



Number 4 of 2024

Coroners (Amendment) Act 2024



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[No. 4.]

Coroners (Amendment) Act 2024.

[2024.]

ACTS REFERRED TO

Civil Law (Miscellaneous Provisions) Act 2022 (No. 19)

Companies Act 2014 (No. 38)

Coroners Act 1962 (No. 9)

Coroners Acts 1962 to 2020



Number 4 of 2024

CORONERS (AMENDMENT) ACT 2024

An Act to provide for the appointment of one or more coroners in the coroner’s district of Dublin; to provide for the assignment or appointment of a person to act temporarily as a coroner in a coroner’s district where necessary due to the number or nature of deaths in that district; to provide for the circumstances in which a person shall not be eligible for appointment, and shall cease to hold office, as a coroner or deputy coroner; and for those and other purposes to amend the Coroners Act 1962 and the Civil Law (Miscellaneous Provisions) Act 2022; and to provide for related matters.

[16th February, 2024]

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2022” means the Civil Law (Miscellaneous Provisions) Act 2022;

“Minister” means the Minister for Justice;

“Principal Act” means the Coroners Act 1962.

Amendment of section 6A of Principal Act

2. Section 6A of the Principal Act is amended by—

(a) the substitution of the following subsection for subsection (5):

“(5) A person appointed under subsection (6A) to be a coroner for the coroner’s district of Dublin shall hold office on such terms and conditions (including terms and conditions relating to remuneration and superannuation) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.”,

(b) the substitution of the following subsection for subsection (6A):

“(6A) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, appoint one or more than one person to be a coroner for the coroner’s district of Dublin.”,

(c) the substitution of the following subsection for subsection (6B):

“(6B) A person appointed under subsection (6A) to be a coroner for the coroner’s district of Dublin shall be a civil servant in the Civil Service of the State.”,

(d) the insertion of the following subsections after subsection (6B):

“(6C) A person appointed under subsection (6A) to be a coroner for the coroner’s district of Dublin shall not, without obtaining the prior consent in writing of the Minister—

(a) hold any other office or occupy any other position in respect of which emoluments are payable, or

(b) carry on any other business, trade or profession.

(6D) Section 14A shall not apply to a coroner for the coroner’s district of Dublin appointed under subsection (6A).

(6E) On the coming into operation of *section 2* of the *Coroners (Amendment) Act 2024*, sections 13 and 15 shall cease to apply to a coroner for the coroner’s district of Dublin appointed under subsection (6A).

(6F) A person who, immediately before the coming into operation of *section 2* of the *Coroners (Amendment) Act 2024*, held the office of deputy coroner in the coroner’s district of Dublin shall, on such coming into operation, cease to hold that office and, for the avoidance of doubt, subsection (5A) and section 13(9) shall, to the extent that they apply to any such deputy coroner, cease to apply to that deputy coroner.”,

and

(e) the deletion of subsections (7), (8) and (9).

Tenure of office of coroner for coroner’s district of Dublin

3. The Principal Act is amended by the insertion of the following section after section 10:

“**10A.** (1) A coroner for the coroner’s district of Dublin appointed under subsection (6A) of section 6A shall, unless he or she sooner dies, resigns, retires in accordance with the terms and conditions of his or her appointment under that section or is removed from office, hold office for such period, not exceeding 5 years, from the date of his or her appointment as the Minister shall, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(2) A coroner to whom subsection (1) applies and whose term of office expires with the passage of time may be re-appointed by the Minister for one further period, not exceeding 5 years, as the Minister shall, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

- (3) Where a coroner for the coroner's district of Dublin intends to resign or vacate the office, he or she shall give not less than 3 months' notice in writing of such intention to the Minister.
- (4) On the coming into operation of *section 3* of the *Coroners (Amendment) Act 2024*, section 11 shall cease to apply to a coroner for the coroner's district of Dublin.”.

Amendment of section 11 of Principal Act

4. Section 11 of the Principal Act is amended, in subsection (1), by the substitution of “Subject to section 10A, every” for “Every”.

Assignment and appointment of temporary coroner where necessary due to number or nature of deaths

5. (1) The Principal Act is amended by the substitution of the following section for section 11B:

“**11B.** (1) The Minister may, where he or she is satisfied that, due to the number or nature of deaths in a coroner's district, it is necessary for the purpose of increasing the number and progress of inquiries under this Act into deaths in that district—

- (a) subject to subsection (2), assign a person who stands appointed as a coroner or deputy coroner for another coroner's district, or
 - (b) subject to subsection (3), appoint, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, a person (including a person who previously stood appointed as a coroner or deputy coroner for any coroner's district),
to act temporarily as a coroner (in this section referred to as a ‘temporary coroner’) for the first-mentioned coroner's district.
- (2) An assignment of a person under subsection (1)(a) shall be made only with the consent of the person to be assigned.
 - (3) The Minister shall, before making an appointment under subsection (1)(b), satisfy himself or herself that the person possesses the requisite knowledge and ability for the proper discharge of the duties of a coroner.
 - (4) An assignment or appointment under subsection (1) shall be in writing and shall be made for a specified period, not exceeding 12 months, from the date of the assignment or appointment, as the case may be.
 - (5) (a) Subject to paragraph (c), an assignment under subsection (1)(a) may, with the consent of the person who is the subject of the assignment, be renewed from time to time in writing by the Minister for a further period not exceeding 12 months from the expiration of the period specified in accordance with

subsection (4), or, as the case may be, from the expiration of the last period of renewal under this paragraph.

- (b) Subject to paragraph (c), an appointment under subsection (1)(b) may be renewed in writing, up to a maximum of 3 times, by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, and each renewal may be for a further period not exceeding 12 months from the expiration of the period specified in accordance with subsection (4), or, as the case may be, from the expiration of the last period of renewal under this paragraph.
 - (c) An assignment or appointment shall not be renewed under paragraph (a) or (b) unless the Minister is satisfied that the renewal is necessary for the purpose referred to in subsection (1).
- (6) The appointment of a person as a temporary coroner under subsection (1)(b) or (5)(b), as the case may be, shall, unless he or she otherwise ceases to be a temporary coroner, cease—
- (a) in the case of a coroner's district other than the coroner's district of Dublin, on the expiration of the last period of appointment specified under either of those provisions or on the person attaining the age of 72 years, whichever first occurs, and
 - (b) in the case of the coroner's district of Dublin, on the expiration of the last period of appointment specified under either of those provisions or on the retirement of the person in accordance with the terms and conditions applicable to his or her appointment under subsection (10)(a), whichever first occurs.
- (7) The Minister shall, before making or renewing an assignment or appointment under this section, consult—
- (a) in the case of a coroner's district other than the coroner's district of Dublin, with the local authority in whose area the district is situate, and
 - (b) in the case of a proposed assignment under subsection (1)(a) of a person who stands appointed in another district as a deputy coroner, with the coroner for that other district.
- (8) A person assigned or appointed to act as a temporary coroner under this section shall, during the period of assignment or appointment, have all the powers and duties, other than a power to appoint a deputy coroner, of a coroner for the coroner's district concerned.
- (9) An assignment or appointment made under this section may be revoked by the Minister at any time.
- (10) (a) A person assigned or appointed to act as a temporary coroner under this section for the coroner's district of Dublin shall hold office on

such terms and conditions (including terms and conditions relating to remuneration) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.

- (b) A person assigned or appointed to act as a temporary coroner under this section for a coroner's district other than the coroner's district of Dublin shall be paid such salary, inclusive of any travelling, subsistence and other out-of-pocket expenses incurred by him or her in the course of his or her duties as temporary coroner as may be agreed with the local authority in whose area the district is situate.
- (11) The local authority in whose area a coroner's district is situate, in the case of a coroner's district other than the coroner's district of Dublin, shall pay such expenses, other than out-of-pocket expenses, as the temporary coroner incurs in the course of his or her duties as temporary coroner.”.
- (2) A person who, immediately before the coming into operation of *subsection (1)*, stands assigned or appointed to act as a temporary coroner under section 11B of the Principal Act for a period specified under subsection (4) or (5) of that section shall, on such coming into operation, continue to be a temporary coroner for the remainder of such period and subsections (6) and (11) to (15) of that section as it stands immediately before such coming into operation shall continue to apply in respect of such assignment or appointment, as the case may be.
- (3) Where, immediately prior to the coming into operation of *subsection (1)*, in the case of a coroner's district other than the coroner's district of Dublin, a person stands designated as the senior coroner for that district under section 11B(9)(a) of the Principal Act or designated to perform the functions of the senior coroner for that district under section 11B(10) of that Act, that person shall, on such coming into operation, continue to be so designated until the earlier of the following occurs—
- (a) he or she ceases to be, in the case of a designation under section 11B(9)(a), the coroner for that district or, in the case of a designation under section 11B(10), the deputy coroner for that district,
- (b) the period referred to in subsection (9)(a) of section 11B (as that section stood immediately before such coming into operation) of the Principal Act expires, or
- (c) there ceases to be more than one person appointed, assigned or acting as, or performing the duties of, a coroner in that district.
- (4) (a) Subject to *paragraph (b)*, where, immediately prior to the coming into operation of *subsection (1)*, in the case of the coroner's district of Dublin, a person stands designated as the senior coroner for that district under section 11B(9)(b) of the Principal Act, that person shall, on such coming into operation, continue to be so designated until the earlier of the following occurs—
- (i) he or she ceases to be the coroner for that district,

- (ii) the period referred to in subsection (9)(b) of section 11B (as that section stood immediately before such coming into operation) of the Principal Act expires, or
 - (iii) there ceases to be more than one person appointed, assigned or acting as a coroner in that district.
- (b) Where the person standing designated under section 11B(9)(b) of the Principal Act on the coming into operation of *subsection (1)* is a deputy coroner for the coroner's district of Dublin acting as a coroner for that district, that designation shall cease on the coming into operation of *section 2*.

Designation of senior coroner

6. The Principal Act is amended by the insertion of the following section after section 11B:

“11C. (1) (a) Subject to *sections 5(3)* and *8(2)* of the *Coroners (Amendment) Act 2024*, where more than one person stands appointed, assigned or acting as, or performing the duties of, a coroner in a coroner's district other than the coroner's district of Dublin under this Act, the Minister may designate one of those persons as the senior coroner for that district.

(b) Subject to *section 5(4)* of the *Coroners (Amendment) Act 2024*, where more than one person stands appointed, assigned or is acting as a coroner in the coroner's district of Dublin under this Act, the Minister may designate one of those persons as the senior coroner for that district.

(2) The Minister shall, before designating a person under subsection (1) to be a senior coroner, satisfy himself or herself that the person possesses the skills necessary for the proper discharge of the duties of senior coroner.

(3) Where, during the illness or absence of a person designated under subsection (1), more than one person, excluding the person who is ill or absent, stands appointed, assigned or is acting as, or performing the duties of, a coroner in the district concerned, the Minister may designate one of those persons to perform the functions of the senior coroner for that district for any period during such illness or absence.

(4) A person designated under subsection (1) or (3) shall order the work of the district concerned.

(5) A designation under subsection (1) or (3) shall not affect the independence of any other coroner, or of any other person exercising the powers and duties of the coroner, for that district, in the performance of his or her functions as such.

(6) Where a person designated under subsection (1) or (3) for a district ceases for any reason to be appointed, assigned or to act as, or to

perform the duties of, a coroner in the district concerned, he or she shall cease to be the senior coroner for that district.

(7) The Minister may revoke a designation under this section.”.

Amendment of section 13 of Principal Act

7. Section 13 of the Principal Act is amended—

(a) in subsection (1)—

(i) by the insertion of “and section 6A(6E)” after “subsection (1A)”, and

(ii) by the deletion of “, or by the Minister in the case of a coroner for the coroner’s district of Dublin,”,

(b) by the substitution of the following subsection for subsection (1A):

“(1A) A person shall not be appointed as a deputy coroner without the prior approval of the Minister.”,

(c) in subsection (4)(b), by the substitution of “and shall be paid by the local authority” for “and, except in the case of the coroner’s district of Dublin, shall be paid by the local authority”, and

(d) in subsection (5)(a), by the substitution of “for the purposes of this Act except section 9” for “for the purposes of this Act except sections 6A(5) (insofar as it relates to the office of coroner) and 9”.

Amendment of section 13B of Principal Act

8. (1) Section 13B of the Principal Act is amended by the deletion of subsections (7), (8) and (9).

(2) Where, immediately prior to the coming into operation of *subsection (1)*, a person stands designated as the senior coroner for a coroner’s district under section 13B(7) of the Principal Act or designated to perform the functions of the senior coroner of that district under section 13B(8) of that Act, that person shall, on such coming into operation, continue to be so designated until the earlier of the following occurs—

(a) he or she ceases to be, in the case of a designation under section 13B(7), the coroner for that district or, in the case of a designation under section 13B(8), the deputy coroner for that district,

(b) the period referred to in subsection (7) of section 13B (as that section stood immediately before such coming into operation) of the Principal Act expires, or

(c) there ceases to be more than one person appointed, assigned or acting as, or performing the duties of, a coroner in that district.

Ineligibility for appointment to office of coroner or deputy coroner and disqualification from office

9. The Principal Act is amended by the insertion of the following section after section 14:

- “14A.** (1) A person shall not be eligible for appointment, and shall cease to hold office, as a coroner or deputy coroner if he or she—
- (a) is convicted on indictment of an offence,
 - (b) is convicted of an offence involving fraud or dishonesty,
 - (c) is sentenced to a term of imprisonment for an offence in respect of which he or she was convicted,
 - (d) has a declaration made against him or her under section 819 of the Act of 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or
 - (e) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014 whether by virtue of that Chapter or of any other provision of that Act.
- (2) In subsection (1), ‘Act of 2014’ means the Companies Act 2014.”.

Removal from office of coroner or deputy coroner

- 10.** (1) The Principal Act is amended by the substitution of the following section for section 15:

- “15.** (1) Subject to subsection (5) and section 6A(6E), the Minister may remove a coroner or deputy coroner from office where he or she is satisfied that one or more of the grounds specified in subsection (2) apply to the coroner or deputy coroner.
- (2) The grounds referred to in subsection (1) are that the coroner or deputy coroner, as the case may be—
- (a) has become incapable, through ill-health or otherwise, of effectively performing the functions of his or her office,
 - (b) has failed, without reasonable cause, to perform the functions of his or her office for a continuous period of at least 3 months,
 - (c) has engaged in serious misconduct,
 - (d) has engaged in any conduct that brings the office of coroner or deputy coroner into disrepute, or
 - (e) is otherwise unfit to hold office or unable to discharge the functions of the office.
- (3) Where the Minister proposes to remove a coroner or deputy coroner from office under subsection (1), he or she shall, by notice in writing, inform the coroner or deputy coroner concerned of his or her proposal.
- (4) A notice under subsection (3) shall include a statement—
- (a) of the reasons for the proposed removal,

- (b) that the coroner or deputy coroner concerned may make representations to the Minister, in such form and manner as may be specified by the Minister, as to why he or she should not be removed from office and any such representations shall be made before the expiration of—
 - (i) a period of 30 working days from the date of the notification, or
 - (ii) such other longer period as the Minister may, having regard to the requirements of natural justice, specify in the notice,and
 - (c) that where no representations are received within the period referred to in paragraph (b)(i) or (ii), as the case may be, the Minister may, without further notice to the coroner or deputy coroner concerned, remove the coroner or deputy coroner, as the case may be, from office.
- (5) In considering whether to remove a coroner or deputy coroner under subsection (1), the Minister shall take into account—
- (a) any representations made by the coroner or deputy coroner concerned under paragraph (b) of subsection (4) within the period referred to in subparagraph (i) or (ii), as the case may be, of that paragraph, and
 - (b) any other matter the Minister considers relevant for the purpose of his or her decision.
- (6) Where, having taken into account the matters referred to in subsection (5), the Minister decides not to remove the coroner or deputy coroner, as the case may be, from office, the Minister shall cause notice to be given in writing to the coroner or deputy coroner concerned of the decision.
- (7) Where, having taken into account the matters referred to in subsection (5), the Minister decides that the coroner or deputy coroner, as the case may be, should be removed from office, the Minister shall, by notice in writing to the coroner or deputy coroner concerned, inform him or her of—
- (a) the decision and the reasons for that decision, and
 - (b) the date on which the decision takes effect.”.
- (2) Section 15 of the Principal Act as it stands immediately before the coming into operation of the amendment effected by *subsection (1)* shall continue to apply to the removal of a coroner or deputy coroner where the Minister has—
- (a) before that coming into operation, issued a notice under that section to a coroner or a deputy coroner, as the case may be, and
 - (b) on that coming into operation, either—

- (i) not made a decision under that section whether to make an order to remove the coroner or deputy coroner concerned from office, or
 - (ii) decided to make an order removing the coroner or deputy coroner but has not yet made the order.
- (3) The amendments effected by *subsection (1)* shall not affect the validity of an order made—
- (a) under section 15 of the Principal Act prior to the coming into operation of that subsection, or
 - (b) under that section, on the application of *subsection (2)*.

Amendment of section 49 of Civil Law (Miscellaneous Provisions) Act 2022

11. (1) The Act of 2022 is amended by the substitution of the following section for section 49:

“**49.** (1) In this Part, a reference to the ‘coroner for the coroner’s district of Dublin’ means a person designated by the Minister for the purposes of this Part from among the following—

- (a) a person appointed to be a coroner for the coroner’s district of Dublin under section 6A of the Act of 1962,
- (b) a person assigned to act temporarily as a coroner in the coroner’s district of Dublin under section 11A of the Act of 1962, or
- (c) a person assigned or appointed to act as a temporary coroner (within the meaning of section 11B of the Act of 1962) in the coroner’s district of Dublin.

(2) The Minister may revoke a designation under subsection (1).”

- (2) A person who, immediately before the coming into operation of *subsection (1)*, is acting as the coroner for the coroner’s district of Dublin under section 49 of the Act of 2022 shall, on and after such coming into operation, be taken to be a person designated by the Minister under subsection (1) of that section.

Short title and collective citation

12. (1) This Act may be cited as the Coroners (Amendment) Act 2024.

- (2) The Coroners Acts 1962 to 2020 and this Act may be cited together as the *Coroners Acts 1962 to 2024*.