqualification for interest or bias

- (4) The coroner shall disqualify from serving as a juror any person whom the coroner believes would be unable to render a true finding in accordance with the evidence because of interest or bias. *2006, c.29, s.25.*



26. Coroner may excuse person

The coroner may excuse any person from serving as a juror on the grounds of illness, hardship or other good reason. *2006,c.29,s.26.*

27. Swearing in of jurors

When the jurors are assembled, they shall choose a foreperson and be sworn by or before the coroner to diligently inquire into the death of the person with respect to whom the inquest will be held and to give a true finding according to the evidence. *2006,c.29,s.27.*

28. Errors not grounds for impeaching finding

A failure to observe the provisions 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. *2006,c.29,s.28.*

PART VI — PROCEDURE AT AN INQUEST

29. Inquest public

- (1) An inquest shall be held in public.

Exception

- (2) Notwithstanding subsection (1), the Minister may direct that an inquest, or a part thereof, be held in private where the Minister is of the opinion that national security may be endangered or that such direction will avoid serious harm or injury to any person.

Exclusion of witnesses

- (3) A coroner may order that witnesses be excluded from an inquest until they are called to give evidence. *2006,c.29,s.29.*

30. Inquest where a person is charged with the death

- (1) Notwithstanding any other provision of this Act, where a person has been charged with an offence arising out of a death, an inquest into the death shall be held only on the direction of the Minister.

Person charged not compellable

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

Person charged after inquest underway

- (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.

Reopened inquest

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

After charge and appeal dealt with

- (5) Notwithstanding any 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. *2006, c.29, s.30.*

31. Delay on waiting for charge to be laid

- (1) Where it appears likely to the chief coroner that a person will be charged with an offence arising out of a death, the chief coroner shall
- (a) notify the Minister; and
 - (b) unless otherwise directed by the Minister, direct the coroner to delay the holding of an inquest until the charges have been dealt with.

Evidence not to be published or broadcast

- (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. *2006, c.29, s.31.*

32. Offence under other federal Act

- (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 under an Act of Parliament, other than an offence under the *Criminal Code* (Canada) arising out of a death, or an offence under an Act or regulation, the chief coroner may direct that an inquest not be held.

Application of s. 30, 31

- (2) Where the chief coroner directs under subsection (1) that an inquest not be held, sections 30 and 31 apply. *2006, c.29, s.32.*

33. Death, self-inflicted

- (1) Where, at an 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.

No publication or broadcast

- (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. *2006, c.29, s.33.*

34. Standing at inquest

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



Representation

- (2) A person who has standing at an inquest may
- (a) be represented by legal counsel or an agent; and
 - (b) examine and cross-examine witnesses. *2006,c.29,s.34.*

35. Notice to Minister

- (1) A coroner shall notify the Minister of the time and place at which an inquest will be held.

Minister has standing

- (2) The Minister has standing at an inquest and may be represented by legal counsel. *2006,c.29,s.35.*

36. Legal counsel to the coroner

On the request of the chief coroner, the Minister may appoint legal counsel to attend at an inquest and to act as legal counsel to the coroner. *2006,c.29,s.36.*

37. Notice

- (1) The coroner shall give written notice of the time and place of the inquest to the following persons of whom the coroner has knowledge:
- (a) the immediate surviving spouse or 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.

Idem

- (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.

Idem

- (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 and adjourn the inquest for such period of time as the coroner considers appropriate for the purpose of allowing the person to be given notice of the inquest.

Failure to notify does not invalidate

- (4) Failure to notify a person of an inquest does not invalidate the proceedings. *2006,c.29,s.37.*

PART VII — WITNESSES AND EVIDENCE**38. Summons**

- (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.

Service of summons

- (2) The coroner shall cause a summons issued under subsection (1) to be personally served on the person summoned.

Coroner's order for witness to be brought before inquest

- (3) Where a witness who is required to attend an inquest is confined to a place referred to in clause 5(1)(h), 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 shall be kept in custody until the witness is returned to the place of detention. *2006, c.29, s.38.*

39. Failure to appear or to answer question

- (1) Where a person duly summoned to give evidence at any inquest
- (a) does not attend at the inquest as required by the summons; or
- (b) refuses, at the inquest, and without reasonable excuse, to answer a question put to him or her,

the coroner may impose on such person a fine not exceeding \$100.

No derogation from other powers under the Act

- (2) Any power by this Act vested in a coroner of imposing a fine on a witness shall be deemed to be in addition to and not in derogation of any power the coroner may possess independently of this Act for compelling any person to appear and give evidence before him or her on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence, with this qualification, that a person shall not be fined by a coroner under this Act and also be punished under the power of a coroner exercised independently of this Act. *2006, c.29, s.39.*

40. Evidence

- (1) The coroner may permit any person who wishes to give evidence at an inquest to testify, if, in the coroner's opinion, the evidence is not frivolous or vexatious.

Legal counsel, agent as advisor

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

Legal counsel, agent present when witness present

- (3) Where an inquest is held in the absence of the public, a legal counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. *2006, c.29, s.40.*

41. Jury questions

- (1) Members of the jury may ask questions of the witnesses at an inquest.

View the body, scene

- (2) Members of the jury shall



- (a) view the body; or
 - (b) view the scene where the death may have occurred,
- if directed by the coroner to do so. 2006,c.29,s.41.

42. Maintenance of order at inquest

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 sheriff or a police officer to enforce those orders or directions. 2006,c.29,s.42.

43. Coroner's powers at inquest

- (1) At an inquest, a coroner may
 - (a) subject to subsection (2), admit any oral testimony, including any testimony obtained by telephone conference call or other electronic means, 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.

No derogation from statute or privilege

- (2) Nothing in this section derogates from
 - (a) the provisions of the *Canada Evidence Act* (Canada), the *Evidence Act R.S.P.E.I.* 1988, Cap. E-11 or any other 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.

Evidence Acts

- (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* (Canada) and section 6 of the *Evidence Act*.

Interpreter

- (4) A coroner may employ an interpreter at an inquest. 2006,c.29,s.43.

44. Copy as evidence

- (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.

Photocopy

- (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. *2006, c.29, s.44.*

45. Reports

- (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.

Evidence by maker of document

- (2) The coroner may, at the request of a person granted standing under section 34 or a juror, require the maker of a document to attend and give evidence at the inquest. *2006, c.29, s.45.*

46. Adjournment

- (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.

Recognizance

- (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.

Juror ill, absent

- (3) Where a juror, by reason of illness, death or absence from the province, does not attend at the resumption of the inquest, the coroner may proceed with the inquest if at least five jurors are present. *2006, c.29, s.46.*

47. If coroner cannot complete inquest

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. *2006, c.29, s.47.*

48. Court reporter

- (1) A court reporter appointed under the *Court Reporters Act* R.S.P.E.I. 1988, Cap. C-27.03 shall record the proceedings or any part of the proceedings by shorthand or by a recording device.

Oath

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

Transcription of proceedings

- (3) The proceedings recorded by a court reporter do not need to be transcribed unless a transcription is ordered by the Minister, by legal 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 Supreme Court the fee prescribed under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001 for transcripts of judicial proceedings. *2006, c.29, s.48; 2008, c.20, s.72(16); 2012, c.10, s.5.*



PART VIII — FINDINGS**49. Jury retires to consider**

- (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.

No finding of legal responsibility

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

Jury recommendations

- (3) The jury may make any recommendations that it considers to be of assistance in preventing similar deaths. *2006, c.29, s.49.*

50. Information to chief coroner

At the conclusion of an inquest, the coroner shall forward to the Minister and the chief coroner

- (a) the finding; and
- (b) any recommendations of the jury. *2006, c.29, s.50.*

51. No majority agreement

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

Evidence and findings to chief coroner

- (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.

Another jury

- (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. *2006, c.29, s.51.*

52. Information to Director of Vital Statistics

Immediately on the close of an investigation or inquest, the coroner shall send to the Director of Vital Statistics any information that is required by the *Vital Statistics Act*. *2006, c.29, s.52.*

PART IX — GENERAL**53. Limitation of action**

No action lies or shall be commenced or instituted against the chief coroner, a coroner, a field investigator, a police officer 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 under this Act or any responsibility imposed by this Act or the regulations. *2006,c.29,s.53; 2016,c.5,s.6.*

54. Copy of document

Where the Minister considers it to be appropriate and in the public interest, the Minister may, at any person's request, provide a copy of one or more of the following documents to that person on such conditions as the Minister considers appropriate:

- (a) a report prepared under clause 15(1)(a);
- (b) the findings or recommendations of a jury at an inquest;
- (c) a post-mortem report prepared under this Act; or
- (d) a report signed by a duly qualified medical practitioner or a coroner as to the cause of death of a person. *2006,c.29,s.54.*

55. Offence

Every person who

- (a) contravenes a provision of this Act or the regulations; or
- (b) fails to comply with an order or direction of a coroner or the chief coroner,

is, unless otherwise provided in this Act, 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. *2006,c.29,s.55.*

56. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing the remuneration or allowances to be paid to the chief coroner, coroners, field investigators, jurors, witnesses, interpreters and other persons;
- (b) prescribing forms and providing for their use;
- (c) prescribing additional rules and procedures for inquests;
- (d) respecting the summoning of jurors for the purposes of section 24 and witnesses for the purposes of section 38;
- (e) prescribing fees for reports and other documents, except transcripts, prepared under this Act;
- (f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (g) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (h) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act. *2006,c.29,s.56; 2012,c.10,s.5; 2016,c.5,s.7.*

57. Transitional

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



Idem

- (2) Every proceeding and process initiated, pending or heard in part immediately before the coming into force of this section shall be continued as if it had been initiated under this Act, and this Act applies with any necessary modification. *2006,c.29,s.57.*

58. Consequential amendments

Sections 58 to 61 make consequential amendments to other Acts. The amendments have been incorporated into those Acts.

62. Repeal

The *Coroners Act* R.S.P.E.I. 1988, Cap. C-25 is repealed. *2006,c.29,s.62.*