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Thirty-second Legislature, fourth session

1983, chapter 41

AN ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

Bill 36

Introduced by Mr Marc-André Bédard, Minister of Justice

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Coming into force: by proclamation of the Government

Acts amended:

Civil Code of Lower Canada

Public Curatorship Act (R.S.Q., chapter C-80)

Deposit Act (R.S.Q., chapter D-5)

Fire Investigations Act (R.S.Q., chapter E-8)

Burial Act (R.S.Q., chapter I-11)

Jurors Act (R.S.Q., chapter J-2)

Public Health Protection Act (R.S.Q., chapter P-35)

Act respecting occupational health and safety (R.S.Q., chapter S-2.1)

Act respecting health services and social services (R.S.Q., chapter S-5)

Stamp Act (R.S.Q., chapter T-10)

Courts of Justice Act (R.S.Q., chapter T-16)

Act replaced:

Coroners Act (R.S.Q., chapter C-68)



CHAPTER 41

An Act respecting the determination of
the causes and circumstances of death

[Assented to 21 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CORONERS

DIVISION I

JURISDICTION OF CORONERS

Jurisdiction **1.** The coroner is a public officer having jurisdiction in respect of any death that has occurred in Québec.

Death outside Québec The coroner also has jurisdiction in respect of any burial, cremation or other mode of disposal in Québec of the body of a person who has died outside Québec.

Function **2.** The coroner's function is to determine by means of an investigation or, as the case may be, an inquest,

(1) the identity of the deceased person;

(2) the date and place of death;

(3) the probable causes of death, that is, the disease, pathological condition, trauma or intoxications having caused, led to or contributed to the death;

(4) the circumstances of death.

Recommendation **3.** If pertinent, the coroner may also, at an investigation or an inquest, make any recommendation directed towards better protection of human life.

Restrictions **4.** In no case may a coroner conducting an investigation or an inquest make any finding of civil liability or criminal responsibility of a person.

DIVISION II

ORGANIZATION

§ 1.—*Appointment of coroners*

Permanent coroners **5.** On the recommendation of the Minister of Justice, the Government shall appoint permanent coroners.

Part-time coroners The Government may also, on the recommendation of the Minister of Justice, appoint part-time coroners.

Selection **6.** Persons called to become coroners are selected in accordance with the regulations.

Special appointment **7.** The Minister may, in special cases, appoint a person to be part-time coroner for the conduct of an investigation and, if need be, an inquest into deaths that have occurred in a series of similar events.

§ 2.—*Appointment of the Chief Coroner and Deputy Chief Coroners*

Chief Coroner **8.** The Government shall appoint one of the permanent coroners to be Chief Coroner for Québec.

Deputy Chief Coroners The Government may also appoint two of the permanent coroners to be Deputy Chief Coroners, one of whom is designated to replace the Chief Coroner during his temporary absence or incapacity.

Term **9.** The Chief Coroner and Deputy Chief Coroners are appointed for not over five years.

Continuance in office The Chief Coroner and Deputy Chief Coroners remain in office after the expiry of their terms as such until they are replaced or reappointed.

Chief Coroner's office **10.** The Chief Coroner's office is located at the place designated by the Government.

§ 3.—*Immunity and removal*Oath or
solemn
affirmation

11. Before taking office, coroners shall make the oath or solemn affirmation set forth in Schedule I before the Chief Coroner, a Deputy Chief Coroner, a judge of the Provincial Court or before any person authorized to administer oaths or receive solemn affirmations under the first paragraph of section 219 of the Courts of Justice Act (R.S.Q., chapter T-16).

Oath or
solemn
affirmation

12. Before taking office, the Chief Coroner and the Deputy Chief Coroners shall make the oath or solemn affirmation set forth in Schedule II before the chief judge, the senior associate chief judge or the associate chief judge of the Provincial Court.

Full-time
duties

13. The Chief Coroner, the Deputy Chief Coroners and the permanent coroners shall devote their time exclusively to their duties of office.

Good
behaviour

They hold office during good behaviour.

Reprimand,
suspension
and removal

14. The Chief Coroner may reprimand a coroner, for cause. The Government may suspend a permanent coroner, with or without salary, or remove him on a report of the chief judge of the Provincial Court made following an inquiry requested by the Minister of Justice.

Removal,
suspension
and
reprimand

15. The Government may remove or suspend, with or without salary, or reprimand the Chief Coroner or a Deputy Chief Coroner on a report of the chief judge of the Provincial Court made following an inquiry requested by the Minister of Justice.

Immunity

16. No action may be instituted against the Chief Coroner, a Deputy Chief Coroner, a coroner or a person exercising any power conferred by this Act for any act performed in good faith in the discharge of his duties.

Immunity

17. Except on a matter of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the Chief Coroner, a Deputy Chief Coroner or a coroner acting in his official capacity or against any person acting under the authority of a coroner.

Conflict of
interest

18. In no case may the Chief Coroner, a Deputy Chief Coroner or a coroner, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with his duties of office.

Exception

However, forfeiture is not incurred if the interest devolves to him by succession or gift if he renounces or disposes of it with dispatch.

§ 4.—*Remuneration of coroners
and other conditions of employment*

Conditions of employment **19.** The salary, social benefits and other conditions of employment of the Chief Coroner, Deputy Chief Coroners and permanent coroners are fixed by the Government.

Pension plan **20.** The pension plan of the Chief Coroner, Deputy Chief Coroners and permanent coroners is that provided in the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

Maintenance of salary **21.** A coroner who ceases to hold the office of Chief Coroner or Deputy Chief Coroner after holding that office for five years or more and who remains a permanent coroner continues to receive the salary he received as Chief Coroner or Deputy Chief Coroner. However, his salary is not increased until the salary of a permanent coroner is equal to his salary.

Part-time coroners **22.** Part-time coroners are remunerated according to the tariff adopted by regulation of the Government.

DIVISION III

POWERS AND DUTIES OF THE CHIEF CORONER
AND DEPUTY CHIEF CORONERS

Duties of the Chief Coroner **23.** The Chief Coroner shall coordinate, distribute and supervise the work of the coroners who shall, in that respect, comply with his orders and directives.

Powers of the Chief Coroner **24.** The Chief Coroner has, in respect of his personnel, the powers of a chief executive officer of an agency within the meaning of the Civil Service Act (R.S.Q., chapter F-3.1).

Personnel The personnel required for the application of this Act is appointed and remunerated in accordance with the Civil Service Act.

Territory served **25.** The Chief Coroner shall see to it that the coroners serve the whole territory of Québec.

Deputy Chief Coroners **26.** The Deputy Chief Coroners shall assist the Chief Coroner in the performance of his duties.

Exercise of powers **27.** The Deputy Chief Coroners shall exercise the powers of the Chief Coroner to the extent he determines.

Code of ethics **28.** The Chief Coroner, by regulation, shall adopt a code of ethics for coroners and see to its application.

Code of ethics	The code imposes, in particular, general and special duties toward the public, other coroners, persons involved in the circumstances of a death and persons called to participate in an investigation or inquest.
Annual report	29. Not later than 31 March each year, the Chief Coroner shall transmit to the Minister of Justice an annual report of the activities of the coroners during the preceding calendar year.
Recommendations	The report may include the recommendations or a summary of the recommendations made following an investigation or an inquest.
Tabling	The Minister of Justice shall table the report in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or after resumption.
Custody of records	30. The Chief Coroner has custody of the records of the coroners.
Content	The records of the coroners comprise the originals of reports of investigation or inquest and the accompanying documents that the coroners are required to transmit to the Chief Coroner.
Access to documents	31. The Chief Coroner may, on the conditions he determines, authorize a person to examine documents that are not public and are part of the records of the coroners but only for purposes of study, instruction or scientific research. However, in no case may the Chief Coroner allow the report of a peace officer to be examined unless it has been filed as evidence at an inquest or unless the Attorney General or the person he designates for that purpose has granted express authorization.
Powers	32. The Chief Coroner may <ol style="list-style-type: none"> (1) adopt, by regulation, any form required for the administration of this Act; (2) designate the morgues necessary for the administration of this Act; (3) devise and implement an instruction program for coroners; (4) make directives necessary for the administration of this Act.
Agreements	33. The Chief Coroner may, according to law, enter into agreements with a person, a public agency or a department of the Government or of another government for the purposes of the administration of this Act.
Agreements	Any agreement entered into with a hospital centre within the meaning of the Act respecting health services and social services (R.S.Q.,

chapter S-5) has effect only from the date it is filed with the regional health and social service council where the hospital centre is located.

CHAPTER II

NOTICE TO THE CORONER

34. Every physician who certifies a death for which he is unable to establish the probable causes or which appears to him to have occurred in obscure or violent circumstances shall immediately notify a coroner or peace officer.

35. Where a death occurs in a hospital centre, the director of professional services of the centre or a person under his authority may take measures to have the probable causes of death established by a physician.

However, in the case of a death contemplated in section 36, the director of professional services or a person under his authority shall obtain the coroner's authorization before taking measures to have the probable causes of death established.

36. Unless he has reasonable cause to believe that a coroner, a physician or a peace officer has already been informed, every person having knowledge of a death must immediately notify a coroner or a peace officer where it appears that the death has occurred in obscure or violent circumstances or where the identity of the deceased person is unknown to him.

37. The director of, or, in his absence, the person in authority in an establishment contemplated in this section shall immediately notify a coroner or peace officer where a death occurs

(1) in a reception centre within the meaning of the Act respecting health services and social services;

(2) in a sheltered workshop within the meaning of the Act to ensure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(3) in an establishment where a person is admitted for close treatment within the meaning of the Mental Patients Protection Act (R.S.Q., chapter P-41).

38. The director of, or, in his absence, the person in authority in an establishment contemplated in this section shall immediately notify a coroner where a death occurs

(1) in a house of detention within the meaning of the Act respecting probation and houses of detention (R.S.Q., chapter P-26);

(2) in a penitentiary within the meaning of the Penitentiary Act (R.S.C., 1970, chapter P-6);

(3) in a security unit within the meaning of the Youth Protection Act (R.S.Q., chapter P-34.1);

(4) in a police station.

Death of
a child

39. Where a child dies while he is in the custody of the holder of a permit issued by the Office des services de garde à l'enfance, the permit holder, or in his absence, the person in authority at the place where the child is in custody shall immediately notify a coroner or a peace officer.

Death in a
foster family

40. Where a person dies while in the care of a foster family within the meaning of the Act respecting health services and social services, the person in authority in the family shall immediately notify a coroner or a peace officer.

Cremation

41. A funeral director entrusted with the cremation of a body shall first notify a coroner.

Death in a
disaster

42. Where a death occurs in a disaster within the meaning of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1), the person responsible for emergency measures shall immediately inform a coroner.

Death out-
side Québec

43. Every person who is required to transport into Québec the body of a person who died outside Québec shall first notify the coroner of the place where the body will be buried or cremated.

Transport
outside
Québec

Every person who is required to transport out of Québec the body of a person who died in Québec shall first notify the coroner of the place where the body was found.

Duty of the
coroner

44. Every coroner or peace officer who is notified or informed in accordance with sections 34 to 42 shall immediately notify the coroner having jurisdiction in the place where the dead body was found or the place where the dead body is presumed to be.

CHAPTER III

INVESTIGATION

DIVISION I

POWERS AND DUTIES OF THE CORONER
IN AN INVESTIGATION

45. An investigation must take place every time notice is given to the coroner under Chapter II.

The Minister of Justice or the Chief Coroner may also require an investigation.

46. The coroner having jurisdiction in the place where the dead body has been found or is presumed to be shall conduct the investigation. In the case of the first paragraph of section 43, the coroner having jurisdiction in the place where the body is to be buried or cremated shall conduct the investigation.

Where the complexity of the causes or the circumstances of death so require or where the coroner who had been responsible for conducting the investigation is unable to do so, the Chief Coroner may designate another coroner to conduct the investigation or to complete it.

47. The coroner may require a peace officer to conduct an investigation or further investigation.

48. Every peace officer investigating a case notified to a coroner shall, with due diligence, transmit to him a copy of his report.

49. Every coroner having reasonable and probable cause to believe that an object or a document useful for the performance of his duties is to be found in a place may, in writing, authorize a peace officer to enter that place to search for and seize the object or document.

50. Every coroner having reasonable and probable cause to believe that the inspection of a place or the taking of possession of a dead body will be useful for the performance of his duties may, for those purposes, enter that place and, at the same time, examine or seize any relevant object or document found there.

51. The coroner may prohibit access to a place to facilitate the gathering or preservation of items of evidence or to ensure the protection of the persons involved or their property.

- Identification of bodies **52.** The coroner may take the measures necessary for the identification of a dead body.
- Photograph **53.** The coroner may photograph a dead body, a place inspected or an object examined or seized, or cause them to be photographed.
- Photocopy The coroner may also photocopy any document examined or seized or cause it to be photocopied.
- Lifting of prohibition **54.** Where access to a place is prohibited, the coroner shall lift the prohibition as soon as it is no longer required for the administration of this Act.
- Statement of name and office **55.** Every coroner who enters a place shall, if so required, identify himself and state his office.
- Inspection **56.** Every coroner who enters a place to inspect it shall do so at a reasonable hour unless it is necessary to do so at another time to gather or preserve items of evidence or to ensure the protection of the persons involved or their property.
- Seizure of objects **57.** Where the coroner takes possession of a dead body, he shall also seize the objects found on the body.
- Minutes of seizure **58.** Where the coroner seizes an object or a document under this Act, he shall draw up minutes of the seizure.
- Content **59.** The minutes of seizure indicate, in particular,
 - (1) the date and place of the seizure;
 - (2) the circumstances of and reasons for the seizure;
 - (3) a description of the seized object or document;
 - (4) the name of the person from whom the document or object was seized;
 - (5) any information to permit the identification of the owner of or the person having a right to the seized object or document;
 - (6) the identity and office of the person who made the seizure.
- Copy **60.** Where possible, a copy of the minutes of seizure is remitted to the owner of the seized object or document or to the person having a right to it.
- Safekeeping of seized objects **61.** The coroner shall ensure the safekeeping of any seized object or document.

62. The coroner shall return any seized object or document to the person who claims it and establishes to his satisfaction that he has a right to it, unless the object or document is required for the administration of this Act or for the administration of justice.

Return of
seized
objects

63. The coroner may give to the owner of a seized document or object, or to the person having a right to it, a notice informing him of the time and place at which he may claim it.

Notice

Any seized object or document unclaimed within 60 days of the notice shall be entrusted to the public curator, who shall administer it in accordance with the Public Curatorship Act (R.S.Q., chapter C-80).

Unclaimed
objects

64. Any seized object or document unclaimed within 60 days after the report provided for in section 92 shall be entrusted to the public curator, who shall administer it in accordance with the Public Curatorship Act, unless the object or document is required for the administration of this Act or for the administration of justice.

Unclaimed
objects

65. The coroner may authorize in writing a person employed at the Laboratoire de médecine légale du Québec or the Laboratoire de police scientifique du Québec or a peace officer to exercise the powers conferred on him by sections 50 to 53 of this Act.

Forensic
laboratories

The authorization may be addressed to any peace officer generally, and in respect of persons employed at the laboratories referred to in the first paragraph, to any person previously designated by the Chief Coroner.

Authoriza-
tion

66. Every person contemplated in section 65 may, without the coroner's authorization, within 24 hours following the receipt of a notice given under Chapter II, exercise the following powers:

Authoriza-
tion not
required

(1) enter any place where there is reasonable and probable cause to believe that the body is to be found to take possession of it and, at the same time, examine or seize any object or document found there which may be used as evidence by the coroner;

(2) prohibit access to the place to facilitate the gathering or preservation of items of evidence for the coroner or ensure the protection of the persons involved or their property;

(3) photograph the place or any object examined or seized, or cause it to be photographed;

(4) photocopy any document examined or seized, or cause it to be photocopied.

The person may also, even after the expiry of the time prescribed under the first paragraph, take, without the coroner's authorization,

Identification
and
photography

the measures necessary for the identification of a dead body, photograph it or cause it to be photographed.

Medical
record

67. No person employed at the Laboratoire de police scientifique du Québec nor any peace officer may examine or seize a medical record, except with the coroner's authorization.

Coroner's
authorization

68. The coroner may authorize in writing a person to exercise, for the purposes of Division II, the powers conferred on a coroner by sections 50 to 53 of this Act. The authorization shall designate by name the person to whom it is addressed.

Exercise
of powers

69. The coroner shall determine when and where the powers he authorizes to be exercised by virtue of section 49, 65 or 68 may be exercised, and indicate the objects and documents contemplated in the authorization.

Duration of
authorization

70. Authorizations remain effective for a period of not over 15 days.

Void
authorization

The holder of a void authorization shall return it to the coroner, who may issue a new authorization.

Obligations

71. Every person authorized under section 49 or exercising the powers of a coroner under section 65, 66 or 68 is bound to comply with the obligations imposed by sections 55 to 61.

Obligations

The person shall also,

(1) in accordance with the directives of the Chief Coroner or the coroner, direct the dead body of which he has taken possession to a designated morgue;

(2) indicate in the minutes of seizure the number and date of issue of the authorization under which he is acting, where an authorization has been issued;

(3) immediately transmit to the coroner a copy of the minutes of seizure he has drawn up;

(4) remit to any person designated by the coroner any seized object or document in his custody.

Justice of
the peace

72. The coroner is deemed to be a justice of the peace when he exercises powers under section 49, 50, 65 or 68.

DIVISION II

EXAMINATION, AUTOPSY AND OTHER EXPERTISE

Autopsy or
expertise **73.** The coroner may make or perform, or order, the examination or autopsy of a dead body, or an expertise.

Autopsy or
expertise The Minister of Justice or the Chief Coroner may require the coroner to order an examination, autopsy or expertise.

Specimens **74.** A physician may take from a dead body the specimens required for an expertise ordered by the coroner.

Place of
autopsy **75.** Except where a coroner's directive provides otherwise, the examination or autopsy of a body or taking of specimens from a dead body by a coroner's order is made or performed at the hospital centre where the death occurred.

Place of
autopsy Where the death occurred in a place other than a hospital centre, the examination, autopsy or taking of specimens may be made or performed in the Laboratoire de médecine légale du Québec, in any hospital centre, by agreement between the centre and the Chief Coroner, or at any other place designated by the Chief Coroner.

Diligence **76.** The director of professional services of a hospital centre shall take the necessary measures to have the required examination, autopsy or taking of specimens that is to be made or performed at the centre carried out with due diligence.

Diligence The director of the Laboratoire de médecine légale du Québec and the director of the Laboratoire de police scientifique du Québec shall do likewise when the required examination, autopsy, taking of specimens or expertise, as the case may be, is to be made or performed under their authority.

Report **77.** Every person who makes or performs an examination, autopsy or expertise under this Act shall, with due diligence, draw up his report and transmit it to the coroner.

DIVISION III

BURIAL, CREMATION AND EXHUMATION

Authoriza-
tion **78.** In no case where notice must be given to a coroner pursuant to Chapter II may a dead body be buried or cremated in Québec, transported out of Québec or remitted in accordance with Division IX of the Public Health Protection Act (R.S.Q., chapter P-35), except with the written authorization of the coroner.

79. The coroner shall give his written authorization if the body is claimed and is no longer required for the purposes of identification, examination, autopsy or expertise.

80. Every body unclaimed within 30 days after it is found may be buried if it is no longer required by the coroner, unless it is disposed of in the manner prescribed in Division IX of the Public Health Protection Act.

81. Expenses incurred for the burial of unclaimed bodies are paid out of the appropriations allocated for the administration of this Act.

However, the Minister of Finance may require the estate of the deceased to reimburse expenses incurred for burial of the unclaimed body.

82. The coroner may order the exhumation of a dead body where he has reasonable grounds to believe an examination or autopsy of the body may be useful for the performance of his duties.

If the body was buried according to law, the coroner must be authorized by the Chief Coroner.

83. The Minister of Justice or the Chief Coroner may require the coroner to order the exhumation of a dead body.

84. Expenses incurred for exhumations made in application of this Act are paid out of the appropriations allocated for the administration of this Act.

The same applies to expenses incurred for a second burial following exhumation, if the first burial was made according to law.

85. Every examination or autopsy ordered by a coroner following exhumation of a body must be made or performed by a physician who has not previously examined or performed an autopsy on the dead body.

DIVISION IV

BAN ON PUBLICATION OR RELEASE

86. No person may publish or release a photograph of a dead body contemplated in section 53 or section 66 unless authorized in writing by the Chief Coroner or the coroner conducting the investigation.

The authorization may be granted by the Chief Coroner on the conditions he determines, if required for the administration of justice or in the public interest, or for purposes of scientific research or

instruction. It may be granted by the Chief Coroner or the coroner, on the conditions he determines, for purposes of identification of the body.

Persons
under 18
years of age

87. No person may publish or release anything whatsoever revealing the name or address of a person under 18 years of age implicated in the circumstances of a person's death, or allowing him to be identified.

Ban

88. No person may publish or release a document contemplated in section 93.

Contempt
of court

89. Every person who, by deed or omission, contravenes section 86, 87 or 88 is guilty of contempt of court.

Publication

90. A ban on publication or release of certain information under this division does not apply if the publication or release is made in accordance with section 100 or 102.

DIVISION V

REPORT OF INVESTIGATION

Report

91. Following his investigation, the coroner shall promptly draw up a report.

Content

92. The report must indicate

(1) the identity of the deceased person, or indications that may lead to it;

(2) the date and place of death;

(3) the probable causes of death;

(4) a description of the circumstances of death;

(5) any recommendation directed towards better protection of human life, where applicable.

Accompany-
ing docu-
ments

93. The coroner shall attach to his report a copy of the authorization to bury, cremate, transport or remit the body, granted under section 79 and, where such is the case,

(1) the examination and autopsy reports and the expertise;

(2) the report of a peace officer who investigated the death;

(3) the exhumation order;

(4) the copy of the minutes of seizure;

(5) photographs of the body, of the place viewed and of the objects examined or seized and photocopies of documents examined or seized;

(6) every other document required by the Chief Coroner.

Transmission

94. The coroner shall, with due diligence, transmit the original of the report and the accompanying documents to the Chief Coroner.

Certified copy

95. The coroner who prepared the report or the Chief Coroner may certify that a copy of the report or of the accompanying documents is in conformity with the report or the documents filed in the records of the coroners.

Certified copy

Every copy must be certified before being transmitted.

Examination of coroner's report

96. The coroner's report, except the accompanying documents and the parts of the report that are subject to a ban on publication or release under this Act, is public and may be consulted by any person.

Copy

A certified copy of the report may be obtained on payment of the charge prescribed by regulation.

Deletions

97. The Chief Coroner, the coroner who conducted the investigation and every person under their authority shall, before allowing access to a report or transmitting a certified copy of it, delete any passages banned from publication or release.

Recommendations

98. The Chief Coroner shall, if he considers it appropriate, transmit to the persons, associations, departments or agencies concerned the recommendations appearing in the report of an investigation.

Copy of the report

99. At the request of the Minister of Justice or the Attorney General's prosecutor for the judicial district where the dead body was found, the coroner or the Chief Coroner shall forward to them a certified copy of the unexpurgated report and accompanying documents.

Publication

100. Where required in the public interest, the Minister of Justice or the Chief Coroner may publish or release any information contained in the report and in the accompanying documents that is not public.

Peace officer's report

In no case, however, may the Chief Coroner publish or release the report of a peace officer without the express permission of the Attorney General or a person authorized by him for that purpose.

Consultation of the report

101. Notwithstanding section 97, the Chief Coroner or a permanent coroner may allow consultation of the unexpurgated report or accompanying documents or, on payment of the charge fixed by regulation, transmit certified copies of them

(1) to a person, association, department or agency establishing to his satisfaction that they will be used to learn or establish his or its rights;

(2) to a department or public agency establishing to his satisfaction that it will use them in the pursuit of the public interest.

Peace
officer's
report

However, in no case may a peace officer's report be consulted or transmitted except with the express permission of the Attorney General or a person authorized by him for that purpose.

Access and
publication

102. Access to a report or accompanying document or its receipt does not constitute an authorization to publish or release information it contains that has not been made public, unless that is necessary in order for the person, association, department or agency to learn or establish his or its rights, or in the public interest, where the department or public agency has consulted or received it for that purpose.

Recommen-
dation

103. If, during or following an investigation, the coroner is of opinion that it would be expedient to hold an inquest, he shall immediately make a recommendation to that effect to the Chief Coroner, with a statement of the grounds for his recommendation.

CHAPTER IV

INQUEST

DIVISION I

GROUND FOR HOLDING AN INQUEST

Inquest

104. The Chief Coroner may, during or following an investigation, order that an inquest be held into the probable causes and circumstances of a death if he has reason to believe that the holding of an inquest would be expedient and would not impede the progress of any police investigation.

Witnesses

105. In determining whether it is expedient to hold an inquest, the Chief Coroner shall consider whether it is expedient to hear witnesses, particularly

(1) to obtain information for establishing the probable causes or circumstances of death;

(2) to enable a coroner to make recommendations directed to better protection of human life;

(3) to inform the public on the probable causes or circumstances of death.

Inquest
required by
the Minister

106. The Chief Coroner shall order the holding of an inquest where required by the Minister of Justice.

Inquest into
several
deaths

107. The Chief Coroner may order a single inquest into several deaths which occurred in the same event or a series of similar events.

Presiding
coroner

108. The Chief Coroner shall designate a coroner to preside at the inquest from among the coroners with legal training. He may also, if the coroner responsible for presiding at the inquest is unable to do so, designate another coroner to complete an inquest already in progress.

Attorney's
assistance

109. The coroner may, at an inquest, be assisted by an attorney designated by the Chief Coroner.

Appointment
of assessor

110. Where the complexity of the events being the subject of the inquest so requires, the Government, at the request of the Chief Coroner, may designate as an assessor a person who, owing to his knowledge and special competence, is in a position to provide useful or pertinent information to the coroner at the inquest. The Government shall also fix the remuneration and conditions of employment of the assessor.

DIVISION II

POWERS AND DUTIES OF THE CORONER IN AN INQUEST

Applicability

111. Subject to this chapter, sections 47 to 85 apply to an inquest, *mutatis mutandis*.

Summons

112. The coroner may summon a person to be examined at an inquest whom he believes in a position to provide useful or enlightening information for the inquest.

Travel
expenses

113. The person is summoned in writing, unless he is present at the place where the inquest is held, and the summons may be accompanied with an advance of funds to cover the person's travel expenses.

Order

114. The coroner may order a person summoned by him to bring with him any object or document he indicates.

Written
request

The request is made in writing, unless the person is present at the place where the inquest is held.

Service

115. Articles 120 to 146 of the Code of Civil Procedure apply, *mutatis mutandis*, to the service of a summons made by a coroner.

Warrant

116. Where the coroner has reasonable and probable grounds to believe that a person he wishes to summon as a witness at the inquest is avoiding service of a summons or will not be present following a summons, the coroner may apply to a judge of the Court of the Sessions of the Peace for the issue of a warrant ordering a peace officer to arrest that person and cause him to appear.

- Appearance The person arrested shall appear before a judge of the Court of the Sessions of the Peace without delay. The person arrested and the coroner who required the warrant must then have an opportunity to be heard before any judgment is rendered on the detention or release of the person.
- Warrant **117.** Upon proof that a person duly summoned refuses or fails to appear as a witness, the coroner may issue a warrant ordering a peace officer to arrest or detain him.
- Appearance The person so arrested shall without delay appear before the person who issued the warrant of arrest, a permanent coroner or a judge of the Court of the Sessions of the Peace.
- Person under 18 years of age **118.** If the person arrested is under 18 years of age, he must be entrusted to the care of the director of youth protection until his appearance.
- Director of youth protection The director of youth protection shall entrust the person arrested to the care of a reception centre for shelter and shall, without delay, notify his parents or the person having parental authority of the place where he may be found, of the time and place he is to appear and of the proceedings being brought against him.
- Powers of the judge **119.** The judge or the coroner before whom a person arrested appears may
- (1) order that he be released on a recognizance, unconditional or with reasonable conditions, with or without sureties, to appear at the inquest and testify; or
 - (2) order that he be detained in a house of detention for a period of not over eight days or, if he is under 18 years of age, that he be confided to the care of the director of youth protection designated by the judge or the coroner for the same period.
- Warrant If the judge or the coroner, as the case may be, has reasonable and probable grounds to believe that a person has not complied with the conditions of his release, or has escaped or is about to do so, he may issue a new warrant for his arrest. Any person so arrested is treated in accordance with the first paragraph.
- Review Any decision taken pursuant to the first paragraph may, upon a motion, be revised by a justice of the Superior Court.
- Justice of the peace **120.** The coroner is deemed to be a justice of the peace when he exercises the powers provided in section 117 or 119.
- Witness **121.** The person detained under an order of the judge or coroner before whom he has appeared must be summoned as a witness at the inquest within eight days of his appearance.

Exercise of powers

122. The powers conferred by this division on a judge of the Court of the Sessions of the Peace are exercised by a judge of the Youth Court if they relate to a person under 18 years of age. They may be exercised by a judge of the Provincial Court or a justice of the peace appointed under section 186 of the Courts of Justice Act if no judge of the Court of the Sessions of the Peace or of the Youth Court, as the case may be, is available in the judicial district.

Oath or solemn affirmation

123. The coroner shall require the oath or solemn affirmation of every person summoned as a witness.

Admissibility of testimony

124. The coroner may admit, without the formality of an oath or solemn affirmation, the testimony of a person who, in his opinion, does not understand the nature of the oath or solemn affirmation, if he considers that he is sufficiently mature to report facts that came to his knowledge and that he understands his duty to tell the truth.

Representation by advocate

125. If a person under 18 years of age is summoned as a witness, the coroner, if he is of the opinion that it would be in the person's interest to be represented by an advocate, shall allow him a reasonable time to obtain the services of an advocate and, if necessary, put off the hearing of his testimony until he obtains them.

Obligation to testify

126. Every person summoned to testify before a coroner must, on pain of contempt of court, answer the questions put to him.

Procedure

Notwithstanding the first paragraph, articles 307 and 308 of the Code of Civil Procedure apply.

Protection of witnesses

127. The coroner shall inform witnesses of their right to request the protection of section 5 of the Canada Evidence Act (R.S.C., 1970, chapter E-10) regarding any question tending to criminate him.

Person under prosecution

128. In no case may a person under criminal prosecution for a death for which the coroner has, in accordance with section 156, obtained authorization to hold or proceed with an inquest, be compelled to testify before a coroner until the judgment in the criminal proceedings has acquired the status of *res judicata*.

Questions

129. The coroner and, as the case may be, the attorney or assessor who assists him may, during the inquest, put to the witnesses any question they deem advisable.

Depositions

130. The coroner shall, at the inquest, have the depositions of witnesses, the representations made to him and the statements or decisions made by him taken down by stenography or recorded in any other manner authorized by the Government.

Transcription

131. Stenographic notes or recordings must be transcribed if the coroner, the Chief Coroner, the Minister of Justice or an Attorney General's prosecutor so requires.

Duties of the director of the record office

132. The director of the record office of the judicial district where the inquest is to be held shall, at the request of the coroner, provide the premises, clerks, stenographers and interpreters necessary for the inquest and take the necessary measures to ascertain that the inquest is conducted in a peaceful and orderly manner.

DIVISION III

PLACE AND TIME OF INQUEST

Inquest

133. The coroner shall conduct his inquest with diligence.

Judicial district

134. The inquest is held in the judicial district where the dead body was found or is presumed to be unless the coroner considers it advisable, in the interest of justice, to hold it in another district.

Notice

135. The coroner shall give reasonable notice of the place, date and time of the inquest

(1) to a member of the family of the deceased;

(2) to a person who has requested to be notified thereof;

(3) to the Attorney General's prosecutor for the judicial district where the inquest will be held or, as the case may be, to the advocate designated by the Attorney General to represent him;

(4) to the Minister of Justice.

Information to the public

The coroner may also make the same information available to the public.

DIVISION IV

RECOGNIZED RIGHTS OF INTERESTED PERSONS

Interested persons

136. A coroner shall recognize as an interested person any person, association, government department or agency requesting to be acknowledged as such and that proves his or its interest in the inquest to the satisfaction of the coroner.

Refusal

The coroner shall state his reasons for refusing the request.

Summons of a witness

137. At the request of an interested person, a coroner shall summon a witness if he believes that person in a position to furnish relevant information or information likely to enlighten him on his inquest.

Refusal The coroner shall state his reasons for refusing the request.

Examination and cross-examination **138.** An interested person may be heard, examine the witness he requested be summoned and with the coroner's permission cross-examine that witness. The person may also examine and cross-examine any other witness and make any representations to the coroner for the purpose of the inquest.

Copy of transcription **139.** Upon payment of the charge required under the tariff established by regulation, an interested person may request a transcription of the stenographic notes or recordings and obtain copy thereof.

DIVISION V

RESTRICTION ON PUBLIC NATURE OF INQUEST

Public inquest **140.** Inquests are open to the public.

Photograph of dead body **141.** No person may publish or release a photograph of a dead body contemplated in section 53 or section 66 except with the written authorization from the Chief Coroner or the coroner conducting the inquest.

Authorization Such authorization may be granted by the Chief Coroner, on his conditions, where the administration of justice or the public interest so requires or for purposes of scientific research or instruction. Authorization may be granted by the Chief Coroner or the coroner, on his conditions, for the purpose of identifying the dead body.

Persons under 18 years of age **142.** No person may publish or release anything whatsoever revealing the name or address or enabling the identification of a person under 18 years of age implicated in the circumstances of the death of a person or called on to testify at an inquest.

Ban **143.** No person may publish or release a document contemplated in section 161.

Person under prosecution **144.** Where a coroner's inquest is authorized in accordance with section 156 at the same time criminal proceedings are being brought against a person in respect of the same death, no person may publish or release the proof presented at the inquest until the judgment on the criminal proceedings has acquired the status of *res judicata*.

Filming prohibited **145.** Picture taking, sketching, filming for motion-picture projection, broadcasting and televising are prohibited at the inquest.

Ban **146.** If the coroner considers it necessary in the public interest or for the protection of the privacy of a person, his reputation or his right to a just and fair trial, he shall, of his own motion or on application, ban the publication or release of information given or that could be given at the inquest.

Contempt of court **147.** Every person who, by act or omission, contravenes section 141, 142, 143, 144 or 145 or an order made by the coroner under section 146 is guilty of contempt of court.

Exception **148.** A ban on publication or release of certain information under this division does not apply if the publication or release is made in accordance with section 100 or section 102.

DIVISION VI

PROCEDURE AND PROOF

Object of the inquest **149.** At the beginning of an inquest, the coroner shall inform the persons present of the object of the inquest and the reasons justifying it.

Summons **150.** The Attorney General's prosecutor or the advocate representing the Attorney General may require the coroner to summon any person he believes in a position to furnish information useful to the inquest or that might enlighten the coroner.

Testimonies **151.** The witnesses shall testify out of each other's presence if the coroner so orders, of his own motion or on the motion of the Attorney General's prosecutor, the advocate representing the Attorney General or an interested person.

Examination of witnesses **152.** The Attorney General's prosecutor or the advocate representing the Attorney General may examine or cross-examine any witness.

Report in lieu of testimony **153.** A coroner may admit in proof a medical report, an expertise, or an official police report in lieu of the testimony of the physician, expert or peace officer who prepared it unless an interested person, the Attorney General's prosecutor or the advocate representing the Attorney General proves to the coroner the relevance, for the purposes of the inquest, of examining the author of such report or expertise.

Presentation of proof **154.** The coroner has authority over presentation of the proof and the conduct of the inquest.

Admissibility of evidence He may admit any evidence he considers relevant to the purposes of the inquest, exclude any evidence that is repetitious or the conclusiveness of which is minimal, and limit any vexatious examination or cross-examination of a witness.

Contempt of court **155.** Any person who disrupts the inquest is guilty of contempt of court.

DIVISION VII

STAY, ADJOURNMENT OR REOPENING OF INQUEST

Person under prosecution **156.** In no case where a person against whom criminal proceedings are brought in respect of a death may the coroner, except with the authorization of the Attorney General, hold or continue an inquest into the death until the judgment on those proceedings has acquired the status of *res judicata*.

Information The coroner shall then inform the Chief Coroner thereof.

Adjournment **157.** The coroner may close the inquest if justified by new facts. He shall adjourn it if the circumstances so require or on the motion of the Chief Coroner.

Resumption **158.** The coroner shall resume an adjourned inquest if the Minister of Justice so requires. The Chief Coroner may order a coroner to resume an adjourned inquest on his motion.

Reopening **159.** The Chief Coroner may order the reopening of an inquest if justified by new facts. He shall do so if the Minister of Justice so requires.

New coroner If the coroner who had been conducting the inquest is no longer able to do so, the Chief Coroner may designate a new coroner to conduct the reopened inquest.

DIVISION VIII

CLOSING OF INQUEST AND REPORT OF INQUEST

Report **160.** Once the inquest is closed, the coroner shall draft his report with dispatch.

Content The report on the inquest must contain the information contemplated in section 92.

Accompanying documents **161.** In addition to the documents mentioned in section 93, the coroner shall attach a copy of the summons of the witnesses and, where such is the case,

(1) a copy of the warrant of arrest issued under section 116, 117 or 119;

(2) a copy of any decision rendered under section 119;

(3) the original of the transcription of the stenographic notes or recordings;

(4) a copy of the order made under section 146.

Provisions
applicable

162. Sections 94 to 102 apply, *mutatis mutandis*, to the report of inquest and any documents accompanying it; however, the report of the peace officer is public if it has been admitted as evidence at the inquest and when, upon request, the coroner or Chief Coroner transmits a certified copy of the unexpurgated report and the documents accompanying it to the advocate representing the Attorney General at the inquest.

Provisions
applicable

Sections 101 and 102 also apply to an interested person within the meaning of section 136.

CHAPTER V

REGULATIONS

Selection of
coroners

163. The Government may, by regulation, establish criteria and procedures for selecting persons appointed to be permanent coroners or part-time coroners.

Draft
regulation

164. The Government shall publish in the *Gazette officielle du Québec* a draft regulation contemplated in section 163, with a notice indicating that it may be adopted, with or without amendments, on the expiry of 30 days from that publication.

Coming into
force

Regulations come into force on the tenth day following that of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Regulation
on the code
of ethics

165. The Chief Coroner shall publish in the *Gazette officielle du Québec* any regulation respecting the coroners' code of ethics with a notice indicating that it will be submitted to the Government for approval at the expiry of 30 days from publication. The Government may amend the regulations submitted to it for approval.

Coming into
force

After approval the regulation comes into force on the tenth day following its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Approval by
the Minister

166. A regulation made by the Chief Coroner under paragraph 1 of section 32 is subject to approval by the Minister of Justice, who may then amend it.

Coming into
force

The regulation comes into force on the tenth day following that of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Regulations **167.** The Government may, by regulation, and after consultation with the Chief Coroner, adopt any norms, scales, conditions and rules of procedure respecting the identification, transportation, preservation or keeping, custody and return or remittal of the dead bodies, objects and documents contemplated in this Act and determine the provisions of the regulation to contravene which is an offence.

Coming into force The regulation comes into force on the tenth day following that of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Tariffs **168.** The Government may, by regulation, after consultation with the Chief Coroner, adopt tariffs establishing

(1) the remuneration of part-time coroners;

(2) the sums to be reimbursed to the Chief Coroner, Deputy Chief Coroners or coroners for any expenses made or incurred in the performance of their duties;

(3) the costs of transporting, keeping and preserving dead bodies which a coroner or another authorized person takes possession of;

(4) the cost of any other service required for the administration of this Act;

(5) the indemnities of the persons summoned to the inquest;

(6) the amount of the charge to be paid for transcribing the stenographic notes and recordings made at an inquest or for obtaining copy of the transcription;

(7) the amount of the charge to be paid to obtain a certified copy of the report of investigation or inquest or any documents accompanying the reports.

Applicability The Government may also, by regulation, determine in which cases, on what conditions and to which categories of persons the tariffs apply.

Coming into force **169.** The regulations contemplated in section 168 come into force on the tenth day following that of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

CHAPTER VI

PENAL PROVISIONS

Offences **170.** Every person is guilty of an offence who, by act or omission,

(1) contravenes section 34, the second paragraph of section 35, sections 36 to 43 or section 78;

(2) does not comply with a regulation made under section 167 to contravene which is an offence;

(3) does not comply with an order of the Chief Coroner, a Deputy Chief Coroner or a coroner, except where this Act stipulates that non-compliance with the order constitutes contempt of court;

(4) hinders or attempts to hinder the Chief Coroner, a Deputy Chief Coroner, a coroner or a person authorized to act under this Act, in the performance of his duties.

Penalty **171.** Every person guilty of an offence contemplated under section 170 is liable to a fine of not less than \$100 and not more than \$2 500 and to costs.

Penalty In the event of a subsequent offence, the minimum fine is \$200 and the maximum \$5 000.

Subsequent offence A subsequent offence is committed if the same offence is committed within two years of a conviction for the first offence.

Proceedings **172.** Proceedings under section 170 are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER VII

CONTEMPT OF COURT

Contempt of court **173.** A coroner may condemn any person who is guilty of contempt of court in his presence, provided that person has been given the opportunity to be heard.

Hearing **174.** Where a person is guilty of contempt of court out of the presence of the coroner, the latter, the Chief Coroner or the Attorney General may, on a motion, apply to the Superior Court for an order enjoining that person to appear before the Court, on the day and at the time specified, to hear proof of the acts with which he is charged and to urge any grounds of defense he may have.

Order The motion for obtaining such order may be presented without being served. However, the order to appear must be served on the person summoned in accordance with the Code of Civil Procedure.

Judgment **175.** Judgment for contempt of court is rendered after summary hearing.

Execution If the judgment contains a conviction, it must state the penalty imposed and set forth the facts on which it is based; it is executory as a judgment rendered under the Summary Convictions Act.

Penalties **176.** Every person found guilty of contempt of court under this Act is liable to the penalties mentioned in the first paragraph of article 51 of the Code of Civil Procedure.

Appeal **177.** An appeal lies to the Court of Appeal from any conviction or acquittal for contempt of court.

CHAPTER VIII

GENERAL PROVISIONS

Applicability to the Government **178.** This Act binds the Government, its departments and the agencies that are their mandataries.

Applicability of the Act **179.** This Act applies notwithstanding any inconsistent provision of a general law or special Act providing for the confidentiality or non-disclosure of certain information or documents.

Confidentiality **However,** no advocate may be compelled under this Act to disclose confidential information revealed to him in the exercise of his profession.

Confidentiality **The same applies to a minister of religion in respect of confidential information revealed to him by reason of his position.**

Provisions applicable **180.** The provisions of this Act concerning reports of investigation or inquest and documents accompanying them apply notwithstanding the Act respecting access to documents held by public bodies and the Protection of personal information (1982, chapter 30).

Consolidated revenue fund **181.** The charges collected according to a tariff made under section 168 and fines collected pursuant to Chapter VI or VII are paid into the consolidated revenue fund.

Costs of examination or autopsy **182.** Every examination or autopsy made or performed under this Act by a professional in the field of health is a service within the meaning of subparagraph *a* of the first paragraph of section 3 of the Health Insurance Act (R.S.Q., chapter A-29), provided it is made or performed in an establishment within the meaning of the Act respecting health services and social services, that the professional in the field of health is not a civil servant, within the meaning of the Civil Service Act, employed at the Laboratoire de médecine légale du Québec or is not bound to the latter by a service contract. In other cases, the costs of the examination or autopsy are taken out of the sums required for the administration of this Act.

Sums required **183.** The sums required for the implementation of this Act are taken out of the appropriations granted annually for such purpose by Parliament.

Sums required Notwithstanding the first paragraph, where a coroner conducts an investigation and, where necessary, holds an inquest into the death of a person that has occurred in a disaster under emergency decree within the meaning of the Act respecting the protection of persons and property in the event of disaster, the sums required for the investigation and, where necessary, the inquest, may be taken out of the consolidated revenue fund.

Minister responsible **184.** The Minister of Justice is responsible for the administration of this Act.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

c. C-68, replaced **185.** This Act replaces the Coroners Act (R.S.Q., chapter C-68).

Permanent coroners **186.** Persons appointed coroners in accordance with the Civil Service Act and exercising the duties of coroner in accordance with the Coroners Act on the day of coming into force of the first paragraph of section 5 of this Act become permanent coroners within the meaning of this Act.

Part-time coroners Other persons appointed coroners in accordance with the Coroners Act and who are in office on the day of coming into force of the second paragraph of section 5 of this Act become part-time coroners within the meaning of this Act.

Salary, benefits and pension plan Notwithstanding sections 19 and 20, a permanent coroner contemplated in the first paragraph shall receive the same salary and benefit by the same pension plan and social benefits to which he was entitled before the coming into force of this section.

Change of territory **187.** The Chief Coroner may change the territory in which coroners in office on the day of coming into force of this section may exercise their duties, notwithstanding any special clause in that respect in their deed of appointment.

Investigations or inquests in progress **188.** Any investigation or inquest in progress under the Coroners Act at the coming into force of section 185 is completed in accordance with the said Act, but no coroner may find on a person's civil liability or criminal responsibility. The same rule applies to an inquest held to give effect to an investigation in progress.

Provisions applicable Sections 86 to 90 and 141 to 148 and Chapter VII apply to such an investigation or inquest if they are then in force.

Regulations in force **189.** Regulations made under the Coroners Act remain in force until they are replaced or repealed under this Act.

C. C., a. 23,
am. **190.** Article 23 of the Civil Code, replaced by section 6 of chapter 84 of the statutes of 1971 and amended by section 439 of chapter 70 of the statutes of 1974, is again amended by adding after the words “required by”, in the second paragraph, the following: “a coroner,”.

C. C. a. 69,
am. **191.** Article 69 of the said Code, amended by section 4 of chapter 38 of the statutes of 1913-14 and section 2 of chapter 57 of the statutes of 1951-52, is again amended by striking out, at the end, the following: “or other officer whose duty it is to inspect the body in such case”.

C. C., a. 72,
am. **192.** Article 72 of the said Code, enacted by section 1 of chapter 79 of the statutes of 1969, is amended by adding, after the third paragraph, the following paragraph:

“A copy of the judgment must be transmitted without delay to the Chief Coroner.”

c. C-80, s.
12, am. **193.** Section 12 of the Public Curatorship Act (R.S.Q., chapter C-80) is amended by replacing paragraph *b* by the following paragraph:

“(b) of the property found on the body of an unknown person or on an unclaimed body, subject to the Act respecting the determination of the causes and circumstances of death (1983, chapter 41).”

c. D-5, s. 9,
repealed **194.** Section 9 of the Deposit Act (R.S.Q., chapter D-5) is repealed.

c. E-8, s. 3,
repealed **195.** Section 3 of the Fire Investigations Act (R.S.Q., chapter E-8) is repealed.

c. E-8, s. 6,
am. **196.** Section 6 of the said Act is amended by striking out, at the beginning of the first paragraph, the following: “Unless he has already taken an oath as coroner or deputy coroner,”.

c. E-8, s. 21,
am. **197.** Section 21 of the said Act is amended by adding, at the end, the following paragraph:

Powers of a
justice of the
peace **197.** “Any person arrested under this section may also be brought before a justice of the peace. In such a case a justice of the peace also possesses the powers conferred on an investigation commissioner under this section, subject to the same conditions.”

c. E-8, ss.
34.1, 34.2,
added **198.** The said Act is amended by inserting, after section 34, the following sections:

Death in fire
or explosion **“34.1** This Act does not apply where a death has occurred in a fire or explosion in a building.

Causes of
fire or
explosion In such a case, the coroner is also responsible for determining the probable causes and the circumstances surrounding the fire or explosion

in accordance with the Act respecting the determination of the causes and circumstances of death (1983, chapter 41).

Coroner *ex officio*

“**34.2** An investigation commissioner or a deputy investigation commissioner contemplated in section 33 or 34 and in office on the day the Act respecting the determination of the causes and circumstances of death is assented to is *ex officio* coroner in a case contemplated in section 34.1.”

c. I-11, s. 3, am.

199. Section 3 of the Burial Act (R.S.Q., chapter I-11) is amended by replacing the third paragraph by the following paragraph:

Authoriza-
tion

“However, no incineration or cremation may be carried out before a coroner has been notified and authorized it in accordance with the Act respecting the determination of the causes and circumstances of death (1983, chapter 41).”

c. I-11, s. 16, am.

200. Section 16 of the said Act is amended by adding the following subsection after subsection 5:

Notice to the
Chief
Coroner

“(6) Every order or permission of a judge authorizing the exhumation of a body must be served on the Chief Coroner.”

c. J-2, s. 4, am.

201. Section 4 of the Jurors Act (R.S.Q., chapter J-2) is amended by inserting, after the word “judges” in the last line of paragraph *d*, the following: “, a coroner”.

c. P-35, s. 47, am.

202. Section 47 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the third paragraph by the following paragraph:

Declaration
of death

“In the case of a death which is the object of an investigation and, where such is the case, an inquest under the Act respecting the determination of the causes and circumstances of death (1983, chapter 41), the declaration of death must be made by the coroner.”

c. P-35, s. 52, replaced

Transporta-
tion of dead
body

203. Section 52 of the said Act is replaced by the following section:

“**52.** A dead body is transported into or out of Québec in accordance with the conditions fixed by regulation and after authorization by the coroner. »

c. P-35, s. 61, replaced

Applicability

204. Section 61 of the said Act is replaced by the following section:

“**61.** This division does not apply in cases which are subject to a notice to the coroner in accordance with the Act respecting the determination of the causes and circumstances of death.”

c. S-2.1, s.
160, am.

205. Section 160 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the second paragraph by the following paragraph:

Disclosure of
information

“A person designated to make an inquiry shall not disclose information obtained during the inquiry except in the performance of his duties or with the authorization of the Commission or a tribunal, or upon the order of a coroner exercising his duties.”

c. S-5, s. 7,
am.

206. Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by inserting after the word “court” in the fifth line of the first paragraph, the words “or the coroner exercising his duties”.

c. S-5, s.
118, am.

207. Section 118 of the said Act is amended by adding, after paragraph 4, the following paragraph:

“(5) take all means to ensure that an examination, autopsy or expertise required under the Act respecting the determination of the causes and circumstances of death (1983, chapter 41) is made or performed.”

c. T-10, s. 5,
am.

208. Section 5 of the Stamp Act (R.S.Q., chapter T-10) is amended by striking out, in the second line of the first paragraph, the following: “coroners,”.

c. T-16, s. 4,
am.

209. Section 4 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out, in the third line of the first paragraph, the following: “the coroner,”.

c. T-16, s.
70, am.

210. Section 70 of the said Act is amended by striking out the words “and coroners” in the last line of the fourth paragraph.

c. T-16, s.
174, am.

211. Section 174 of the said Act is amended by replacing the words “of an inquest” in the third line of the second paragraph by the words “of an investigation or an inquest”.

Exception

212. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

213. This Act will come into force on the date fixed by proclamation of the Government, except those provisions excluded by such proclamation, which will come into force on such later dates as are fixed by proclamation of the Government.

SCHEDULE I

OATH OR SOLEMN AFFIRMATION OF THE CORONER

I swear (or solemnly declare) that I will discharge the duties of my office of coroner honestly, impartially and justly, and I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what will be allowed to me by law.

SCHEDULE II

OATH OR SOLEMN AFFIRMATION OF THE CHIEF CORONER
AND DEPUTY CHIEF CORONERS

I swear (or solemnly declare) that I will discharge the duties of my office of Chief Coroner (or Deputy Chief Coroner) honestly, impartially and justly, and I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what will be allowed to me by law.

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