

Law Officers' (Coroner's) post mortem examination

The following are examples of cases where the Law Officers are likely to direct a post mortem examination. Post mortem examinations directed by the Law Officers do not require consent from the deceased's relatives.

<ul style="list-style-type: none">• Sudden deaths when the doctor cannot sign the death certificate• Acute alcohol poisoning/ intoxication	<ul style="list-style-type: none">• Allegations of medical negligence• Death involving drugs or poisons
<ul style="list-style-type: none">• Homicide• Industrial accidents	<ul style="list-style-type: none">• Suicide• Death from industrial disease
<ul style="list-style-type: none">• Death in custody• Domestic accidents	<ul style="list-style-type: none">• Road traffic accidents• Operation related deaths
<ul style="list-style-type: none">• Sudden infant death	<ul style="list-style-type: none">• Pregnancy related deaths

Types of Death:

Sudden/Unexpected Death

A sudden or unexpected death will not necessarily require a post mortem examination. Many 'sudden' deaths, whilst unexpected, may be predicated by a long and well known history of medical problems. However, if there is no obvious cause and the relevant medical practitioners are not prepared to sign a death certificate, a post mortem examination will be required (see further below).

Suspicious Deaths

A 'suspicious' death will nearly always result in a post mortem examination, and possibly an inquest.

Unusual Deaths

Similarly, 'unusual' deaths would nearly always result in a post mortem examination. If there are questions resulting from the death which cannot be answered by reverting to the deceased's medical history or the police background, a post mortem examination may be required.

Hospital Post Mortem Examinations

Post mortem examinations are sometimes requested by hospital doctors to provide more information about an illness or the cause of death. Sometimes the partner or relative of the deceased person will request a hospital post mortem examination to find out more about the cause of death. Hospital post mortem examinations can only be carried out with consent. Sometimes, a person may have given their consent before they died. If this is not the case, a person who is close to the deceased can give their consent for a post mortem to take place (in the rare event that any family disagreement arises, the matter should be referred to the Law Officers).

Contacting the Law Officers in respect of a death

After a relative's death, families usually appoint an undertaker to act on their behalf and liaise with the Law Officers, where necessary. On occasion however family members may wish to contact the Law Officers directly to seek clarification, or request information, in respect of their relatives' death. The Law Officers' Executive Assistant can also assist with such queries.

Clarification of the inquest process:

Where appropriate, the Law Officers may speak with the family to clarify the inquest process; however, the Police will generally deal sufficiently with this issue.

Inquests

An inquest is an inquiry principally held to establish answers to four key questions:

- Who the deceased was;
- Where they died;
- When they died;
- How they died.

The Law Officer will arrange for the body to be released for burial or cremation if the Pathology Department and Police are happy that no further investigation in this area is required. The inquest is normally opened before the body can be released.

When a Law Officer directs an inquest to be opened, again a police officer will act on behalf of the Law Officer in making the necessary arrangements, and investigations. All medical staff should facilitate the police officer in these duties.

How an inquest will proceed

- The inquest is presided over by a Magistrate;
- It is held as soon as is practicable after all enquiries have been completed;
- It is held in public;
- If oral evidence is required, the Magistrate will examine the witnesses under oath, as may those representing interested parties (if any).
- The Magistrate will return a verdict - a short statement which records the answers to the previous four questions. There are a number of verdicts that can be given including:

- natural causes;
 - industrial disease;
 - dependence on drugs/non-dependent abuse of drugs;
 - want of attention at birth;
 - suicide/killed him or herself [whilst the balance of his or her mind was disturbed];
 - accident or misadventure (which means almost the same thing);
 - disaster which is the subject of a public inquiry;
 - attempted or self-induced abortion (now rare);
 - unlawful killing;
 - open verdict – this means that doubt remains as to how the deceased came to their death and there is insufficient evidence to reach any other verdict;
 - stillbirth;
 - narrative verdict (A form of verdict where the magistrate may give a longer explanation of what they think are the main or important issues.)
- In some cases the words “contributed to by neglect” can be added, but only in limited circumstances.
 - The inquest is designed to find out the circumstances of death, not to assign culpability or apportion blame. Such proceedings would need to go through the usual criminal or civil routes.

Cremations

For a cremation to proceed, after the death has been registered, the undertaker must obtain, inter alia, the signature of a Law Officer. The relevant legislation is 'The Cremation Ordinance, 1972'.

The duties of a Law Officer include the following:

- Not to allow any cremation to take place if it appears that the deceased left a written direction to the contrary;
- Not to allow any cremation to take place unless they are satisfied that the death of the deceased has been duly registered by the production of a certificate of registry of death on one of the forms provided by the Registrar of Deaths for production in cases of burial (i.e. usually a burial permit);
- Before allowing the cremation, to examine the application and certificates and ascertain that they are such as are required by the Ordinance and that the inquiry made by the persons giving the certificates has been adequate. They may make any inquiry with regard to the application and certificates that they may think necessary;
- Not to allow the cremation unless they are satisfied that the application is made by an executor or by the nearest surviving relative of the deceased, or if made by any other person, that the fact that the executor or nearest relative has not made the application is sufficiently explained, and that the person making the application is the proper person to do so;
- If it is intended to hold an inquest on the body then generally not to allow the cremation to take place until the inquest has been held, or until the Magistrate has given permission to dispose of the body;
- They may decline to allow the cremation without stating any reason;

Other circumstances in which the Law Officers liaise with relatives/partners:

Repatriation

The Law Officers may become involved in assisting relatives/partners of deceased persons who have died abroad, to try and obtain the correct certification regarding the circumstances of death. This is usually because of a sudden, unexpected death.

Cases with Criminal Inquiry

These cases (which might, for example involve fatal RTAs, or workplace accidents as well as homicide) are particularly traumatic for victims' families, more complex for Police and Law Officers, and likely to take longer to resolve than most other cases.

Court permission to release victim's body for burial/cremation is always necessary but cannot be sought until [potential] defendants have had adequate opportunity to obtain a further post mortem or other evidence for which the body is required. An inquest can then be opened, but is not generally concluded until the trial is complete and any appeal has been dealt with.

Declaration of death and Limit of time for keeping the body

A declaration of death must be made to the Registrar of Births and Deaths within 5 days after death (under the Law Relating to the Registration of Births and Deaths in the Bailiwick of Guernsey 1935, as amended). The same Law prescribes the period of time a body is allowed to be kept. Bodies are usually kept at the hospital but on occasion may be kept at the undertakers. If the body is not in the custody of the States (in reality, if not at the hospital mortuary), the limit of time it may remain is six days, after which the Medical Officer of Health must be informed. A body may only be kept without specific authorisation for a maximum of 15 days after which authorisation has to be obtained from the Law Officers and the Constables of the Parish where the body is, (and in Sark, from the Constables and Seneschal) for the body to be kept 'above ground'. Failure to comply with these provisions constitutes a breach of the relevant law and is punishable by way of a fine.

Further Information

Relevant documents:

- Law relating to the Registration of Births and Deaths in the Bailiwick of the Island of Guernsey (1935), as amended.
- The Cremation Ordinance, 1972, as amended (available to download from the Guernsey Legal Resources website www.guernseylegalresources.gg).

Funeral Directors:

Argent Funeral Care	233155
Beckfords Funeral Services	264202
Martels Funeral Services	244788
Noyons Funeral Services	249778
Vaudin's Funeral Services	236080